Comment by ccNSO Working Group on Geographic Names endorsed by ccNSO Council.

Introduction of new gTLDs: the issue of geographic country or territory names

The fundamental issue regarding how to distinguish a ccTLD and a gTLD has reappeared in the new guidebook for application for new gTLDs.

The distinction between a ccTLD and a gTLD has traditionally been a matter of *which* community the TLD serves and *where* it derives its policies and authority from, not *what* kind of policy the TLD has.

The ccTLDs are intended to serve the *local* internet communities (including the local government) in the different countries or territories, as defined in ISO-3166-1. They derive their policies from the local community. The GAC ccTLD delegation principles, especially the principle of subsidiarity[1], apply to them.

The gTLDs are generic, or serve a specific category of users non-identical to the community of a 3166-1 country or territory. They derive their policies from that community through ICANN processes, including the accreditation of registrars etc. The principle of subsidiarity does not apply to them.

Until the introduction of IDNs, the number of characters in the TLD is how we have been able to *visually* separate the two categories. So how do we identify what is a ccTLD in the post-IDN world where we can no longer use that visual mechanism?

The problem in the current draft gTLD application guidebook

The gTLD Draft Application Guidebook lumps together country names, territory names and other geographical names like sub-national names and city names. A string intended to represent a geographical entity is required to be accompanied by a document of support or non-objection from the relevant government(s) or public authority(ies). For applications regarding country names, the following definition is used:

"….any string that is a meaningful representation of a country or territory name listed in the ISO 3166-1 standard. This includes a representation of the country or territory name in any of the six official United Nations languages and the country or territory's local language."

The Draft Implementation Plan for IDN ccTLD Fast Track Process uses *this* definition for eligible strings:

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[1] http://gac.icann.org/web/home/ccTLD_Principles.pdf ："1.2. The main principle is the principle of subsidiarity. ccTLD policy should be set locally, unless it can be shown that the issue has global impact and needs to be resolved in an international framework. Most of the ccTLD policy issues are local in nature and should therefore be addressed by the local Internet Community, according to national law."

"The selected string must be a meaningful representation of the official name of the corresponding country or territory. A string is deemed meaningful if it is in the official language of the country or territory and if it is:
- *the name of the country or territory; or*
- *a part of the name of the country or territory denoting the country or territory in the selected language; or*
- *a short-form designation for the name of the country or territory that is recognisable and denotes the country or territory in the selected language."*

The conditions regarding the language and the script for the IDN ccTLD fast track is:
"The language must be an official language in the corresponding country or territory, and as such either have a legal status in the country or territory, or serve as a language of administration."

And in the implementation of the language requirement the fast track is further limited to languages that are not based on Latin script.

This means that a country name or meaningful abbreviation of a country name in almost all non-Latin and Latin scripts can be entered as a gTLD without any restrictions except that the country in question can object, if they discover that it is happening. Country names in Arabic, Chinese, Russian and the local language of the country (if it is a non-Latin script) can be entered as a gTLD *or* as a ccTLD depending on the choice of the government (provided they have got enough information about ICANN's processes to understand that there is a choice).

To allow a country or territory name to be either a ccTLD or a gTLD depending on the government or public authority's information about ICANN, will bring a lot of confusion. Different governments may make different decisions, something that will erode the division between ccTLDs and gTLDs until it becomes very difficult to have separate policies for the two entities – possibly leading to different sets of laws and rules applying to what are essentially national TLDs serving the same market. Thus causing confusion about what governs the regulatory framework - national laws or general rules applied by ICANN – and confusion regarding from where the TLD derives its policies and authority.

In addition this pre-empts the ccTLD IDN PDP, by opening up for country names and abbreviations in Latin-scripts and in non-Latin scripts that are not yet official languages in the country, to be entered as gTLDs while the possibility of these being allowed as ccTLDs are not yet sorted out.

A proposal for a solution:

1. Safeguard the principle that country names and territory names are not gTLDs:

The ccNSO council resolved in Los Angeles, 31st October 2007, regarding the introduction of new gTLDs:

Principle on meaningful representation of the name of a territory listed on the ISO 3166-1 in a non ASCII script
- No name of a territory listed on the ISO 3166-1 or a meaningful abbreviation of it, whether represented in a non ASCII script or in any recognised language represented

in that script, shall be available as a gTLD. This principle should be revisited once the IDN ccPDP recommendation, if any, is adopted by the Board.

Principle on meaningful representation of the name of a territory listed on the ISO 3166-1 in ASCII
- No name of a territory listed on the ISO 3166-1 or a meaningful abbreviation of it, whether represented in ASCII script or in any recognised language, shall be available as a gTLD. This principle should be revisited once the IDN ccPDP recommendation, if any, is adopted by the Board.

We are aware that implementing this principle in a manner that means no application will ever slip through in any language is not possible within a practical process. *This does not make the fundamental principle less important.*

The first action we propose is therefore that ICANN should include this principle in the gTLD process documents, clearly stating that the underlying principle is that c*ountry and territory names and meaningful abbreviations thereof* of countries and territories in the ISO-3166-1 list, in all languages and scripts, are not allowed as gTLDs until the IDN ccPDP process has concluded.

When ICANN receives an application for a new gTLD that fits the criteria of "any string that is a meaningful representation of a *country or territory name* on the ISO 3166-1 in any language", it should be rejected from the process and referred to the applicable ccTLD process. If the string in question isn't eligible for the IDN ccTLD fast track (e.g. because it is a Latin based language) it will have to wait for the conclusion of the IDN ccTLD PDP.

If such an application should slip through ICANN's check by mistake, the fact that this is a country or territory name or abbreviation thereof is a sufficient ground for objection.

2. Coordinate language definitions in the IDN ccTLD fast track and the gTLD process

The gTLD introduction process and IDN ccTLD fast track (and later the IDN ccTLD process) should if possible use the same references when checking for the names of countries or territories.

3. Some further suggestions for implementation

We would like to emphasize that these are only *suggestions* for where to start. As registries we do not have the relevant language expertise to properly design an implementation of the "country and territory name check". The responsibility for this must be left to ICANN staff, with the aid of whatever experts they find necessary to properly address the concerns raised by the community.

- Establish guidelines on checking proposed strings for conflicts in geographic names;
- In conjunction with the GAC and the ccNSO, develop advice for governments on the consequences of treating a country name as a gTLD;
- Some sources for building a country name check:
  - Possible UN and other lists of the different countries' name in all languages and scripts must be checked when an application is received

- The internationally recognized linguistic experts or organizations that are going to be used in the IDN ccTLD fast track
- The check should probably be performed by the Geographical Names Panel
- If a country name still slips through, there is the objection procedure after the result is posted on the ICANN website. This procedure may have to be adjusted to fit this situation