

## **Statement of the Non-Commercial Stakeholders Group on the Work Track 5 on Geographic Names at the Top Level - Supplemental Initial Report of the New gTLD Subsequent Procedures Policy Development Process<sup>1</sup>**

The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the Supplemental Initial Report on the New gTLD Subsequent Procedures Policy Development Process Working Group that was published by ICANN org on 5th December 2018.

We note that the NCSG participated in earlier community consultations regarding this PDP by submitting comprehensive public comments<sup>2</sup> to the:

- (a) Community Comment 2 (CC2) questionnaire developed by ICANN org to assess possible changes or additions needed to the existing new gTLD policy recommendations in May 2017,
- (b) ICANN org questionnaire presented at the Initial Report on the New gTLD Subsequent Procedures Policy Development Process<sup>3</sup> in September 2018, and the
- (c) Supplemental Initial Report on the New gTLD Subsequent Procedures Policy Development Process (Overarching Issues & Work Tracks 1-4)<sup>4</sup>.

Historically, the NCSG has supported the introduction of new generic top-level domain names in response to the demand for additional new top-level domains. Also, we understand that they aid consumer choice through the potential to promote competition in the provision of registry services, market differentiation, and geographical and service-provider diversity. That being said, the 2012 Applicant Guidebook saw an expansion of restrictions on new generic top-level domains, and many of the preliminary recommendations outlined in the Initial Report attempt to codify these restrictions into policy recommendations. In line with the existing 2007 Policy Recommendations, we believe that “there should be no geographical reserved names (i.e., no exclusionary list, no presumptive right of registration, no separate administrative procedure, etc).”<sup>5</sup>

We furthermore reject provisions requiring applications for certain strings to be accompanied by documentation of support or non-objection because such an expansion of the number and type of Reserved Words is not sufficiently justified to outweigh the risks posed to the fundamental human rights to freedom of expression, innovation and consumer choice. We believe that treating all strings equally (regardless of their geographical status) and allowing the existing processes to manage objections and disputes on a case-by-case basis creates a system that balances the rights and interests of stakeholders more fairly and transparently.

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<sup>1</sup> Public Comment webpage: <https://www.icann.org/public-comments/geo-names-wt5-initial-2018-12-05-en>

<sup>2</sup> NCSG Contribution to the New Subsequent Procedures PDP Community Comment 2:

<https://www.ncsc.org/wp-content/uploads/2017/05/NCSGproposedCommentonCC2.pdf>

<sup>3</sup> See Questionnaire/Public Comment Response from the Non-Commercial Stakeholders Group:

[https://docs.google.com/document/d/1SxCa4cn-NEiS\\_tea-jUP02DSG6IEzf\\_O4\\_MBPLUtxZs/edit](https://docs.google.com/document/d/1SxCa4cn-NEiS_tea-jUP02DSG6IEzf_O4_MBPLUtxZs/edit)

<sup>4</sup> NCSG contribution to the Supplemental Initial Report on the New gTLD Subsequent Procedures:

<https://docs.google.com/document/d/1lpRUS9wRifXF12tervp6Gpq1D61-EVsChvhIjRu5FCO/edit>

<sup>5</sup> Supplemental Report on the new gTLD Subsequent Procedures Policy Development Process (Work Track 5 on Geographic Names at the Top Level):

<https://gnso.icann.org/sites/default/files/file/field-file-attach/subsequent-procedures-geo-names-supp-initial-05dec18-en.pdf>

We have structured our submission on this matter into three parts to mirror the structure of the Initial Report. The first will address the preliminary recommendations offered by the Work Track members, the second responds to questions posed for community input, and the third presents the NCSG's comments on the options/proposals set out in the Initial Work Track 5 Supplemental report.

## **PART I: Preliminary Recommendations**

Preliminary Recommendation #1: The NCSG objects to maintaining the reservation of certain strings in the top level in upcoming processes on the basis of free expression and maximizing the availability of domain names available for delegation. We also categorically reject provisions requiring applications for certain strings to be accompanied by documentation of support or non-objection from relevant governments or public authorities. We generally support no change to the existing 2007 Policy Recommendation that there should be no geographical reserved names. Additional points are elaborated in the responses below.

Preliminary Recommendation #2: Given that only one country has been created in the past two decades (South Sudan in 2001), the status quo of reserving all two-character letter-letter ASCII combinations ought to be assessed in terms of freedom of expression and the availability of string identifiers for delegation. At a minimum, the working group should consider making deleted or unassigned ISO 3166-1 alpha-2 codes (.jk, .oj, etc) available for delegation.

