Release of Country Codes and Country/Territory Names at the 2nd-Level in New gTLDs

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Release of 2-character Codes

• Specification 5 (Schedule of Reserved Names) of the New gTLD Registry Agreement requires:
  ➢ Registry Operator (RO) to reserve all 2-character labels and country/territory names under the gTLD at the 2nd level
  ➢ Reservation can be released only if RO:
    ▪ reaches agreement with government or ccTLD manager; or
    ▪ implements measures to avoid confusion with corresponding country-codes, subject to approval by ICANN.

• Two-character labels include letter/letter, letter/number & number/number combinations
  ➢ Letter/letter combinations include ccTLDs found in the ISO-3166 list
Request Mechanisms (I)

- In Dec 2014, ROs filled up form to request for release of letter/letter 2-character ASCII labels and submitted to ICANN
  - Requests were put up for 60-day comment period
  - Within 7-10 days after close of comment period, labels with no comments pertaining to confusion would be released in the requesting gTLD
- Some governments objected and held that other concerns, not just confusion, should also be addressed.
Request Mechanisms (II)

- In Oct 2015, ICANN tweaked the request process.
- In addition to the 60-day comment period, ICANN would:
  - Reach out to governments to clarify and understand their positions
  - Reach out to ROs to respond with mitigation plans
  - Aggregate governments’ comments and RO’s mitigation plans to draft criteria for approval of RO’s requests
  - Take account of feedback from community and create finalised criteria for approval of requests
Proposed Measures

- From 8 Jul to 17 Aug 2016, ICANN released for public comment its “Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes”
- Three measures including both ex-post and ex-ante
- Based on public feedback/comments, the measures were modified and tabled to the ICANN Board
ICANN Board Resolution

- ICANN Board approved a Resolution on 8 Nov 2016 on release of two-letter country codes by ROs who implement the following mitigation measures:
  - **Exclusive Availability Pre-Registration Period (Voluntary and Not Applicable to Brand Registries):**
    - 30-day exclusive period for ccTLD manager or government to register country-codes
  - **Registration Policy:**
    - Registrant’s representation that it does not misrepresent government or ccTLD manager
  - **Post-Registration Complaint Investigation:**
    - Investigate and respond to any complaint from ccTLD manager or government
- ICANN implemented the mitigation measures on 13 Dec 2016
Country & Territory Names

• Specification 5 of the New gTLD Registry Agreement also requires ROs reserve country and territory names
• New gTLDs have been periodically submitting requests via ICANN’s RSEP (Registry Services Evaluation Process) mechanism for release of country & territory names under their gTLDs
• To date, RSEP webpage shows some 60 such requests made since 2014
  ➢ Including the recent one by 11 brand registries (public comment period extended from 24 Feb to 10 Mar 2017)
• ICANN has not approved nor dismissed these requests
• GAC listing shows:
  ➢ 10 (Nordic countries plus NL, UK and US) don’t require notification
  ➢ 10 (BE, BR, BG, CZ, GE, ME, NZ, RO, ES and CH) don’t require notification for brand registries
  ➢ 69 (among them most of countries/territories in AP) require notification for all requests
Three-letter Codes

• Applicant Guidebook (2012) restricted new gTLD applications which matched those in the ISO 3166-1 alpha-3 standard
  ➢ E.g. AUS (Australia), JPN (Japan), SGP (Singapore) and THA (Thailand)

• It did not provide for reservation of 3-letter codes for potential use by ccTLDs or for any other use.

• GAC and the community are discussing these 3-letter codes.
Preliminary Points of View

- One view is international law does not recognise any inherent legal right of ownership in codes of the countries and territories represented by those in the ISO 3166-1 alpha-3 standard
- Some governments view these are well-known codes associated with their countries and are sovereign rights of countries
Suggestion in GAC

• Suggestion from Estonia in end-Nov 2016 to the GAC mailing list
  ➢ To keep the protection/reservation of 3-letter codes until a decision has been reached
  ➢ Eventually if/when they are released, to have them managed like how ccTLDs are being managed now
# Summary

<table>
<thead>
<tr>
<th></th>
<th>Top Level</th>
<th>2nd Level</th>
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<tbody>
<tr>
<td>Country/Territory Name</td>
<td>Reserved by ICANN</td>
<td>Reserved by ICANN</td>
</tr>
<tr>
<td>Two-letter Code</td>
<td>Reserved by ICANN</td>
<td>Board approved release on 8 Nov 2016</td>
</tr>
<tr>
<td>Three-letter Code</td>
<td>Under discussion</td>
<td>Under discussion</td>
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~ Thank you ~