

# Summary Report on Other Names Reserved at the Second Level

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## A. gTLD Strings

### *1. Background*

Language INCLUDED within the main body Registry Agreements for .asia, .biz, .cat, .com, .info, .jobs, .mobi, .net, .org, .travel and .tel (the latter modified slightly) states that:

*“Registry Operator shall reserve, and not register any TLD strings appearing on the list of reserved TLD strings attached as Appendix 6 hereto or located at <http://data.iana.org/TLD/tlds-alpha-by-domain.txt> for initial (i.e., other than renewal) registration at the second level within the TLD<sup>1</sup>.”*

That particular language is NOT INCLUDED in older TLD Agreements: .aero (2001), .coop (2001), .museum (2001), .name (2001) and .pro (2002) – those TLDs reserve the following names either as per Appendix 11 or Appendix K of their contracts in addition to two letter labels:

- aero
- arpa
- biz
- com
- coop
- edu
- gov
- info
- int
- mil
- museum
- name
- net
- org
- pro

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<sup>1</sup> The listing shown at this URL is provided in the ‘Rainbow Document’ as circulated to the WG on 8<sup>th</sup> February, 2007.

## ***2. Role of the name reservation requirement***

There is no documentary evidence regarding the background of this reservation requirement but it would appear that this measure was put in place by ICANN in order to avoid consumer confusion in relation to TLD.TLD addresses.

As new TLDs came on board in 2005, the hyperlink to the IANA list was referenced so that there would not be a static list of TLDs, rather a dynamic list. Registries should consult this list on an ongoing basis.

## ***3. Straw recommendations to the entire WG***

[ALT1] We recommend that this provision be retained for now in order to avoid consumer confusion but that further work be considered in this area in the future.

[ALT2] Since large numbers of new TLDs may come on stream in the future, this reservation requirement is likely to become unmanageable and overly restrictive. It also seems to create an unfair advantage for some existing registries over new registries, which would be forced to reserve such generic words as travel, jobs and museum.

## ***4. Consultation with experts***

The gTLD Registry Constituency was consulted as well as ICANN staff.

In the recently issued RSTEP Report on Internet Security and Stability Implications of the GNR proposal, the conclusion was reached that there were no technical issues as regards TLD.TLD combinations and the review team was aware of no significant impact on the security or stability of the Internet as a result (page 18).

## ***5. Summary of Relevant Information Sources***

The Registry Agreements as posted on the ICANN web-site:

<http://www.icann.org/registries/agreements.htm>

RSTEP Report on GNR Proposal: <http://www.icann.org/registries/rsep/RSTEP-GNR-proposal-review-team-report.pdf>

## **B. Registry Specific Names**

### ***1. Background***

.biz and .info reserve a number of Registry-specific names as listed in Appendix 6 of their Agreements.

### ***2. Role of the name reservation requirement***

The name reservations include Registry-related names (words and phrases associated with the day-to-day operations of a Registry) and reservations relating to the actual entity's name. The reservations came about during contract negotiations and are in place in order to protect the Registries and their successors and to avoid consumer confusion.

### ***3. Straw recommendations to the entire WG***

The group considered various recommendations:

- (1) Registries may propose such reservations during contract negotiations with the standard comment period to apply, allowing for input from all interests.
- (2) Registries should be allowed to reserve *and register* such names.
- (3) Referral to the Protecting Rights of Others (PRO) Working Group for further consideration in light of potential infringement of rights issues.

Further consideration of this particular reservation requirement may be warranted although it does not appear that this issue clearly fits within the remit of the PRO WG.

### ***4. Consultation with experts***

The .biz and .info Registries were consulted. Their statements are provided below.

.biz statement (Keith Drazek):

TO FOLLOW

.info statement (S Hemphill):

The list of names in Appendix 6 of the Afilias Registry Agreement is carried over from the original .INFO Agreement which was signed in 2001.

At the time, Afilias negotiated two lists of names that the Registry could register for its own use. One list contained names that ICANN wished to see transferred to any successor Registry Operator (these were names tied to specific use by the Operator of .info [e.g., registrars.info]), and the other list could be retained by Afilias in the event that a successor .INFO Registry Operator was named (these names were more specific to the business entity [e.g., afilias.info]). The fact that there are a number of misspellings included on the latter list was simply a matter of choice by the original Afilias negotiating team.

Afilias does not actually use many of these reserved names and has no immediate plans on releasing them for registration.