Preliminary Recommendation #3: As the ISO 3166-1 has been historically used to determine eligible country code top level domain names, the usage of such a list to determine the future delegation can reduce the arbitrary nature of delegation. The NCSG does not object to using the ISO 3166-1 list for considering the delegation in future processes, however, we would like to record our concerns regarding reservation of codes and names in general.

As mentioned above, while we do not oppose the use of the ISO list as a reference for future country codes, as a stakeholder group we are concerned with the reservation of codes and names that could eventually be linked to a country. The lack of legal basis in such reservations is a concern. Accordingly, the NCSG does not agree with such a recommendation. Alpha-3 codes in the ISO 3166-1 should be made available for delegation.

Preliminary Recommendation #4: The NCSG is concerned that a long form of a geographical entity as defined by ISO-3166-1 long forms is overly broad to be used as a strict set of reservations. For example, certain regions represent a very small geographical area, and the unavailability of such strings does not serve the public interest. Primarily, this restriction adversely affects delegations of areas where sovereignty is either disputed or that a given region is part of a superset, and prevent delegation of a gTLD that would best represent these regions and the people within. (Please see NCSG responses to Questions E9-11 in Part II for more details.) On the topic of reserving the translation of a given long form string, NCSG believes that including the translation of the listed names can lead to the unnecessary expansion of reserved names, making those names unfairly and arbitrarily unavailable.

Preliminary Recommendation #5: Please see comments on Rec #4. As noted elsewhere in this document, it is a concern that country and territory names listed in short form remain reserved. Short form names can be disputed between state and non-state actors.

Preliminary Recommendation #6: In keeping with our previous comments, the NCSG does not support the reservation of strings associated with the short- or long-form name that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency. Please see our comments in response to Questions E9-11 in Part II for additional explanation.

Preliminary Recommendation #7: The NCSG does not support the reservation of strings determined to be a separable component of a country name designated on the “separable Country Names List” included as an appendix to the 2012 Applicant Guidebook. As previously stated, we believe that the expansion of the number and type of Reserved Words witnessed in the 2012 Applicant Guidebook was not sufficiently justified to outweigh the risks incurred and contravene the corresponding 2007 Policy recommendations. Please see our comments on Recommendation #4 above and responses to Questions E9-11 in Part II for additional explanation.

Preliminary Recommendation #8: As to the strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1 standard, it is unclear whether these strings are allowed to be available for any applicant, since it is listed under the category of “continue to reserve as unavailable” in the executive summary of the report. This should be clarified in the executive summary. The NCSG does not support reservation of strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1.

Preliminary Recommendation #9: Reservation of names by which a country is commonly known is not acceptable as it does not have a legal basis nor can it be restricted to a limited number of names based upon a set of defined standards.

Preliminary Recommendations #10, #11, and #12: Receiving non-objection letters from public authorities and governments is burdensome and sometimes impossible, especially if it is not clear which public authority is in charge of decision making in this matter. It is also not clear what would happen if the public authority does not react at all to the efforts of obtaining a non-objection letter. Moreover, it is unclear what would happen in the common situation where multiple cities, states, provinces, or other sub-national places share common names. Putting ICANN in the position of evaluating the validity of such claims would be an illegitimate expansion of mandate.

Preliminary Recommendation #13: While we do not oppose using ISO 3166-1 and ISO 3166-2 for deciding in which cases a letter of non-objection should be obtained, we oppose the following recommendation: Applications for a string listed as a UNESCO region or appearing on the “Composition of macro geographical (continental) regions, geographical subregions, and selected economic and other groupings” list (preliminary recommendation #13). The cases should be limited to ISO 3166-1 and ISO 3166-2 and no other United Nations or other international organizations groupings should be used. It is paramount to consider that at different UN agencies, regional groupings and geographical regions differ. Including such organizations, opens the door to broad interpretations and expansion to the list of names that cannot be delegated.

## **PART II: Questions for Community Input**

### Question E2

It is the position of the NCSG that the concept of “geographical name” in and of itself is problematic. Geographical borders can be fluid and easily change over time and something that isn’t a geographical name could easily become one (and vice versa). Furthermore, it is impossible to use a definitive list of geographical names as published by organizations such as the United Nations due to disputes on what is and is not a recognized state. By treating geographical names as a special case, ICANN itself may end in an unfortunate position of having to take sides in territorial disputes between nation states as part of the string delegation process. This is well beyond ICANN’s mission and mandate, and such involvement could needlessly embroil ICANN in complicated geopolitical debates and saddle the community and organization with unnecessary liability.

