

# Report of Public Comments

## Release of Country and Territory Names within the .SONY, .ARCHI, .BIO and .SAARLAND TLDs

**Publication Date:** 7 July 2015

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### Comment Period:

Comment Open Date: 13 May 2015

Comment Close Date: 25 June 2015

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### Section I: General Overview and Next Steps

#### General Overview

Four (4) [Registry Services Evaluation Policy \(RSEP\)](#) requests were submitted by the registry operators listed below to allow the release of country and territory names for the below TLDs. In total, the requests concern 4 New gTLDs.

| Proposal | TLD      | Registry Name        | Documents   |
|----------|----------|----------------------|---|
| 2014089  | saarland | dotSaarland GmbH     | <a href="#">dotSaarland GmbH Request 16 April 2015</a>    |
| 2014086  | bio      | STARTING DOT LIMITED | <a href="#">STARTING DOT LIMITED Request 6 April 2015</a> |
| 2014085  | archi    | STARTING DOT LIMITED | <a href="#">STARTING DOT LIMITED Request 6 April 2015</a> |
| 2014081  | sony     | Sony Corporation     | <a href="#">Sony Corporation Request 16 March 2015</a>    |

As required by the RSEP, ICANN made a preliminary determination on whether these RSEP proposals might raise significant competition, security or stability issues. ICANN's preliminary review (based on the information provided) did not identify any such issues.

Following ICANN's preliminary determination that the proposals do not raise significant competition, security or stability issues, ICANN proposed to implement the registry service by amending the respective Registry Agreements.

From 13 May 2015 – 25 June 2015, ICANN posted the proposed RA amendments for public comment, which resulted in one comment.

## Next steps

As provided in Section 4 of Specification 5 of the Registry Agreement, a registry operator may propose the release of reserved country and territory names “subject to review by ICANN’s Governmental Advisory Committee and approval by ICANN”. In its [Singapore Communiqué](#) (11 February 2015), the GAC advised ICANN Board to “work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement”.

Subsequent to the GAC’s Singapore Communiqué (11 February 2015), on 23 April 2015, the GAC Chair sent a [letter](#) to the Chairman of the ICANN Board, confirming its intent to work on a proposal for the development of such database for the process for release of country and territory names. The GAC indicated in its letter that “The GAC has started to work on a proposal for such a database and on related aspects of the process for release of country and territory names. This work has priority status for the GAC and a proposal will soon be shared with ICANN. In the meantime, it is the expectation of the GAC that a realistic timeline will be followed, and that existent RSEP requests will not be approved before an adequate process involving the GAC and individual governments in the release of country and territory names at the second level has been developed.” On 14 April 2015, the Brand Registry Group (BRG), the Business Constituency (BC) and the Intellectual Property Constituency (IPC) submitted a [letter](#) to the ICANN Board, offering a joint proposal on the matter of the release of country and territory names and two-letter labels at the second level. The letter requests confirmation that the database project referenced in the GAC’s April 23rd letter is underway, and the anticipated timeframe for making this information available.

Also it is stated in the [GAC’s Buenos Aires Communiqué](#) (24 June 2015) that “the GAC is continuing to develop a database of country requirements for notification of requests for release of country/territory names at the second level in new gTLDs (reserved according to the application rules for new gTLDs), with options for governments to state that they do not object to release and abstain from notifications for such requests. This should be finalised by the end of July 2015 and published on the GAC website.”

## Section II: Contributors

*At the time this report was prepared, one (1) community submission had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor’s initials.*

### Organizations and Groups:

| Name                  | Submitted by    | Initials |
|-----------------------|-----------------|----------|
| Business Constituency | Steve DelBianco | BC       |

### Section III: Summary of Comments

*General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

#### **Regarding the proposed introduction of country and territory names within .SONY and .BRAND TLDs:**

The comment submitted by BC supports the release of country and territory domain names within the .SONY TLD and also more generally within .BRAND TLDs.

“The use of country and territory names will allow such a .BRAND registries to create customized and relevant localised content for consumers in various countries and regions across the world. Geographic segmentation will not only bring greater efficacy to .BRAND TLDs, but it will benefit businesses and consumers alike by fueling economic development in regions which currently have limited choice with respect to linguistically and culturally tailored domain names and content. In addition, we firmly believe that the release of country and territory names for .BRAND TLDs will enhance security and trust in online commerce by permitting businesses to exercise more control over the security and stability of their customized web sites....the use of country and territory names within a .BRAND registry will always avoid confusion with an official government web property.” (BC)

#### **Regarding the proposed introduction of country and territory names within .SAARLAND and Geographic (Geo) TLDs:**

One comment submitted supports the release of country and territory domain names within the .SAARLAND TLD, and also more generally within Geo TLDs.

