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## AT-LARGE ADVISORY COMMITTEE ALAC STATEMENT ON WORK TRACK 5 ON GEOGRAPHIC NAMES AT THE TOP LEVEL – SUPPLEMENTAL INITIAL REPORT OF THE NEW GTLD SUBSEQUENT PROCEDURES POLICY DEVELOPMENT PROCESS

### Introduction

On 05 December 2018, public comment opened for the [Work Track 5 on Geographic Names at the Top Level – Supplemental Initial Report of the New gTLD Subsequent Procedures Policy Development Process](#). The At-Large Consolidated Working Group (CPWG) decided it would be in the interest of ALAC to develop a statement on behalf of Internet end users. During the [CPWG meeting that week](#), members of the working group discussed the comment, and initial penholders volunteered to draft the statement.

On 11 December 2018, ICANN policy staff in support of the At-Large community created a [Google Document](#) for the penholders to consolidate comments. Marita Moll, North American Regional At-Large Organization (NARALO) ALAC Member and NARALO representative on WT5, along with Justine Chew, Asian, Australasian and Pacific Islands Regional At-Large Organization (APRALO) member and APRALO representative on WT5, consolidated initial comments into a template for CPWG discussion.

On the [next CPWG call](#), Yrjö Lansipuro, European At-Large Regional Organization (EURALO) member, EURALO representative on WT5 and ALAC Liaison to the GAC, volunteered as an additional penholder to the ALAC statement. Marita presented feedback from the [December ALAC Monthly call](#), and noted consensus on ALAC positions (support, do not support, etc.) to contribute to the draft. Staff sent a call for comments on the statement to the CPWG mailing list, and linked the Google Doc statement to its [At-Large workspace](#).

On [09 January 2019](#) and [16 January 2019](#), Justine and Marita presented updated versions of the ALAC statement to the CPWG, and gathered feedback on the recommendations and questions in the report. After consensus was gathered on several additional topics, Maureen Hilyard, ALAC Chair, Thomas Lowenhaupt, member of NARALO, Christopher Wilkinson, member of EURALO, and Greg Shatan, member NARALO, added comments to the statement.

On 21 January 2019, Justine incorporated final comments from the CPWG and At-Large community into a final version of the statement. The statement was discussed on the [January ALAC Monthly call](#).

On 22 January 2019, the ALAC Chair, Maureen Hilyard, requested that the statement be transmitted to the ICANN public comment process, copying the ICANN staff member responsible for this topic, with a note that the statement is pending ALAC ratification.

# **AT-LARGE ADVISORY COMMITTEE**

## **ALAC STATEMENT ON WORK TRACK 5 ON GEOGRAPHIC NAMES AT THE TOP LEVEL – SUPPLEMENTAL INITIAL REPORT OF THE NEW GTLD SUBSEQUENT PROCEDURES POLICY DEVELOPMENT PROCESS**

### **Penholders:**

**Marita Moll, NARALO ALAC Member and NARALO representative on WT5**  
**Justine Chew, APRALO Member and APRALO representative on WT5, and**  
**Yrjö Länsipuro, EURALO Member, EURALO representative on WT5 and ALAC Liaison to the GAC**

### **Summary of the ALAC Responses**

The ALAC is pleased to respond to this call for public comments on the Supplemental Report to the Initial Report of the GNSO New gTLD Subsequent Procedures Working Group's Work Track 5 on Geographic Names at the Top Level dated 12 December 2018 ("**WT5 Supplemental Report**").

The ALAC would like begin by noting that there has been a high degree of interest in and participation by At-Large members in the deliberations of Work Track 5, with 17.5% of Work Track members identified as At-Large members. Many of those At-Large participants have brought Work Track 5 issues to At-Large's policy fora which in turn inculcated an additional 20-30 participants, most of whom are not members of Work Track 5, hence not participants in the Work Track 5 policy development process.

### **Overarching ALAC/At-Large Positions**

**Expansion of gTLDs.** The ALAC notes that there has yet to be a discussion about whether or not another gTLD round, or even an expansion of the gTLDs, is needed or desirable.

In the event such expansion is found to be necessary or desired, the ALAC opines that in general, more predictability is required specifically for terms which may have geographic significance or relevance but not specifically stated as such in AGB.

**Definition of geographic names.** At-Large continues to observe and appreciate the difficulties in achieving cross-community consensus on the 'extensiveness' of what constitutes a geographic name. While there is existing community consensus for the clear recognition of some strings as country and territories names (as set out the 2012 AGB) there is still much deliberation to be undertaken for strings which match other categories of names which could be considered geographic in nature.

From the perspective of Internet end-users, the application and delegation of all strings with some geographic connection should first and foremost be considered in context of preventing harm to end-users and secondly, respecting end-users' connection to those geographic names. By extension, it can be argued that many strings, codes or names (outside of those already described in the 2012 AGB) with historical and economic significance, or cultural values and sensitivities should also receive consideration as geographic names. In this respect, we think further community deliberation outside of the WG should be contemplated if Work Track 5 (or the WG) is unable to make any substantial recommendations on the recognition and treatment of geographic terms not included in the 2012 AGB.

**Intended use of strings considered as geographic names.** The ALAC notes that each gTLD is a unique piece of Internet real estate and delegation to one party (i.e., the successful applicant) will necessarily exclude control over it by other parties in the absence of any sharing-of-control agreement. So despite the argument of some that governments or peoples do not have rights under any international legal framework (unlike brand owners and trademark holders who claim such rights under trademark laws), there is still something to be said for the intention to use a geographic name string as being irrelevant. In fact, it has been pointed out in the deliberations of Work Track 5 that some countries have local laws which provide for the protection of geographic names in those countries. In this respect, the ALAC would normally prefer a preventative protection mechanism – such as letter or documentation

of support/non-objection from the relevant authority and with a set deadline for response by the relevant authority – when making any geographic name string available for application.

**Preventative Protection Mechanism.** We consider Internet end-users to be citizens/residents of respective countries/residence who by virtue of living in a country, territory, sub-national place, capital city must have a say on any application (and use) for a string which matches any of those country, territory etc. and that such say would be most expediently exercised by their respective government or public authority by way of informed consent. Further, while we support the concept of letters of support/non-objection from relevant governments or public authorities at the minimum, we would welcome any effort for such letters to be the result of meaningful consultation by a controlling government or public authority with prospective stakeholders - local businesses, government agencies, and individual internet users – on the purpose, benefits, risks, and other options of policy setting and operation of the geographic name TLD.

The category of city names did however generated much debate within At-Large, leading to a balanced support between (1) continued support for the requirement of documentation of support or non-objection from the relevant governments of public authorities only if it is clear from the applicant statement within an application that the applicant will use the TLD primarily for purposes associated with the city name, and (2) a modification to require documentation of support or non-objection from the relevant governments of public authorities irrespective of any statement of use of the TLD by an applicant.

**The 2012 AGB.** Despite some notable deficiencies, and despite it bearing inconsistencies with GNSO 2007 policies (which we are less concerned with) the 2012 AGB (as amended with the intervention of the Government Advisory Committee (GAC) and the ICANN Board) has generally worked well in guiding applications during the 2012 round. In this respect, with the exception of Preliminary Recommendations 3 and 11, At-Large generally supports the recognition and treatment of the geographic names as contained in the 2012 AGB.

#### Responses to Preliminary Recommendations 1-13

Summarily, these are the ALAC's responses to the Work Track's preliminary recommendations. Please refer to details set forth in the tables annexed herein for explanations to each response thereto.