Furthermore, as it stands, current policy inconsistently treats strings as city names as acceptable gTLDs, while country/regional names are ineligible for delegation. This creates inconsistency in what is and isn’t an acceptable string as a region may be more well known than the given cities within it. In addition, there are areas where a regional name may conflict with another well known entity.

Any list-based exclusionary right must be subject to strict scrutiny by the community and applied narrowly to applications so as not to violate freedom of expression. Shifting from curative to preventative rights protections, marks a departure from traditional ICANN policy-making and adds unnecessary process bloat in addition to an unwarranted expansion of mandate. The scale of the gTLD environment is relatively limited, and automated processes can assist with monitoring. It should be possible for governments and other entities to effectively use curative mechanisms.

In summary, it is the position of the NCSG that the applicable 2007 policy recommendations should be upheld: geographical names do not deserve special treatment and should be handled as any other string..

### Question E3

The NCSG has previously stated that preventive measures at best create roadblocks to delegation and at worst represent arbitrary barriers to entry that are better resolved at the objectives phase of the gTLD process. As discussed in other points, the definition of what is and isn’t a geographical entity is fluid, and the division between a territory, region, and city can accurately be described as arbitrary. A blanket preventive block would prevent even a discussion on merits of such delegations by the community.

We do not support the expansion of preventative rights protection mechanisms. First, governments have no basis to restrict usage of or exert sovereignty over geographic names in international law, whereas the fundamental human rights to freedom of expression is firmly protected in international treaties, regional human rights instruments, and domestic human rights laws around the world.

Second, sufficient due diligence (through, for example, human rights impact assessments) was not conducted prior to restricting these rights in order to demonstrate that immediate, visible benefits (e.g. quality control on regional products) have been weighed against unintended long-term consequences (e.g. restriction of freedom of expression and access to information).

Third, inadequate proof has been given to demonstrate that a preventative system requiring letters of support/non-objection from relevant governments or public authorities would lessen burdens of communities of people associated with a place. Identifying and contacting the proper authority for a given process is not always straightforward, and there is no guarantee that fulfilling the requirement of a letter of support or non-objection would result in an affirmative response, as governments may withhold or deny support/non-objection at their discretion regardless of claim's validity.

Finally, insufficient consideration has been given to the systems of recourse that would need to be established in order to provide remedies for applicants whose petitions for letters of support/non-objection were uncontested or improperly handled. Becoming involved in this type of dispute resolution is far beyond ICANN's mandate and capacity.

#### Question E4

In terms of principles, the NCSG recommends that internationally recognized human rights, including those expressed in the Universal Declaration of Human, guide the decisions and actions of Work Track 5 in accordance with the human rights commitment outlined in ICANN's Core Values and corresponding Framework of Interpretation.<sup>6</sup> The group should moreover consider utilizing established frameworks for assessing human rights impacts to document risk-benefit trade offs and clarify decisions made during the policy development process.

With respect to the principles listed, we agree that policies and processes should be simple to the extent possible. Moreover, considering the intent and designs of the new gTLD project, the NCSG believes that WT5 should strive to remove as many special cases for string delegations as possible as there is no "one size fits all" solution to regional names. Due to the inherently shared nature of geographical names, it is inevitable that conflicts will arise unless the farcical notion of banning of geographical names as string delegations altogether was enacted as policy. As such, ICANN's policies should be focused on allowing all opinions and objections to be heard, and not create administrative roadblocks that prevent parties from applying in the first place.

Furthermore, by enacting policies that exclude or provide preference to specific parties on the basis of the intended use of a given name, or regional size (as discussed under proposes under E5) could be considered discriminatory.

#### Question E5

Geographic Names or any other domain names with geographical relevance are not protectable under International law unless they fit into a legal category of protection. Efforts to invoke international laws to apply to domain name allocation set an adverse precedent on how ICANN is governed. In light of the many different functions that a name can have, the protections applicable shall consider the possible uses of it and treat the objections of all stakeholder groups equally.

