

Cross Community Working Group on the Use of Country and Territory Names as Top-Level Domains

Straw Man Paper on 3-character codes as top-level domains

This Straw Man Paper has request by the CWG co-Chairs and prepared by Staff. The Paper lays out the Group's discussion to-date on the issue of 3-character top-level domains and provides a starting point for discussion on a possible future policy framework.

Scope

This category of usage comprises three-letter country codes as identified in ISO 3166-1 – also referred to as alpha-3 codes.

Status Quo

Three-character codes have been the backbone of generic top-level domains since the inception of the DNS. Not until 2001, when .info and .name were launched, did the gTLD space include domains with four letters, and only with the release of domains through the New gTLD Program launched in 2012 did top-level domains include strings longer than four letters. The historic – albeit informal – differentiation between ccTLDs and gTLDs that has existed to this date has therefore been an easy-to-remember formula: ccTLDs are two-character codes and gTLDs are three or more character codes. No exception to this convention exists to this date.¹

The Applicant Guidebook (AGB) which contains the rules applicable to the New gTLD Program notably restricted, however, applications for new gTLDs matching an entry provided for in the ISO-3166-1 alpha-3 standard. This was achieved through the definition in Module 2, Section 2.2.1.4.1, of “country and territory names”: “A string shall be considered to be a country or territory name if:

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

[...]”²

The AGB thus removes ISO-3166-1 alpha-3 codes from eligibility, without reserving these codes for potential use as ccTLDs or any other use. [INSERT BACKGROUND BEHIND THIS POLICY DECISION]

¹ Notwithstanding that some ccTLD are effectively run as gTLDs, such as .pw, .me, .tv, .co and others, and some gTLDs are run more or less as a ccTLD, such as .cat.

² See Applicant Guidebook, page 2-16, <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>.

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ISO 3166-1 three character codes are notably not the only strings that are prohibited from release to the DNS; the AGB contains an additional 34 strings that are placed on the so-called reserved lists of top-level strings.³ Of those 34 strings, seven are three-character⁴ and the remainder are four or more character strings. The 34 strings are:

[AFRINIC](#), [IANA_SERVERS](#), [NRO](#), [ALAC](#), [ICANN](#), [RFC-EDITOR](#), [APNIC](#), [IESG](#), [RIPE](#), [ARIN](#), [IETF](#), [ROOT_SERVERS](#), [ASO](#), [INTERNIC](#), [RSSAC](#), [CCNSO](#), [INVALID](#), [SSAC](#), [EXAMPLE](#), [IRTF](#), [TEST](#), [GAC](#), [ISTF](#), [TLD](#), [GNSO](#), [LACNIC](#), [WHOIS](#), [GTLD_SERVERS](#), [LOCAL](#), [WWW](#), [IAB](#), [LOCALHOST](#), [IANA](#) and [NIC](#).

In this context, it should be noted that the ccNSO Study Group on the Use of Country and Territory Names that preceded and recommended the formation of this Cross-Community Working Group, detailed in its final report that: “.com, the largest gTLD, and also an ISO3166-1 alpha 3 code for Comoros [is a gTLD]. The group acknowledged that this duality has existed since January 1985 when the TLD was first implemented.”⁵ Thus, there is precedent of an ISO-3166-1 alpha-3 code being utilised as a generic top-level domain. Of course, this release took place in 1985 with the introduction of .com, 27 years prior to the AGB’s publication.