**PR#2** Full consensus support for continuing to reserve all two-character letter-letter ASCII combinations at the top level for existing and future country codes

**PR#3** Full consensus support for continued recognition of ISO 3166-1 Alpha-3 codes as country and territory names and reserved at the top level, with:-

- Support for these ISO 3166-1 Alpha-3 codes to be made available for application by the relevant government, or an entity bearing a support letter from the relevant government
- Full consensus support for the grandfathering of already delegated AND procedure needed to allow affected existing and future countries and territories to apply for an alternative to their designated alpha-3 code (eg .COM)

Full consensus support for or continued reservation of the following as country and territory names, reserved at the top level and unavailable for delegation:-

**PR#4** Long-form name as found in ISO 3166-1 standard

**PR#5** Short-form name as found in ISO 3166-1 standard

**PR#6** Short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency

**PR#7** Separable component of a country name designated on the "Separable Country Names List."

**PR#8** Full consensus support for clarifying permutations or transpositions of strings reserved under PR#4, PR#5, PR#6, PR#7 as country and territory names

**PR#9** Full consensus support for continued reservation as country and territory name, reserved at top level and unavailable for delegation, any name 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

**PR#10** Full consensus for capital city name strings to continue to be given preventative protection i.e. requiring letter of support/non-objection from the relevant government or public authority and irrespective of intended use of string

**PR#11** A balance in support for and opposition to city name strings continuing to be given preventative protection only if (a) applicant intends to use string primarily for purposes associated with the city name. The second limb of (b) The applied-for string is a city name as listed on official city documents has our full support and is not contended.

**PR#12** Support for strings exactly matching sub-national places listed in the ISO 3166-2 standard to continue to be considered as geographic names for which each application must have documentation of support/non-objection from the relevant governments or public authorities and irrespective of intended use of string

**PR#13** Full consensus support for strings listed as a UNESCO region or appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list to continue to be considered as geographic names and to continue to be given preventative protection i.e. requiring the support/non-objection of relevant governments and/or public authorities (the 60% rule noted), and irrespective of intended use of string

#### Responses to Questions 1-11

Please refer to our detailed responses to the Work Track's questions as set forth in the relevant annexed table. Notwithstanding, we would like to draw attention to the following:-

#### **On the issue of future rounds (e1 & e4)**

The ALAC notes that there has yet to be a discussion about whether or not another gTLD round, or even an expansion of the gTLDs, is needed or desirable. Should another round take place, more predictability is required for terms with geographic significance.

#### **On the issue of definitions (e2):**

A clear definition of "geographic name" is certainly lacking in this discussion. Perhaps what is needed is to separate "man-made" places from natural features. In practice, most geographic names that the AGB covers, and that have been discussed in Work Track 5, refer to some sort of inhabited administrative units of any size that are clearly delimited in area and that are under one political authority (UNESCO regions are an exception).

ALAC suggests that such administrative units should be Category 1 geographic names. So far, Work Track 5 has only dealt with Category 1 names and all proposals so far could be taken to refer to Category 1 names only. Category 2 would be all the rest: mountains, rivers, seas, plains, moors, marches, etc., tentatively called "geographic features". Category 2 could be dealt with as special cases, according to guidelines yet to be drawn up. Perhaps there should be panel competent to evaluate the historical and cultural values and sensitivities that are attached to such names.

In case a name belongs to both, Category 1 takes precedence. It is proposed that Work Track 5 continue to deal first with Category 1 names.

### **On the issue of additional terms to be protected (e11)**

With respect to Q. e11 we would like to highlight that there is some support with At-Large for WT5 to recommend, as a forward-looking measure, that currency codes listed under ISO 4217 to be protected as a special category of strings and made unavailable for delegation as the risk of harm to Internet end-users through misuse or abuse of those strings is not only foreseeable but potentially considerable, if they are not protected in any way.

### Responses to Proposals 1-38

Summarily, these are the ALAC's responses to the Work Track's proposal. Please refer to details set forth in the table annexed herein for explanations to each response thereto.

- The ALAC supports Proposals 1, 2, 4, 5, 8, 10, 15, 16, 26, 34, 35, 36, and 38
- There is conditional support for Proposals 7, 11, 37
- We do not support Proposals 9, 12, 13, 17, 18, 20, 27, 28, 29, 30, 31, 32, 33
- There is conditional opposition for Proposal 3 – concern possibly exceeding benefit; and Proposal 6 – subject to clarity on implications; and Proposal 19 as the minimum standard
- There is balanced support for and opposition to Proposals 19 Variants 1, 2 and 3, 21, 22, 23, 24, 25,
- We do not think Proposal 14 is necessary

### Glossary

<b>“AGB”</b>	means:	The New gTLD Program Applicant Guidebook
<b>“ALAC”</b>	means:	The ICANN At-Large Advisory Committee
<b>“At-Large”</b>	means:	The ICANN At-Large Community
<b>“ICANN Org”</b>	means:	The ICANN Organization
<b>“WT 5 Supplemental Report”</b>	means:	The Supplemental Report to the Initial Report of the GNSO New gTLD Subsequent Procedures Working Group's Work Track 5 on Geographic Names at the Top Level dated 12 December 2018
<b>“Program”</b>	means:	The New gTLD Program
<b>“RALO”</b>	means:	ICANN Regional At-Large Organizations
<b>“WG”</b>	means:	The GNSO New gTLD Subsequent Procedures PDP Working Group

Preliminary Recommendations	ALAC Response
<p><b><u>Preliminary Recommendation 1</u></b></p> <p>As described in recommendations 2-9, Work Track 5 recommends, unless or until decided otherwise, maintaining the reservation of certain strings at the top level in upcoming processes to delegate new gTLDs. As described in recommendations 10-13, Work Track 5 recommends, unless or until decided otherwise, requiring applications for certain strings at the top level to be accompanied by documentation of support or non-objection from the relevant governments or public authorities, as applicable.<sup>1</sup></p> <p>1 Please see recommendation 11 for specific language regarding treatment of non-capital city names.</p>	<p>Please see our responses to each of Preliminary Recommendations 2-13 as set out below.</p>
<p><b><u>Preliminary Recommendation 2</u></b></p> <p>Work Track 5 recommends continuing to reserve all two-character<sup>2</sup> letter-letter ASCII combinations at the top level for existing and future country codes.</p> <ul style="list-style-type: none"> <li>• The starting point of this recommendation is Section 2.2.1.3.2 String Requirements, Part III, 3.1 of the 2012 Applicant Guidebook, which states, “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.”</li> <li>• Work Track 5’s recommendation specifically addresses letter-letter combinations because the focus of Work Track 5 is on geographic names. Work Track 5 considers letter-letter combinations to be within the scope of this subject area.</li> <li>• Work Track 5 notes that Work Track 2 of the New gTLD Subsequent Procedures PDP Working Group is considering two-character letter-number combinations and two-character number-number combinations.</li> </ul> <p>This recommendation is consistent with the GNSO policy contained in the Introduction of New Generic Top- Level Domains policy recommendations from 8 August 2007. It is also consistent with provisions in the 2012 Applicant Guidebook.</p> <p>2 The term “character” refers to either a single letter (for example “a”) or a single digit (for example “1”).</p>	<p>The ALAC supports Preliminary Recommendation 2. The precedent for retaining all two-character letter-letter ASCII combinations at the top level for existing and future country codes is intact and should be not be disturbed.</p>
<p><b><u>Preliminary Recommendation 3</u></b></p>	

