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# Work Track 5 - New gTLD Subsequent Procedures Policy Development Process Working Group

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2 November 2019 - WT5 Face to Face



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# Introduction and Status

Agenda Item #1

# About Work Track 5

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- Work Track 5 is a sub-team of the New gTLD Subsequent Procedures Policy Development Process (PDP) Working Group (WG) that is now concluding its work.
- The overall WG is tasked with calling upon the community's collective experiences from the 2012 New gTLD Program round to determine what, if any changes may need to be made to the existing 2007 Introduction of New Generic Top-Level Domains policy recommendations.
- Work Track 5 focused on reviewing the existing policy and implementation related to the topic of geographic names at the top level, determining if changes were needed, and recommending revised or new policy and/or implementation guidance, as appropriate.

# Scope of Work

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The scope of work included geographic names at the top-level only:

- Two-character ASCII letter-letter combinations
- Country and Territory Names (alpha-3 on 3166-1, short and long-form in ISO 3166-1, additional categories in section 2.2.1.4.1 of AGB)
- Capital cities in ISO 3166-1, city names, sub-national names (e.g., county, province, state in ISO 3166-2)
- UNESCO regions and names appearing in the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings”
- Other geographic names such as geographic features (rivers, mountains, valleys, lakes, etc.) and culturally significant terms related to geography (also known as non-AGB geographic terms)

# Current Status

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- Work Track 5 has drafted a Final Report to the Full Working Group including a set of recommendations for the WG to consider.
- A consensus call was held within Work Track 5 on the Final Report, and the Report was supported by consensus.
  - “Consensus” in the GNSO means: a position where only a small minority disagrees, but most agree.
- Work Track 5 has now submitted its Final Report to the full Working Group.
- This concludes Work Track 5’s work, unless the full Working Group asks Work Track 5 to deliberate on an issue that has not yet been considered in the Work Track.

# Next Steps

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- All recommendations coming out of Work Track 5 will be reviewed and discussed by the full Working Group and to the extent that they are included in the WG's Final Report, will be subject to a consensus call in the full WG.
- The Final Report of the full Working Group will be sent to the GNSO Council for further consideration and adoption.
- Once adopted by Council, the recommendations in the Final Report will be sent to the ICANN Board.
- Following consultation with the GAC and community, the Board will vote on the Final Report recommendations.



# Work Track 5 Highlights

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- Inclusive leadership team structure with four co-leaders, one from each the ALAC, ccNSO, GAC, and GNSO.
- 168 members and 99 observers. Members include those from:
  - At-Large, ccNSO, GAC, GNSO, and RSSAC
  - GNSO SG/Cs: RySG, NCSG, NCUC, NPOC, IPC, BC, and ISPCP
- Work Track 5 began meeting in November 2017 and held 52 meetings over the course of nearly two years.
- The co-leaders provided updates to interested groups in the community during ICANN meetings and by reporting back to their respective groups between meetings. Newsletters were published regularly and distributed to all interested individuals.
- Additional community input gathered through open working sessions at ICANN meetings, cross-community/high interest topic sessions at ICANN59 and ICANN62, and through public comment on the WT5 Supplemental Initial Report.

# Context for Recommendations

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- There were significant differences between the 2007 policy recommendations and the 2012 implementation addressing geographic names at the top level.
  - An important goal for Work Track 5 was to ensure that policy and implementation on this topic are aligned in subsequent procedures.
  - A key premise of Work Track 5's deliberations was that unless there was agreement in the Work Track to recommend a change from the 2012 implementation, the Work Track would recommend maintaining the rules included in the 2012 Applicant Guidebook and bringing policy recommendations up-to-date to reflect this implementation.
  - After extensive discussion, the Work Track was unable to agree to recommendations that depart from the 2012 implementation.
  - WT5 recommends updating the GNSO policy recommendations to be consistent with the 2012 Applicant Guidebook and largely maintaining the Applicant Guidebook provisions for subsequent procedures. This brings GNSO policy recommendations in line with implementation, which the co-leaders consider a significant achievement given the diversity of perspectives on this issue and the challenges in finding compromise that is acceptable to all parties.
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# 2007 Policy Recommendations

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## Recommendations included in the Final Report - Introduction of New Generic Top-Level Domains (2007):

**2007 Policy Recommendation 5:** Strings must not be a reserved word.

**2007 Policy Recommendation 20:** An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.

The discussion of Recommendation 5 in the Report included reference to the Reserved Names Working Group Final Report, which states: “There should be no geographical reserved names . . . The proposed challenge mechanisms currently being proposed in the draft new gTLD process would allow national or local governments to initiate a challenge, therefore no additional protection mechanisms are needed. . . However, new TLD applicants interested in applying for a TLD that incorporates a country, territory, or place name should be advised of the GAC Principles, and the advisory role vested to it under the ICANN Bylaws. . . We recommend that the current practice of allowing two letter names at the top level, only for ccTLDs, remains at this time.”

# 2007 Policy vs. 2012 Implementation

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- The policy from 2007 recommended no reserved geographic names and reliance on curative mechanisms to address any issues related to geographic names.
- The implementation in 2012, as documented in the Applicant Guidebook, was substantially different from the GNSO's policy recommendations.
- The ICANN Board, at the urging of the Country Code Supporting Organization (ccNSO) and Governmental Advisory Committee (GAC), directed staff to exclude country and territory names from delegation in the Applicant Guidebook. Other geographic names, listed in section 2.2.1.4.2 of the Applicant Guidebook, required a letter of support or non-objection, though for non-capital city names, the need for the letter was dependent upon intended usage of the string.

