Geographic Names at the Top Level
Webinar Background Paper
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The topic of geographic names at the top level is an area where there are divergent views amongst the community organizations, as well as within the respective community organizations. There are currently several efforts underway that are separately looking at how geographic names should be handled in the future, each focusing on different aspects of the topic. The New gTLD Subsequent Procedures PDP WG is seeking to facilitate a dialogue that allows the community to collaborate, understand the various needs, and discuss proposals to address geographic names at the top level in future new gTLD procedures. To support the deliberations, this paper provides a brief history of developments related to geographic names at the top level and provides links to additional resources on the topic. This brief summary draws from a more extensive history provided in the Interim Report of the Cross-Community Working Group on Country and Territory Names,[1] as well as other documents referenced below.

TLDs prior to the first round of New gTLDs

The early history of the development of TLDs can be traced through the evolution of Internet Engineering Task Force (IETF) Request for Comments (RFCs). In 1984, RFC 920[2] was published on the topic Domain Requirements. RFC 920 listed the following top-level domains: ARPA, GOV, EDU, COM, MIL, and ORG, as well as country code top-level domains (ccTLDs). At this point in time, discussion of geographic names at the top level focused exclusively on ccTLDs. In addressing ccTLDs, RFC 920 makes a reference to the International Organization for Standardization (ISO) 3166-1 list of codes for the representation of names of countries and their subdivisions.[3]

Three years later, RFC 1032[4], titled Domain Administrators Guide, again describes the use of ISO 3166 as the standard list for two-letter country codes. The link between ccTLDs and the ISO 3166-1 list was further reinforced in RFC 1591[5], published in 1994. The RFC stated:

The IANA is not in the business of deciding what is and what is not a country.

The selection of the ISO 3166 list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be

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[1] https://ccnso.icann.org/workinggroups/ccwg-ctn-interim-paper-09feb17-en.pdf
[2] https://tools.ietf.org/html/rfc920
[3] http://www.iso.org/iso/home/standards/country_codes.htm#2012_iso3166_MA
[4] https://tools.ietf.org/html/rfc1032
[5] https://www.ietf.org/rfc/rfc1591.txt

and should not be on that list.

The list of gTLDs expanded in 2000[6] and again in 2003.[7] Of the 15 TLDs added through these processes, two were related to geographic terms: .CAT (for Catalonia) and .ASIA. Both were sponsored TLDs from the 2003 round.[8]

Policy in the context of the first round of New gTLDs

In 2006, ICANN was in the process of planning for the introduction of Internationalized Domain Names. The Generic Names Supporting Organization (GNSO) charted an IDN Working Group (IDN-WG) to address policy issues associated with the IDN initiative.[9] The WG published its outcomes report the following year. Members reached agreement on the following points with respect to geographic names:

- *Agreement that, within the process for new gTLD consideration, the process for determining whether a string has a geo-political impact is a challenge, and that GAC [Government Advisory Committee] consultation may be necessary but may not provide comprehensive responses.*

- *Agreement that a suitable process for consultation, including with relevant language communities, is needed when considering new IDN gTLD strings. 4.1.3*

Additional recommendations received some support from members of the WG, but did not have broad agreement. A full list of these points can be found in Section 4.3.2 of the report: IDN aspects on Geo-Political Details.[10]

Also in 2007, The GAC published Principles Regarding New gTLDs, a document that sought to "identify a set of general public policy principles related to the introduction, delegation and operation of new generic top-level domains (gTLDs)."[11] Several provisions of this document specifically addressed the topic of geographic names at the top level:

2.1 New gTLDs should respect:

> *b) The sensitivities regarding terms with national, cultural, geographic, and religious significance.*

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[6] http://archive.icann.org/en/tlds/app-index.htm
[7] http://archive.icann.org/en/tlds/stld-apps-19mar04/
[8] Additional information about the conditions for this round are available at
http://archive.icann.org/en/tlds/new-stld-rfp/new-stld-application-parta-15dec03.htm
[9] https://gnso.icann.org/en/drafts/idn-wg-fr-22mar07.htm
[10] https://gnso.icann.org/en/drafts/idn-wg-fr-22mar07.htm
[11] https://archive.icann.org/en/topics/new-gtlds/gac-principles-regarding-new-gtlds-28mar07-en.pdf

2.2 ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities.