To provide context to the AGB and the status of the ISO-3166-1 standard, it is worth noting that the both the two-character codes (alpha-2) and the three-character codes (alpha-3) are international standards with a wide scope of usage outside of the DNS. That usage is not entirely consistent; one example of inconsistency is the use in international politics and sports of country codes that deviate from the ISO standard. In this context, the Final Report of the aforementioned Study Group contains a list of organisations that use different three-letter country codes: the International Olympic Committee, the North Atlantic Treaty Organisation, the International Telecommunications Union, Distinguished Signs for Vehicles,⁶ the International Civil Aviation Organisation, the World Meteorological Organisation, the Fédération Internationale de Football Association.⁷

Importantly, use of the codes in the ISO 3166-1 standard must be distinguished from any legal rights of ownership; in other words, international law does not recognise any inherent legal right of ownership in codes of the countries and territories represented by those codes in the ISO 3166-1 standard.⁸

The work of this CWG aligns neatly with and is a natural follow-on from the provisions of the AGB relevant to country and territory names. In this, the CWG takes guidance from the

³ See Applicant Guidebook, page 2-9 – 2-10 <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>. See also GNSO Reserved Names Working Group Final Report, <http://gnsso.icann.org/en/issues/new-gtlds/final-report-rn-wg-23may07.htm>.

⁴ These are: .www, .gac, .aso, .nic, .iab, .nro, tld.

⁵ Final Report of the Study Group on the Use of Country and Territory Names, p.26, <http://ccnso.icann.org/workinggroups/unct-final-08sep12-en.pdf>.

⁶ These contain one, two, and three character codes.

⁷ Final Report of the Study Group on the Use of Country and Territory Names, p.20, <http://ccnso.icann.org/workinggroups/unct-final-08sep12-en.pdf>.

⁸ For a more detailed analysis, see Heather Ann Forrest, *Protection of Geographic Names in International Law and Domain Name System Policy*, Kluwer Publications, 2013.

Comment [PP1]: Why notably? There needs to be more explanation for the reserved list. The 34 strings were directly related to ICANN, ICANN organizations or strings which dealt with DNS functions:

Comment [JA2]: Doesn't individual contracts of older gtlds also contain lists which might be different from the list in the AGB?

Comment [AL3]: To make it easier for readers to understand, it would be much easier if the links below refer directly to the right part of the report. If not, it is difficult to find the right place. Alternatively, at least a page number in the last report, such as you have done other places.

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Comment [PP4]: I feel there is a lot of biased language in the paper. Terms such as “of course” “notably” “it is worth noting” “importantly”

Comment [AL5]: In my view it is relevant information to also acknowledge that when the system of 2-letters for ccTLDs and 3-letters for gTLDs was established, Jon Postel did not foresee any more TLDs to be established at all. See RFC 1591 (), Section 2: “It is extremely unlikely that any other TLDs will be created.” ... [1]

Comment [PP6]: As smart as Jon Postel was he did not fully understand the scope ... [3]

Comment [PP7]: I strongly disagree with Annebeth's comment. As the Status quo ... [2]

Comment [p8]: I agree with Annebeth's comment above.

Comment [p9]: I fully understand the meaning of this paragraph and I don't claim that I am an expert on the international law. However, the truth is that a) there is a direct connection of the ISO3166-1 codes to the respective countries & territories, b) this connection has taken p ... [4]

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wording of footnote 6 (six), page 2-16 of the AGB, which addresses the issue of ISO-3166-1 alpha-3 codes. Notably, the AGB leaves this issue explicitly to the discretion of a ccPDP, which, in fact, has led to this Cross Community Working Group. **To cite the relevant part:**

“Country and territory names are excluded from the process based on advice from the Governmental Advisory Committee in recent **communiqués** providing interpretation of Principle 2.2 of the GAC Principles regarding New gTLDs to indicate that strings which are a meaningful representation or abbreviation of a country or territory name should be handled through the forthcoming ccPDP, and other geographic strings could be allowed in the gTLD space if in agreement with the relevant government or public authority.”⁹

It is therefore within the scope of this CWG to consider, and if considered appropriate, recommend amendments to the AGB on this particular matter.

Issues

- Historically, the DNS has been divided between country code top-level domains (ccTLDs) comprised of two characters and generic top-level domains (gTLDs) comprised of three or more characters.
- The AGB prevented **most allocated ISO-3166-1** alpha-3 codes from being applied for as new gTLDs.
- The AGB does not address the precedent of why .com is part of the DNS, but all other ISO-3166-1 alpha-3 codes are reserved.
- Countries and territories** do not have **legal rights** with regard to the ISO or any other country code list (of which there exist many).

