

**Cross-Community Working Group - Framework for use of  
Country and Territory Names as TLDs  
(CWG - UCTN)**

**FINAL PAPER**

June 2017

**Executive Summary**

This report sets out the core issues that the Cross-Community Working Group: Framework for Use of Country and Territory Names as TLDs (CWG-UCTN) addressed in carrying out its Charter<sup>1</sup> since its inception in 2014. It records the CWG-UCTN's discussions regarding options around a consistent framework for the treatment of country and territory names as top-level Internet domains (TLDs). This document, consistent with the CWG-UCTN's Charter, provides "a review and analysis of the [CWG-UCTN's] objective, a draft Recommendation and its rationale."<sup>2</sup>

According to the CWG-UCTN's Charter,<sup>3</sup> the objective of the CWG-UCTN is to draw upon the collective expertise of the participating SOs and ACs and others 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 SO's and AC's; and
- Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.

Since the adoption of its Charter in March 2014, the CWG has met regularly through telephone conferences and at ICANN public meetings. It has provided regular updates to the communities, including the ccNSO, GAC and GNSO Council, and held a High Interest Topic session at the Helsinki meeting (ICANN56). Throughout its deliberations to date, the CWG has noted an increase in the complexity and divergence of views and interests with respect to the use of names of country and territories as TLDs. Accordingly, the development of a

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<sup>1</sup> CWG-UCTN Charter, at <http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>

<sup>2</sup> CWG-UCTN Charter, at <http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>, at 3.

<sup>3</sup> CWG-UCTN Charter, at <http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>, at 2.

consistent and uniform definitional framework to guide the definition of rules on the use of country and territory names as top level domains, across the SOs and ACs, has proven difficult to achieve.

Further, the CWG notes that its work overlaps with other community efforts, and given its limited mandate, the CWG has concluded that it will not be able to develop a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs. Therefore, the majority of the members of the Cross-Community Working Group on the Use of Country and Territory Names as Top-Level Domains conclude that continuing its work is not conducive to achieving the harmonized framework its Charter seeks.

At the same time, members of the CWG recognize that despite the complexity of the issue at hand, the aforementioned inconsistencies between various ICANN policies, and the limited mandate of the CWG, further work is needed and warranted. However, this work should be differently structured and embedded. A substantial majority of the members recommend that the chartering organisations:

1. Close this CWG in accordance with and as foreseen in the charter.
2. Recommend that 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.
4. Recommend that 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.

Seven public comments on the Interim Paper similarly expressed support for recommendations 1,2 and 4.<sup>4</sup>

The CWG could not agree on any recommended course on how to organise future work (i.e. how to effectuate recommendation 2 above).

The CWG considered three alternatives for recommendation 3, which are set out directly below. Although a small majority is in favour of alternative C, a substantive minority supports alternative B. For this reason, all alternatives are included. One of the major concerns that was expressed with respect to these alternatives is that whatever structure is preferred, the issues pertaining to the use of names of countries and territories as TLDs are

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<sup>4</sup> Comments in support of these recommendations were submitted by ALAC, Business Constituency, CENTR, IPC, GAC Costa Rica, GAC Singapore, and Valideus. See Annex E for a summary of public comments.

within the scope of both the ccNSO and GNSO policy development processes, and coordination is therefore needed.

Public comments on the Interim Report provided no additional clarity in this regard. Several responses favored alternative A, one supported alternative C, and an additional comment sought greater clarity in the language of this recommendation.<sup>5</sup>

#### *Alternative A*

Future work should take place with the authority of a policy development process under ICANN's Bylaws, with a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CWG, as it has not been made clear how the group's work can or will be incorporated in policy-making pursuant to ICANN's Bylaws.

#### *Alternative B*

To ensure that the conclusions and recommendations of a CWG will at one point have the authority of a policy developed through the relevant processes under ICANN's Bylaws, future work should take place with a clear view on how this work at some point will reach the authority of a policy developed as or relates to and provides input to formal policy development processes. With regard to the subject matter, the use of country and territory names as TLDs CWG notes that this should be defined with respect to both the ccNSO and GNSO Policy development processes. Due to the overlapping definitions used under existing policies, additional policy developed by one group, may impact and have an effect upon the policy developed by another group. Avoiding this issue may be achieved through a clearly drafted Charter or scope of work that sets out how these policy development processes will be informed. This addresses a key deficiency this CWG has encountered, as it has not been made clear how the group's work can or will be incorporated in policy-making pursuant to ICANN's Bylaws.

#### *Alternative C*

Future work should clearly align with ICANN policy development processes, and should have a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform ICANN policy development.

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<sup>5</sup> See Annex E for additional details.