Draft of Initial Report Sections c, d, and e

27 September 2018

----

c.   What are the preliminary recommendations and/or implementation guidelines?

PRELIMINARY RECOMMENDATION #1:

As described in recommendations 2-9, the Work Track recommends, unless or until decided otherwise, maintaining the reservation of certain strings at the top level in upcoming processes to delegate new gTLDs. As described in recommendations 10-13, the Work Track recommends, unless or until decided otherwise, requiring applications for certain strings at the top level to be accompanied by documentation of support or non-objection from the relevant governments or public authorities.

PRELIMINARY RECOMMENDATION #2:

The Work Track recommends continuing to reserve all two-character letter-letter ASCII combinations at the top level for existing and future country codes.

- The starting point of this recommendation is Section 2.2.1.3.2 String Requirements, Part III, 3.1 of the 2012 Applicant Guidebook, which states, "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."
- The Work Track's recommendation specifically addresses letter-letter combinations because the focus of the Work Track is on geographic names. The Work Track considers letter-letter combinations to be within the scope of this subject area.
- The Work Track notes that Work Track 2 of the New gTLD Subsequent Procedures PDP Working Group is considering two-character letter-number combinations.

This recommendation is consistent with the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. It is also consistent with provisions in the 2012 Applicant Guidebook.

PRELIMINARY RECOMMENDATION #3:

The Work Track recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.i:

- alpha-3 code listed in the ISO 3166-1 standard.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, it is consistent with provisions in the 2012 Applicant Guidebook.

PRELIMINARY RECOMMENDATION #4:

The Work Track recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.ii:

- long-form name listed in the ISO 3166-1 standard.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, this recommendation is consistent with the existing provisions in the 2012 Applicant Guidebook, but as currently drafted, it does not address the issue of translations of these strings. Please see questions for community input in section e.

PRELIMINARY RECOMMENDATION #5:

The Work Track recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iii:

- short-form name listed in the ISO 3166-1 standard.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, this recommendation is consistent with the existing provisions in the 2012 Applicant Guidebook, but as currently drafted, it does not address the issue of translations of these strings. Please see questions for community input in section e.

PRELIMINARY RECOMMENDATION #6:

The Work Track recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iv:

- short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, it is consistent with provisions in the 2012 Applicant Guidebook.

PRELIMINARY RECOMMENDATION #7:

The Work Track recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.v:

- separable component of a country name designated on the "Separable Country Names List." This list is included as an appendix to the 2012 Applicant Guidebook.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, this recommendation is consistent with the existing provisions in the 2012 Applicant Guidebook, but as currently drafted, it does not address the issue of translations of these strings. Please see questions for community input in section e.

PRELIMINARY RECOMMENDATION #8:

The Work Track recommends clarifying 2012 Applicant Guidebook section 2.2.1.4.1.vi, which designates the following category as a country and territory name which is reserved at the top level and unavailable for delegation:

- 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."

The Work Track recommends clarifying that permutations and transpositions of the following strings are reserved:
- 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." This list is included as an appendix to the 2012 Applicant Guidebook.

Permutations and transpositions of alpha-3 code listed in the ISO 3166-1 standard should be allowed.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. In addition, this recommendation would result in a revision to 2012 Applicant Guidebook section 2.2.1.4.1.vi.

PRELIMINARY RECOMMENDATION #9:

The Work Track recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.vii:

- 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.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, it is consistent with provisions in the 2012 Applicant Guidebook.

PRELIMINARY RECOMMENDATION #10:

The Work Track recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- An application for any string that is a representation of the capital city name of any country or territory listed in the ISO 3166-1 standard.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, this recommendation is consistent with the existing provisions in the 2012 Applicant Guidebook, but as currently drafted, it does not address the issue of translations of these strings. Please see questions for community input regarding translations in section e.

PRELIMINARY RECOMMENDATION #11:

The Work Track recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- 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

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, this recommendation is consistent with the existing provisions in the 2012 Applicant Guidebook.

PRELIMINARY RECOMMENDATION #12:

The Work Track recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- 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.

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, this recommendation is consistent with the existing provisions in the 2012 Applicant Guidebook.

PRELIMINARY RECOMMENDATION #13:

The Work Track recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- "An application for a string listed as a UNESCO region[1] or appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings"[2] list.