Also, it is important to note that geographical names shall not be confused by the "Geographical indications" definition set by the WTO TRIPS agreement. Paragraph 22 of this agreement states that,

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<sup>6</sup> Proposed Framework of Interpretation and Considerations concerning ICANN's Human Rights Bylaw. Available at: <https://community.icann.org/display/WEIA/Documents?preview=/59641302/79437270/CCWG-Accountability-WS2-HumanRight-FinalReport-20171106%5B1%5D.pdf>

“Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”

To consider expanding the list of protected names based on simple allegations of importance from given countries would eventually create uncertainty and confusion in the Domain Name space due to the lack of verifiable rights applicable to them. We do not envision it to be feasible for national laws and policies to serve as the basis for the development of policies regarding geographic names as countries cannot dictate the enforcement of their national laws, particularly with respect to their own protected regional specialities. Permitting the assertion of such rights will complicate the global and transnational nature of ICANN and weaken the multistakeholder process.

On the note of the applicability of norms and values, it is rather inaccurate to state that the use of Geographical Names by a non-governmental registrant would be wrong. With regard to this point, we should bear in mind the importance of allowing non-governmental parties the right to register a certain name and trust that this will be done (a) in good faith, and (b) with the possibility that a geoname can have more than one meaning.

Therefore, the NCSG believes that while the reassurance of ICANN’s compromise of respecting relevant principles of both international and applicable local laws is important, the input provided by the entire community is also relevant. By that we mean that despite the need to respect applicable local laws, the eventual protections imposed to geonames are not binding to ICANN once they are only to be considered at a local level.

#### Question E6

The NCSG does not agree with the reservation of strings in light of translations in other languages. This policy present in the 2012 Applicant Guidebook leads to the expansion of the list of reserved names and to an arbitrary restriction of consumers freedom of choice.

#### Question E7

The NCSG believes that three-letter country codes should be delegated upon request as per the gTLD process and go through the normal objection process. Traditionally, two-letter country codes have been used for the purpose of countries/territories in the form of ccTLDs. Furthermore, many of the original TLD were three letter codes, including several in the first round of gTLDs such as .gay. To change the rules at this point would be inconsistent with policy and tradition for - at best - minimal gain. The NCSG position is that WT5 should not issue a recommendation on this issue but rather allow existing policy to stand.

#### Question E8

Please see the NCSG’s responses for E6, E9, and E10 for our positions on this issue relating to the requirement of government support for delegation of these names, translation, and letters of support/non-objection from government agencies.

#### Questions E9 and E10

Having in mind the need to ensure proper protections for freedom of expression as a universally recognized human right (Art. 19 of UDHR and ICCPR), and given such protections are reiterated by ICANN in the 2007 Public Policy Principles for New gTLDs (Principle G), the NCSG stands firm in its position that freedom of expression can only be restricted by law. At the same time, the string evaluation process should be coherent with the internationally recognized principles of law. Moreover, the UN Human Rights Council in its 2012 Resolution proclaimed that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers.

An applicant for new gTLD is exercising his/her right to freedom of expression by lawful use of words. Reference to a city, and the usage of a city name, falls under the scope of the right to freedom of expression. International law does not contain any specific requirements with regard to usage of city names, nor does it mention the need to obtain prior permission of the government. In this regard, the NCSG believes that governments should have no priority rights to non-capital city names as compared to other applicants when it comes to allocation of new gTLDs.

The NCSG strongly believes that any policy proposal regarding geographic names should take into consideration an intended use for the domain name. Reference to the intended use gives an understanding of whether a gTLD will be used in good faith. If at a later stage it appears that a name is misused, there are curative rights mechanisms available to file an objection. The objection process should be seen as a sufficient means to address governments' concerns as to the application, in the same way as it works for other stakeholders who have to closely monitor an application process and raise their concerns in a timely manner in order to prevent violation of their rights and interests.

There are many cases of using the same name for many cities, making the requirement of obtaining prior non-objection practically infeasible. Moreover, in some cases an applicant might reside under one jurisdiction, while applying for a gTLD being a city name, which falls under another jurisdiction. In this case, getting a non-objection from the competent authority to whom the city name is relevant is likely to be cumbersome and time consuming for an applicant.

If an intended use is lawful and is not aimed at misrepresentation of a connection with or the legal authority itself, then it should be permitted without placing any additional requirements on the applicant seeking to get a gTLD. On the other hand, a misrepresenting intended use could be subject to retrospective restrictions without constituting a violation of a freedom of expression.