Discussion

Members of the Cross Community Working Group noted that the Group’s Charter calls on them to develop, if feasible, a framework for policy advice concerning the use of **country** and **territory** names as top-level domains. The discussion among Group members revealed that there was a general understanding that this would mean developing recommendations that are based on an objective, transparent, and consistent approach to defining rules guiding the use of country and territory names as top level domains that, ideally, can be applied objectively to alpha-2 and alpha-3 ISO-3166-1 **codes**.

Community Outreach

To facilitate the Group’s discussion and also to gather different viewpoints from the wider Community, the CWG decided to develop and distribute an informal survey to ICANN’s

⁹ Applicant Guidebook, p. 2-16, footnote 6; <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf/>.

Comment [JA10]: Couldn't figure out this sentence until I realized this was a citation out of the AGB.

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Comment [JA11]: •Don't remove text from citations

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Comment [PP12]: Tried to make clearer.

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Comment [PP13]: Why is the highlighted section in the middle of the document? Is this section even necessary? If so, it should be moved to beginning.

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Comment [JA14]: •Note that the codes freely to be assigned by users and the reserved alpha-3 code were not considered

Comment [AL15]: Is it not right to say that nobody have legal rights? So that it is up to ICANN to decide wheth(... [5]

Comment [JA16]: •Note that ISO doesn't claim any legal status of standards. In is up to the users to define that.

Comment [p17]: I fully agree with Annebeth's comment above. Please allow me, for your convenience, to copy(... [6]

Comment [PP18]: This is a huge jump!!! (... [7]

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Supporting Organizations and Advisory Committees. This survey presented a range of options for such a policy framework on ISO-3166-1 alpha-3 codes.¹⁰

In summary, the Community feedback can largely be divided into three preferences:

- (1) support for opening all ISO-3166-1 alpha-3 codes to eligibility as gTLDs;
- (2) support for the status quo (i.e., ISO-3166-1 alpha-3 codes entirely excluded from eligibility as gTLDs); and
- (3) support for the allocation of ISO-3166-1 alpha-3 codes to their respective, existing ccTLD operators to run as a second country code TLD, should the providers wish to do so.

Supporting arguments were brought forward and the following section summarizes these in no particular order:

Supporting to open all 3-character codes as gTLDs.

- There is no sovereign or other ownership right of governments in country or territory names, including ISO 3166-1 codes, so there is no legal basis for government veto power on allocation of these codes as gTLDs.
- RFC-1591 – on which the allocation of 2-character codes as ccTLDs is based – does not refer to 3-letter codes as ccTLDs, so there is no basis in existing practice or policy for 3-character codes being used as or reserved for use as ccTLDs.
- Precedent of .com/Comoros
- gTLD space was built initially on 3-character codes
- Banning 3 character codes would have impact on e-commerce and consumer choice
- Adding ISO-3 list as ccTLDs would blur the line between ccTLDs (so far exclusively 2 characters and gTLDs (so far 3+ characters).

Comment [JA19]: •Isn't the AGB existing practice?

Comment [JA20]: •I wonder where this comes from. I would like to see some documentation on this.

Supporting the status quo

- Ensures governments can protect 'their country's' ISO code.
- Avoid user confusion in differentiating which TLD represents a country and which is generic; i.e., whether .no is a ccTLD and .nor is a gTLD.
- Allocation of 3-character codes to ccTLDs might lead to cannibalization of the 2-character ccTLDs.
- Interests of a country's ccTLD provider and its government (in case of non-objection requirement) are not always aligned.