2.4 In the interests of consumer confidence and security, new gTLDs should not be confusingly similar to existing TLDs. To avoid confusion with country-code Top Level Domains no two letter gTLD should be introduced.

In anticipation of the delegation of new generic top-level domains, the GNSO Council initiated the Reserved Names Working Group (RN-WG) to develop recommendations regarding reserved domain names at the first and second level for new gTLDs. Drawing on recommendations from the GAC Principles Regarding New gTLDs and the IDN-WG Final Report, the RN-WG published its report in 2007.[12] Recommendations related to geographic names include:

Recommendation 10 – Two Letters (Top Level): We recommend that the current practice of allowing two letter names at the top level, only for ccTLDs, remain at this time. Examples include .AU, .DE, .UK.

Recommendation 20 – Geographic and geopolitical names at Top Level, ASCII and IDN: There should be no geographical reserved names (i.e., no exclusionary list, no presumptive right of registration, no separate administrative procedure, etc.). The proposed challenge mechanisms currently being proposed in the draft new gTLD process would allow national or local governments to initiate a challenge, therefore no additional protection mechanisms are needed. Potential applicants for a new TLD need to represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

However, new TLD applicants interested in applying for a TLD that incorporates a country, territory, or place name should be advised of the GAC principles, and the advisory role vested to it under the ICANN bylaws. Additionally, a summary overview of the obstacles encountered by previous applicants involving similar TLDs should be provided to allow an applicant to make an informed decision. Potential applicants should also be advised that the failure of the GAC, or an individual GAC member, to file a challenge during the TLD application process, does not constitute a waiver of the authority vested to the GAC under the ICANN bylaws.

Recommendation 21 – Geographic and geopolitical names at all levels, ASCII and IDN: The term 'geopolitical names' should be avoided until such time that a useful definition can be adopted. The basis for this recommendation is founded on the potential ambiguity regarding

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[12] https://gnso.icann.org/en/drafts/rn-wg-fr19mar07.pdf

the definition of the term, and the lack of any specific definition of it in the WIPO Second Report on Domain Names or GAC recommendations.

Recommendations from the RN-WG were then integrated into the PDP on the Introduction of New Generic Top-Level Domains. Recommendation 5 of the Final Report[13] states: "Strings must not be a Reserved Word." Specifically, with respect to geographic and geopolitical names, the Final Report recommended the following:

There should be no geographical reserved names (i.e., no exclusionary list, no presumptive right of registration, no separate administrative procedure, etc.). The proposed challenge mechanisms currently being proposed in the draft new gTLD process would allow national or local governments to initiate a challenge. Potential applicants for a new TLD need to represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

However, new TLD applicants interested in applying for a TLD that incorporates a country, territory, or place name should be advised of the GAC principles, and the advisory role vested to it under the ICANN bylaws. Additionally, a summary overview of the obstacles encountered by previous applicants involving similar TLDs should be provided to allow an applicant to make an informed decision. Potential applicants should also be advised that the failure of the GAC, or an individual GAC member, to file a challenge during the TLD application process, does not constitute a waiver of the authority vested to the GAC under the ICANN bylaws.

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The term 'geopolitical names' should be avoided until such time that a useful definition can be adopted. The basis for this recommendation is founded on the potential ambiguity regarding the definition of the term, and the lack of any specific definition of it in the WIPO Second Report on Domain Names or GAC recommendations.

Recommendation 5 and the supporting RN-WG analysis were integrated into the Applicant Guidebook, providing the top-level reserved names, string composition for ASCII and IDN strings, and Geographic Names requirements.

