

# The protection of Geographic Names in the New gTLDs process

## Summary of Community Input

Link to document -[The protection of geographic names in new gTLDs process - 29 august 2014.pdf](#)

Translated document (pdf) : [AR](#), [ES](#), [FR](#), [PT](#), [RU](#), [ZH](#)

Comments were submitted to [future-geo-doc-comments@gac.icann.org](mailto:future-geo-doc-comments@gac.icann.org) and were recieved until **Wednesday 31 December 2014**.

Comments Received	Entity	
<a href="#">ALAC Statement on the Draft Document from GAC Sub-Group on Geographic Names</a>	<a href="#">ALAC</a>	<ol style="list-style-type: none"><li>1. The ALAC supports the scope of the draft document and recommends that protection of geographic names must be addressed in next rounds of new gTLDs.</li><li>2. The ALAC advocates a strengthening of the nexus between an application for a geographic TLD and the public interest of the geographic area for which a TLD is sought:<ol style="list-style-type: none"><li>1) A compilation of experiences of the current (2012) round applicants for geographic TLDs should be made available to applicants for geographic TLDs;</li><li>2) this compilation should detail the impact the 2012 geographic TLDs had on their respective areas;</li><li>3) geographic areas should be required to demonstrate and certify their "Informed Consent" about the scope and impact a geographic TLD might have on their residents and organizations;</li><li>4) this Informed Consent shall have been established through inclusive engagement of residents and organizations;</li><li>5) the TLD application shall indicate an ongoing process for various Internet stakeholders to engage in the TLD's governance processes at the local, national, and global levels.</li></ol></li><li>3. The ALAC also suggests that the clause "2.2.1.4 Geographic Names Review" in the Applicant Guidebook (AGB) be modified to consider international treaties that address those rights of countries in</li></ol>

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		<p>relation with geographic names.</p>
<p>Ratified: ALAC Statement on the Draft Document from GAC Sub-Group on Geographic Names</p>	<p>ALAC</p>	<p>Kindly find attached the final version of the ALAC Statement on the Draft Document from GAC Sub-Group on Geographic Names. The content remains the same except for the addition of ratification information in the Staff Introduction section.</p> <p>On 11 November 2014, Staff confirmed that the online vote resulted in the ALAC endorsing the Statement with 13 votes in favor, 0 vote against, and 0 abstention. You may review the result independently under:<a href="https://www.bigpulse.com/pollresults?code=4351T87613Eq6CmfHkENcdgv">https://www.bigpulse.com/pollresults?code=4351T87613Eq6CmfHkENcdgv</a></p>
<p>Input from the ccNSO Council to the GAC on the protection of geographic names in the new gTLD process</p>	<p>Byron Holland Chair of the ccNSO Council</p>	<p>Scope of the CCWG country and territory names s TLDs, no other geographical names</p> <p>Agree that definitions in AGB do not cover all possible geo names</p> <p>Doubut that is possible to make lists to cover them all</p> <p>ICANN and governments encourage applicant to get in touch with related local government to try to reach agreement in advance. Public interest should have the priority.</p> <p>Suggested changes to the AGB: wait until the work of the CCWG is concluded.</p> <p>If the result of the WG is not ready and ICANN board does not agree to extend the protection for next round, GAC suggestion is best possible solution.</p> <p>Review report from study group page 30</p> <p><a href="https://ccnso.icann.org/workinggroups/unct-final-02jul13-en.pdf">https://ccnso.icann.org/workinggroups/unct-final-02jul13-en.pdf</a></p>
<p>IBCA comment on ICANN GAC proposal for Geographic Names</p>	<p>The Secretariat</p>	<p>GAC to create lists of names – Geographic Names Database.</p> <p>Applicants would first search this geonames database</p>