# 2012 Implementation - 2 Character Strings

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2012 Applicant Guidebook, Section 2.2.1.3.2 String Requirements, Part III, 3.1:

“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.”

# 2012 Implementation - Country and Territory Names

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Under Section 2.2.1.4.1 Treatment of Country or Territory Names, the following strings are considered country and territory names and are not available for delegation:

- 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 long-form 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.”
  - 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.
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# 2012 Implementation - Geographic Names

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Section 2.2.1.4.2 Geographic Names Requiring Government Support states that applications for the following strings must be accompanied by **documentation of support or non-objection from the relevant governments or public authorities**:

1. 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.
2. 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.
3. 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.
4. “An application for a string 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. . .

# WT5 Recommendations

## Agenda Item #2



# WT5 Recommendation 1

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Consistent with Section 2.2.1.3.2 String Requirements, Part III, 3.1 of the 2012 Applicant Guidebook, continue to reserve all two-character letter-letter ASCII combinations at the top level for existing and future country codes.

This recommendation is consistent with the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007.

# WT5 Recommendation 2

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Maintain provisions included in the 2012 Application Guidebook section 2.2.1.4.1 Treatment of Country and Territory Names, with the following clarification regarding section 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 Maintenance Agency.
- separable component of a country name designated on the “Separable Country Names List.”

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

# WT5 Recommendation 3

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Maintain provisions included in the 2012 Application Guidebook section 2.2.1.4.2 Geographic Names Requiring Government Support, with the following update regarding section 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>.

The 2012 Applicant Guidebook provisions contained in section 2.2.1.4.2 are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top Level Domains from 8 August 2007. This recommendation would make the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.

# Issues Considered

Agenda Item #3

# What the Work Track Considered in Deliberations

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At a high-level, the Work Track's deliberations included the following:

- Considering principles that might guide the development of policy and implementation guidance, for example increasing predictability, reducing the likelihood of conflicts, promoting simplicity, and allowing for introduction of New gTLDs.
- Sharing different views on the extent to which the following should drive policies and rules regarding geographic names in the New gTLD Program: international law, national/local law, norms and values, other factors.
- Discussing the appropriate mix of curative and preventative measures that should be used in the New gTLD Program with respect to geographic names.
- Examining perspectives on intended use: Should the way the applicant intends to use the string impact the rules that the New gTLD applicant must follow? For which strings?
- Considering which parties should “have a say” in the delegation of strings with geographic meaning.
- Reviewing issues experienced and observed in the 2012 application round, including those perceived as policy shortcomings and implementation issues.

# What the Work Track Considered in Deliberations

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More specifically, the Work Track considered different perspectives on:

- The pros and cons of the existing implementation for each category of terms included in the AGB, as well as possible alternative treatments for the different categories of terms.
  - Some of these proposed alternatives suggested an increase in protections/restriction and others suggested a decrease in protections/restrictions relative to the 2012 Applicant Guidebook.
- Whether additional types of terms should be subject to rules in subsequent procedures, which terms, and what rules might apply.
- Ideas to address perceived implementation issues that some members identified from the 2012 application round.
- The extent to which translations of terms protected in the Applicant Guidebook should also be subject to the same rules, as well as the languages covered under translation provisions.
- Whether WT5 should address the issue of delegating 3-letter codes listed in the ISO 3166-1, which are currently reserved and unavailable for delegation to anyone.
- Whether there should be new or additional rules regarding the resolution of contention sets that involve one or more geographic name.

# Proposals Considered

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- The Initial Report details 38 proposals put forward by Work Track members that the Work Track asked the community to consider in public comment. Proposals were on the following topics:
  - Proposed changes to the overall scope of protections for geographic names at the top level.
  - Proposals on the treatment of country and territory names.
  - Proposals related to requirements that applicants obtain a letter of support or non-objection from relevant governments or public authorities to apply for certain strings.
  - Proposals regarding additional categories of terms not included in the 2012 Applicant Guidebook.
  - Proposals suggesting changes to the implementation of the program with respect to geographic names at the top level.
- The Final Report contains additional proposals considered by the Work Track that members put forward following review of public comment on the Supplemental Initial Report.

# Public Comment Review and Further Deliberations

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- 42 public comments from a diverse set of stakeholders were received on the Supplemental Initial Report.
- The Work Track carefully considered all comments received, using a similar approach that the full WG group is using for review of public comments on the Initial Report.
- The Work Track focused additional deliberations on several topic areas that it considered particularly challenging, and discussed additional proposals put forward by members on these topics:
  - The extent to which translations of certain strings into different languages should receive protections, as well as the languages to be included in these provisions.
  - Whether there should be additional categories of terms not included in the 2012 AGB that should be included in future Applicant Guidebooks.
  - The treatment of city names that are not capital city names.
  - Resolution of contention sets that include one or more geographic name(s).
  - Overarching implementation changes for the program in relation to the treatment of geographic names.
- The additional deliberations and proposals are detailed in the Final Report.



# Q & A

## Agenda Item #4