  In the case of an application for a string appearing on either of the lists above, documentation of support will be required from at least 60% of the respective national governments in the region, and there may be no more than one written statement of objection to the application from relevant governments in the region and/or public authorities associated with the continent or the region.

  Where the 60% rule is applied, and there are common regions on both lists, the regional

---

[1] See http://www.unesco.org/new/en/unesco/worldwide/
[2] See http://unstats.un.org/unsd/methods/m49/m49regin.htm

composition contained in the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" takes precedence."

This recommendation is a revision to the GNSO policy contained in the Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007. However, this recommendation is consistent with the existing provisions in the 2012 Applicant Guidebook.

----

d.   What are the options under consideration, along with the associated benefits / drawbacks?

In section c of this report, the Work Track has put forward a series of preliminary recommendations, noting that there continues to be a diverse set of perspectives held by Work Track members, including some members who feel that certain protections/restrictions should be further strengthened or extended and others who believe that certain protections/restrictions should be reduced or eliminated. Please see the deliberations section of this report for further information about the different positions expressed. Some Work Track members have presented proposals that would either supplement the recommendations in section c or in some cases serve as alternatives to recommendations in section c. The Work Track welcomes input on these proposals.

Non-Capital City Names

The following proposals have been put forward by Work Track members as possible options for the future treatment of city names that are not capital city names:

No Change to Level of Protection - Relative to 2012 AGB

1. **Maintain provisions included in the 2012 Applicant Guidebook that require applicants to obtain letters of support or non-objection from the relevant governments or public authorities for "An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name."** The requirement applies 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." See the deliberations section of this paper for pros and cons associated with maintaining the treatment included in the 2012 Applicant Guidebook. As with other applications, curative measures available include objections processes, use of Public Interest Commitments, contractual provisions and enforcement, and post-delegation dispute resolution.

2. **Raise awareness and increase knowledge among potential applicants about the opportunity to apply for TLDs.**

Benefits	Drawbacks
Some believe that this would help to ensure that potential applicants for "city TLDs" can make informed decisions about whether to apply for a string.	
Some believe that this approach is more consistent with the overall design of the program compared to proposals focused exclusively on reservation and/or support/non-objection.	

Decreased Level of Protection - Relative to 2012 AGB

3. **Eliminate preventative protections and focus instead on curative protections. All parties may raise issues with an application using objections.** No letters of support or non-objection are required from governments or public authorities. Applicants may include evidence of support in an application. Groups, individuals, and other parties, including governments, may file objections to applications. Objections by all parties must refer to international law, domestic law, ISO standards or other objective measures that are relevant to the applicant and the application. Applicants take responsibility for ensuring that they submit applications which address those points and avoid an objection. Objectors pay to make the objection and submit any objections within appropriate time frames. Evaluators take objections into account in the evaluation and may discard objections. The Work Track has not yet discussed whether this proposals could rely exclusively on existing objections mechanisms, or if it would require change to existing objections mechanisms or addition of new objections mechanisms.

Benefits	Drawbacks
Some believe that this process would be more fair and predictable for applicants because it uses objective standards for evaluation.	Some believe that it would be a significant burden on governments, in particular those in developing countries, to monitor which strings are being applied for, especially because many city governments are not aware of ICANN or the new gTLD process.
Some believe that this process does not assume a preventative existing legal right and consider this a benefit.	Some believe that this proposal does not take into account public policy concerns that are not codified in law.
	Some believe that this proposal increases the risks for conflict between interested parties. At the stage of objections, applicants will have

	invested significantly in their applications and relevant public authorities will not have been sufficiently involved until up that time, which may increase the probability of an objection against the application.
	Some believe that requiring public authority objectors to pay to make an objection creates a substantial financial burden and serves as a significant restriction on the legitimate concerns of third parties regarding the application.

Increased Level of Protection - Relative to the 2012 AGB

4. **Give small cities, towns, and geographic communities the first right to apply for a TLD associated with the place.**

5. **Develop a list of large cities around the world and require that applicants obtain letters of support or non-objection from the relevant governments or public authorities for strings on this list, regardless of the way the applicant intends to use the string.** The list of large cities could be developed based one of the following standards or a combination of these standards:
   ○ Absolute population of the city: the city has a certain minimum population, for example 500,000 residents or 1,000,000 residents.
   ○ Relative population of the city: the city is relatively large by population compared to other cities in the country or sub-national region, for example it is one of the 10 largest cities in a country or 3 largest cities in a sub-national region.
   ○ Percentage of a country's population: The city holds a certain minimum percentage of the country's population.

