

RN-WG Final Recommendations

23 June 2007

Agenda

1. Brief introduction
2. Top-level recommendations
3. Recommendations regarding contractual conditions - 2nd level (& 3rd level as applicable)
4. Recommendations for further work

Q&A for clarification is encouraged; in depth discussion & action on recommendations will be deferred to later.

Introduction

- The final report of the RN-WG is at <http://gns0.icann.org/issues/new-gtlds/final-report-rn-wg-23may07.htm>
- Note that the full report contains much more detail than will be discussed today.
- The focus today will be solely on the recommendations.

Note: Recommendation #'s from the report are shown in square brackets in this presentation – e.g., [#1]

Introduction

- WG participation
 - 22 community members (14 very active)
 - 4 ICANN staff members were very active.
 - All GNSO constituencies plus two NomCom reps.
 - Liaisons were included from the IDN-WG and the ccNSO.
- Subgroups performed considerable work that was approved by the full WG.

Top-Level Recommendations

ICANN & IANA Names

ASCII

- Reserve ICANN & IANA names until further work is completed (e.g., .iana, .ietf, .icann) [#1]

IDN

- For all but “example”, reservations are not required for Unicode versions in various scripts, or ACE versions of such translations or transliterations if they exist. [#2]
- All possible Unicode versions of the name “example” must be reserved. [#2]
 - Validate with IDN experts [#2]

Top-Level Recommendations

Use of Symbols in Names

- We recommend that the current practice be maintained, so that no symbols other than the ‘-’ [hyphen] be considered for use, unless technology at some time permits the use of symbols. [#4]

Top-Level Recommendations

Single & Two-Character IDNs

- Single and two-character U-labels on the top level should not be restricted in general. At the top level, requested strings should be analyzed on a case by case basis in the new gTLD process depending on the script and language used in order to determine whether the string should be granted for allocation in the DNS. (e.g., .酒, .東京, .تونس) [#5]

Top-Level Recommendations

Single Letters (ASCII)

- We recommend reservation of single letters at the top level based on technical questions raised. If sufficient research at a later date demonstrates that the technical issues and concerns are addressed, the topic of releasing reservation status can be reconsidered. (e.g., .a, .z) [#6]

Top-Level Recommendations

Single digit & two-digit names

- We recommend digits be reserved at the top level, in order to avoid potential confusion with IP addresses within software applications. (e.g., .3, .99) [#8]

Top-Level Recommendations

2-Character Combinations of a Digit & Letter

- Applications may be considered for single letter, single digit combinations at the top level in accordance with the terms set forth in the new gTLD process. (e.g., .3F, .A1, .u7) [#9]

Top-Level Recommendations

Two Letter Names

- We recommend that the current practice of allowing two letter names at the top level, only for ccTLDs, remain at this time. (e.g., .AU, .DE, .UK) [#10]

Top-Level Recommendations

Tagged Names (ASCII)

- In the absence of standardization activity and appropriate IANA registration, all labels with hyphens in both the third and fourth character positions must be reserved in ASCII at the top level. (e.g., "bq--1k2n4h4b" or "xn--ndk061n") [#12]

Top-Level Recommendations

IDN Names

- For each IDN gTLD proposed, applicant must provide both the "ASCII compatible encoding" ("A-label") and the "Unicode display form" ("U-label"). [#13] For example:
 - If the Chinese word for 'Beijing' is proposed as a new gTLD, the applicant would be required to provide the A-label (xn--1lq90i) and the U-label (北京).
 - If the Japanese word for 'Tokyo' is proposed as a new gTLD, the applicant would be required to provide the A-label (xn--1lqs71d) and the U-label (東京).