According to the policy referenced above, "The proposed challenge mechanisms currently being proposed in the draft new gTLD process would allow national or local governments to initiate a challenge." All concerns related to geographical issues were to be resolved through challenge mechanisms, or in other words, objections processes.

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[13] see Final Report Term of Reference – Section Criteria, section 4, regarding Recommendation 5 at https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm

The first version of the Draft Applicant Guidebook was published in 2008[14] and it:

- Required that applied for strings must consist of three (3) or more visually distinct characters, ensuring that all two-letters codes would remain available for usage in the ccTLD space.
- Required that any string that is a "meaningful representation of a country or territory name listed in the ISO 3166-1 standard" must be accompanied by documents of support or non-objection from the relevant government(s) or public authority(ies)

The second version of the Draft Applicant Guidebook was published in February 2009 and was mostly unchanged, though the description of "country and territory names" was broadened and refined.[15]

In August of 2009, the GAC stated that meaningful representations or abbreviations of a country or territory name should not be allowed in the gTLD space.[16] The Board directed staff to provide greater specificity to what should be regarded as a country and territory name, which was integrated into the third version of the Draft Applicant Guidebook. At this juncture, applicants could apply for country and territory names, but documentation of support or non-objection was required.[17]

The ICANN Board, at the urging of the ccNSO and GAC, directed staff to exclude country and territory names from delegation in version four of the Draft Applicant Guidebook. This exclusion was maintained up until and through the publication of the final version of the Applicant Guidebook in June of 2012. The language in the Board-approved 2012 Applicant Guidebook states:

Country or Territory Names: Not allowed. A Country or Territory Name is:
  I. *it is an alpha-3 code listed in the ISO 3166-1 standard.*
  II. *it is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language*
  III. *it is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language*
  IV. *it is the short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency*
  V. *it is a separable component of a country name designated on the "Separable Country Names List," or is a translation of a name appearing on the list, in any language. See the Annex at the end of this module*

[14] http://archive.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf
[15] https://archive.icann.org/en/topics/new-gtlds/draft-rfp-clean-18feb09-en.pdf
[16] https://www.icann.org/en/system/files/files/karklins-to-dengate-thrush-18aug09-en.pdf
[17] https://archive.icann.org/en/topics/new-gtlds/draft-rfp-clean-04oct09-en.pdf

VI.   it is a 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."

VII.   it is a 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.

Other Geographic Names: See section 2.2.1.4.2 for allowable geographic names provided there is government "support." Section 2.2.1.4.3 has the Documentation requirements to show "support." Section 2.2.1.4.4. describes the Geographic Names Review Procedure.[18]

In addition, all applications for two-letter codes were excluded.[19]

The final language reflects section 2.2 of the GAC Principles Regarding New gTLDs, which states, "ICANN should avoid country, territory, or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities."

The Applicant Guidebook went through a series of revisions, as discussed above, which resulted in country and territory names being excluded from the first round of New gTLDs, and other geographic names only being permitted if the applicant demonstrated support from the appropriate governments. The GNSO has not developed any additional policy recommendations related to geographical names since the 2007. Therefore, an inconsistency remains between GNSO policy and the 2012 Applicant Guidebook.

Data about applications in the first New gTLD round may support further discussion about policy going forward. In the 2012 round of the New gTLD Program, there were 66 applications that self-identified as geographic names pursuant to Section 2.2.1.4.3 of the Applicant Guidebook.[20] The Geographic Names Panel Determined 6 of these 66 did not fall within the criteria for a geographic name as defined in Section 2.2.14 of the Applicant Guidebook (VEGAS, ZULU, RYUKYU, SCOT, IST, FRL). The Geographic Names Panel identified 3 applications that did not self-identify as geographic names but the applied-for strings fell within the criteria for geographic names, requiring relevant support or non-objection (TATA, BAR, TUI). Of the 63 that fell within the Applicant Guidebook criteria for a geographic name, 56 had acceptable supporting documentation of support or non-objection from the relevant applicable governmental authority, and of those, 54 have been delegated.