   WT members suggested a number of possible sources of data for the development of this list, including:
   ○ World's largest urban areas
   ○ United Nations - The world's cities in 2016
   ○ Council of European Municipalities and Regions comments on ICANN's draft version 3 of the New gTLD Applicant Guidebook (ccre.org)
   ○ World Population Review
   ○ United Nations DESA/Population Division World Population Prospects 2017
   ○ UN Statistics Division - Demographic Yearbook 2015
   ○ United Nations Data Booklet - The World's Cities in 2016
   ○ Homeland Infrastructure Foundation Level Data (HIFLD)
   ○ List of cities with airports (International Airport Transportation)
   ○ GeoNames

- United Nations Committee of Experts on Global Geospatial Information Management - Working Group A Core Data
- United Nations Committee of Experts on Global Geospatial Information Management - Core Spatial Data Theme 'Geographical Names' Recommendation for Content

Benefits	Drawbacks
Some believe that providing protections is consistent with some cities' national laws, a requirement in ICANN's Bylaws.	Some believe that cities do not have internationally recognized rights to their names.
Some believe that by having a single list to use as reference, predictability is increased.	Some believe that larger cities do not inherently have different rights than smaller cities. This is particularly important for smaller countries in which places defined as cities may have 10,000 inhabitants or fewer.
Some believe that it is important for the people associated with a large city to "have a say" in the use of a city name, regardless of whether the applicant for the string intends to use the string in a manner associated with the city.	Some believe that a very small city could have particular cultural and historical significance and be considered more important by some than a larger city with the same name.
For those who believe that it is more important to provide rules for areas with larger population, this approach offers such rules while limiting rules on strings that match smaller (to some, less significant) cities and towns.	Some believe that this type of standard is arbitrary and without sufficient clear basis.
	Some believe that this proposal disadvantages small island nations and/or territories with smaller total populations and smaller cities.
	Some believe that if the applicant intends to use the string in a generic or brand context and not in a geographic context, there should not be a support/non-objection requirement.

6. **Each country decides what it considers to be a city within its own country based on national laws and policies. If the country determines that a place fits in the "city" category, the applicant must obtain support/non-objection from the government.** A variant on proposal 6 proposes that each country designates a set number of cities that they consider to be

particularly significant. Cities names on the resulting list are subject to support/non-objection by the relevant governments or public authorities.

Benefits	Drawbacks
Some believe that providing protections is consistent with some cities' national laws, a requirement in ICANN's Bylaws.	Some believe that cities do not have internationally recognized rights to their names.

7. **Reserve city names that have "global recognition."** If a city wants apply for a gTLD, it can apply for a string containing the name of the city followed by the applicable country code. This would allow multiple cities with the same name located in different countries to obtain a gTLD.

Benefits	Drawbacks
Some believe that providing protections is consistent with some cities' national laws, a requirement in ICANN's Bylaws.	The scope of this category is not clearly defined.

Increased Level of Protection in Some Respects and Decreased Level of Protection in Other Respects - Relative to the 2012 AGB

8. **Implement provisions to prevent misrepresentation.** Applicants who intend to represent a connection 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. This proposal changes the standard for 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. This proposal increases contractual requirements and therefore enhances protections for geographic places.

Summary of Proposals - Relative to the 2012 AGB

Proposal	Level of Protection/Restriction	Focus
1. Maintain 2012 AGB	Same	Preventative and Curative
2. Raise Awareness	Same	Other means/tools
3. Focus on Objections Mechanisms	Decreased	Curative
4. Small Cities - First Right to	Increased	Other means/tools

Apply		
5. Support/Non-Objection for Large Cities	Increased	Preventative
6. Each Country Selects Cities Requiring Support/Non-Objection	Increased	Preventative
7. Reserve Names of "Global Cities"	Increased	Preventative
8. Prevent Misrepresentation	Increased in some respects and decreased in other respects	Preventative and Curative

