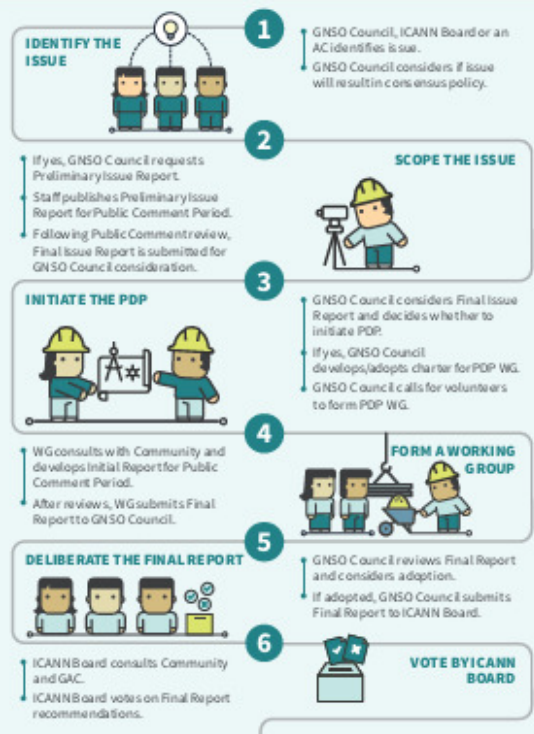## Multistakeholder Policy Development

The ICANN Policy Development Support Team facilitates bottom-up, consensus-driven processes for global gTLD, ccTLD and IP address policies.

Generic Names Supporting Organization (GNSO)

GNSO Council is composed of 21 members — divided into 2 houses (contracted and non-contracted parties) — who work on generic top-level domain name (gTLD) policies (e.g., .com, new gTLDs).

GNSO Policy Development Process

1 IDENTIFY THE ISSUE
- GNSO Council, ICANN Board or an AC identifies issue.
- GNSO Council considers if issue will result in consensus policy.

2 SCOPE THE ISSUE
- If yes, GNSO Council requests Preliminary Issue Report.
- Staff publishes Preliminary Issue Report for Public Comment Period.
- Following Public Comment review, Final Issue Report is submitted for GNSO Council consideration.

3 INITIATE THE PDP
- GNSO Council considers Final Issue Report and decides whether to initiate PDP.
- If yes, GNSO Council develops/adopts charter for PDP WG.
- GNSO Council calls for volunteers to form PDP WG.

4 FORM A WORKING GROUP
- WG consults with Community and develops Initial Report for Public Comment Period.
- After reviews, WG submits Final Report to GNSO Council.

5 DELIBERATE THE FINAL REPORT
- GNSO Council reviews Final Report and considers adoption.
- If adopted, GNSO Council submits Final Report to ICANN Board.

6 VOTE BY ICANN BOARD
- ICANN Board consults Community and GAC.
- ICANN Board votes on Final Report recommendations.

Learn more about the GNSO
gnso.icann.org

ICANN | GNSO
Generic Names Supporting Organization

New Generic Top Level Domain Subsequent Procedures

- **For next round of New gTLD applications (if any)**
  - *Distinct from 2012 round*

- **New gTLD Subsequent Procedures PDP WG**
  - *Policy Development Process (PDP) purview of GNSO Council*
  - *PDP initiated in Dec 2015, chartered in Jan 2016*
  - *WG started work in Feb 2016, considering changes as necessary to existing policy recommendations and implementation guidance*
  - *WG tackled > 40 separate topics via Plenary, Work Tracks 1-4, Work Track 5 on Geographic Names at the Top Level*
  - *Between Nov 2018 – Mar 2019, undertook high level checks, clarification of public comments received*
  - ***Now reviewing merits of public comments for reporting***
  - ***WG work expected to go on into Q4 2019 – Final Report***