Preliminary Recommendations	ALAC Response
<p>Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.i:</p> <ul style="list-style-type: none"> <li>• alpha-3 code listed in the ISO 3166-1 standard.</li> </ul> <p>Work Track 5 is not proposing to remove from delegation any 3-letter codes that have already been delegated.</p> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.</p>	<p>The ALAC supports Preliminary Recommendation 3 insofar as it recommends continuing to consider each of the alpha-3 code listed in the ISO 3166-1 standard as a country and territory name which is reserved at the top level.</p> <p><i>Accordingly, we do not support Proposal 13 (which proposes that the ISO should not be the source of 3-character strings used by ICANN to identify geographic names).</i></p> <p>However, we do not support Preliminary Recommendation 3 insofar as it recommends continuing to consider all ISO 3166-1 alpha-3 codes as remaining unavailable for delegation. There is consensus within At-Large for ISO 3166-1 alpha-3 codes to be made available for application by the relevant government, or in the alternative, by any other entities provided that they have a letter of support from the relevant government. Please also refer to our position on this issue in our response to Question e7.</p> <p>Further, the ALAC supports Work Track 5's position of not proposing to remove from delegation any 3-letter codes that have already been delegated.</p>
<p><b><u>Preliminary Recommendation 4</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.ii:</p> <ul style="list-style-type: none"> <li>• long-form name listed in the ISO 3166-1 standard.</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which were reserved in the 2012 Applicant Guidebook. Please see questions for community input in section e.</p>	<p>The ALAC supports Preliminary Recommendation 4.</p>
<p><b><u>Preliminary Recommendation 5</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level</p>	<p>The ALAC supports Preliminary Recommendation 5.</p>

Preliminary Recommendations	ALAC Response
<p>and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iii:</p> <ul style="list-style-type: none"> <li>• short-form name listed in the ISO 3166-1 standard.</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which were reserved in the 2012 Applicant Guidebook. Please see questions for community input in section e.</p>	
<p><b><u>Preliminary Recommendation 6</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iv:</p> <ul style="list-style-type: none"> <li>• short- or long-form name association with a code that has been designated as “exceptionally reserved”<sup>3</sup> by the ISO 3166 Maintenance Agency.</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top- Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.</p> <p><sup>3</sup> The definition of "exceptional reservations" in Section 7.5, Reservation of Code Elements in the current standard, (ISO 3166-1:2013(E/F)): “7.5.4 Exceptional reserved code elements: Code elements may be reserved, in exceptional cases, for country names which the ISO 3166/MA has decided not to include in this part of ISO 3166, but for which an interchange requirement exists. Before such code elements are reserved, advice from the relevant authority must be sought.”</p>	<p>The ALAC supports Preliminary Recommendation 6.</p>
<p><b><u>Preliminary Recommendation 7</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level</p>	<p>The ALAC supports Preliminary Recommendation 7.</p>



Preliminary Recommendations	ALAC Response
<p>and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.v:</p> <ul style="list-style-type: none"> <li>separable component of a country name designated on the “Separable Country Names List.” This list is included as an appendix to the 2012 Applicant Guidebook.</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which were reserved in the 2012 Applicant Guidebook. Please see questions for community input in section e.</p>	<p>As prefaced by the WG, our comments to the issue of translations of these strings are provided in section e.</p>
<p><b><u>Preliminary Recommendation 8</u></b></p> <p>Work Track 5 recommends clarifying 2012 Applicant Guidebook section 2.2.1.4.1.vi, which designates the following category as a country and territory name which is reserved at the top level and unavailable for delegation:</p> <ul style="list-style-type: none"> <li>permutation or transposition of any of the names included in items (i) through (v). Permutations include removal of spaces, insertion of punctuation, and addition or removal of grammatical articles like “the.” A transposition is considered a change in the sequence of the long or short-form name, for example, “RepublicCzech” or “IslandsCayman.”</li> </ul> <p>Work Track 5 recommends clarifying that permutations and transpositions of the following strings are reserved:</p> <ul style="list-style-type: none"> <li>long-form name listed in the ISO 3166-1 standard.</li> <li>short-form name listed in the ISO 3166-1 standard.</li> <li>short- or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency.</li> <li>separable component of a country name designated on the “Separable Country Names List.” This list is included as an appendix to the 2012 Applicant Guidebook.</li> </ul> <p>Strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1 standard should be allowed.</p>	<p>The ALAC supports Preliminary Recommendation 8 as it clarifies and reinforces the protection of accepted country and territory “proper” names including permutations and transpositions while removing any doubts as to the availability of strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1 standard which we believe, in the case of transpositions, are not geographic names if they do not match any other alpha-3 codes in the ISO 3166-1 standard.</p> <p><i>Our support for this preliminary recommendation also means we think Proposal 14 is unnecessary.</i></p>

Preliminary Recommendations	ALAC Response
<p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation clarifies the text from the 2012 Applicant Guidebook and updates the policy to be consistent with Work Track 5's interpretation of 2012 Applicant Guidebook section 2.2.1.4.1.vi.</p>	
<p><b><u>Preliminary Recommendation 9</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.vii:</p> <ul style="list-style-type: none"> <li>• name 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.</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.</p>	<p>The ALAC supports Preliminary Recommendation 9.</p>
<p><b><u>Preliminary Recommendation 10</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:</p> <ul style="list-style-type: none"> <li>• An application for any string that is a representation of the capital city name of any country or territory listed in the ISO 3166-1 standard.</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which required support/non-objection in the 2012 Applicant Guidebook. Please see</p>	<p>The ALAC notes that each gTLD is a unique piece of Internet real estate and delegation to one party (i.e., the successful applicant) will necessarily exclude control over it by other parties in the absence of any sharing-of-control agreement.</p> <p>We believe that all strings which match capital city names should continue to be considered as geographic names to be afforded preventative protection and therefore, all applications for such strings should be subject to the requirement for support or non-objection from the relevant government or public authority and irrespective of any statements of intended use of the string.</p> <p>Accordingly, the ALAC supports Preliminary Recommendation 10.</p> <p><i>It follows that we do not support Proposals 17 and 18.</i></p> <p>As prefaced by the WG, our comments to the issue of translations of these strings are provided in section e, namely Question e8.</p>

Preliminary Recommendations	ALAC Response
<p>questions for community input regarding translations in section e.</p>	
<p><b><u>Preliminary Recommendation 11</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:</p> <ul style="list-style-type: none"> <li>• An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name. An application for a city name will be subject to the geographic names requirements (i.e., will require documentation of support or non-objection from the relevant governments or public authorities) if: (a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.</p>	<p>Although there is some support within At-Large for the recommendation as presented, there is also some support for the suggestion that all applications for city names be subject to the requirement for letters of support or non-objection from the relevant government or public authority irrespective of intended use statements submitted by applicants.</p> <p>Further, one member of At-Large suggests that the concept of 'letters of support or non-objection' be replaced with the concept of 'informed consent in writing' as a more effective way to ensure that the party giving the consent does so with full understanding of the impact and consequence of its consent. A state of Informed Consent is achieved when the controlling government or public authority has detailed meaningful communication with prospective stakeholders - local businesses, government agencies, and individual internet users - and understand of the purpose, benefits, risks, and other options of controlling policy setting and operation of the city's potential TLD.</p> <p>(Explanation provided in answer to Qe9)</p>
<p><b><u>Preliminary Recommendation 12</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:</p> <ul style="list-style-type: none"> <li>• An application for any string that is an exact match of a sub-national place name, such as a county, province, or state, listed in the ISO 3166-2 standard.</li> </ul> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.</p>	<p>The ALAC supports Preliminary Recommendation 12, which continues the requirement that all applications for these strings be accompanied by documentation of support or non-objection from the relevant governments or public authorities, without exception and irrespective of any statements of intended use of the string.</p> <p><i>Accordingly, we do not support Proposal 27 which seeks to eliminate support/non-objection requirements for sub-national place names, such as counties, provinces, or states listed in ISO 3166 Part 2 standard.</i></p> <p><i>We do not support Proposal 28, which seeks to require a letter of support/non-objection from the relevant authority only where an applicant intends to represent a connection to a sub-national place.</i></p>