Additional Proposals

Work Track members have identified a number of issues that they would like to see addressed through policy and/or implementation changes in subsequent procedures that do not apply to one specific category of strings. Some Work Track members have put forward proposals to address the problems that have been identified. Please note that there is not currently agreement about whether the problems listed below are, in fact, problems to solve. Similarly, there is not agreement about whether the solutions that have been proposed are appropriate. The proposed problems are divided below in 5 sections:

1. Lack of clarity for applicants and other parties - what is a geographic name?
2. Too much restriction/protection without basis in the New gTLD Program
3. Too little restriction/protection in the New gTLD Program
4. Inappropriate focus of restriction/protection in the New gTLD Program
5. Conflicts/uncertainty regarding support/non-objection letters
6. Lack of awareness about ICANN and the New gTLD Program

1. LACK OF CLARITY FOR APPLICANTS AND OTHER PARTIES - WHAT IS A GEOGRAPHIC NAME?

Proposed Problem 1.1: Some believe that it may be unclear to a potential applicant if a string is a geographic term according to the Applicant Guidebook.

- Proposed Solution 1.1.1: **Develop an online tool for prospective applicants.** The searchable tool indicates whether a string is eligible for delegation and whether there are issues that require further action (for example obtaining a letter of support or non-objection from relevant governments or public authorities). This could be a stand-alone tool or a function integrated into

the application system that flags if a term is geographic and has special requirements/restrictions.

Proposed Problem 1.2: Some believe that it may be unclear to an applicant if a government, public authority, or other party considers a string to be a geographic term, and therefore conflicts may arise later in the process.

Some suggest that the best way address this problem is to ensure that the rules are explicit and therefore clear for all parties, which will prevent conflicts from arising later in the process:

● Proposed Solution 1.2.1: **Apply a "bright-line" rule that any geographic term that is not explicitly and expressly protected is unprotected**. No objection or non-consent can be used to stop its registration.

Others suggest that the relevant governments and public authorities should "have a say" in the process if they consider a string to be geographic in nature. Some believe that this role for governments should exist even if term is not included as a geographic name in the Applicant Guidebook. From this perspective, involving relevant governments or other parties, such as experts, earlier in the process will create clarity and reduce conflicts. Several proposals suggest an informational role:

● Proposed Solution 1.2.2: **Provide an advisory panel that applicants could contact to assist in identifying if a string is related to a geographic term**. The panel could also help applicants identify which governments and/or public authorities would be applicable. Alternately, the geographic names panel used to evaluate whether an applied for string was a geographic TLD in the 2012 round could be made available to advise applicants before they submit applications.

Benefits	Drawbacks
Some believe that an advisory panel could create greater clarity for applicants about which strings are geographic names and which governments or public authorities are applicable, therefore reducing potential future conflicts.	Some believe that the geographic names panel should have a focused mandate and rules should be sufficiently clear that there are no "hard cases."
Some believe that the panel could consult in "hard cases" where it may be unclear to the applicant if the term has geographic significance, especially in those cases not explicitly covered by lists referenced in the AGB.	Has a financial impact, potentially on ICANN, if this is intended to be cost-free to potential applicants.

● Proposed Solution 1.2.3: **Maintain a repository of geographic names reflecting terms that governments consider sensitive and/or important as geographic names.** Countries and

territories could contribute terms to this repository but it would not require binding action on the part of potential applicants.

Benefits	Drawbacks
Some believe that a repository could help a potential applicant identify if a government feels that a term is sensitive due to its geographic nature.	Some believe that such a resource would be difficult and expensive to maintain.
Some believe that this tool could be used a reference resource, providing an opportunity for different parties to work together and make sure the application takes into account different perspectives.	Some believe that it is unclear what it means or implies for a term to be included in the repository, and therefore the repository could have a chilling effect on applications. If there are no associated protections/rules, it is unclear what purpose the repository serves.
Some believe that by promoting early contact between governments and applicants regarding strings that governments consider sensitive, the repository could help prevent later conflicts related to an application.	Some believe that there is a risk that once such a resource exists, people will find a use for it, potentially without sufficient basis.

- Proposed Solution 1.2.4: **Leverage the expertise of GAC members to help applicants determine if a string is related to a geographic location**. GAC members could also assist applicants in identifying which governments and/or public authorities would be applicable in cases where an applicant must obtain a letter of government support or non-objection. The Work Track has not yet discussed if this proposal intends to create additional protections/restrictions for strings that are not listed in the Applicant Guidebook as geographic names but are considered geographic in nature by the GAC or its members.

