

## **Minority Report of Dotzon GmbH regarding the „New gTLD Subsequent Procedures PDP Working Group“ final report recommendations**

Dotzon GmbH appreciates the work done by the New gTLD Subsequent Procedures PDP Working Group. While we are generally satisfied with the outcomes, we would like to provide our view about the treatment of geographic names.

### **Recommendation 8.1**

We understand that in „application evaluators“ the geographic names panel is meant to be included. To achieve a transparent process, we strongly recommend providing the community with the measures against which the geographic names panel is going to evaluate applied-for strings.

### **Topic 21.1: Geographic Names at the Top-level**

#### *Designation about declared use of TLD and treatment of non-capital city names*

Applications for strings that match a non-capital city name should require support/non-objection by the relevant government, independent of the declaration of the intended use. Since registrars promote TLDs to customers without the consent of the registry, thus being able to market a geographic meaning of a TLD, declarations by applicants are obsolete.

The requirement of a letter of support/non objection should apply to a category of certain non-capital city names. The category could be based on a concluding and well-defined “city names list”. Potentially, the list provided by the UN could be used:

<https://unstats.un.org/unsd/demographicsocial/products/dyb/documents/dyb2017/table08.pdf>.”

#### *Contention Sets including geoTLDs*

We recommend amending Module 4 of the Applicant Guidebook with the following: “In case there is contention for a string where one application designated the TLD for geographic purposes, priority 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.

### **Statement about ICANNs mandate to act in the Global Public Interest**

We applaud the ICANN Board initiative to analyze whether its activities meet the Global Public Interest. We are of the opinion that further efforts are necessary and required to balance ICANNs activities between public and private interests.

### **Statement about ICANN Articles of Incorporation and Bylaws**

We would like to remind that ICANN is bound by its Articles of Incorporation and Bylaws to respect relevant principles of international law and **applicable local law** (emphasis added). As names of cities and regions are public and community resources, and national and/or local law governs their use in many countries, they require an appropriate treatment. To improve the application process from 2012, we urge ICANN to respect national legislations when it comes to geographic names and their protection.