UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures **Work Track 5**

**GEOGRAPHIC NAMES AT THE TOP LEVEL**

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AT-LARGE

# Geographic Names at the Top Level (Geonames)

## What is a Geoname?

- Refers to a string used as a Generic Top Level Domain (TLD) which is "*geographic in nature*" according to GNSO Policy.

### Existing 2007 GNSO Policy

- String must not be a reserved word
- Per <u>expert panel</u>: If application for string receives substantial opposition from a significant portion of the community to which string may be explicitly or implicitly targeted
- No geographical reserved names
- 2-letter names as ccTLDs only

**Versus**

### 2012 Implementation (per AGB v4)

- Strings in ASCII must be of 3 or more visually distinct characters; 2-letter strings not permitted to avoid conflict with ccTLDs per ISO 3166-1 standard
- Certain strings considered as country and territory names and not available in 2012 application round
- 4 categories of strings required letter of support or non-objection from relevant governments or public authorities (preventive protection)

# Geonames in 2012 Application Round

What Geonames were not available? Per AGB s 2.2.1.4.1, "Country or Territory Names"

i. "an alpha-3 code listed in the ISO 3166-1 standard."

ii. "a long-form name listed in the ISO 3166-1 standard, or a translation of the longform name in any language."

iii. "a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language."

iv. "a short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency."

v. "a separable component of a country name designated on the "Separable Country Names List," or is a translation of a name appearing on the list, in any language." (There is a list included in the AGB)

vi. "a 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.""

vii. "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."

# Geonames in 2012 Application Round

What Geonames were subject to preventive protection? Per AGB s 2.2.1.4.2, Geonames requiring letters of support or non-objection

**1. CAPITAL CITY NAMES**

"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."

**2. NON-CAPITAL CITY NAMES** (2-limb test)

"Any city name, 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."

Why are city names not universally protected?

- City names present challenges - may also be generic terms or brand names, and in many cases, not unique.
- No established lists that can be used as objective references in the evaluation process.

However, the process does provide a means for cities and applicants to work together where desired.

# Geonames in 2012 Application Round

What Geonames were subject to preventive protection? Per AGB s 2.2.1.4.2, Geonames requiring letters of support or non-objection (cont'd)

**3. SUB-NATIONAL PLACE NAMES**

"Any string that is an <u>exact match of a sub-national place name</u>, such as a <u>county</u>, <u>province</u>, or <u>state</u>, <u>listed in the ISO 3166-2 standard</u>."

**4. M-49 REGIONS**

"A string listed as a UNESCO region13 or appearing on the "Composition of macro geographical (continental) regions, geographical subregions, and selected economic and other groupings" list.

- 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.

- 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."

# Geonames in 2012 Application Round

GAC also addressed use of geonames at the top level

- GAC Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains (2005), paragraphs 4.1.1. , 4.1.2. and 8.3.
- GAC Principles Regarding New gTLDs (2007), sections 1.2 , 2.1 ,2.2, 2.3, 2.4 , 2.7 and 2.8.
- GAC Nairobi Communiqué (2010): Application of 2007 Principles.
- GAC Beijing Communiqué (2013): GAC Objections to Specific Applications.
- GAC Durban Communiqué (2013): Future application of 2007 Principles.
- GAC Helsinki Communiqué (2016): 3-letter codes.

 This list is non-exhaustive. Additional resources and documents on this topic from the GAC and other sources can be found on the Work Track 5 wiki page.

# Geonames in 2012 Application Round

What happened in 2012 Round?

- 66 applications self-identified as geoname applications
- The Geographic Names Panel determined:
  - ❖ 6 of the 66 were not geonames per AGB s.2.2.1.4 criteria (VEGAS, ZULU, RYUKYU, SCOT, IST, FRL)
  - ❖ 3 other applications were geonames even though not self-identified as such (TATA, BAR, TUI)
  - ❖ Therefore, there were 63 geoname applications
- Of the 63, 56 found to have acceptable letters of support or non-objection, where 54 have been delegated