Benefits	Drawbacks
From one perspective, this enhanced role for the GAC could create greater clarity for applicants about which strings are geographic names and which governments or public authorities are applicable, therefore reducing potential future conflicts.	From one perspective, the rules should be clear and unambiguous regarding what constitutes a geographic name and the which rules apply for these strings.

Additional proposals from this perspective suggest creating new requirements for applicants:

- Proposed Solution 1.2.5: **Require that an applicant demonstrates that it has researched whether the applied-for string has a geographic meaning and performed any outreach deemed necessary by the applicant prior to submitting the application.** The Work Track has not yet discussed whether this proposal is envisioned to replace or supplement the evaluation conducted by the existing Geographic Names Panel.

- Proposed Solution 1.2.6: **If the applicant is applying for a geographic name, the applicant is required to contact/consult with the relevant government authority and provide evidence that it has done so.** The Work Track has not yet discussed whether this proposed requirement would extend to strings that a government/public authority considers to be a geographic name but that are not included as geographic names in the Applicant Guidebook. If this proposal is limited to geographic names in the Applicant Guidebook, it would be a supplement to the existing requirement to obtain support/non-objection from the relevant government or public authority. If the proposal includes any term a government or public authority considers to be a geographic term, this would be a new requirement.

2. TOO MUCH RESTRICTION/PROTECTION WITHOUT BASIS IN THE NEW GLTD PROGRAM

Proposed Problem 2.1: Some believe that existing protections/restrictions included in the 2012 Applicant Guidebook have insufficient basis in international law and should be reduced.

- Proposed Solution 2.1.1: **Once a gTLD is registered with an intended use that is geographic in nature, all other variations and translations of this term are unconditionally available for registration.**

- Proposed Solution 2.1.2: **Extend the "non-geo use" provision to other existing categories of geographic names.** For each applicable category, if the string corresponds to a geographic name but the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any governments or public authorities.

- Proposed Solution 2.1.3: **An applicant for a string with geographic meaning must provide notice to each relevant government or public authority that the applicant is applying for the string.** The applicant is not required to obtain a letter of support on non-objection. This proposal relies on curative mechanisms to protect geographic names in contrast with support/non-objection requirements that are preventative in nature. Each government or public authority has a defined opportunity to object based on standards to be established. The right to object expires after a set period of time. Objections are filed through one of the existing objection processes or a variation on an existing process. A set of standards would need to be established to determine what constitutes a relevant government or public authority. This proposal could apply to all or some of the categories of geographic names included in the 2012 Applicant Guidebook.

3. TOO LITTLE RESTRICTION/PROTECTION IN THE NEW GTLD PROGRAM

Proposed Problem 3.1: Some believe that a registry may be able set up a gTLD that is similar to a protected/restricted geographic term, which may result in end-user confusion.

- Proposed Solution 3.1.1: **If an applicant applies for a string that is confusingly similar to a geographic term that requires a letter of government support or non-objection, the applicant should be required to obtain a letter of government support/non-objection.** As an example, a common misspelling of a geographic name would be considered confusingly similar.

Proposed Problem 3.2: Governments do not have sufficient influence over the use of a gTLD representing a geographic term once the gTLD has been delegated.

- Proposed Solution 3.2.1: **At the end of the registry contract period, a government entity has the option of becoming engaged and can add provisions to the contract** that specifies conditions rather than there being an assumption that the contract will be renewed.

Benefits	Drawbacks
Some believe that this proposal would allow for worthwhile private investment for a limited period while also allowing review by any public entity after a period of time if they choose to become involved.	

Proposed Problem 3.3: The GAC does not have sufficient authority over the use of geographic names in the New gTLD Program.

- Proposed Solution 3.3.1: **Applicants for geographic names must apply to the GAC to receive permission to submit an application for the string**.

Benefits	Drawbacks
	It is unclear on what basis this authority would be provided.

Proposed Problem 3.4: Governments do not have sufficient authority over the use of geographic names in the New gTLD Program.

- Proposed Solution 3.4.1: **A TLD associated with geography should be incorporated within the jurisdiction of the relevant government and subject to local law**.