New gTLD SubPro: Inputs, Organisation & Deliverables

Inputs

- *Preliminary Issue Report*
- *Constituency Comment 1 (CC1)*
- *Constituency Comment 2 (CC2)*
- *Final Issue Report*
- *GNSO New gTLD Policy 2007, past decisions, documents*
- *GAC Principles*
- *2012 Applicant Guidebook*
- *Base Registry Agreement*
- *Competition, Consumer Trust & Consumer Choice Review*
- *Public Comments to Initial Report & Supplemental Reports*
- *etc*

Organisation

- **Plenary**

- **WT1: Overall Process/Support/ Outreach**

- **WT2: Legal/Regulatory**

- **WT3: String Contention/ Objections & Disputes**

- **WT4: Internationalized Domain Names / Technical & Operations**

- **WT5: Geographic Names at the TLD**

Deliverables

- *Initial Report of the New gTLD SubPro PDP (Overarching Issues & Work Tracks 1-4) Jul 2018*

- *Supplemental Report to the Initial Report of the New gTLD SubPro PDP (Overarching Issues & Work Tracks 1-4) Nov 2018*

- *Supplemental Report to the Initial Report of the New gTLD SubPro PDP (Work Track 5) on Geonames as TLD, Dec 2018*

At-Large

#1 ALAC Statement AL-ALAC-ST-0926-02-01-EN Sep 2018

#2 ALAC Statement AL-ALAC-ST-0918-03-01-EN Dec 2018

PUBLIC COMMENT

#3 ALAC Statement AL-ALAC-ST-0119-02-01-EN Jan 2019

- *Final Report Q4 2019*

WT5: Geographic Names as Top Level Domains

Dedicated to areas to do with geographic names at the top level

- *Two-character letter-letter ASCII strings as country codes*
- *ISO 3166-1 Alpha-3 codes as country and territory names*
- *Long-form name in ISO 3166-1 standard*
- *Short-form name in ISO 3166-1 standard*
- *Short- or long-form name association with a code designated as "exceptionally reserved" by ISO 3166 Maintenance Agency*
- *Separable component of a country name designated on the "Separable Country Names List"*
- *Permutations, transpositions of reserved strings*
- *Name by which a country is commonly known, per intergovernmental or treaty org*
- *Capital city names*
- *Non-capital city names*
- *Sub-national places in ISO 3166-2 standard*
- *UNESCO region / "Composition of macro geographical (continental regions, geographic sub-regions, and selected economic and other groupings" list*
- *Definition of "Geographic Names"*
- *Principles and Basis guiding "Geographic Names"*
- *Preventative vs Curative Measures*
- *Translations of "Geographic Name" strings*
- *Non-Applicant Guidebook Terms*

WT5 Supplemental Initial Report: **https://go.icann.org/2SxaXgA**

Context for SubPro Geonames Deliberation

In context of Public Comments to the Supplemental Initial Report on the New gTLD Subsequent Procedures PDP (Work Track 5 on Geo Names at the Top Level) of Dec 2018
Report found at: https://go.icann.org/2SxaXgA

☐ **TOPICS OF INTEREST / FOR DELIBERATION**

Topics	Prelim. Recommendations	Questions	Proposals
ISO 3166-1 Alpha-3 codes	PR#3	Qe7	Pr11, 12, 13
Capital city names	PR#10		Pr17, 18
Non-capital city names	PR#11	Qe9 (2-limb preventative protection subject to intended use), Qe10	Pr19, 19v1, 19v2, 19v3, 20, 21, 22, 23, 24, 25, 26
UNESCO region etc	PR#13		Pr30, 31, 32
Language & Translation		Qe6, e8	
Defining "Geographic Names"		Qe2	
Preventative v. Curative Measures		Qe3	
Principles & Basis		Qe4, e5	
Non-Applicant Guidebook Terms; Use of Advisory Panel		Qe11 (non-AGB terms)	Pr33, 34, 35, 36, 37, 38

☐ **PR#3 Continued recognition of ISO 3166-1 alpha 3-codes as country and territory names, reserved at TL and unavailable for delegation**