Preliminary Recommendations	ALAC Response
	<p><i>We also not support Proposal 29 which seeks to exclude the requirement for a letter of support/non-objection from the relevant authority where applicants intends to use the string in a generic or brand context.</i></p>
<p><b><u>Preliminary Recommendation 13</u></b></p> <p>Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:</p> <ul style="list-style-type: none"> <li>• An application for a string listed as a UNESCO region<sup>4</sup> or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.</li> </ul> <p>In the case of an application for a string appearing on either of the lists above, documentation of support will be required from at least 60% of the respective national governments in the region, and there may be no more than one written statement of objection to the application from relevant governments in the region and/or public authorities associated with the continent or the region.</p> <p>Where the 60% rule is applied, and there are common regions on both lists, the regional composition contained in the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” takes precedence.”</p> <p>The 2012 Applicant Guidebook provisions related to this category are inconsistent the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.</p> <p>4See  <a href="http://www.unesco.org/new/en/unesco/worldwide/">http://www.unesco.org/new/en/unesco/worldwide/</a></p>	<p>The ALAC believes that all strings which match a UNESCO region, or region appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list should continue to be considered as geographic names deserving preventative protection so that all applications for such strings should be subject to requirement for support or non-objection from relevant governments or public authorities (the 60% rule to apply as described) and irrespective of any statements of intended use of the string.</p> <p>Accordingly, the ALAC supports this preliminary recommendation.</p> <p><i>It follows that we do not support Proposal 30 which seeks to eliminate support/ non-objection requirements for strings listed as UNESCO Regions or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.</i></p> <p><i>We also do not support Proposal 31 insofar as it seeks to require a letter of support/ non-objection from the relevant authority only where an applicant intends to represent a connection to a UNESCO Region or any region appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.</i></p> <p><i>Similarly, we do not support Proposal 32 which seeks to exclude the requirement for a letter of support/non-objection from the relevant authority where applicants intends to use the string in a generic or brand context.</i></p>

Questions	ALAC Response
<p><b><u>Question e1</u></b></p> <p>Work Track 5 encourages feedback from applicants or other stakeholders who were involved in the 2012 round. Work Track 5 is particularly interested in hearing about the experiences of the following groups and individuals:</p> <ul style="list-style-type: none"> <li>• Applicants who applied for terms defined as geographic names in the 2012 Applicant Guidebook, as well as those who considered applying for such strings but chose not to apply.</li> <li>• Applicants who applied for terms not defined as geographic names in the 2012 Applicant Guidebook but who had experiences in the process related to the geographic connotations of the applied-for string.</li> <li>• Other parties who raised objections to an application, provided support for an application, or otherwise engaged during the course of the application process for applications in the two categories above.</li> </ul> <p>Please share any positive or negative experiences, including lessons learned and areas for improvement in subsequent procedures. Please see deliberations section f.1.2.5 on pages 36-41 for context on this question.</p>	<p>The ALAC notes that there has yet to be a discussion about whether or not another gTLD round, or even an expansion of the gTLDs, is needed or desirable.</p> <p>In the event such expansion is found to be necessary or desired, the ALAC opines that in general, more predictability is required specifically for terms which may be geographic names or have geographic significance but not specifically stated as such in AGB.</p>
<p><b><u>Question e2</u></b></p> <p>The definition of the term “geographic name” could impact development of policy and implementation guidance, as well as program implementation details, such as guidance for the Geographic Names Panel in the New gTLD application process. In your view, 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 example, “term with geographic meaning”? Why or why not? Please see deliberations section f.1.2.4 on pages 34-36 for context on this question.</p>	<p>A clear definition of "geographic name" is certainly lacking in this discussion in Work Track 5. Perhaps what is needed is to separate "man-made" places from natural features.</p> <p>In practice, most geographic names that the 2012 AGB covers, and that have been discussed in Work Track 5, refer to some sort of inhabited administrative units of any size that are clearly delimited in area and that are under one political authority (with UNESCO regions being an exception). The ALAC suggests that such administrative units be considered as Category 1 geographic names; that Work Track 5 has only dealt with Category 1 names and all proposals so far could be taken to refer to Category 1 names only.</p> <p>Category 2 would cover all the rest - mountains, rivers, seas, plains, moors, marches, etc., tentatively called "geographic features". Category 2 names could be dealt with as special cases, according to guidelines yet to be established by a panel competent to evaluate</p>

Questions	ALAC Response
	<p>the historical and cultural values and sensitivities that are attached to such names.</p> <p>In the event a name fall under both categories, then its Category 1 designation shall takes precedence. It is proposed that Work Track 5 continue to deal first with Category 1 names.</p>
<p><b><u>Question e3</u></b></p> <p>Work Track 5 has discussed different types of mechanisms that can be used to protect geographic names in the New gTLD Program. These mechanisms fall broadly into two categories, noting that the categories are not mutually exclusive and measures from both categories can be used in combination:</p> <ul style="list-style-type: none"> <li>• Preventative: Measures in this category include reserving certain strings to make them unavailable for delegation or requiring letters of support/non-objection from relevant governments or public authorities, either in all cases or dependent on intended usage of the TLD.</li> <li>• Curative: Measures in this category include objection mechanisms, contractual provisions incorporated into the registry agreement, enforcement of those provisions, and post-delegation dispute resolution mechanisms.</li> </ul> <p>In your view, what is the right balance or combination of preventative and curative rights mechanisms in relation to protection of geographic names in the New gTLD Program? Please see deliberations section f.1.2.2 on pages 28-29 for context on this question.</p>	<p>The ALAC suggests that preventative and curative measures can co-exist.</p> <p>In respect of city names, and although there wasn't consensus on extending preventative protection measures to all city names, it was suggested that the number of people impacted (read Internet end-users) could be a distinguishing factor -- i.e. cities over 1M inhabitants could be handled with preventative measures while cities of 10,000 might be curative.</p>
<p><b><u>Question e4</u></b></p> <p>Work Track members have considered a series of principles that may be used to guide the development of future policy on geographic names. The principles were discussed in the context of city names and terms not included in the 2012 Application Guidebook, but they may be applicable more broadly. Proposed principles include:</p> <ul style="list-style-type: none"> <li>• In alignment with Principle C from the 2007 GNSO recommendations on new gTLDs, the program should allow for the introduction of new gTLDs.</li> <li>• In alignment with Principle A from the 2007 GNSO recommendations on new gTLDs, enhance the predictability for all parties.</li> <li>• Reduce the likelihood of conflicts within the process, as well as after the process concludes and TLDs are delegated.</li> </ul>	<p>The ALAC reiterates its stand that there has yet to be a discussion about whether or not another gTLD round, or even an expansion of the gTLDs, is needed or desirable.</p> <p>In the event such expansion is found to be necessary or desired, the ALAC supports the application of Principle A, and notes that 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.</p>

