UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures
Consensus Building on Recommendations

RESERVED NAMES (v04)

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Reserved Names in SubPro: Background

- **What is the New gTLD Subsequent Procedures ("SubPro")?**
  - ❖ The set of rules and mechanisms applicable to the <u>next round</u> for New gTLDs, i.e. they DO NOT apply to legacy TLDs, ccTLDs, or delegated new gTLDs or those still unresolved from the 2012 application round
  - ❖ "An update" to the 2012 Round rules and mechanisms

- **Recap of Reserved Names Policy & Implementation in 2012 Round**
  - ❖ Certain names were not available as gTLD strings – where strings are matched/reviewed, and application will either not be allowed to be submitted, or to proceed or approved or delegated
  - ❖ "<u>Reserved Names & Other Unavailable Strings</u>":
    1. Top-Level Reserved Names List: 34 names listed in AGB (eg. AFRINIC, ALAC, ICANN, NRO, ASO, GAC, TEST, EXAMPLE etc) + translation of "test" and "example" – not allowed to be submitted
    2. Where String Similarity Review determines similar to a Reserved Name – will fail review
    3. Declared Variants List (IDN Variant TLDs) – not delegated unless/until variant management solutions are developed and implemented
    4. Strings Ineligible for Delegation (outside of TL Reserved Name List or String Similarity Review): (i) International Olympic Committee (ii) International Red Cross and Red Crescent Movement (sep. PDP) – will not be approved

Reserved Names in SubPro: Fast Forward to Current PDP

Key Issue
Should there be proposals to alter lists of Reserved Names?

ALAC STATEMENTS support:

End-user Confusion
- Avoidance of end user confusion as paramount consideration – all practicable, reasonable measures must be considered and implemented to safeguard this end user protection principle

Special Use DN
- Special Use Domain Names should be added to AGB Reserved Names at TL section to prevent applications for such strings

Spec 5, p3.2
- No change needed to Spec 5 Provision 3.2 RO's right to reserve up to 100 domain names at all level

RELATED SubPro Areas/Topics include:
- Reserved Names at the Top Level:
  - ❖ IGO/INGO: subject to IGO/INGO CCWG input
  - ❖ Red Cross / Red Crescent Names: separate PDP
  - ❖ Geographic Names: subject to WT5 Report

COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS
- None

Impact of SubPro Recommendations * as at 4 May 2020

SubPro PDP WG Recommendations

Affirmation #1 (3 parts):

- WG affirms the following recommendations from 2007 policy:
  - ❑ Recommendation 5: "Strings must not be a Reserved Word."
  - ❑ Recommendation 2: "Strings must not be confusingly similar to an existing top-level domain."

- WG supports continuing to reserve as unavailable for delegation those strings at the top level that were considered Reserved Names and were unavailable for delegation in the 2012 round per AGB s.2.2.1.2.

- WG supports continuing to reserve as unavailable for registration those strings that are currently considered Reserved Names at the second level as of the publication date of this report and as required by future Consensus Policy.

WG's Rationale
- Believes that the general framework created by the 2007 policy and subsequent implementation with respect to unavailable/reserved names at the top and second levels remains appropriate for subsequent procedures.
- So, affirms Recommendation 5 from the 2007 policy, which prohibits the use of "Reserved Word(s)", as well as Recommendation 2 which prohibits strings at the top level that are confusingly similar to existing TLDs

WG's Rationale (Cont'd)
- Affirms that strings that were unavailable at the top level in the 2012 round should remain unavailable and that strings at the second level that are currently unavailable should remain unavailable.
- In developing this affirmation, the Working Group considered the GAC Principles on New gTLDs and noted that the final version of the 2012 Applicant Guidebook took into account the GAC Principles, including provisions regarding unavailable/reserved names.

For At-Large Consensus Building

Impact
- No change to policy & implementation per 2012 round
- Strings that were unavailable at the top level in the 2012 round remain unavailable and that strings at the second level that are currently unavailable remain unavailable

End-user Confusion

Additional intervention
- Any concerns? What else needs to be done?

From SubPro PDP WG, not limited to recommendations, but also affirmations and implementation guidance

Impact of SubPro Recommendations

SubPro PDP WG Recommendations

Recommendation #2:

- WG recommends reserving as unavailable for delegation at the top level names associated with Public Technical Identifiers (i.e., PTI)

WG's Rationale
- Considered that Public Technical Identifiers (PTI) was incorporated in August 2016 as an affiliate of ICANN with the primary responsibility of operating the IANA functions. Terms associated with PTI are not included in the list of unavailable/reserved names from the 2012 round because PTI had not yet been established at the time the list was developed.
- Therefore, recommends that for subsequent procedures, string "PTI" should be reserved and unavailable for delegation at the top level.

Question
- Should "PUBLICTECHNICALIDENTIFIER", and "PUBLIC TECHNICALIDENTIFIERS" also be reserved and unavailable for delegation at the top level? Recall that other entrants were only limited to acronyms. Should there be an exception for PTI?

Impact
- Adds to Top-Level Reserved Names List, therefore application not allowed to be submitted

Special Use DN

Additional intervention
- Answer to Question?
- Any concerns? What else needs to be done?