Therefore, the NCSG would recommend modification of the current requirement to obtain a letter of support or non-objection when applying for a string containing a non-capital city name in subsequent procedures. According to this proposal, which the NCSG finds to be in compliance with the internationally recognized guarantees for freedom of expression, "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". As laid down in the Supplemental Report, this proposal changes the standard 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. It increases contractual requirements and, therefore, enhances protections for geographic places.

The NCSG wants hereby to avail itself of this opportunity to remind ICANN Org of its commitment to support a universally recognized right to freedom of expression equally enjoyed by all applicants for new gTLDs, and to foster competition and transparency in the process of new gTLDs allocation. The NCSG also calls upon ICANN to eliminate existing and avoid placing new unnecessary and legally unjustified barriers for stakeholders, other than governments, to apply for new gTLDs.

#### Question E11

The NCSG believes that it would be extremely difficult to define precisely and in a clear and unambiguous manner what a “geographical term” is, for the purpose of clearer rules than what was found in the 2012 Applicant Guidebook. While some terms are obvious and already protected, others are not so obvious. The discussion in the full WT5 report at pages 72-78, and the number of different proposals (5 in total) show that there can be reasonable and highly divergent views on the matter. In that sense, the NCSG is uncertain whether the purported "geographical" nature of a term, not already identified as such, should trigger a specific body of rules, given that it is difficult to define first what is a geographical term in abstracto. It appears that the main debate is around the appropriation of terms, of a geographical character, as TLD strings, by corporate entities and/or intellectual property holders, to the detriment of communities or organisations that have a stake or some other relation, legal or not, with the term in question.

Giving precedence to one or another group is making a political decision, even if the decision is seemingly based on who has legal rights. In that regard, the NCSG believes that it is important to consider all “stakeholders” of a given string even if they do not dispose of legal rights over the term. In that sense, and with regards to the above, the NCSG would favour a solution akin to that of proposal 37 at page 78 of the Report. This kind of solution, whereby the applicant has to demonstrate research over and outreach to relevant stakeholders in the term, avoids the constitution of a list of some sorts, or of other types of rigid rules, which are doomed to be both under- and over-inclusive. At the same time, it provides that all relevant stakeholders will have been to a certain extent involved in the application process. The question of which or whose right trumps whose is not to be determined by the geographical character of the term, and is better decided in other fora within the ICANN community and through other processes.

### **PART III: Options and Proposals**

Proposal 1 - Developing this tool would have only made sense if the WT5 had come up with criteria that were crystal clear. Asking the applicant to provide a non-objection letter from a “public authority” is not specific enough. However if the group, despite our strongly-held objections, agrees to asserting such measures, an online tool would be beneficial for the applicant.

Proposal 2 –

Proposal 3 – Mediation is nonbinding; parties are neither obliged to participate in the mediation process, nor to abide by the outcome. Hence mediation as a measure for resolution of dispute would be ineffective. Moreover, ICANN has always had a passive role in disputed strings and has no power to bind the parties to attend mediation.



Proposal 4 – Emphasis on the “government” is certainly misplaced in this proposal. Moreover, despite the fact that ICANN delegated some of the earlier ccTLDs, ICANN’s jurisdiction does not allow for some countries to apply for New gTLDs especially if they are government entities.

Proposal 5 – We agree with this suggestion.

Proposal 6 – We agree with this suggestion.

Proposal 7 – As we argued we do not agree with the non-objection or receiving permission from the governments. If WT5 cannot come to a consensus, then these requirements should only be applied to capital cities. Providing notice to “each relevant government or public authority” is ambiguous and its implementation is probably not going to be fair to potential applicants.

Proposal 8 – Disagree. The proposal seems arbitrary when it conditions the support to the existence of a designation of misspellings of geographic terms that is not seen as confusingly similar.

Proposal 9 – Disagree. This proposal opens the door to assertion of control and sovereignty and national laws to ICANN in the delegation, extension of contracts and other matters. This should be limited and avoided at all costs.

Proposal 10 – Disagree for the reasons provided in various parts of this document.

Proposal 11 – Disagree. As a stakeholder group we are concerned with the reservation of codes and names who could eventually be linked to a country. The lack of legal basis in such reservations is a concern. In that sense, the NCSG does not agree with such a recommendation.

Proposal 12 – Disagree. As a stakeholder group we are concerned with the reservation of codes and names who could eventually be linked to a country. The lack of legal basis in such reservations is a concern. In that sense, the NCSG does not agree with such a recommendation.