Questions	ALAC Response
<ul style="list-style-type: none"> <li>• Policies and processes should be simple to the extent possible.</li> </ul> <p>Do you support these principles? Why or why not? Are there additional principles that Work Track 5 should consider? Please explain. Please see deliberations section f.1.3 on pages 42-43 for context on this question and additional discussion of these principles.</p>	
<p><b>Question e5</b></p> <p>To what extent should the following serve as a basis for the development of policies regarding geographic names?</p> <ul style="list-style-type: none"> <li>• International law</li> <li>• National/local law and policy</li> <li>• Norms and values (please specify)</li> <li>• Another basis not categorized above (please specify)</li> </ul> <p>Please explain. Please see deliberations section f.1.2.1 on pages 25-28 and section f.1.2.3 on pages 29-34 for context on this question.</p>	<p>The ALAC opines that International law, national/local law and policy, norms and values (such as cultural names) as well as <b>immemorial usage</b> (i.e. usage of a name extends beyond the reach of memory) should all serve as a basis for the development of policies regarding geographic names.</p> <p>We note that each gTLD is a unique piece of Internet real estate and delegation to one party (i.e. the successful applicant) will necessarily exclude control over it by other parties in the absence of a control-sharing agreement. As such, the delegation of a gTLD ought to be subject to prior scrutiny to the extent possible and conflicts (objections, contentions etc) ought to be identified before or during the application process. All applicants should be encouraged to research all such sources to extent possible and identify conflicts ahead of time.</p>
<p><b>Question e6</b></p> <p>In the 2012 Applicant Guidebook, a string was considered unavailable if it was a translation in any language of the following categories of country and territory names:</p> <ul style="list-style-type: none"> <li>• long-form name listed in the ISO 3166-1 standard.</li> <li>• short-form name listed in the ISO 3166-1 standard.</li> <li>• separable component of a country name designated on the “Separable Country Names List.”</li> </ul> <p>In developing recommendations for future treatment of country and territory names, Work Track 5 has considered several alternatives related to translation:</p> <ul style="list-style-type: none"> <li>• continue to reserve as unavailable translations in any language</li> <li>• reserve as unavailable translations in UN languages</li> </ul>	<p>In multilingual countries, there is usually no formal hierarchy of language versions of the same geographic name. Thus all versions of a name – at least in official and local languages and scripts – would have to be treated equally. In many cases, there will be no basis in local law or practice for awarding any priority to any one language version of a particular name. In practice, such limitations would be cumbersome to put in place.</p> <p>Therefore the ALAC opines that ICANN should continue to reserve as unavailable all translations of country and territory names in any language.</p> <p><i>And as a follow on, the ALAC supports Proposal 16 to add translations “in any language” to the category of reserved names “A name 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.” because we believe that the</i></p>

Questions	ALAC Response
<ul style="list-style-type: none"> <li>• reserve as unavailable translations in UN languages and the official languages of the country</li> <li>• reserve as unavailable translations in official languages of the country</li> <li>• reserve as unavailable translations in official and commonly used languages</li> <li>• reserve as unavailable translations in official and relevant national, regional, and community languages</li> <li>• reserve as unavailable 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</li> <li>• a combination of two or more categories above</li> </ul> <p>In your view, which alternative is the best option? Please explain. Do you have suggestions for alternatives not included in the list above? Please see deliberations section f.2.2.1.2 on pages 46-48 for context on this question.</p>	<p><i>protection of geographic names should be consistently applied across the board.</i></p>
<p><b><u>Question e7</u></b></p> <p>Some Work Track members have expressed that there should be a process in place to delegate 3-letter codes and/or other country and territory names to specific parties, such as relevant governments and public authorities or other entities. Do you believe that this is an issue on which Work Track 5 should make a recommendation? Please see deliberations section f.2.2.1.1 on pages 45-46 for context on this question.</p>	<p>Yes, the ALAC opines that this is an issue on which Work Track 5 should make a recommendation.</p> <p>There is consensus within At-Large for ISO 3166-1 alpha-3 codes to be made available for application by relevant governmental authorities, or in the alternative, any other entities provided that they have a letter of support/non-objection from the relevant government authority.</p> <p>Along with the proposal to make ISO 3166-1 alpha-3 codes available for application by pre-qualified entities, the ALAC notes that due to the dynamic nature of the ISO 3166-1 alpha-3 codes, a process is needed to be put in place to handle situations where a 3-character string matching any (existing or future) ISO 3166-1 alpha-3 code is no longer available (for example “com” having already been delegated as a legacy TLD hence requiring grandfathering). In this respect we support Work Track 5’s position of not proposing to remove from delegation any 3-letter codes that have already been delegated.</p> <p>As a follow on, we strongly recommend that ICANN have in place a procedure to pre-qualify applicants for any ISO 3166-1 alpha-3 code prior to launch of the next application window/round.</p> <p><i>In the event application for and delegation of any such ISO 3166-1 alpha-3 code were to</i></p>



Questions	ALAC Response
	<p><i>proceed in the next application window/round without a procedure to pre-qualify applicants having first been endorsed by ICANN Community consensus (which we would advise against), then we would support Proposal 11 (which proposes preventative protection measures) but not Proposal 12.</i></p>
<p><b>Question e8</b></p> <p>In the 2012 round, applicants were required to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for any string that is a representation, in any language, of the capital city name of any country or territory listed in the ISO 3166-1 standard” (emphasis added). In developing recommendations for future treatment of capital city names, Work Track 5 has considered several alternatives related to the “in any language” standard:</p> <ul style="list-style-type: none"> <li>• translations in UN languages</li> <li>• translations in UN languages and the official languages of the country</li> <li>• translations in official languages of the country</li> <li>• translations in official and commonly used languages</li> <li>• translations in official and relevant national, regional, and community languages</li> <li>• 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</li> <li>• a combination of two or more categories above</li> </ul> <p>In your view, which alternative is the best option? Please explain. Do you have suggestions for alternatives not included in the list above? Please see deliberations section f.2.3.1 on pages 56-59 for context on this question.</p>	<p>The ALAC believes the best alternative for the future treatment of capital city names is to continue the requirement for letters of support or non-objection from the relevant governments or public authorities in respect of any application for any string that is a representation, in any language, of the capital city name of any country or territory listed in the ISO 3166-1 standard.</p> <p>(Explanation already provided in answer to Qe6)</p>
<p><b>Question e9</b></p> <p>In the 2012 round, applicants were required to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.” The requirement applied if: “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.” Do you think that this</p>	<p>In respect of applications for city name gTLDs, there is some support for keeping the applicability of the requirement of letters of support or non-objection only if “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name”.</p> <p>There is also support for modifying this requirement for letters of support or non-objection from the relevant governments or public authorities to apply to all applications for</p>

Questions	ALAC Response
<p>requirement should be kept, eliminated, or modified in subsequent procedures? Please explain. Please see deliberations section f.2.3.2 on pages 59-69 for context on this question.</p>	<p>city name gTLDs irrespective of intended use statements submitted by applicants.</p> <p>The support for modification stems from the considered position that each gTLD is a unique piece of Internet real estate and delegation to one party (i.e. the successful applicant) will necessarily exclude control over it by other parties (in the absence of any agreement for sharing of control). There was also concern over uncertainty around (i) the definition of “primary” and (ii) whether the limitation of not using the TLD primarily for purposes associated with the city name can be effectively prevented at the SL. Hence, it is thought that a standard need for documents of support/non-objection from relevant governments or public authorities irrespective of intended use statements would offer less uncertainty.</p> <p>For clarity, in both cases, there is no contention towards limb “(b) The applied-for string is a city name as listed on official city documents”.</p>
<p><b>Question e10</b></p> <p>Section f.2.3.2 of this report outlines a series of proposals that Work Track members have put forward for the future treatment of non-capital city names. What is your view of these proposals? Are there any that you support Work Track 5 considering further? Do you have alternate proposals you would like Work Track 5 to consider? Please explain. Please see deliberations section f.2.3.2 for context on this question.</p>	<p>We understand Question e10 as relating to Proposals 19, 19 Variants 1, 2 and 3, 20, 21, 22, 23, 24, 25, 26 and we have provided comments to these proposals as set out in the corresponding sections in this statement.</p>
<p><b>Question e11</b></p> <p>In the 2012 round, the Applicant Guidebook listed categories of terms that were considered geographic names and had specific rules (see section b for additional information about these categories).</p> <ul style="list-style-type: none"> <li>• Some Work Track members have expressed support for protecting/restricting additional categories of geographic names in future versions of Applicant Guidebook.</li> <li>• Some Work Track members have expressed that no additional types of terms should be protected/restricted beyond those included in the 2012 Applicant Guidebook.</li> <li>• Some Work Track members have expressed that compared to the 2012 round, fewer types of terms should be protected/restricted in subsequent procedures.</li> </ul> <p>Work Track members who support including additional terms in the Applicant Guidebook</p>	<p>Please see our response to Q.e2.</p> <p>Further, there is some support with At-Large for Work Track 5 to recommend, as a forward-looking measure, that currency codes listed under ISO 4217 to be protected as a special category of strings and made unavailable for delegation as the risk of harm to Internet end-users through misuse or abuse of those strings is not only foreseeable but potentially considerable, if they are not protected in any way.</p>