- Multiple 'camps':

Many commenters supported PR#3 as-is	Some supported despite belief govts do not have exclusive legal basis for these strings	Some believe these strings geonames but should be made available with preventative protection in place **(At-Large sits here with full consensus)**	Some oppose altogether, believing strings to not be geonames hence should be made available

- **Likely outcome:** No consensus means ISO 3166-1 codes remains <u>reserved and unavailable</u>

   ➢ **Do we want a minority statement to PR#3 be included in Final Report wrt non-availability for delegation?** If this is the case, then:
   ➢ Grandfathering of already delegated strings (eg .com) to apply regardless
   ➢ Qe7 re system for application becomes academic
   ➢ Pr11 and Pr12 re preventative protection becomes academic
   ➢ Pr13 which suggests that ISO not be the source for 3-char strings geonames must be rejected regardless

☐ **Qe7 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?**

- Multiple 'camps':

Some believe that WT5 should develop policy to delegate 3-letter ISO 3166-1 codes but silent on who can apply	Some believe that WT5 should develop policy to delegate 3-letter ISO 3166-1 codes and code should be made available WITH restrictions /mode **(ALAC sits here with full consensus)**	Some believe that WT5 should develop policy to delegate 3-letter ISO 3166-1 codes and code should be made available WITHOUT restrictions	Many believe that WT5 should NOT develop policy to delegate 3-letter ISO 3166-1 codes

- **PC Suggestions:**
  - ICANN to have in place procedure to pre-qualify applicants (Pr 11)
  - Change Bylaws to establish new category under policy authority of national communities similar to ccTLDs

- **Likely Outcome:** Without consensus for change, ISO 3166-1 codes will remain <u>reserved and unavailable</u>

For Deliberation: Non-Capital City Names

- ❑ **PR#11 <u>City name</u> strings to continue to be given preventative protection only if (a) applicant intends to use string primarily for purposes associated with the city name and (b) city name listed on official city documents**
  - Multiple 'camps':

Some commenters supported PR#11 as-is **(Part of At-Large sits here)**	Some opposed but still willing to support	Some opposed, believing cities do not have legal basis in name so preventative protection not justified	Some oppose for a different reason, believing intended usage requirement should be removed **(The other part of At-Large sits here)**

  - **PC Suggestions:**
    - ○ Substitute 'letter of support or non-objection' with 'informed consent in writing'
    - ○ Do not require support or non-objection when intended use is associated with city where applicant has trademark rights
    - ○ Limit to city names of any country or territory per list at http://unstats.un.org/unsd/demographics/products/gyb/dyb2015/Table08.xls

  - **Likely Outcome:** No consensus earlier for change through PC, but they may still be a chance for a change, do we want to consider it?

❑ **Qe9** 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 requirement should be kept, eliminated, or modified in subsequent procedures? Please explain.

Support for retention as-is	Support for modification – require protection regardless of intended use	Support for modification – other	Support to eliminate altogether
1. BC 2. IPC 3. ALAC - part	1. **ALAC** – part 2. Government of Spain, Swiss Federal Institute of Intellectual Property, SWITCH, Icelandic Ministry for Foreign Affairs, German GAC, oriGIn, European Broadcasting Union, Government of France, Association of European regions for origin products (AREPO), Republic of Peru 3. Portuguese Government 4. Governments of Argentina, Chile, and Colombia, Fundación Incluirme 5. Government of Brazil 6. RySG- part	1. IPC – exclude for .Brand applications 2. United States – modify standard to "false/deception association", curative mechanism/PIC 3. dotBERLIN GmbH & Co. KG, Hamburg Top-Level-Domain GmbH, geoTLD.group 4. Dotzon GmbH 5. BRG – optional to applicant 6. INTA – exclude if applicant hold TM rights 7. NCSG – use contractual requirements, curative mechanism	1. RySG –part 2. RrSG 3. Group of Registries: (Uniregistry, Minds + Machines Group, Top Level Design, Amazon Registry Services, Employ Media LLC)