- An additional 18 were subject to one or more GAC Early Warnings (concerns related to geo nature of string) (ROMA, AFRICA, SWISS, PERSIANGULF, PATAGONIA, CAPITAL, CITY, TOWN, VIN, YUN, 广州 [GUANGZHOU], SHANGRILA, 香格里拉 [SHANGRILA], 深圳 [SHENZHEN], ZULU, AMAZON, DELTA, INDIANS)
  - ❖ Of these, The Geographic Names Panel determined ROMA, AFRICA, 广州 [GUANGZHOU], and 深圳 [SHENZHEN] to be geonames per AGB s.2.2.1.4 criteria

# What is WT5 recommending for SubPro?

**1. Continue to reserve all two-character letter-letter ASCII combinations at the top level** for existing and future country codes. (no change to 2007 GNSO policy)

**2. Maintain treatment of Country and Territory Names, with clarification** to s 2.2.1.4.1.vi:

Permutations and transpositions of the following strings are reserved and unavailable for delegation:

- long-form name listed in the ISO 3166-1 standard
- short-form name listed in the ISO 3166-1 standard.
- short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 MA.
- separable component of a country name designated on the "Separable Country Names List."

Strings resulting from permutations and transpositions of alpha-3 codes in ISO 3166-1 standard are available for delegation, unless the strings resulting from permutations and transpositions are themselves on that list

(Updates 2007 GNSO policy)

**3. Maintain 2012 AGB s. 2.2.1.4.2 on Geonames Requiring Govt Support**, + update to s. 2.2.1.4.2.4:

The "Composition of macro geographical (continental) regions, geographical subregions, and selected economic and other groupings" list is more appropriately called the "Standard country or area codes for statistical use (M49)." The current link for this resource is https://unstats.un.org/unsd/methodology/m49

(Updates 2007 GNSO policy)

# What did WT5 not have consensus over?

1. Languages/Translations
   ❖ No agreement on any of the proposals submitted, so the recommendations suggest <span style="color:red">maintaining "in any language"</span>

2. Categories of Terms Not Included in 2012 AGB (i.e . Non-AGB Terms)
   ❖ Could not establish strong support on any of the 3 proposals submitted, so <span style="color:red">NO recommendation on Non-AGB Terms</span>.

3. Non-Capital City Names
   ❖ No agreement to pursue either of the 2 proposals submitted, so <span style="color:red">NO recommendation on Non-Capital City Names</span>

4. Resolution of Contention Sets Involving Geonames
   ❖ No agreement on any of single proposal submitted, so <span style="color:red">NO recommendation to change rules on string contention resolution</span>

5. Implementation Improvements
   ❖ None of the proposals were ultimately included in final recommendations.

# What did WT5 not have consensus over?

## 1. Languages/Translations

- 2012 AGB stated,
  - ❖ A string is considered unavailable if it is a translation <u>in any language </u>of the following categories of country and territory names: long-form name listed in the ISO 3166-1 standard; short-form name listed in the ISO 3166-1 standard; separable component of a country name designated on the "Separable Country Names List."
  - ❖ Applicants are 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, <u>in any language</u>, of the capital city name of any country or territory listed in the ISO 3166-1 standard.
- Proposals were considered for changing "in any language" to:
  - ❑ "UN and official languages (or "de-facto" official languages)" alone
  - ❑ "UN and official languages (or "de-facto" official languages)" and including "relevant national, regional and community languages"
- Another proposal suggested requiring a letter of support or non-objection in the case of capital city names, where there is transposition of accented and diacritic characters in Latin-based scripts to their ASCII equivalent (eg. sao-tome would be protected as a DNS-Label of São Tomé alongside the IDN version of the name (xn--so-tom-3ta7c)
  - ❑ Also with further adjustment, proposing reservation of versions of country and territory names where there is transposition of accented and diacritic characters in Latin-based scripts. eg, Österreich and Osterreich
- WT5 ultimately could not reach agreement on any of the proposals submitted, and therefore the recommendations suggest <span style="color:red">maintaining "in any language"</span>