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	<p>The Internet Business Council for Africa (IBCA)</p>	<p>List of existing trademars that are related to geonames should be established globally and linked to the database.</p> <p>Documented review of their review of their experiences</p> <p>A panel of global external experts should be formulated</p> <p>GAC’s manual role should be created to prvedn govs to block Internet development inadvertently</p> <p>Existence of international legislative implications should be looked into.</p>
<p>Technology Policy Institute Comments on “The Protection of Geographic Names in the new gTLDs Process”</p>	<p>Thomas M. Lenard President and Senior Fellow Technology Policy Institute</p>	<p>Would impose substantial additional administrative and logistical burdens</p> <p>The process proposed by the GAC would insert governments into the operation of ICANN in an unprecedented way. The proposals would politicize the gTLD process and hinder the prospects innovation on the Internet. They should not be adopted.</p>
<p>i2Coalition Comment on “The Protection of Geographic Names in the New gTLDs Process”</p>	<p>Christian Dawson <i>Chairman &amp; Co-founder</i> Internet Infrastructure Coalition (i2C)</p>	<p>Unclear about what a geographic name is.</p> <p>Unclear burden for applicants seeking approval of a geographic string from relevant governments.</p> <p>The proposal does not define “public interest” and does not specify who determines the public interest in the case of a disagreement.</p>
<p>Comments of the US Council for International Business concerning</p>	<p>Barbara P. Wanner</p>	<p>Questions about lawfulness and GAC scope</p> <p>Problematic requirements for government approval</p>

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<p>the GAC Sub-Group’s proposal on Geographic Names in New gTLDs</p>	<p>Vice President, IC Policy U.S. Council for International Business</p>	<p>Procedural concerns and lack of definitional clarity Lack of clarity concerning “public interest.” In particular the draft proposal assumes that “public interest” will comport with that of the objecting governments. That may not necessarily be the case.</p>
<p>ISPCP comments on Geographic Names in New gTLDs</p>	<p>Christian Dawson On behalf of the ISPCP</p>	<p>Unclear in this proposal what is intended to constitute a geographic name. Insufficient job of explaining public interest. Does not specify who determines what the public interest is in the case of a disagreement</p>
<p>MARQUES comment on the “The Protection of Geographic Names in the New gTLD Process”</p>	<p>Alan Ramsay Company Secretary MARQUES</p>	<p>Misinterpret international law and nearly 150 years of jurisprudence because:</p> <ul style="list-style-type: none"> <li>• Private property rights are recognised under international law</li> <li>• Governments do not have exclusive use of geographic name in any context</li> <li>• International law which protects sovereign names does not extend beyond national borders</li> <li>• The Paris Convention and TRIPS recognise private party rights in geographic names: there are jurisdictional limits on national interest in a geographic names.</li> </ul>
<p>US Chamber of Commerce on the GAC proposal for the use of geographic names in new gTLDs</p>	<p>Adam C. Schlosser Director Center for Global Regulatory Cooperation U.S. Chamber of</p>	<p>Creates burden and uncertainty for business:</p> <ul style="list-style-type: none"> <li>• Limitless searches</li> <li>• Unreliable approval process</li> <li>• Skewed notions of ‘public interest’</li> <li>• Devalues existing legal rights and forums</li> </ul>

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	Commerce	Undermines the multistakeholder system
<a href="#">AIPPI submission of position paper - gLTDs - geographic names</a>	Sarah Matheson Reporter General Laurent Thibon Secretary General Association Internationale pour la Protection de la Propriété Intellectuelle (AIPPI)	Fails to balance governmental sensitivities and the rights of trademark holders in accordance with GAC principles and applicable laws GAC Proposal's definition of a "geographic name" over reaches and is unworkable Places an undue burden on applicants Mechanisms already exist to protect interests in geographical terms
<a href="#">Community input process in relation to the Proposal, "The Protection of Geographic Names in the New gTLDs process."</a>	Heather Ann Forrest (Dr.lus)  Legal researcher and academic Australia	The Proposal does not take into account relevant existing ICANN cross-community initiatives International law does not support the consent requirement recommended by the Proposal Recommendations are unworkable and inconsistent with foundational principles of ICANN.
<a href="#">Submission of the CCWG Use of Names of Countries and Territories as TLDs</a>	Co-chairs of the CCWG	Develop a list of geographic names is impractical Cautions about the ammend to the AGB prior to the conclusion of the CCWG Convene a face to face meeting in Singapore - Monday
<a href="#">INTA Internet Committee</a>	International Trademark Association	Disregards relevant issues of internacional law