Comment [PP21]:

Jaap: .com, .net, .org, are fairly well know in the DNS and account for almost 60% of the tlds in the DNS
http://w3techs.com/technologies/overview/top_level_domain/all

Supporting extension of ccTLDs to 3-letter ISO lists

- Providing new business streams for ccTLD providers, especially smaller ones or those that have so far run 'their' ccTLD as an effective gTLD.
- There are other reference lists for country codes - they should/could be taken into consideration when protecting governments and countries.

¹⁰ Questions and a full overview of responses can be found in Annex [TBC]

- Protection of ccTLDs, especially smaller ones, in a continuously growing TLD market, in which gTLDs have an almost unlimited choice of options to offer registrants.

Various members of the CWG supported the different options, and there was no clear consensus among the contributors to the CWG's request for input. GNSO submissions were most homogenous as they all supported the opening of eligibility for all 3-character codes as gTLDs and thus the removal of ISO-3166-1 alpha-3 codes from the gTLD-reserved list for future new gTLD rounds. Some ccTLD operators also supported this option, while the majority supported either maintaining the *status quo* or extending the allocation of the ISO-3166-1 alpha-3 codes to the countries' existing ccTLD providers.

General Observations from the CWG

During the discussion of the CWG – both on 2-character codes and 3-character codes – a number of relevant points were raised in addition to those provided through community feedback and these are reflected in the following discussion.

Supporting extension of ccTLDs to 3-letter ISO lists

ccTLDs have had exclusive access to two-letter top-level domains since the inception of the DNS, and the preliminary recommendations of this CWG seeks not only to continue this existing practice and policy standard, but to preserve all two-letter combinations, not merely those provided for in the ISO-3166-1 alpha-2 standard. It might, therefore, not come as a surprise that six of the ten largest TLDs in the DNS are country codes.¹¹

Supporting an extension of allocating ISO-3166-1 alpha-3 codes to ccTLD providers or local government agencies, as suggested by a number of responses (see above), is not consistent with or supported by the simple and long-standing principle that 2-character codes are ccTLDs and 3+ character codes are gTLDs. This distinction has served the DNS well by preventing user confusion, providing consumer certainty, and ensuring fair competition.

Supporting the status quo

The status quo, based on the AGB, prevents all ISO-3166-1 alpha-3 codes from use as TLDs.

The rationale for this is not to prevent cannibalization of existing ccTLDs, but rather to quarantine country and territory names, of which three character codes are a representation, for detailed consideration by a working group such as CWG.

Moreover, one of the principles applied for the CWG's decision on maintaining the status quo on ISO-3166-1 alpha-2 codes, namely to exclude all two-character codes from allocation to the DNS, was to assure that any newly-recognized country or territory should have assurance that its ISO-3166-1 alpha-2 code is available. Yet the fact that 153 three-character

Comment [AL22]: We should also mention the views of governmental representatives that answered, not only the views of gTLDs and ccTLDs. They are interesting, as the GAC view led to the text in the AGB as it is now. Since it is a cross community WG, also other views are interesting.

Comment [p23]: As the GAC rep of Greece, I do support mentioning the views of governmental representatives that answered the survey.

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Comment [AL24]: Are we sure about the rationale behind the status quo put down here? As I remember it, there were different rationale behind this solution. Both to avoid user confusion and, if feasible, find solutions through a ccPDP which take all rationale in consideration.

¹¹ <http://www.verisign.com/assets/infographic-dnib-Q32015.pdf>.

top-level domains are already in operation,¹² including .com (the ISO-3166-1 alpha-3 code for the Comoros Islands) means that protection of ISO-3166-1 alpha-3 codes for future countries is not and cannot be guaranteed.

Supporting availability of all 3-character codes as gTLDs

The strongest argument against free availability of all 3-character strings in the next gTLD round is the possibility of user confusion. For example, .nl is a country but .nld would not be. This could be potentially aggravated by gTLD registries trying to run/market a gTLD as a country code, e.g.: register yourname.can the new domain space for Canada! Although there are arguments to be made about a free market, it must be acknowledged that the DNS from its earliest days has recognized a space for domestic TLDs, and that the use of these codes has had a positive impact on the development of a healthy and productive DNS sector, especially in countries where the domain name system is still in its infancy – of which there are many, especially in Africa, Central and Latin America, as well as parts of Asia. A system that could potentially cannibalize ccTLD markets, especially in under-served regions, cannot be in the interest of the ICANN community.