❑ **PR#11 <u>City name</u> strings to continue to be given preventative protection only if (a) applicant intends to use string primarily for purposes associated with the city name and (b) city name listed on official city documents**

❑ **Qe9 Current City Name protection – keep, modify or eliminate?**

• Multiple 'camps':

Lesser support for retention as-is	Some support for modification – require protection regardless of intended use	Some support for modification – other	Lesser support to eliminate altogether

• **PC Suggestions:**
  o Insert curative mechanism in the form of PICs to avoid use that would falsely create a connection with a city govt authority
  o Limit preventative protection to applications for strings representing a city name according to http://unstats.un.org/unsd/demographic/products/dyb/dybu2015/Table08.xls
  o Make preventative mechanism optional to applicant
  o Insert contractual requirements into RA preventing misrepresentation of connection / association to geographic term

Public comments: Qe10 City Name protection

❑ **Qe10** 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.

Support for retention as-is	Support for modification – require protection regardless of intended use (Pr 21)	Support for modification – other	Support to eliminate altogether (Pr 20)
1. INTA 2. BC 3. **ALAC** - part	1. **ALAC** – part 2. Government of Spain, Swiss Federal Institute of Intellectual Property, SWITCH, Icelandic Ministry for Foreign Affairs, German GAC, oriGIn, European Broadcasting Union, Government of France, Association of European regions for origin products (AREPO), Republic of Peru 3. Portuguese Government 4. Governments of Argentina, Chile, and Colombia, Fundación Incluirme 5. dotBERLIN GmbH & Co. KG, Hamburg Top-Level-Domain GmbH, geoTLD.group	1. United States – modify standard to "false/deception association", curative mechanism/PIC 2. BRG – optional to applicant 3. INTA – exclude if applicant hold TM rights 4. NCSG – use contractual requirements, curative mechanism	1. RrSG 2. IPC

❑   **Qe10 related future treatment of Non-Capital City Names proposals**

Proposals	Public Comments Summary
➢ Pr19 Maintain PR#11 as status quo	At-Large supported as min position, others are generally split
➢ Pr19v1 Implement provisions to prevent misrepresentation	At-Large is split, only INTA and US Gov support
➢ Pr19v2 Change limb (a) to "The GeoNames Panel determine that the foreseeable use of SL domains will be to a significant degree for purposes associated with the city name."	Only PARTLY supported by At-Large but no one else
➢ Pr19v3 Change limb (a) to "The applicant is able and will confirm that neither he nor his sales channel will use the TLD as a geographic identifier."	Only PARTLY supported by At-Large and Dotzon GmbH
➢ Pr20 Seeks to eliminate preventative protection and focus on curative protections	Overall split, with At-Large rejecting
➢ Pr21 Requires preventative protection regardless of intended use	At-Large is split, so are the rest
➢ Pr22 Seeks to give small cities, towns, geo-communities first right to apply	At-Large is split, the rest more oppose than in favour
➢ Pr23 Suggests developing a list of large cities around the world based on one or more standards	Overall split, with RySG and At-Large split both ways
➢ Pr24 Lets each country decide what it considers to be a city within own country	Overall split, with At-Large split both ways
➢ Pr25 Suggests to reserve non-capital city names that have "global recognition"	Overall split, with Dotzon, IPC, RySG and At-Large split both ways
➢ Pr26 Suggests to raise awareness, increase knowledge among potential applicant	More in favour than against, At-Large in favour: should be part of outreach way in advance of next window/round (if at all)

❑ **PR#11 <u>City name</u> strings to continue to be given preventative protection only if (a) applicant intends to use string primarily for purposes associated with the city name and (b) city name listed on official city documents**