Top-Level Recommendations

NIC, Whois, www

ASCII

- The following names must be reserved: NIC, Whois, www. [#16]

IDN

- Do not try to translate NIC, Whois and www into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist. [#17]

Top-Level Recommendations

Geographical Names

- 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. [#20]
- 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. [#20]

Top-Level Recommendations

Geopolitical Names (ASCII & 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 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. [#21]

Top-Level Recommendations

Controversial Names (ASCII & IDN)

- There should not be a new reserved names category for Controversial Names. [#24]
- There should be a list of disputed names created as a result of the dispute process to be created by the new gTLD process. [#25]

CN-DRP = Controversial Names Dispute Resolution
Process

Top-Level Recommendations

Controversial Names (ASCII & IDN) – Cont'd

- In the event of the initiation of a CN-DRP process, applications for that label will be placed in a HOLD status that would allow for the dispute to be further examined. If the dispute is dismissed or otherwise resolved favorably, the applications will reenter the processing queue. The period of time allowed for dispute should be finite and should be relegated to the CN-DRP process. The external dispute process should be defined to be objective, neutral, and transparent. The outcome of any dispute shall not result in the development of new categories of Reserved Names. [#26]
- The new GTLD Controversial Names Dispute Resolution Panel should be established as a standing mechanism that is convened at the time a dispute is initiated. Preliminary elements of that process are provided in this report but further work is needed in this area. [#27]

Top-Level Recommendations

Controversial Names (ASCII & IDN) – Cont'd

- Within the dispute process, disputes would be initiated by the ICANN Advisory Committees (e.g., ALAC or GAC) or supporting organizations (e.g., GNSO or ccNSO). As these organizations do not currently have formal processes for receiving, and deciding on such activities, these processes would need to be defined:
 - The Advisory Groups and the Supporting Organizations, using their own processes and consistent with their organizational structure, will need to define procedures for deciding on any requests for dispute initiation.
 - Any consensus or other formally supported position from an ICANN Advisory Committee or ICANN Supporting Organization must document the position of each member within that committee or organization (i.e., support, opposition, abstention) in compliance with both the spirit and letter of the ICANN bylaws regarding openness and transparency. [#28]

Top-Level Recommendations

Controversial Names (ASCII & IDN) – Cont'd

- In any dispute resolution process, or sequence of issue resolution processes, the Controversial name category should be the last category considered. [#30]

2nd/3rd Level Recommendations

ICANN & IANA Names

ASCII

- Reserve ICANN & IANA names until further work is completed (e.g., arin.org, afrinic.info, icann.law.pro) [#1]

IDN

- For all but “example”, reservations are not required for Unicode versions in various scripts, or ACE versions of such translations or transliterations if they exist. [#3]
- All possible Unicode versions of the name “example” must be reserved. [#3]
 - Validate with IDN experts [#3]

2nd/3rd Level Recommendations

Use of Symbols in Names

- We recommend that the current practice be maintained, so that no symbols other than the ‘-’ [hyphen] be considered for use, unless technology at some time permits the use of symbols. [#4]

2nd/3rd Level Recommendations

Single & Two-Character IDNs

- Single and two-character U-labels should not be restricted in general at the 2nd or 3rd level. Single and two character labels at the second level and the third level if applicable should be available for registration, provided they are consistent with the IDN Guidelines. . (e.g., 酒.name, 東京.aero) [#5]

2nd/3rd Level Recommendations

Single Letters or Digits (ASCII)

- In future gTLDs we recommend that single letters and single digits be released at the second (and third level if applicable), and that those currently reserved in existing gTLDs should be released. This release should be contingent upon the use of appropriate allocation frameworks. More work may be needed. (e.g., a.com, i.info)
[#7]

2nd/3rd Level Recommendations

2-Character Combinations of a Digit & Letter

- Registries may propose release provided that measures to avoid confusion with any corresponding country codes are implemented. (e.g., ba.aero, ub.cat, 53.com, 3M.com, e8.org) [#11]

2nd/3rd Level Recommendations

Tagged Names at the 2nd Level (ASCII)

- The current reservation requirement be reworded to say, “*In the absence of standardization activity and appropriate IANA registration*, all labels with hyphens in both the third and fourth character positions must be reserved in ASCII at the second (2nd) level – added words in *italics*. Note that names starting with “xn--” may only be used if the current ICANN IDN Guidelines are followed by a gTLD registry. (e.g., “bq--1k2n4h4b” or “xn--ndk061n”) [#14]

2nd/3rd Level Recommendations

Tagged Names at the 3rd Level (ASCII)