That said, while the DNS has recognized a space for domestic TLDs, in both policy and practice this has manifested through adoption of the externally developed and maintained ISO 3166-1 alpha-2 standard, which has been adopted in many other contexts outside of the DNS. This is of course one of the most consistent and transparent rules of DNS: two-character TLD codes are country codes and three-character (or more) TLD codes are generic – a principle that was invoked by this CWG when agreeing to maintain the status quo for ISO-3166-1 alpha-2 codes as well as all other 2-character codes.

Given this CWG's mandate to evaluate the feasibility of a consistent standard applying to the use of country and territory names as TLDs, it is relevant here to point out this CWG's recommendations in relation to the use of ISO 3166-1 alpha-2 codes. This CWG's recommendation, to preserve such codes for use as ccTLDs, is based upon principles of transparency, predictability and the preservation of a clearly demarcated space for ccTLDs. To recommend that ISO 3166-1 alpha-3 codes are likewise preserved generates an obvious inconsistency with that earlier recommendation, as it erodes the predictability and clear demarcation of a ccTLD space and lacks transparency, as the ISO 3166-1 alpha-3 code has not previously been adopted for use in the DNS. Further, the .com/Comoros precedent and the increasing number of 3-character gTLDs introduced through the 2012 New gTLD Program make this an impracticable position.

Making available all three-character codes, which currently are not designated ISO-3166-1 alpha-3 codes, in future new gTLDs rounds risks the possibility of conflict with future recognition of countries. This could equally be construed as an argument to simply exclude all three-character combinations from future allocation, yet, with already 153 three character codes in the DNS, this is an unreasonable position to take.

¹² <https://www.tldwatch.com/tld-summary-table/>

Comment [p25]: '.com' is an exceptional case...

Comment [AL26]: Since extending ccTLDs to 3-letter ISO lists is not a realistic option, this argument is not valid. As I see it, Ascii 3-letter codes will never be used for ccTLDs – they belong in the g-world. If status quo from the AGB is preserved and ISO-3166-1 3 letters are just reserved, not taken in use by anyone and not used neither for ccTLDs nor gTLDs, it does not matter if future countries and territories will not have their 3-letter code preserved.

Comment [PP27]: If the owner is trying to create a new country code there are objection procedures in place. This are numerous examples where .can would not be associated with Canada. See, <http://www.abbreviations.com/CAN>

Comment [JA28]: •Removing cannibalize make the sentence ungrammatical

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Comment [PP29]: I'm not sure what is meant by these sentences

Comment [AL30]: I am not sure this stands. As long as 3-letter ISO 3166-1 alpha 3 is not used for ccTLDs, it does not mean that to preserve predictability they have to be used as gTLDs. It is a choice to just leave them alone and not use them for TLDs at all to avoid user confusion. The fact that .com already has been used, should not prevent this solution, as this is history. Even if .com is in use, this d... [8]

Comment [PP31]: I agree with this ... [9]

Comment [p32]: I don't agree; on the contrary, I agree with Annebeth's comment above.

Comment [PP33]: I also completely agree (... [10]

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Starting Point for Possible Policy Framework

The Cross Community Working Group recommends that the existing guideline under the Applicant Guidebook with regards to alpha-3 codes on the ISO-3166-1 list evolve to make all alpha-3 codes for application as gTLDs in future new gTLD rounds. Tied to this recommendation are two conditions:

- (i) The legal entity applying for a string comprising an ISO-3166-1 alpha-3 code must not market the TLD so they could be confused with existing two-character TLDs. This must be contractually enforceable through the relevant registry agreement between the successful applicant and ICANN.
- (ii) Existing string similarity rules and existing rules regarding geographic names shall not be affected by this recommendation.