4. INAPPROPRIATE FOCUS OF RESTRICTION/PROTECTION IN THE NEW GTLD PROGRAM

Proposed Problem 4.1: The existing rules are not sufficiently focused on reducing potential harm of an applicant who represents a connection to the government or legal authority of a place.

- Proposed Solution 4.1.1: **Focus rules on the standard of misrepresentation:** Applicants who intend to represent a connection the the authority of a city, sub-national place, UNESCO region, or region appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list 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 the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term.

5: CONFLICTS/UNCERTAINTY REGARDING SUPPORT/NON-OBJECTION LETTERS

Proposed Problem 5.1: Some believe that there should be additional support in cases where an applicant is required to obtain a letter of support/non-objection, the relevant government or public authority does not provide a letter of support/non-objection, and the applicant disagrees with this decision.

- Proposed Solution 5.1.1: If government support/non-objection is required for an application, provide mediation services to assist if the applicant disagrees with the response received by a government or public authority.

Proposed Problem 5.2: A relevant government/public authority may fail to respond to an applicant's request for a letter of support/non-objection, creating uncertainty for the applicant.

- Proposed Solution 5.2.1: In any circumstance where a letter of support or non-objection is required from a relevant government authority, establish a deadline by which the government must respond to the request. If no response is received, this is taken as non-objection.

Benefits	Drawbacks
Some believe that this requirement provides greater predictability for applicants.	Some believe that this may be a burden on governments, particularly governments with limited staffing resources and those who lack knowledge of ICANN or experience with ICANN's

	processes.
Some believe that without this type of deadline there is not sufficient motivation for governments to assign a single point of contact to address issues related to such requests and little incentive to respond in a timely manner.	

6. LACK OF AWARENESS ABOUT ICANN AND THE NEW GTLD PROGRAM

Proposed Problem 5.1: Some believe that governments and other stakeholders are unaware of ICANN and the New gTLD Program. This makes it difficult for them to raise objections and, in the case of governments, respond effectively and quickly to requests for support/non-objection.

- Proposed Solution 6.1.2: Establish a program to heighten the awareness of governments and others regarding the gTLD program so that they will be more likely to seek or support a registration for the relevant geographic name. This could be accompanied by structured support and advice to maximize the opportunities for future applicants for geographic names.

----

e.   What specific questions are the PDP WG seeking feedback on?

<u>Overarching Issues</u>

- The Work Track encourages feedback from applicants or other stakeholders who were involved in the 2012 round. The Work Track is particularly interested in hearing about the experiences of the following groups and individuals:
    - Applicants who applied for terms defined as geographic names in the 2012 Applicant Guidebook.
    - Applicants who applied for terms <u>not</u> defined as geographic names in the 2012 Applicant Guidebook but who had experiences in the process related to the geographic connotations of the applied-for string.
    - Other parties who raised objections to an application, provided support for an application, or otherwise engaged during the course of the application process for applications in the two categories above.
  Please share any positive or negative experiences, including lessons learned and areas for improvement in subsequent procedures.

- In your view, how should the term "geographic name" be defined for the purposes of the New gTLD Program? Should there be any special requirements or implications for a term that is considered a "geographic name"? Why or why not?

- Work Track members have considered a series of principles that may be used to guide the development of future policy on geographic names. The principles were discussed in the context of city names and terms not included in the 2012 Application Guidebook, but they may be applicable more broadly. Proposed principles include:
  - In alignment with Principle C from the 2007 GNSO recommendations on new gTLDs, the program should allow for the introduction of new gTLDs.
  - In alignment with Principle A from the 2007 GNSO recommendations on new gTLDs, enhance the predictability for all parties.
  - Reduce the likelihood of conflicts within the process, as well as after the process concludes and TLDs are delegated.
  - Policies and processes should be simple to the extent possible.

  Please see the deliberations section of this document for additional discussion of these principles. Do you support these principles? Why or why not? Are there additional principles that the Work Track should consider? Please explain.