- All labels with hyphens in both the third and fourth character positions must be reserved in ASCII at the third (3rd level) for gTLD registries that register names at the third level.” – added words in *italics*. Note that names starting with “xn--” may only be used if the current ICANN IDN Guidelines are followed by a gTLD registry. (e.g., “bq--1k2n4h4b” or “xn--ndk061n”) [#15]

2nd/3rd Level Recommendations

NIC, Whois, www

ASCII

- The following names must be reserved for use in connection with the operation of the registry for the Registry TLD: NIC, Whois, www. Registry Operator may use them, but upon conclusion of Registry Operator's designation as operator of the registry for the Registry TLD, they shall be transferred as specified by ICANN. * [#18]

IDN

- Do not try to translate NIC, Whois and www into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist, except on a case by case basis as proposed by given registries. * [#19]

* Third level only applies in cases where a registry offers registrations at the third level.

2nd/3rd Level Recommendations

Geographic Names (ASCII & IDN)

- The consensus view of the working group is given the lack of any established international law on the subject, conflicting legal opinions, and conflicting recommendations emerging from various governmental fora, the current geographical reservation provision contained in the sTLD contracts during the 2004 Round should be removed, and harmonized with the more recently executed .COM, .NET, .ORG, .BIZ and .INFO registry contracts. The only exception to this consensus recommendation is those registries incorporated/organized under countries that require additional protection for geographical identifiers. In this instance, the registry would have to incorporate appropriate mechanisms to comply with their national/local laws. [#22]
- For those registries incorporated/organized under the laws of those countries that have expressly supported the guidelines of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications as adopted by the WIPO General Assembly, it is strongly recommended (but not mandated) that these registries take appropriate action to promptly implement protections that are in line with these WIPO guidelines and are in accordance with the relevant national laws of the applicable Member State. [#22]

2nd/3rd Level Recommendations

Geopolitical Names (ASCII & 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 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. [#21]

2nd/3rd Level Recommendations

gTLD Reserved Names

- Absent justification for user confusion, the recommendation is that gTLD strings should no longer be reserved from registration for new gTLDs at the second or when applicable at the third level. Applicants for new gTLDs should take into consideration possible abusive or confusing uses of existing gTLD strings at the second level of their corresponding gTLD, based on the nature of their gTLD, when developing the startup process for their gTLD.
(e.g., com.abc, net.xyz, jobs.tld) [#23]

2nd/3rd Level Recommendations

Controversial Names

- There should not be a new reserved names category for Controversial Names.
[#24]

Recommendations for Further Work

- Section Four of the RN-WG Report lists recommendations for additional work along with some guidelines for that work.
- The RN-WG suggests that the GNSO Council develop a plan for completing the recommended work as soon as possible.
- Summaries of the recommendations follow along with section numbers from the report.

Recommendations for Further Work

ICANN & IANA Names

ASCII

2.1.2 Evaluate whether there is justification to continue reserving ICANN and IANA ASCII names at all levels as recommended in this report [#1]

IDN

2.1.1 Validate the following recommendation with IDN experts: “All possible Unicode versions of the name ‘example’ must be reserved.” [#2 & #3]

Recommendations for Further Work

Single Letter or Single Digit Names (ASCII) [#7]

- 3.1.1 Determine whether an allocation method is needed before release of single letter names at the second level
- 3.1.2 If it is decided that an allocation method is needed, implement a process for developing an allocation method
- 3.1.3 Regardless of whether an allocation method is needed or not, coordinate with ICANN staff to modify contractual terms of registry agreements regarding reservation of single letter names at the second and (if applicable) the third level.

Recommendations for Further Work

Geographic Names (ASCII & IDN)

- It is recommended that the New gTLD Committee (Dec05 PDP) consider whether and how recommendations 20 to 22 can be incorporated into the selection process for the introduction of new gTLDs. [#20, #21 & #22]

Recommendations for Further Work

Controversial Names (ASCII & IDN)

- It is recommended that the New gTLD Committee (Dec05 PDP) consider whether and how recommendations 23 to 30 can be incorporated into the selection process for the introduction of new gTLDs. [#23 - #30]

Note: Recommendation 30 suggests the following for consideration by the New gTLD Committee: In any dispute resolution process, or sequence of issue resolution processes, the Controversial name category should be the last category considered.

Next Steps?