Proposal 13 – Disagree. As explained in our comments to preliminary recommendation #3, NCSG does not object to using the ISO 3166-1 list for considering the delegation in future processes, however, we would like to record our concerns regarding reservation of codes and names in general.

Proposal 14 – Disagree. As mentioned above, countries do not hold any rights to specific geographical names and that should be applied to permutations.

Proposal 15 – Disagree, please see our comments on Preliminary Recommendation #9 and also about the application of curative measures.

Proposal 16 – Disagree. As mentioned above, this measure leads to the expansion of the list of reserved names and to a rather arbitrary restriction of consumers freedom of choice.

Proposal 17 – We agree with this suggestion.

Proposal 18 – We agree with this suggestion.

Proposal 19 – NCSG Disagrees with this proposal, please see our comments to Preliminary Recommendation #11.

Proposal 19, Variants 1, 2 and 3 – NCSG Disagrees with this proposal for reasons stated previously in this document.

Proposal 20 – We agree with this suggestion, please see our answers to questions E9 and E10.

Proposal 21 – Disagree. Asking for governmental support in uses that are not related to the city or any other geographical relation is arbitrary.

Proposal 22 – Disagree, there should be no differentiation between applicants.

Proposal 23 – Disagree, we do not see the need for supporting the need for a letter of support/non-objection when the use is not related to the city or geographical name Also, International law doesn't contain any specific requirements with regard to usage of city names.

Proposal 24 – Disagree. International law doesn't contain any specific requirements with regard to usage of city names, let alone a reserved city names list.

Proposal 25 – Disagree. The proposal can result in an arbitrary restriction of consumers freedom of choice as it proposes adding city names with global recognition to the reserved names list. Also there is no legal justification for allowing countries to restrict the use of non-capital city names.

Proposal 26 – We agree with this suggestion.

Proposal 27 – We agree with this suggestion.

Proposal 28 – Disagree. Please see our comments to Preliminary recommendation #12 on this.

Proposal 29 – We agree with this suggestion.

Proposal 30 – We agree with this suggestion.

Proposal 31 – Disagree. NCSG does not support the inclusion of United Nations or other international organizations groupings to the list of names requiring government support/non-objections from the 2012 AGB. For more clarification, please refer to Preliminary recommendation #13

Proposal 32 – We agree with this suggestion.

Proposal 33 – We agree with this suggestion.

Proposal 34 – Disagree. This proposal represents an expansion of the AGB 2012 policies already in place as it promotes the restriction of strings that could be "related to a geographic term". Additionally, we are also not sure about the benefits of the advisory panel.

Proposal 35 – Disagree. As mentioned above, this measure leads to the expansion of the list of reserved names and to a rather arbitrary restriction of consumers freedom of choice.

Proposal 36 – Agree with this proposal as long as it is not mandatory for all applicants. The proposal would eventually result in GAC members working closely with the applicants in order to provide more background and clarity with regards to geographical names. But, at the same time, we are concerned that it would result in an expansion of situations in which an applicant would need to obtain

a letter of support / non-objection as the 'solution' is useful to monitor delegations and facilitate objections.

Proposal 37 – Disagree. Asking the applicant to demonstrate that it has researched "whether the applied-for string has a geographic meaning and performed any outreach deemed necessary" is a rather broad requirement. Also, there seems to be no specification about the level of research that might be required from the applicants in order to attest that they are adequate.

Proposal 38 – Disagree. Apart from being concerned with the reservation of codes and names who could eventually be linked to a country and eventual expansion of listed names, there is no legal basis in such requirement.

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Thank you again for opening this conversation up to the community. We are grateful to ICANN for this opportunity to share our perspectives on this important issue that impacts the introduction of geographic names, and we trust you will find our recommendations helpful. Finally, should the work Track 5 require any clarification regarding the contents of this document, the NCSG would be happy to answer clarifying questions.

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### **About the NCSG**

The NCSG represents the interests of non-commercial domain name registrants and end-users in the formulation of Domain Name System (DNS) policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organisational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999 (the Non-Commercial Domain Name Holders Constituency, NCDNHC), we have facilitated global academic and civil society engagement in support of ICANN's mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues. We believe our evidence-informed public interest-oriented contributions provide balance against state and market interests to protect non-commercial interests in ICANN's policy development process.