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[18] https://newgtlds.icann.org/en/applicants/agb
[19] https://newgtlds.icann.org/en/applicants/agb
[20] https://gtldresult.icann.org/applicationstatus/viewstatus

In addition, there were 18 strings which were the subject of one or more GAC Early Warnings that mentioned concerns related to the geographic nature of the string (ROMA, AFRICA, SWISS, PERSIANGULF, PATAGONIA, CAPITAL, CITY, TOWN, VIN, YUN, 广州 [GUANGZHOU], SHANGRILA, 香格里拉 [SHANGRILA], 深圳 [SHENZHEN], ZULU, AMAZON, DELTA, INDIANS).[21]

 Some of these strings were not contained on any of the lists in Section 2.2.1.4
 of the Applicant Guidebook. Although some members of the GAC considered these strings to match a geographic or geopolitical terms, these strings also corresponded to either generic terms or actual brand or company names. In almost all cases, the intended purposes for use of these applications as contained in the applicable Applicant's response related to generic or brand use. Some of these TLDs were permitted to move forward, some were only permitted where an arrangement could be reached with the geographic territory in question, and others were either not allowed to proceed or are still the subject of dispute. For those cases where an arrangement with the geographic territory was reached, no further information is publicly available on the details of such arrangement.

Subsequent Work on Geographic Names at the Top Level

In May 2011, the Country Code Name Supporting Organization (ccNSO) Study Group on the Use of Country and Territory Names was formed to further address the topic of geographic names at the top level.[22] This group was tasked to provide:

- *An overview of current and proposed policies, guidelines and procedures for allocation and delegation of strings currently used or proposed to be used as TLDs that are either associated with countries and territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of the names of countries and territories.*
- *A comprehensive overview of the types and categories of strings currently used or proposed to be used as TLDs that are either associated with countries and territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of country and territory names.*
- *A comprehensive overview of issues arising (or likely to arise) in connection with applying the current and proposed policies, guidelines and procedures for allocation to types and categories of strings currently used or proposed to be used as TLDs that are either associated with countries and territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of country and territory names.*

[21] https://gacweb.icann.org/display/gacweb/GAC+Early+Warnings
[22] https://ccnso.icann.org/workinggroups/use-of-names-statement-of-purpose-31jan10-en.pdf

The Study Group's Final Report was published in 2013.[23] In the Final Report, the Study Group recommended the creation of a Cross-Community Working Group to:

- *Further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures;*
- *Provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SOs [sic] and ACs [sic]; and*
- *Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.*

The Cross-Community Working Group on the Use of Country and Territory Names (CWG-UCTN) was established in 2014 following the recommendations of the ccNSO Study Group.[24] The CWG-UCTN's scope of work included two-letter country codes, three-letter country codes, and long and short names of countries and territories listed in ISO 3166-1 list.

The CWG considered two- and three-letter country codes. On two-letter codes, the CWG reached preliminary consensus in support of maintaining the status quo of reserving two-character codes exclusively for ccTLDs. A wide range of views was presented on three-letter codes, with no consensus reached. The CWG did not progress to considering country and territory names, and concluded that it was not feasible for the CWG to establish a harmonized framework under the limitations of its Charter.

The CWG produced an Initial Report with a public comment period closing 21 April 2017.[25] Following the public comment period, the CWG will revise conclusions and recommendations, if appropriate, and submit to the ccNSO and GNSO Councils for discussion, adoption, and next steps.