Rational

- Consistent with CWG's 2-letter preliminary recommendation
- Prevents unfair competition between cc-TLD and 3-character gTLDs
- Avoids situation where ISO codes of some countries are protected and those of new countries are in operation
- Takes into consideration the precedent of .com

Comment [p34]: As mentioned in page 2 of this strawman document, the Final Report of the 'ccNSO Study Group on the Use of Country and Territory Names' contains a list of organizations that use different three-letter country codes than the ISO 3166-1 alpha-3 list. It seems that this problem is somehow "forgotten" here. However, there could lead to problematic situations. For example, the Greek government, will definitely oppose to a possible application for .GRE, because this 3-letter code is being used "for ages" by the IOC and FIFA, for example, for the representation of Greece and Greek athletes, even if the ISO 3166-1 alpha-3 list assigns GRC as the 3-letter code for Greece. For this reason, we propose that an Early Warning System should be used. If a three-character string (different from any alpha-3 code of the ISO3166-1 list) is selected by an applicant to be used as a gTLD, all the governments or public authorities should be somehow notified by this Early Warning System and if any government or public authority claims that it is relevant and this is the only one that does so, then, of course, the two parts i.e. the relevant government or public authority and the gTLD registry-to-be can come into any kind of agreement. If more than one governments object to the registration, a multi-stakeholders agreement could resolve the case, or the name could be reserved from registration, for future use by these specific governments.

Comment [PP35]: The above comment/recommendation goes beyond ISO-3166. There are already provisions in ... [11]

Comment [AL36]: I doubt seriously that these conditions will be able to control and to sanction if broken. To recommend this as a starting point presupposes the real possibility to sanction violations. Even if the registry agrees not market the TLD in this way, there is no way to pr ... [12]

Comment [p37]: What will happen if the respective authorities and/or the existing ccTLD are part of this legal entity? They have every right to do so, if they decide likewise. In this case, this condition cannot and must not be used, as it will cause an impossible political situation.

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Comment [p38]: To my opinion, in practice, this condition cannot be fully implemented and enforced. It creates unnecessary uncertainty and implies high political risk and possible user confusion.

Comment [p39]: To my opinion, there is actually no clear set of existing string similarity rules. According to our experience, there are different string similarity rules in the ccTLD and in the gTLD domain space. In addition, there are different string similarity rules between ASCII TLDs a ... [13]

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Comment [LH40]: Policy Support Staff is currently in contact with other ICANN departments, such as GDD, Legal, Compliance, to see what enforcement would/could be possible. Responses will be shared with the CWG as soon as they become available.

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Comments from Ørnulf Storm, Norwegian GAC Representative:

The Norwegian response to this conclusion at the end of the paper is that we will be against lifting the current protection of ISO-3166 3-letter country codes in the next round for new gTLDs.

We do not agree on the rationale for the recommendation in this strawWoman paper that proposes to lift the current protection for ISO-3166 3-letter country codes as currently in the applicant guidebook.

We have shared the draft Strawoman paper with the GAC. Several countries are against to lift the protection of the 3-letter country codes and others, based on previous discussion in the GAC, would investigate the possible use of the 3-letter code as an ccTLD. Therefore there are currently no GAC position on this issue at this point in time. The chair of WG on Country and Territory names, Olga Cavalli has put the use of 3-letter country codes on the agenda for discussion intersessionally before the Helsinki June meeting. The plan is to discuss a position in this WG to be able to forward this topic to be discussed in the GAC Plenary in Helsinki. The hope is to be able to provide a GAC consensus advice on this specific topic in Helsinki.

Page 2: [1] Commented **Annebeth Lange** **4/15/16 5:01:00 PM**

In my view it is relevant information to also acknowledge that when the system of 2-letters for ccTLDs and 3-letters for gTLDs was established, Jon Postel did not foresee any more TLDs to be established at all. Se RFC 1591 (),

Section 2: "It is extremely unlikely that any other TLDs will be created." Therefore, .com could easily be looked at as a "grandfather status" – TLD – an exception because it at that time was not anticipated to expand the system.