# What did WT5 not have consensus over?

## 2. Categories of Terms Not Included in 2012 AGB (i.e . Non-AGB Terms)

- Should additional categories of terms not included in the 2012 Applicant Guidebook should be subject to special rules or procedures going forward?
  - ❖ WT5 members considered what specific, and ideally finite, list of additional geographic terms should be protected, including the basis for protections and the proposed protection mechanisms. This suggestion was based on the fact that previous discussions were broad and ambiguous, which could lead to confusion and uncertainty for applicants and the parties seeking to protect geographic terms.
- Proposal #1: require applicants for certain strings to contact the relevant public authorities to put them on notice that the application was being submitted
  - ❖ Affected strings would include (a) Exact matches of adjectival forms of country names (as set out in the ISO 3166-1 list), in the official language(s) of the country in question and (b) Other terms with geographic meaning, as notified by GAC Members states or other UN Member states to the ICANN Organization. The country would need to provide the source in national law for considering the relevant term as especially protected. ICANN would publish the list of terms covered in part (b) of the proposal.
- Proposal #2 "Early Reveal Process": where ICANN would reveal to relevant governments if an applicant had applied for an exact match of an adjectival form of a country name (as set out in the ISO 3166-1 list) in the official language(s) of the country in question.
- Proposal #3: require a letter of support/non-objection from the relevant regional or autonomic authority for an autonomous area/region of a country. It was noted that while there is not a single authoritative list of such regions, it could be possible to create a list from existing resources available.
- WT5 could not establish strong support on any of the proposals submitted, therefore NO recommendation on Non-AGB Terms.

# What did WT5 not have consensus over?

## 3. Non-Capital City Names

- In the review of public comments, WT5 revisited the issue of whether there should be changes to rules contained in the 2012 ABG for non-capital city names.
  - ❖ There was no unified theme in the public comments that pointed to a clear path forward.
- Proposal #1: amend AGB s. 2.2.1.4.2 part 2(a) by specifying:
  - ❖ "For the avoidance of doubt, if an applicant declares in their application that they will 1. operate the TLD exclusively as a dotBrand; and 2. not use the TLD primarily for purposes associated with a city sharing the same name, then this is not a use of the TLD for "purposes associated with the city name" in order to provide greater clarity and certainty for potential applicants by elaborating a specific circumstance where support/non-objection requirements would not be applicable.
- Proposal #2: revise AGB s. 2.2.1.4.2 part 2 to require letter of support or non-objection
  - ❖ If 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 it is a non-capital city name listed in http://unstats.un.org/unsd/demographic/products/dyb/dyb2015/Table08.xls
- WT5 could not establish agreement on either proposal, therefore NO recommendation on Non-Capital City Names.

# What did WT5 not have consensus over?

## 4. Resolution of Contention Sets involving Geonames

- In the 2012 application round, the method of last resort for resolving contention between two or more applications was an auction. The full SubPro PDP WG is addressing auctions of last resort between two or more strings that are not geographic names.

  - ❖ AGB s.2.2.1.4.2 rules,

    - ▪ If there is more than one application for a string representing a certain geographic name, and the applications have requisite government approvals, the applications will be suspended pending resolution by the applicants.

    - ▪ If a contention set is composed of multiple applications with documentation of support from the same government or public authority, the set will proceed to auction when requested by the government or public authority providing the documentation.

    - ▪ If an application for a string representing a geographic name is in a contention set with applications for similar strings that have not been identified as geographical names, the set will proceed to auction.

- Proposal: update AGB Module 4 with,

  - ❑ "In case there is contention for a string where one application designated the TLD for geographic purposes, <u>preference should be given to the applicant who will use the TLD for geographic purposes if the applicant for the geoTLD is based in a country/or the TLD is targeted to where national law gives precedent to city and/or regional names</u>.

  - ❑ In case a community applicant is part of the contention set, and it did not pass CPE, the geoTLD will be granted priority in the contention set. If the community applicant passes the CPE, it will be granted priority in the contention set."

- WT5 could not establish agreement on proposal submitted, so <span style="color:red">NO recommendation to change rules on string contention resolution</span>

# What did WT5 not have consensus over?

## 5. Implementation Improvements

- The WT5 supplemental Initial Report included a series of proposals that did not seek to change the underlying rules in the 2012 AGB, but instead attempted to address issues that arose in implementation. (see pages 38 and 39 of SIR for details)

- Some of these proposals were revisited in additional deliberations, although none were ultimately included in the final recommendations.