Questions	ALAC Response
<p>have proposed protecting/restricting the following categories:</p> <ul style="list-style-type: none"> <li>• Geographic features (rivers, mountains, etc)</li> <li>• Names of additional sub-national and regional places not included in the 2012 Applicant Guidebook</li> <li>• Non-ASCII geographic terms not included in the 2012 Applicant Guidebook</li> <li>• Any term that can be considered geographic in nature</li> <li>• Geographical Indications</li> </ul> <p>Two Work Track members stated that currency codes listed under ISO 4217 should be protected as geographic names. A number of other Work Track members responded that they do not view these codes as geographic names, and believe that such codes are therefore out of scope, noting that the broader issue of reserved names is in scope for the full New gTLD Subsequent Procedures PDP Working Group.</p> <p>Should additional types of strings have special treatment or rules in the Applicant Guidebook? If so, which ones and on what basis? Can the scope of the category be effectively established and limited? What are the boundaries of the category? If not, why not? As opposed to preventative restrictions, would any changes to objections, post-delegation mechanisms, or contractual provisions mitigate concerns related to these strings? Please see deliberations section f.2.4 on pages 72-78 for context on this question.</p>	

Proposals	ALAC Response
<p><b><u>Proposal 1 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>Develop an online tool for prospective applicants. The searchable tool indicates whether a string is eligible for delegation and whether there are issues that require further action (for example obtaining a letter of support or non-objection from relevant governments or public authorities). This could be a stand-alone tool or a function integrated into the application system that flags if a term is geographic and has special requirements/restrictions.</p>	<p>The ALAC supports Proposal 1.</p>
<p><b><u>Proposal 2 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>GAC members could assist applicants in identifying which governments and/or public authorities would be applicable in cases where an applicant must obtain a letter of government support or non-objection.</p> <p>Proposal 3 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</p> <p>If government support/non-objection is required for an application, provide mediation services to assist if the applicant disagrees with the response received by a government or public authority.</p>	<p>The ALAC supports Proposal 2.</p>
<p><b><u>Proposal 3 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>If government support/non-objection is required for an application, provide mediation services to assist if the applicant disagrees with the response received by a government or public authority.</p>	<p>The ALAC questions the necessity of the mediation services under Proposal 3 and is concerned that this proposal might encourage gaming and that failed mediation may lead to endless disputes and/or formal dispute resolution cases.</p>
<p><b><u>Proposal 4 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>Establish a program to heighten the awareness of governments and others regarding the gTLD program so that they will be more likely to seek or support a registration for the relevant geographic name. This could be accompanied by structured support and advice to maximize</p>	<p>The ALAC supports Proposal 4 although believe that this should be undertaken as part of the outreach efforts for the new gTLD Program (if any) and far before the launch of the next application window/round (if at all).</p>

Proposals	ALAC Response
<p>the opportunities for future applicants for geographic names.</p>	
<p><b><u>Proposal 5 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>In any circumstance where a letter of support or non-objection is required from a relevant government authority, establish a deadline by which the government must respond to the request. If no response is received, this is taken as non-objection.</p>	<p>The ALAC supports Proposal 5 since setting reasonable deadline would help prevent an application from being unreasonably or even indeterminately put on hold pending response from a relevant government authority provided that the applicant can show that the relevant government authority was given effective notice of the deadline and consequence of their not responding.</p>
<p><b><u>Proposal 6 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>Once a gTLD is delegated with an intended use that is geographic in nature, all other variations and translations of this term are unconditionally available for application by any entity or person. Objection procedures could potentially still apply.</p>	<p>The ALAC is concerned with the ramifications of Proposal 6 in terms of potential risk of name / string similarity confusion and out of an abundance of caution, opts to not support this proposal at this point.</p>
<p><b><u>Proposal 7 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>An applicant for a string with geographic meaning must provide notice to each relevant government or public authority that the applicant is applying for the string. The applicant is not required to obtain a letter of support on non-objection. This proposal relies on curative mechanisms to protect geographic names in contrast with support/non-objection requirements that are preventative in nature. Each government or public authority has a defined opportunity to object based on standards to be established. The right to object expires after a set period of time. Objections are filed through one of the existing objection processes or a variation on an existing process. A set of standards would need to be established to determine what constitutes a relevant government or public authority. This proposal could apply to all or some of the categories of geographic names included in the 2012 Applicant Guidebook.</p>	<p>In respect of the categories of geographic names included in the 2012 AGB, the ALAC might find this measure appropriate for city name gTLD applications only, except, possibly, in the case of very large cities and/or cities whose population represents a large percentage of the population of the country.</p>
<p><b><u>Proposal 8 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p>	<p>The ALAC supports Proposal 8 as a means of preventing confusion.</p>

Proposals	ALAC Response
<p>If an applicant applies for a string that is confusingly similar to a geographic term that requires a letter of government support or non-objection, the applicant should be required to obtain a letter of government support/non-objection. As an example, a common misspelling of a geographic name would be considered confusingly similar.</p>	
<p><b><u>Proposal 9 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>At the end of the registry contract period, a government entity has the option of becoming engaged and can add provisions to the contract that specifies conditions rather than there being an assumption that the contract will be renewed.</p>	<p>While good in principle, the ALAC is not in favour of Proposal 9 as we think it would be difficult to implement since conditions would be subject to negotiations with risk of negotiations breaking down impacting end-users if a registry contract ends prematurely.</p>
<p><b><u>Proposal 10 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)</u></b></p> <p>A TLD associated with geography should be incorporated within the jurisdiction of the relevant government and subject to local law.</p>	<p>The ALAC supports Proposal 10 as a means of preventing confusion.</p>
<p><b><u>Proposal 11 – country and territory names (see deliberations section f.2.2.2 for context)</u></b></p> <p>Delegate alpha-3 codes on the ISO 3166 Part 1 standard as gTLDs with the requirement of government support/non-objection until a future process is designed specifically for the delegation of three-character codes.</p>	<p>The ALAC strongly recommends that ICANN have in place a procedure to pre-qualify applicants for any ISO 3166-1 alpha-3 code prior to launch of the next application window/round.</p> <p>In the event application for and delegation of any such ISO 3166-1 alpha-3 code were to proceed in the next application window/round without a procedure to pre-qualify applicants having first been endorsed by ICANN Community consensus (which we would advise against), then we would support Proposal 11 (which proposes preventative protection measures) but not Proposal 12.</p>
<p><b><u>Proposal 12 – country and territory names (see deliberations section f.2.2.2 for context)</u></b></p> <p>Delegate alpha-3 codes on the ISO 3166 Part 1 standard as gTLDs with the requirement of government support/non-objection only in cases where the applicant intends to use the TLD as it relates to the geographic meaning of the term. For all other cases, the TLD should be available with no letter of support/non-objection.</p>	<p>The ALAC does not support Proposal 12 under any circumstances.</p>