### *5. Summary of Relevant Information Sources*

- The Registry Agreements as posted on the ICANN web-site:  
<http://www.icann.org/registries/agreements.htm>

- PRO Working Group Statement of Work



ip-rights.doc

### **C. Other Names Reserved at the Second Level (ie, those names not appearing in the Reserved Names Appendix of Registry contracts: non-ICANN names).**

#### ***1. Background***

These names differ from ICANN reserved names in that the names are actually intended to be allocated by the Registries. Therefore, in that sense, the names fall outside the remit of this particular Working Group.

- .name reserves 'common names', 'community reservations', 'Registry common names' and 'post-fix reservations' as listed in Appendix K of its Agreement.

- .mobi reserves Premium Names as referenced in Appendix S of its Agreement and as listed at: [http://pc.mtld.mobi/documents/Premium\\_Name\\_List\\_16Jan07.pdf](http://pc.mtld.mobi/documents/Premium_Name_List_16Jan07.pdf)

- .coop reserves Non-ICANN names as referenced at and <http://www.coop/information.asp>

- travel and .jobs reserve Non-ICANN names as per Schedule S of their Agreements.

## ***2. Role of the Name Reservation Requirement***

For the .name, .mobi, .coop, .travel and .job Registries, these non-ICANN reserved names directly benefit the communities that they represent and / or the reserved names are an integral part of the Registry's business model.

## ***3. Straw recommendation to the entire working group***

Since these names fall outside the scope of the Reserved Names WG, further review work may be considered at a future point by another Working Group.

Each Sponsored TLD's list of reserved names and its business model is unique. No one-size-fits-all approach can be identified nor should it be identified. It is suggested that as each new Sponsored TLD comes on board, it presents its approach to non-ICANN reserved names (if applicable) during contract negotiations and as per the norm, there will be an opportunity for public comment by all interested parties.

The presented approach to these names could include:

- a) Any proposed procedure for opposing the reserved names (eg dotMobi's Premium Name Application Process for Trademark Holders which was administered by WIPO).
- b) Overview as to why the various groups of names are being reserved and how this serves the sponsored community or forms part of the Registry's business model.
- c) Any outer time limit as to how long the names will be reserved.
- d) Allocation plans.

It is important to note that innovation should not be stifled and Registries should be allowed a degree of flexibility - provision should be allowed for Registry learning over time (eg as per the .name example). Therefore, the funnel process must be capable of handling such change requests or appropriate guidelines should be in place as regards notice given on any upcoming public comment period.

Un-sponsored TLDs should not be afforded the opportunity to suggest reserved names.

## ***4. Consultation with experts***

The following Registry representatives were contacted and asked to illustrate how the reservation of non-ICANN names served their community / formed an integral part of the Registry's business model.

.name – Simon Sheard  
.mobi – Caroline Greer  
.coop – Michael Palage  
.jobs – Ray Fassett  
.travel – Cherian Mathai

The representatives' statements are set out below:

*.name statement (S Sheard):*

The rationale for reserving names in the categories identified is to allow as many people as possible to have a domain name that is their name. When GNR originally applied for the contract to operate .name, it only applied to register third level products and thus, by definition, reserved all second level strings. In that way GNR could share common last names amongst many people who shared the same name but who were not necessarily from the same family.

When this did not take off as hoped, GNR applied to ICANN to amend the contract to allow for the sale of second level .names as well. However, in doing so, GNR wanted to complement the third level products and not extinguish them nor the concept that many people could share the same (second level) domain if they shared the same last name. So GNR trawled various sources - ICANN community; national & international statistics etc - and came up with a list of about 2,900 surnames which they believe covers the majority of the common last names on the globe (excluding 1 and 2 character last names which were excluded from all/most agreements). These were then reserved on the second level to preserve the potential reach of .name.

The post-fix reservations relate to second level strings ending "-family" and its various language equivalents. This was done to avoid potential confusion and ensure the availability of third level registrations.

*.mobi statement (C Greer):*

dotMobi makes a distinction between ICANN reserved names and its 'Premium Names' list. Premium Names are defined by dotMobi as 'commonly used words and phrases' and dotMobi has reserved approximately 5,000 such names.