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Comments on “The Protection of Geographic Names in the New gTLD Process”		GAC should consult with the entire ICANN Community in order to promote certainty
Comments on the Proposal of the ICANN GAC Sub-Group on Geographic Names	Jacqueline D. Lipton, Ph.D.  David L. Brennan Professor of Law	No legal basis or precedent for creating pre-emptive rights in words and phrases an applicant may seek to secure as a new gTLD.  Overall the proposal is unnecessary, inconsistent with existing legal principles, inconsistent with the historical development of the domain name system under ICANN’s stewardship, and practically unworkable
Joint Civil Society Comments on the Proposal of the ICANN GAC Sub-Group on “Geographic Names”	Civil Society Comments	False understandings and misapplications of law “Public Interest” presumed prematurely Undermines freedom of expression rights Unworkable practically: too broad, uncertain, and vague ICANN is an inappropriate forum to undertake the creation of new “intellectual property like” global rights to geographic names. Unbalanced proposal that should be rejected
Comment by the Domain Name Association to the GAC sub-group proposal on the protection of geographic names	Domain Name Association  Kurt Pritz Executive Director, Domain Name Association	Governments have no rights to geographic names  GAC proposal is not workable

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<p>Comments from the Registries Stakeholder Group (RySG) concerning GAC's Geo Names Proposal</p>	<p>Registries Stakeholder Group (RySG) Paul Diaz Alternate Chair, RySG</p>	<p>No basis in international law Changes should be developed through a GNSO Pdp process GAC should submit a request for an Issues report to the GNSO Council</p>
<p>Comments on GAC sub-working group proposal on "The protection of geographic names in the new gTLDs process"</p>	<p>Edwards Wildman Palmer UK LLP</p>	<p>World impose on Internet users a perspective which has never been accepted and which the ICANN community has specifically rejected. Upset the balance of the Applicant Guide Book beyond the issue of place names. Penalises the digital economy and suggests a "solution" without providing any evidence that there is a problem to be solved.</p>
<p><a href="#">Summary of Intellectual Property Constituency Comments on "The Protection of Geographic Names in the new gTLDs Process"</a></p>	<p>IPC</p>	<p>The IPC views the broad prohibition in the Proposal to be problematic for a number of reasons, most notably:</p> <ul style="list-style-type: none"> <li>(1) It appears to be based on an inadvertent misunderstanding or mischaracterization of trademark law; and</li> <li>(2) It prioritizes vague and indefinite government interests over rights that are explicitly and unequivocally recognized in international law.</li> </ul>
<p>Brunella Longo, Open Data Assurance, UK:</p>	<p>Brunella Longo, Open Data Assurance, United Kingdom</p>	<p>I understand the reasons BUT the protection of geo names is a TECHNICAL and GOVERNANCE issue very different from any question pertaining role, participation and specific peculiarities of some countries and economies and communities. Speakers should concentrate on the general rule to make the matter move forward from a</p>

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		policy and governance point of view.
<a href="#">Letter to ICANN on Geographic Names.pdf</a>	Association of National Advertisers Dan Jaffe Group EVP, Government Relations	Well-meaning, but would create an unsafe new domain name environment for advertisers, consumers, and brand owners, would undermine the international and national legal protection systems for trademarks and consumer protection laws, would create extremely vague new sources of GAC and local government objections leading to uncertainty and confusion for users of the system, and create new global law and policy on how geographic (“geo”) names are protected outside of the usual channels of law and policy making
<a href="#">BRG comments on GAC geo proposal 11-2014.pdf</a>	Brand Registry Group Philip Sheppard Director General	Does not address the issue of context. May provide further comments.
<a href="#">BC Comment on GAC Proposal for Protection of Geographic Names in New gTLDs</a>	ICANN Business Constituency Steve DelBianco Vice chair for policy coordination	Impractical. Unclear burden for business users applying for new gTLDs Not compatible with current law. The draft document is not clear on the definition of “public interest”, and what authority would determine the public interest in the event of a disagreement over a new gTLD.