❑ **Qe9 Current City Name protection – keep, modify or eliminate?**

❑ **Qe10 related future treatment of Non-Capital City Names proposals**

- **WG Deliberations:**
  - How about asking each govt to provide a list of city names (eg 10-15 names) to be considered geonames for purposes of new gTLD ?
  - Reference to applicable local laws, Program
  - All other city names to be subject to "intended use" preventative mechanism with time limit provision
  - Curative prevention still applies, but would need to recommend relook at Objections Procedures to ensure mechanism is not effectively rendered "inaccessible"

Translation of 2012 AGB categories of country and territory names

Some support for translation in all languages should be unavailable	Some support for translation in UN and official languages – if not all languages – should be unavailable	Some support for translation in official languages only should be unavailable	One group supported translation in official, relevant national, regional and community languages should be unavailable

☐ **PC Suggestion:**
  o Have curative process, such as objection procedure, for country commonly used languages

Translation of capital city names of any country and territory listed in ISO 3166-1 standard subject to preventative protection

Some support for translation in all languages being subject to letters of support / non-objection	Some support for translation in official, relevant national, regional and community languages if not all languages being subject to letters of support / non-objection	One group supported translation in UN and official languages only being subject to letters of support / non-objection	Some support for translation in official languages only being subject to letters of support / non-objection (one group said with intended use)	Some support for no translation being reserved

☐ **WG Deliberations:**
  o UN and country official languages?
  o Start with all languages used in capital cities?

☐ **Related Topic:**
  o What about IDN scripts?

Definition of "Geographic Name"

Some supported 2012 AGB 2.2.1.4.2 as-is	Some offered definition of geoname	Some believe should include terms not in 2012 AGB	Some says should have no special treatment for "geonames" and/or revert to 2007 policy

❑ **PC Suggestions:**
- o "Geoname" = a term or string that is exclusively assoc with a geographic area and cannot be reasonably confused with any other geographic area or term – eliminate conflicts where term has multiple connotations
- o "Geoname" = a term that has geo meaning or connotation according to a govt or community assoc with that term – rights, rules, requirements should exist so interested stakeholders "have a say" in application
- o Geonames panel should use additional official UN resources to determine strings to be considered as geonames
- o Limit "geoname" = any name that requires reservation of name or obligation to obtain consent/non-objection irrespective of intended use as already set out in 2012 AGB vs "term with geographic meaning" = terms like city names where restriction is dependent on intended use.
- o Geonames panel in 2012 round missed using:
  - • http://unstats.un.org/unsd/demographic/products/dyb/dyb2015/Table08.xls
  - • ISO 3166-1 for capital city names
  - • ISO 3166-2 for sub-national place names, such as a county, province, or state name.
  - • UNESCO Regions here: http://www.unesco.org/new/en/unesco/worldwide/ and "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" here: http://unstats.un.org/unsd/methods/m49/m49regin.htm, which now redirects to: https://unstats.un.org/unsd/methodology/m49/
- o Geoname should cover UN db and Manual for the national std of geonames by UN Group of Experts on Geonames, and toponyms such as mountains, rivers, commonly known by notoriety and relevance, GI based on WIPO and TRIPs
- o **ALAC – have Cat 1 & Cat 2 geonames**
- o GAC Advice – 28 March 2007, 18 August 2009, 10 March 2010

For Deliberation: Qe11 Non-AGB Terms

❑ **Qe11 Treatment of terms not listed in 2012 AGB**

Some indicated support for extending non-objection framework	Some offered limited support for expanding list of "geographic" terms, with qualifications	Many opposed to extending list of "geographic" terms, especially for preventative protection	Two outliers had other ideas – Pr 1-5, Pr 37