DotMobi negotiated this product with ICANN and the objective of the Premium Name list is to (1) create a more level playing field in the allocation of these names (the high value names are not 'grabbed' by speculators at landrush) (2) increase the likelihood that these domain names will more promptly provide the mobile community with new features and services (RFP process) (3) preserve the stability and security of Registry operations (system is not put under pressure at landrush) . The list was created primarily using third party search criteria and was translated into a core set of languages.

dotMobi put in place a specific process, administered by WIPO, for trademark holders to apply to have their names removed from the Premium Name list in line with certain criteria. In agreement with ICANN, all remaining names will be allocated either via auction or a Request for Proposals process, the latter of which centers on content applications from the market. The successful RFP bidder in each case will enter into a contract with dotMobi to operate the second level domain in the interests of the sponsored community. dotMobi may also attach content obligations to auction names.

With auction names, revenue is used to help fund ongoing dotMobi initiatives for the web development and content provider communities.

.coop statement (M Palage):

DotCoop's reservation of community names was not specifically enumerated in its original contract with ICANN, but was undertaken by the DotCoop board in consultation with the cooperative community under the authority delegated in the Sponsor's Charter. Originally, the Sponsor reserved a large number of names that related to many cooperative business sectors.

But it soon became clear that it would be difficult to define the appropriate "community" that should be allowed to register a particular sector name. Upon making this determination, the Sponsor decided to release the majority of names for general registration and only reserved those names that were connected with clearly defined organizations that would be able to help verify the appropriate registrant or to register the domain directly themselves. The currently reserved sector names are part of the .coop Community Name program that directly reflect the sector organizations that are part of the International Co-operative Alliance structure, see:

<http://www.ica.coop/ica/structure.html#sectoral>.

These names were reserved in the three primary languages of the ICA - English, French and Spanish.

In addition to these sector names, DotCoop also voluntarily reserved a list of country and geographic indicators in which there were strong ties to the cooperative community. To date various names have been registered including australia.coop, france.coop, newzealand.coop, unitedkingdom.coop, and usa.coop. In addition, uk.coop and nz.coop were registered in cooperation with the relevant ccTLD and government agencies.

Successful adoption and utilization of key domain names are the building blocks upon which the long term success/branding of any registry is based. Outside those domain names that are explicitly reserved from allocation by ICANN, DotCoop strongly believes it is important that each registry be provided the flexibility to make business decisions in connection with Registry/Sponsor reserved domain names, provided that any such processes are fair and equitable.

### .jobs (Ray Fassett)

.Jobs reserves all domain names at the second level to ensure fair and equitable treatment for all employers to acquire their legal or commonly known trade name at the point in time they desire to do so.

All second level domain names in .jobs are allocated on a first come, first serve basis at its discretion serving the best interests of the HR community and ICANN contractual obligations where applicable.

An employer organization applies to acquire their legal or commonly known trade name. .jobs then validates that this is what the applicant is seeking to acquire before allowing the domain request to become active in the zone.

### .travel (Cherian Mathai)

The non-ICANN reserved names for .travel TLD can be broadly categorized into two:

1. Country and Place Names, and
2. Industry Names.

#### Country and Place Names

Following the recommendations of The Travel Partnership Corporation (TTPC), the sponsor of .travel, as well as contractual requirements with ICANN, the registry has reserved country names and certain place names under the following guidelines.

ISO 3166-1 Country Names are reserved pursuant to Schedule E of Appendix 6 of the .travel registry agreement. A list of place names such as city names and heritage sites was initially defined in 2005 for priority registration by the appropriate government body or government tourism bodies until December 2006, at which time the general priority was removed for all place names. A reduced list of place names continues to be subject to a 30-day “option” that gives the appropriate government entity a 30-day notice that a listed place name has been requested by another eligible entity. The government authority is permitted 30 days to register their name. If they do not take up their option the name is available for registration to any other eligible entity.

The travel community strongly feels that many place names are of particular value to the people of that area and their representative government should be given the first priority in registering that name.

#### Industry Names

The registry, following the recommendation of TTPC (the .travel sponsor), has reserved industry names such as adventure, cruise, hotels, airlines, restaurant, ticket etc., subject to development of policies at a later time. The travel community through TTPC feels that

such industry names have value for the community as a whole and should not be registered by one particular travel service provider.

The .Travel registry has not yet released any of its reserved names and has no immediate plans to do so.

### ***5. Summary of Relevant Information Sources***

- The .name, .mobi, .coop, .jobs and .travel Registry Agreements as posted on the ICANN web-site:

<http://www.icann.org/registries/agreements.htm>

- .coop's list of reserved names - <http://www.coop/information.asp>