“Geographic TLDs such as .SAARLAND, which by definition have the backing and support of the official governments of their respective municipalities, represent secure, stable, and safe spaces where the likelihood of abuse or misconduct in the use of country and territory names is low.....In addition, the ability to use country and territory names at all levels in geographic TLDs would allow enhanced community-building for Internet users in those geographic areas, as well as enable businesses in those geographic areas to provide targeted service to those communities.” (BC)

#### **Regarding the proposed introduction of country and territory names within .ARCHI, .BIO and open TLDs:**

The comment received recognizes that geographic segmentation and non-confusion arguments set forth for .BRAND TLDs (as noted above) are less persuasive for the release of country and territory domain names within the .ARCHI, .BIO and also more generally within open TLDs.

“The geographic segmentation and non-confusion arguments set forth above are less persuasive for open TLDs than for .BRANDs or geographic TLDs. We therefore believe

that the presumption of approval may be overcome by a particular government's objection to the release of its country or territory name....In our view, the historical availability of country and territory names at all levels in all legacy TLDs still militates in favor of a presumptive approval of the request for the release of country and territory names." (BC)

#### **Regarding Public Comment Process:**

The only comment received also commented on ICANN's batching of similar RSEP requests on the release of country and territory names.

"In order to make the requested delineation more clear, the BC would support bifurcating similar public comment periods on country and territory names into buckets corresponding to restricted access TLDs, such as .Brand or geographic TLDs, versus purely open TLDs." (BC)

#### **Section IV: Analysis of Comments**

*General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.*

The only comment received is in favor of the release of country and territory names within .SONY, .ARCHI, .BIO and .SAARLAND TLDs and more generally in favor of such release within .BRAND TLDs and GEO TLDs.

In sum, the BC expressed that geographic segmentation will bring greater efficacy to .BRAND TLDs and that allowance of such names within .BRAND TLDs will enhance security and trust in online commerce. For Geo TLDs, the BC stated in their comment that due to the geographical nature of these TLDs, use of country and territory names at other levels of the TLD is not likely to confuse public and that it would enable businesses in those geographic areas to provide targeted services to those communities. Also, BC indicated that use of country and territory names within a .BRAND registry will always avoid confusion with an official government web property. As for .ARCHI, .BIO and "open" TLDs, the BC stated in their comment that the geographic segmentation and non-confusion arguments set forth for .BRAND TLDs are less persuasive for open TLDs and that the presumption of approval may be overcome by a particular government's objection to the release of its country or territory name.

It should be noted that as of 8 January 2015, Specification 13 is granted for .SONY and that .SAARLAND is a geo TLD, whereas .ARCHI and .BIO do not include Specification 13 provisions in place.

In response to these comments regarding the process for releasing reserved country and territory names, ICANN notes that similar comments emerged from the community with respect to the previously published public comments for similar RSEP requests. (See: <https://www.icann.org/public-comments/ctn-release-neustar-2014-09-19-en>, <https://www.icann.org/public-comments/bmw-mini-amendment-2014-12-11-en>, <https://www.icann.org/public-comments/ctn-release-tlds-2015-01-06-en> <https://www.icann.org/public-comments/emerck-hamburg-berlin-amendment-2015-03-02-en> and

<https://www.icann.org/public-comments/ctn-release-tlds-2015-03-31-en>).

Also, on 11 February 2015, the GAC, in its [Singapore Communiqué](#), advised ICANN Board to “work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement”. Subsequent to the GAC’s Singapore Communiqué (11 February 2015), on 23 April 2015, the GAC Chair sent a [letter](#) to the Chairman of the ICANN Board, confirming its intent to work on a proposal for the development of such database for the process for release of country and territory names. The GAC indicated in its letter that “The GAC has started to work on a proposal for such a database and on related aspects of the process for release of country and territory names. This work has priority status for the GAC and a proposal will soon be shared with ICANN. In the meantime, it is the expectation of the GAC that a realistic timeline will be followed, and that existent RSEP requests will not be approved before an adequate process involving the GAC and individual governments in the release of country and territory names at the second level has been developed.”

And also it is stated in the [GAC’s Buenos Aires Communiqué](#) (24 June 2015) that “the GAC is continuing to develop a database of country requirements for notification of requests for release of country/territory names at the second level in new gTLDs (reserved according to the application rules for new gTLDs), with options for governments to state that they do not object to release and abstain from notifications for such requests. This should be finalised by the end of July 2015 and published on the GAC website.”

ICANN will consider these comments along with the advice from the GAC as it considers whether or not to approve the requested amendments.