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Impact of SubPro Recommendations

SubPro PDP WG Recommendations

Recommendation #3:

- WG recommends reserving at the top level Special-Use Domain Names through the procedure described in IETF RFC 6761 [1], acknowledging ICANN's MOU with IETF.

WG's Rationale
- WG supports work by the Internet Engineering Task Force with respect to Special-Use Domain Names, including documentation on how to establish when reserving such a name is appropriate, and the procedure for doing so as described in RFC 6761.
- Taking into account the limited and judicious usage of the RFC 6761 process, WG recommends that ICANN reserves names in the New gTLD Program established as Special-Use Domain Names using the procedure described under RFC 6761.

[1] See https://tools.ietf.org/html/rfc6761

Impact
- Adds another category to "Reserved Names & Other Unavailable Strings"

Special Use DN

Additional intervention
- To clarify whether a new category under "Reserved Names & Other Unavailable Strings" called "Special-Use Domain Names" established by IETF RFC 6761 which for applications will not be allowed
- Any concerns? What else needs to be done?

SubPro PDP WG Recommendations

Recommendation #4:

- WG recommends updating Specification 5 of the Registry Agreement (Schedule of Reserved Names) to include the measures for <u>second-level</u> Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes adopted by the ICANN Board on 8 Nov 2016 *(noting that discussions on this topic are ongoing, and this recommendation is subject to the outcomes of related discussions).*

<u>WG's Rationale</u>
- Spec 5, Section 2 of the New gTLD RA requires ROs to reserve two-char ASCII labels within the TLD at the <u>second level</u> – WG notes developments regarding the registration of two-char domain names and <u>recommends that ICANN update Spec 5, Sec 2 to reflect these authorizations and the "Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes.</u>

  ❖ Specifically, as of 1 Dec 2014, ICANN authorized all new gTLD registries to release all digit/digit, digit/letter, and letter/digit two-char ASCII labels for registration to third parties and activation in the DNS at the <u>second level</u>. [2]
  ❖ Further, effective 13 Dec 2016, ICANN authorized all new gTLD registries to release for registration to third parties and activation in the DNS at the <u>second level</u> all two-char letter/letter ASCII labels not previously authorized by ICANN for release and not otherwise required to be reserved, subject to implementing "Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes. [3]

<u>WG's Rationale (Cont'd)</u>
- Reviewed relevant GAC Advice in relation to this issue as well as ICANN Org's documentation <u>explaining how implementation is **consistent with GAC Advice**</u> [4] [5]
- Understands that conversations regarding implementation continue to take place, and that Spec 5 could be updated, as necessary, to reflect any further developments.
- In developing recommendations regarding reserved names, WG reviewed & discussed relevant SSAC Advice, and specifically rec's contained in <u>SAC090</u>.

For At-Large Consensus Building

Impact
- Updates Spec 5 sec 2 for consistency, to reflect what's already been authorized.

End-user Confusion

Additional intervention
- Any concerns? What else needs to be done?

[2] https://www.icann.org/en/system/files/files/spec5-amend-two-char-01dec14-en.pdf
[3] https://www.icann.org/en/system/files/files/two-character-ltr-ltr-authorization-release-13dec16-en.html
[4] https://www.icann.org/en/system/files/files/summary-documents-two-character-ascii-labels-22jan19-en.pdf
[5] See also ICANN Board resolution: https://www.icann.org/resources/board-material/resolutions-2016-11-08-en#2.a

New Issues on Reserved Names as at 4 May 2020

Issue #1: Two-char letter-number combinations at TL

- In IR, WG asked after the possibility of removing the reservation of two-character letter-number combinations at the top level

- In 2012 Round, digits were disallowed entirely, so any possible move forward would be subject to removal of this restriction.

- PC raised concerns about potential confusion with ccTLD.

- WG considered possibility of addressing this potential confusion as to conduct an analysis as part of the string similarity review but did not come to a conclusion so, no recommendation to eliminate this reservation of 2-char letter-number combinations at TL.

For At-Large Consensus Building

Impact
- Two-char letter-number combinations at TL remain unavailable.
- Without lifting of restriction, At-Large's earlier position does not come into play – ie avoidance of end user confusion as paramount consideration – all practicable, reasonable measures must be considered and implemented to safeguard this end user protection principle.

End-user Confusion

Additional intervention
- Any concerns??

New Issues on Reserved Names as at 4 May 2020

Issue #2: ISO 4217 Currency Codes

- WG discussed proposal to reserve at the top level currency codes included in the International Organization for Standardization (ISO) 4217 list until there is a clear agreement with the international Central Banks (e.g. through IMF or BSI) as to whether these codes could be delegated and to which entities, not excluding themselves.

- WG did not come to agreement on any clear justification to recommend preventative measures for these codes because:
  - ❑ No clear risk or threat was identified in discussion
  - ❑ To the extent that an applicant applied for a string matching a currency code with the intent to use the TLD in association with the currency, there's opportunity for concerned parties to raise objections
  - ❑ GAC members could take action through GAC Early Warning or GAC Advice

So, believe existing measures are sufficient to address potential concerns about confusion or misuse.

For At-Large Consensus Building

Impact
- No protection for ISO 4217 Currency Codes

Additional intervention
- Any concerns??