Proposals	ALAC Response
<p><b><u>Proposal 13 – country and territory names (see deliberations section f.2.2.2 for context)</u></b></p> <p>The ISO should not be the source of 3-character strings used by ICANN to identify geographic names.</p>	<p>Since the ALAC supports Preliminary Recommendation 3 insofar as it recommends continuing to consider each of the alpha-3 code listed in the ISO 3166-1 standard as a country and territory name which is reserved at the top level, accordingly, we do not support Proposal 13. The ALAC believes that the ISO 3166-1 standard should continue to be used as the authoritative list for and 3-character strings to identify geographic names.</p>
<p><b><u>Proposal 14 – country and territory names (see deliberations section f.2.2.6 for context)</u></b></p> <p>Individual governments should be asked which permutations should be reserved in connection with a corresponding country or territory name.</p>	<p>We opine that Proposal 14 is unnecessary if all permutations contemplated under Preliminary Recommendation 8 are automatically made unavailable.</p>
<p><b><u>Proposal 15 – country and territory names (see deliberations section f.2.2.7 for context)</u></b></p> <p>As long as a country can provide substantial evidence that the country is recognized by a name, the term should be included under the reserved names category “A name by which a country is commonly known.”</p>	<p>The ALAC supports Proposal 15.</p>
<p><b><u>Proposal 16 – country and territory names (see deliberations section f.2.2.7 for context)</u></b></p> <p>Add translations “in any language” to the category of reserved names “A name 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.”</p>	<p>The ALAC supports Proposal 16 to add translations “in any language” to the category of reserved names “A name 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.” because we believe that the protection of geographic names should be consistently applied across the board.</p>
<p><b><u>Proposal 17 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.1 for context)</u></b></p> <p>Require support/non-objection for capital city names only if the applicant intends to use the gTLD for purposes associated with the capital city name.</p>	<p>The ALAC does not support Proposal 17 which seeks to require support/ non-objection for capital city names only if the applicant intends to use the gTLD for purposes associated with the capital city name.</p> <p>(Please see our response to Preliminary Recommendation 10)</p>
<p><b><u>Proposal 18 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Eliminate support/non-objection requirements for capital city names.</p>	<p>The ALAC does not support Proposal 18 which seeks to eliminate support/ non-objection requirements for capital city names.</p> <p>(Please see our response to Preliminary Recommendation 10)</p>

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<p><b><u>Proposal 19 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Maintain provisions included in the 2012 Applicant Guidebook that require applicants to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.” The requirement applies if: “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.” As with other applications, curative measures available include objections processes, use of Public Interest Commitments, contractual provisions and enforcement, and post-delegation dispute resolution.</p>	<p>There is a general support for Proposal 19 as the minimum position for the next application round/window (if that were to proceed).</p> <p>(Please see our response to Preliminary Recommendation 11 for the explanation).</p>
<p><b><u>Proposal 19, Variant 1 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Variant 1: Implement provisions to prevent misrepresentation. Applicants who intend to represent a connection to the authority of a non-capital city will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of non-capital city names, protections will be enhanced by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term. This proposal changes the standard for when a letter is needed for non-capital city names from usage associated with the city name to usage intended to represent a connection to the authority of the non-capital city name. This proposal increases contractual requirements and therefore enhances protections for geographic places.</p>	<p>There is balanced support for and opposition to Proposal 19 Variant 1.</p> <p>Opposition to Proposal 19, Variant 1 is mainly due to:</p> <ul style="list-style-type: none"> <li>• uncertainty over what would constitute a “representation of a connection to the authority of non-capital city names”,</li> <li>• circumvention of the requirement of a letter of support/non-objection by simply not declaring intended use or declaring another intended use,</li> <li>• uncertainty and burden over the monitoring of and enforcement against any breach of contractual requirements</li> </ul> <p>For this reason, the opponents favour a standard requirement for documents of support/non-objection from relevant governments or public authorities irrespective of intended use of the gTLD.</p>
<p><b><u>Proposal 19, Variant 2 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p>	<p>There is balanced support for and opposition to Proposal 19 Variant 2.</p> <p>Opposition to Proposal 19, Variant 2 due mainly to:</p>



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<p>Variant 2: Change the text of part (a) describing when support/non-objection applies. Change the text “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name” to “(a) 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.”</p>	<ul style="list-style-type: none"> <li>uncertainty and burden over the monitoring of and enforcement against any post-delegation use of SLD by registrants whether they be foreseeable and/or to a significant degree for purposes associated with the city name.</li> </ul> <p>For this reason, the opponents favour a standard need for documents of support/non-objection from relevant governments or public authorities irrespective of intended use of the string at the TL or SL.</p>
<p><b><u>Proposal 19, Variant 3 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Variant 3: Change the text of part (a) describing when support/non-objection applies. Change the text “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name” to “(a) The applicant is able and will confirm that neither he nor his sales channel will use the TLD as a geographic identifier.”</p>	<p>There is balanced support for and opposition to Proposal 19 Variant 3.</p> <p>Opposition to Proposal 19, Variant 3 is due mainly to:</p> <ul style="list-style-type: none"> <li>uncertainty and burden over the monitoring of and enforcement against any post-delegation use by the applicant or his sales channel of the TLD as a geographic identifier.</li> </ul> <p>For this reason, the opponents favour a standard need for documents of support/non-objection from relevant governments or public authorities irrespective of intended use of the string at the top level (or second level).</p>
<p><b><u>Proposal 20 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Eliminate preventative protections for non-capital city names and focus instead on curative protections. All parties may raise issues with an application using objections. No letters of support or non-objection are required from governments or public authorities. Applicants may include evidence of support in an application. Groups, individuals, and other parties, including governments, may file objections to applications.</p> <p>Objections by all parties must refer to international law, domestic law, ISO standards or other objective measures that are relevant to the applicant and the application. Applicants take responsibility for ensuring that they submit applications which address those points and avoid an objection. Objectors pay to make the objection and submit any objections within appropriate time frames. Evaluators take objections into account in the evaluation and</p>	<p>We do not support Proposal 20 which seeks to eliminate preventative protections for non-capital city names altogether.</p> <p>At a minimum, we support the use of preventative protections for non-capital city names with some conditions.</p> <p>(Please see our responses to Preliminary Recommendation 11 and Question e9)</p>

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<p>may discard objections. Work Track 5 has not yet discussed whether this proposal could rely exclusively on existing objections mechanisms, or if it would require change to existing objections mechanisms or addition of new objections mechanisms.</p>	
<p><b><u>Proposal 21 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Always require a letter of support or non-objection from the relevant governments or public authorities for non-capital city names regardless of intended use.</p>	<p>There is balanced support for and opposition to Proposal 21.</p> <p>(Please see our responses to Preliminary Recommendation 11 and Question e9).</p>
<p><b><u>Proposal 22 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Give small cities, towns, and geographic communities the first right to apply for a TLD associated with the place.</p>	<p>There is balanced support for and opposition to Proposal 22.</p> <p>Those in support see the first right to apply as naturally associated with the geographic connection of such places to its residents and while those in opposition fail to see any basis for such first right to apply.</p> <p>(Please also see our responses to Preliminary Recommendation 11 and Question e9).</p>
<p><b><u>Proposal 23 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Develop a list of large cities around the world and require that applicants obtain letters of support or non-objection from the relevant governments or public authorities for strings on this list, regardless of the way the applicant intends to use the string. The list of large cities could be developed based one of the following standards or a combination of these standards:</p> <ul style="list-style-type: none"> <li>• Absolute population of the city: the city has a certain minimum population, for example 500,000 residents or 1,000,000 residents.</li> <li>• Relative population of the city: the city is relatively large by population compared to other cities in the country or sub-national region, for example it is one of the 10 largest cities in a country or 3 largest cities in a sub-national region.</li> <li>• Percentage of a country’s population: The city holds a certain minimum percentage of the country’s population.</li> </ul>	<p>There is balanced support for and opposition to Proposal 23.</p> <p>(Please see our responses to Preliminary Recommendation 11 and Question e9).</p>