A substantial majority of the members supported the following recommendations included in the Interim Paper:

1. *The chartering organizations close this CWG in accordance with and as foreseen in the charter.*
2. *The ICANN community consolidate all policy efforts relating to geographic names (as that term has traditionally very broadly been defined in the ICANN environment to this point) to enable in-depth analyses and discussions on all aspects related to all geographic-related names. This is the only way, in our view, to determine whether a harmonized framework is truly achievable.*

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[23] https://ccnso.icann.org/workinggroups/unct-final-08sep12-en.pdf
[24] https://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf
[25] https://www.icann.org/public-comments/cwg-uctn-interim-paper-2017-02-24-en

3. *Future policy development work must facilitate an all-inclusive dialogue to ensure that all members of the community have the opportunity to participate. Again, we believe that this is the only way to determine whether a harmonized framework is truly achievable.*

The CWG could not agree on a recommended course of action for the organization of future work.

The New gTLD Subsequent Procedures Policy Development Process (PDP) Working Group is tasked by the GNSO to review and recommend possible changes to GNSO principles, recommendations, and implementation guidance included in the 2007 Final report of the Introduction of Generic Top-Level Domains.[26] The WG may also develop new policy recommendations.[27] The topic of reserved names in general, and geographic names specifically, at the top level is within the scope of work for this PDP as described in the WG's Final Issue Report,[28] and therefore must be resolved in order for the PDP to meet its objectives. Noting the diversity of views, range of initiatives related to this topic in the ICANN community, and complexity of the subject matter, the leadership team of the WG has organized an inclusive community dialogue to explore the different positions and seek common ground on the topic of geographic names at the top level.

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[26] https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm
[27] https://community.icann.org/display/NGSPP/2.+WG+Charter
[28] https://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-final-issue-04dec15-en.pdf

Resources for Further Reading

ccNSO Documents

Final Implementation Plan for IDN ccTLD Fast Track Process
(2009): https://www.icann.org/en/system/files/files/idn-cctld-implementation-plan-16nov09-en.pdf

IDN ccPDP Final Report (2013): https://ccnso.icann.org/workinggroups/idn-ccpdp-final-29mar13-en.pdf

Final Implementation Plan for IDN ccTLD Fast Track Process
(Revised 2013): https://www.icann.org/en/system/files/files/idn-cctld-implementation-plan-05nov13-en.pdf

Framework of Interpretation of current policies and guidelines pertaining to the delegation and redelegation of country-code Top Level Domain Names (2014):
http://ccnso.icann.org/workinggroups/foi-final-07oct14-en.pdf

GAC Documents

Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains (2005): https://archive.icann.org/en/committees/gac/gac-cctld-principles.htm

GAC Paris Communique (26 June 2008):
https://gacweb.icann.org/display/gacweb/GAC+32+Meeting+Paris,+France+21-26+June+2008?preview=/27131940/27198791/GAC_32_Paris_Communique.pdf
GAC Durban Communique (18 July 2013): https://gacweb.icann.org/display/GACADV/2013-07-18-GeoNames

GAC Buenos Aires Communique (20 November 2013):
https://gacweb.icann.org/display/GACADV/2013-11-20-GeoTLDs

GAC London Communique (25 June 2014): https://gacweb.icann.org/display/GACADV/2014-06-25+Geographic+Names

GAC Report: The Protection of Geographic Names in the New gTLDs Process, prepared by sub-working group for protection of geographic names in next rounds of new gTLDs (2014):
https://gacweb.icann.org/display/gacweb/Community+Input+-+The+protection+of+Geographic+Names+in+the+New+gTLDs+process?preview=/35455403/35622234/Geo names in new gTLDs Updated_V3_29 august 2014%5B4%5D.pdf

Community Input - The protection of Geographic Names in the New gTLDs process (2014):
https://gacweb.icann.org/display/gacweb/Community+Input+-+The+protection+of+Geographic+Names+in+the+New+gTLDs+process

Los Angeles Communique (16 October 2014):
https://gacweb.icann.org/display/GACADV/2014-10-16-Protection+of+Geographic+Names+in+New+gTLDs

ICANN Organization Documents

Program Implementation Review Report: Geographic Names Evaluation (2016):
https://www.icann.org/en/system/files/files/program-review-29jan16-en.pdf