Page 2: [2] Commented **Partridge Partners** **4/15/16 4:59:00 PM**

I strongly disagree with Annebeth's comment. As the Status quo section states "The historic – albeit informal – differentiation between ccTLDs and gTLDs that has existed to this date has therefore been an easy-to-remember formula: ccTLDs are two-character codes and gTLDs are three or more character codes. No No exception to this convention exists to this date.¹ .COM is most used tld in the world its use should not merely be viewed as "grandfather status" rather it is the clearest example to users of the DNS view three-letter tlds as not being associated with countries or territories.

Page 2: [3] Commented **Partridge Partners** **4/15/16 5:04:00 PM**

As smart as Jon Postel was he did not fully understand the scope of what was to become of the internet. Relying on a 1994 memo written by a man who passed away 18 years ago should carry very little weight in this discussion.

Page 2: [4] Commented **p.papaspil** **14/1/91 7:12:00 PM**

I fully understand the meaning of this paragraph and I don't claim that I am an expert on the international law. However, the truth is that a) there is a direct connection of the ISO3166-1 codes to the respective countries & territories, b) this connection has taken place under formal processes according to ISO procedures and, more importantly for the sake of the public interest, c) this connection has been used "for ages" by the common people, the businesses and the Internet users worldwide and this has to be dully respected and taken into consideration.

Page 3: [5] Commented **Annebeth Lange** **4/5/16 8:25:00 AM**

Is it not right to say that nobody have legal rights? So that it is up to ICANN to decide whether they should be open for registration or not through a private contract?

I fully agree with Annebeth's comment above. Please allow me, for your convenience, to copy my previous comment, as it stands at this point too:

"However, the truth is that a) there is a direct connection of the ISO3166-1 codes to the respective countries & territories, b) this connection has taken place under formal processes according to ISO procedures and, more importantly for the sake of the public interest, c) this connection has been used "for ages" by the common people, the businesses and the Internet users worldwide and this has to be dully respected and taken into consideration." Following the above, our position is that the authorities of the respective countries, territories and distinct economies (such as the European Union, for example) do have legitimate rights on the ISO 3166-1 codes.

This is a huge jump!!! Right now we are discussing alpha-2 and alpha-3 codes. I strongly disagree with this section "as well as full country and territory names"

I am not sure this stands. As long as 3-letter ISO 3166-1 alpha 3 is not used for ccTLDs, it does not mean that to preserve predictability they have to be used as gTLDs. It is a choice to just leave them alone and not use them for TLDs at all to avoid user confusion. The fact that .com already has been used, should not prevent this solution, as this is history. Even if .com is in use, this does not necessarily mean that all other ISO 3166-1 alpha 3 should be used.

I agree with this sentence.

I also completely agree with this statement.

The above comment/recommendation goes beyond ISO-3166. There are already provisions in place to object to new gTLDs. There is no need to create yet another bureaucratic layer.

I doubt seriously that these conditions will be able to control and to sanction if broken. To recommend this as a starting point presupposes the real possibility to sanction violations. Even if the registry agrees not market the TLD in this way, there is no way to prevent that it is used to create confusion. I still mean that to use them at all will create user confusion, as the policy for global gTLDs are so different from local ccTLDs. And if this solution will be the result, and anyone can apply for the 3-letter codes on the ISO 3166-1 list, that means that also a government can apply. If this happens, I don't understand how it can be politically feasible to deny a government to market "their" 3-letter code as a representation for their country.

To my opinion, there is actually no clear set of existing string similarity rules. According to our experience, there are different string similarity rules in the ccTLD and in the gTLD domain space. In addition, there are different string similarity rules between ASCII TLDs and in the case of IDN vs. ASCII TLDs. If any string similarity rules are going to be used, then these rules should apply the same to any case.