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<p><b><u>Proposal 24 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Each country decides what it considers to be a city within its own country based on national laws and policies. If the country determines that a place fits in the “city” category, the applicant must obtain support/non-objection from the government. A variant on the above proposal proposes that each country designates a set number of cities that they consider to be particularly significant. City names on the resulting list are subject to support/non-objection by the relevant governments or public authorities</p>	<p>Again, there is balanced support for and opposition to Proposal 24.</p> <p>Those in favour support the need to subject applications for city names to preventative protection and think it is appropriate to delegate the responsibility of determining what is to be considered as a city in each country to the respective country’s authorities.</p> <p>Those opposing Proposal 24 feel there isn’t a need to build a list of cities and that preventative protection is adequately applied with the limb “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name”.</p>
<p><b><u>Proposal 25 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Reserve non-capital city names that have “global recognition.” If a city wants apply for a gTLD, it can apply for a string containing the name of the city followed by the applicable country code. This would allow multiple cities with the same name located in different countries to obtain a gTLD.</p>	<p>There is balanced support for and opposition to Proposal 25.</p> <p>Those in favour find the proposition of allowing multiple cities with the same name located in different countries to obtain a gTLD attractive even though the concept of “global recognition” needs to be defined.</p> <p>Those opposing Proposal 25 are concerned with:-</p> <ul style="list-style-type: none"> <li>• how “global recognition” would be determined without making ICANN an arbiter (which it should not be)</li> <li>• how to deal with countries with states or provinces</li> <li>• how attractive these compound TLDs would be</li> <li>• issues of confusion or overlap or tension with ccTLDs</li> </ul>
<p><b><u>Proposal 26 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)</u></b></p> <p>Raise awareness and increase knowledge among potential applicants about the opportunity to apply for TLDs. This proposal does not impact the level of protection/restriction and could supplement any of the above proposals.</p>	<p>The ALAC supports Proposal 26 although we believe that this should already be undertaken as part of the outreach efforts for the new gTLD Program and far before the launch of the next application window/round (if at all).</p>
<p><b><u>Proposal 27 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.3 for context)</u></b></p>	<p>The ALAC supports Preliminary Recommendation 12 for continuing the requirement that all applications for these strings be accompanied by documentation of support or non-objection from the relevant</p>

Proposals	ALAC Response
<p>Eliminate support/non-objection requirements for sub-national place names, such as counties, provinces, or states listed in ISO 3166 Part 2 standard.</p>	<p>governments or public authorities, without exception and irrespective of any statements of intended use of the string.</p> <p>Accordingly, we do not support Proposal 27 which seeks to altogether eliminate support/non-objection requirements for sub-national place names, such as counties, provinces, or states listed in ISO 3166 Part 2 standard</p>
<p><b><u>Proposal 28 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.3 for context)</u></b></p> <p>Applicants who intend to represent a connection the authority of a sub-national place will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term.</p>	<p>The ALAC supports Preliminary Recommendation 12 for continuing the requirement that all applications for these strings be accompanied by documentation of support or non-objection from the relevant governments or public authorities, without exception and irrespective of any statements of intended use of the string.</p> <p>Accordingly, we do not support Proposal 28 which seeks to require a letter of support/ non-objection from the relevant authority only where an applicant intends to represent a connection to a sub-national place.</p>
<p><b><u>Proposal 29 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.3 for context)</u></b></p> <p>If the string corresponds to a sub-national place name, such as a county, province, or state listed in ISO 3166 Part 2 standard, but the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any governments or public authorities.</p>	<p>The ALAC supports Preliminary Recommendation 12 for continuing the requirement that all applications for these strings be accompanied by documentation of support or non-objection from the relevant governments or public authorities, without exception and irrespective of any statements of intended use of the string.</p> <p>Accordingly, we also do not support Proposal 29 which seeks to exclude the requirement for a letter of support/ non-objection from the relevant authority where applicants intends to use the string in a generic or brand context.</p>
<p><b><u>Proposal 30 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.4 for context)</u></b></p> <p>Eliminate support/non-objection requirements for strings listed as UNESCO Regions or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.</p>	<p>The ALAC notes that each gTLD is a unique piece of Internet real estate and delegation to one party (i.e. the successful applicant) will necessarily exclude control over it by other parties in the absence of any sharing-of-control agreement.</p> <p>We believe that all strings which match a UNESCO region, or region appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list should be afforded preventative protection and that all applications for such strings should be</p>

Proposals	ALAC Response
	<p>subject to requirement for support or non-objection from relevant authority irrespective of any statements of intended use of the string.</p> <p>Since we support Preliminary Recommendation 13, accordingly, we do not support Proposal 30.</p>
<p><b><u>Proposal 31 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.4 for context)</u></b></p> <p>Applicants who intend to represent a connection the authority of a UNESCO region, or region appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term.</p>	<p>We do not support Proposal 31 because it seeks to require a letter of support/ non-objection from the relevant authority only where an applicant intends to represent a connection to a UNESCO Region or any region appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.</p> <p>(Please see our response to Proposal 30 for the explanation)</p>
<p><b><u>Proposal 32 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.4 for context)</u></b></p> <p>If the string corresponds to a name listed as a UNESCO region or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list but the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any governments or public authorities.</p>	<p>We do not support Proposal 32.</p> <p>(Please see our response to Proposal 30 for the explanation)</p>
<p><b><u>Proposal 33 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)</u></b></p> <p>Apply a clear and unambiguous rule that any geographic term that is not explicitly and expressly protected is unprotected. A lack of letter of support/non-objection alone will not be a cause to hinder or suspend an application for such unprotected term.</p>	<p>The ALAC opines that while the intent of Proposal 33 is good in principle, we are concerned that “geographic term” cannot be listed or described exhaustively thus rendering the effectiveness of any clear and unambiguous rule illusory.</p>
<p><b><u>Proposal 34 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)</u></b></p>	<p>The ALAC strongly supports Proposal 34 and believe it to be essential.</p>

Proposals	ALAC Response
<p>Provide an advisory panel that applicants could contact to assist in identifying if a string is related to a geographic term. The panel could also help applicants identify which governments and/or public authorities would be applicable. Alternately, the Geographic Names Panel used to evaluate whether an applied for string was a geographic TLD in the 2012 round could be made available to advise applicants before they submit applications.</p>	
<p><b><u>Proposal 35 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)</u></b></p> <p>Maintain a repository of geographic names reflecting terms that governments consider sensitive and/or important as geographic names. Countries and territories could contribute terms to this repository but it would not require binding action on the part of potential applicants.</p>	<p>The ALAC strongly supports Proposal 35 and believe it to be essential.</p>
<p><b><u>Proposal 36 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)</u></b></p> <p>Leverage the expertise of GAC members to help applicants determine if a string is related to a geographic location. GAC members could also assist applicants in identifying which governments and/or public authorities would be applicable in cases where an applicant must obtain a letter of government support or non-objection.</p>	<p>The ALAC strongly supports Proposal 36 and believe it to be essential.</p>
<p><b><u>Proposal 37 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)</u></b></p> <p>Require that an applicant demonstrates that it has researched whether the applied-for string has a geographic meaning and performed any outreach deemed necessary by the applicant prior to submitting the application. The proposal would be in addition to the existing measures related to the Geographic Names Panel.</p>	<p>The ALAC supports Proposal 37 in principle although we have some concerns over what level of research an applicant is required to demonstrate which would be considered adequate, especially translation of terms.</p>
<p><b><u>Proposal 38 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)</u></b></p> <p>If the applicant is applying for a geographic name, including terms not listed in the 2012 Applicant Guidebook, the applicant is required</p>	<p>The ALAC supports Proposal 38 and urges for greater attention to be paid towards assisting applicants in establishing if terms not listed in the 2012 AGB are geographic names, especially translation of terms and which relevant</p>

<b>Proposals</b>	<b>ALAC Response</b>
to contact/consult with the relevant government authority and provide evidence that it has done so.	government authority to contact in respect of a term and/or its translations.