Proposals	Public Comments Summary
➢ Pr33 Apply clear, unambiguous rule that any term no explicitly and expressly protected is unprotected	Overall split, with At-Large opposing
➢ PR34 Provide advisory panel for applicants to contact for assistance in identifying geoterm, also which govt/PA for letter of support/non-objection	Overall split, with At-Large supporting. Concern raised on legal liability.
➢ Pr35 Maintain repository of geonames govt consider sensitive and/or important geonames but not require binding action by potential applicants	More oppose than support, At-Large supported
➢ Pr36 Leverage GAC expertise to help applicants determine if string relates to a geographic location, also which govt/PA for letter of support/non-objection	More support than oppose, At-Large supported
➢ Pr37 Require applicant demonstrate it has researched whether string has geo meaning and performed outreach deemed necessary (in addition to presence of Geographic Names Panel)	Overall split, with At-Large supported with qualification – level of research, especially translation
➢ Pr38 Applicant applying for geoterm, incl. non-listed in AGB, required to contact/consult relevant govt authority, show evidence	More support than oppose, At-Large supported

Public Comments: Qe11 Non-AGB "Geonames"

❑ **Qe11** 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?

Support for extending non-objection framework	Limited support for expanding list of "geographic" terms, with qualifications	Opposed to extending list of "geographic" terms, especially for preventative protection	"Others"
1. Government of Spain, Swiss Federal Institute of Intellectual Property, SWITCH, Icelandic Ministry for Foreign Affairs, German GAC, oriGIn, European Broadcasting Union, Government of France, Association of European regions for origin products (AREPO), Republic of Peru, 2. Portuguese Government, 3. Government of Brazil, 4. **ALAC – have Cat 1 & Cat 2 geonames, ISO 4217 currency codes as reserved special category**	1. RySG – part support for non-ASCII geographic terms, 2. dotBERLIN GmbH & Co. KG, Hamburg Top-Level-Domain GmbH, geoTLD.group -- support for non-ASCII geographic terms, 3. Dotzon GmbH support for non-ASCII geographic terms	1. RySG – part oppose, and esp. NO to ISO 3166-1 derivatives such as ISO 4217 currency codes 2. BRG – use curative mechanism, Geo PICs 3. BC, 4. RrSG 5. IPC – NO to ISO 4217 or anything not in 2012 AGB 6. INTA – reserved names and those subject to preventative protection should be smallest possible 7. US Govt – no international consensus recognizing govt rights in geo terms 8. Group of Registries: (Uniregistry, Minds + Machines Group, Top Level Design, Amazon Registry Services, Employ Media LLC) – ISO 4217 out of scope	1. NCSG – favours Pr37 require applicant demonstrates prior research on whether string has geographic meaning and do outreach 2. Governments of Argentina, Chile, and Colombia, Fundación Incluirme – use Pr1-5 new tools

❑ **Qe11 Treatment of terms not listed in 2012 AGB**

❑ What should we do about:
  o ISO 3166-1 derivatives such as ISO 4217 currency codes?
    ➢ How well end-users relate to currency codes of their respective countries and that of others?
    ➢ International currency exchange
    ➢ Do we foresee that a "non-authorised third party" may get a 3-letter string matching a currency code on the ISO 4217 list would allow it to be spuriously used for activities harmful to end-users?
    ➢ Assuming we foresee harm and therefore should consider asking for their protection, should they be reserved and made unavailable altogether? Or made available for application by appropriate authority only eg the relevant Central Bank or equivalent?

  o Other Non-AGB Terms?
    ➢ Mountains, rivers, etc, terms with geographic indications

❑ **An aspect of handling contention sets is silent in 2012 AGB**

o What should be done if there are two applications for the same non-capital city name string and at least one of the applicant is a say a community applicant which obtained a letter or support/non-objection from relevant PA and the other is a brand who has invoked the "non-intended use" regime?

  ➢ Should one applicant be given a priority over the other?
  ➢ What might be the process adopted for the designating of such priority (if any)?

o Could the same 'rule' be applied if there were more than two applications involved?

o Could the same 'rule' apply if the two applications were in respect of the same non-capital city name string in two countries and both received requisite support from their respective PAs?

Thank you for your engagement

Join Us further via the At-Large Consolidated Policy Working Group

We are the At-Large Community
Help Us Shape the Internet.

https://atlarge.icann.org/