- The Work Track has discussed different types of mechanisms that can be used to protect geographic names in the New gTLD Program. These mechanisms fall broadly into two categories, noting that the categories are not mutually exclusive and measures from both categories can be used in combination:
  - Preventative: Measures in this category include reserving certain strings to make them unavailable for delegation or requiring letters of support/non-objection from relevant governments or public authorities, either in all cases or dependent on intended usage of the TLD.
  - Curative: Measures in this category include objections mechanisms, contractual provisions incorporated into the registry agreement, enforcement of those provisions, and post-delegation dispute resolution mechanisms.
  In your view, what is the right balance or combination of preventative and and curative rights mechanisms in relation to protection of geographic names in the New gTLD Program?

- To what extent should the following serve as a basis for the development of policies regarding geographic names?
  - International law
  - National/local law and policy
  - Other norms and values
  Please explain.

Country and Territory Names

- In the 2012 Applicant Guidebook, a string was considered unavailable if it was a translation **in any language** of the following categories of country and territory names:
  ○ long-form name listed in the ISO 3166-1 standard.
  ○ short-form name listed in the ISO 3166-1 standard.
  ○ separable component of a country name designated on the "Separable Country Names List."

In developing recommendations for future treatment of country and territory names, the Work Track has considered several alternatives related to translation:
  ○ continue to reserve as unavailable translations in any language
  ○ reserve as unavailable translations in UN languages
  ○ reserve as unavailable translations in UN languages and the official languages of the country
  ○ reserve as unavailable translations in official languages of the country
  ○ reserve as unavailable translations in official and commonly used languages
  ○ reserve as unavailable translations in official and relevant national, regional, and community languages
  ○ reserve as unavailable translations in "principal languages" where the principal languages are the official or de facto national languages and the statutory or de facto provincial languages of that country
  ○ a combination of two or more categories above

In your view, which alternative is the best option? Please explain. Do you have suggestions for alternatives not included in the list above?

- Some Work Track members have expressed that there should be a process in place to delegate 3-letter codes and/or other country and territory names to specific parties, such as relevant governments and public authorities or other entities. Do you believe that this is an issue on which Work Track 5 should make a decision?

Geographic Names Requiring Government Support in the 2012 Applicant Guidebook

- In the 2012 round, applicants were required to obtain letters of support on non-objection from the relevant governments or public authorities for "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" (emphasis added). In developing recommendations for future treatment of capital city names, the Work Track has considered several alternatives related to the "in any language" standard:
  ○ translations in UN languages
  ○ reserve as unavailable translations in UN languages and the official languages of the country

- translations in official languages of the country
- translations in official and commonly used languages
- translations in official and relevant national, regional, and community languages
- translations in "principal languages" where the principal languages are the official or de facto national languages and the statutory or de facto provincial languages of that country
- a combination of two or more categories above

In your view, which alternative is the best option? Please explain. Do you have suggestions for alternatives not included in the list above?

- In the 2012 round, applicants were required to obtain letters of support or non-objection from the relevant governments or public authorities for "An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name." The requirement applied 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." Do you think that this requirement should be kept, eliminated, or modified in subsequent procedures? Please explain.

- Section d of this report outlines a series of proposals that Work Track members have put forward for the future treatment of non-capital city names. What is your view of these proposals? Are there any that you support the Work Track considering further? Do you have alternate proposals you would like the Work Track to consider? Please explain.

Additional Categories of Terms

- In the 2012 round, the Applicant Guidebook listed categories of terms that were considered geographic names and had specific rules (see section b for additional information about these categories).
  - Some Work Track members have expressed support for protecting/restricting additional categories of geographic names in future versions of Applicant Guidebook.
  - Some Work Track members have expressed that no additional types of terms should be protected/restricted beyond those included in the 2012 Applicant Guidebook.
  - Some Work Track members have expressed that compared to the 2012 round, fewer types of terms should be protected/restricted in subsequent procedures.

  Work Track members who support including additional terms in the Applicant Guidebook have proposed protecting/restricting the following categories:
  - Geographic features (rivers, mountains, etc)
  - Names of additional sub-national and regional places not included in the 2012 Applicant Guidebook
  - Non-ASCII geographic terms not included in the 2012 Applicant Guidebook
  - Geographical Indications

Should additional types of strings have special treatment or rules in the Applicant Guidebook? If so, which ones and on what basis? Can the scope of the category be effectively established and limited? What are the boundaries of the category? If not, why not? As opposed to preventative restrictions, would any changes to objections, post-delegation mechanisms, or contractual provisions mitigate concerns related to these strings?