

## Supplemental Report on the new gTLD Subsequent Procedures Policy Development Process (Work Track 5 on Geographic Names at the Top Level)

### 1 Executive Summary

#### 1.1 Introduction

On 17 December 2015, the GNSO Council initiated a Policy Development Process and chartered the New gTLD Subsequent Procedures Working Group. The Working Group (WG) was tasked with calling upon the community's collective experiences from the 2012 New gTLD Program round to determine what, if any changes may need to be made to the existing Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007.

As the original policy recommendations adopted by the GNSO Council and ICANN Board have "been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains," those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council decides to modify those policy recommendations via a policy development process. The Working Group is chartered to develop new policy principles, recommendations, and implementation guidance or to clarify, amend, or replace existing such elements.

A Call for Volunteers to the Working Group (WG) was issued on 27 January 2016. The Working Group held its first meeting on 22 February 2016 and has met regularly since that time. With over 250 members and observers in the Subsequent Procedures Working Group, and dozens of issues to address regarding the 2012 New gTLD Program, the Subsequent Procedures Co-Chairs divided up the work into a set of "Overarching Issues" and five Work Tracks. Each of the five Work Tracks covered a number of related

issues with the help of one or more Co-Leaders. The Working Group issued its first Initial Report, containing the output of the Working Group on the Overarching Issues as well as preliminary recommendations and questions for community feedback from Work Tracks 1-4, on 3 July 2018.

The topic of geographic names at the top level is one of the issue areas included within the charter of the New gTLD Subsequent Procedures PDP Working Group (PDP) and in order to fulfill the terms of the charter, the PDP needs to address this issue. With the GAC, ccNSO, ALAC, and GNSO all having a strong interest in this topic, the PDP is seeking to ensure that the community's work related to geographic names at the top level, specific to gTLDs, takes place in a single forum, to avoid the conflicting or contradictory efforts and outcomes that have taken place in the past.

Therefore, the PDP WG Co-Chairs established a fifth Work Track that focuses exclusively on the topic of geographic names at the top level. It is structured to encourage broad and balanced participation from different parts of the community and includes joint community Work Track leadership. Work Track 5 leadership is coordinated by the PDP WG Co-Chairs and Work Track Co-Leaders from the ALAC, ccNSO, GAC, and GNSO.

Per the Work Track 5 [Terms of Reference](#) document, Work Track 5's focus is on developing proposed recommendations regarding geographic names at the top level, including both ASCII and IDN forms. Work Track 5 is tasked with (i) considering what constitutes a geographic name in the specific context of the New gTLD Program; (ii) analyzing (a) 2007 GNSO Policy Recommendations on the Introduction of New Generic Top-Level Domains; and (b) relevant rules contained in the 2012 Guidebook, such as the Geographic Names Review procedure, Geographic Names Extended Evaluation, and Objection Procedures; and (iii) taking into account previous work related to geographic names that the community may have completed. Broader discussions about the remit of SOs and ACs, as well as the allocation of second and third level geographic domains are specifically out of scope for this Work Track.

A Call for Volunteers to Work Track 5 was issued on 22 October 2017. Work Track 5 held its first meeting on 15 November 2017 and has met regularly since that time.

## 1.2 Preliminary Recommendations

As noted in the Preamble, the Work Track 5 Supplemental Report does not contain a "Statement of level of consensus" for the recommendations presented in the Initial Report. In addition, in some circumstances, Work Track 5 did not reach agreement on preliminary recommendations and instead, has provided options for consideration and/or questions to seek input for further deliberations. Similar to the Initial Report, rather than including the set of preliminary recommendations, options, and questions in the Executive Summary, they will be made available in a table in Annex B.

## **Recommendations Summary**

Continue to reserve as unavailable **at the top level**:

- All two-character letter-letter ASCII combinations
- Alpha-3 codes listed in the ISO 3166-1 standard
- Short or long-form names listed in the ISO 3166-1 standard \*
- Short or long-form name associations with codes that have been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency
- Separable components of country names designated on the “Separable Country Names List.” \*
- Permutations and transpositions: Work Track 5 preliminary recommendations suggest clarifying that permutations and transpositions of the following are reserved. This is an adjustment to the 2012 Applicant Guidebook:
  - Long-form names listed in the ISO 3166-1 standard
  - short-form names listed in the ISO 3166-1 standard
  - short- or long-form name associations with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency
  - separable components of country names designated on the “Separable Country Names List.”
  - Names by which a country is commonly known
  - Strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1 standard should be allowed
- Names by which a country is commonly known, as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization.

\* For these items, translations in any language were reserved in the 2012 Applicant Guidebook. Work Track 5 has not yet agreed on whether translations should be reserved in the future, and if so, in which languages.

Continue to require a letter of support or non-objection from the relevant governments or public authorities for the following strings **at the top level**:

- capital city names of any countries or territories listed in the ISO 3166-1 standard \*\*
- city names, where the applicant declares that it intends to use the gTLD for purposes associated with the city name (see specific language from the 2012 Applicant Guidebook for details)
- Applications for any string that is an exact match of a sub-national place name, such as a county, province, or state, listed in the ISO 3166-2 standard.

- Applications for a string listed as a UNESCO region or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.

\*\* For this item, translations in any language were reserved in the 2012 Applicant Guidebook. Work Track 5 has not yet agreed on whether translations should require support/non-objection in the future, and if so, in which languages.

*Please see Annex B for the consolidated table of preliminary recommendations, options, and questions.*

In addition, this report seeks to record key discussions in Work Track 5, including issues raised, proposals put forward, benefits and drawbacks identified, and positions held by Work Track members. Please see Part 2, section f of this report for details. Part 2, section f includes discussion of specific categories of terms and also reflects high-level discussion on broader issues, such as:

- Who owns a string? Who has rights to a string? What is the appropriate role of geographic communities and governments? (see f.1.2.1)
- What types of mechanisms should exist to exercise rights or establish roles in the process? (see f.1.2.2)
- What law and policy considerations should be taken into account? Which should take precedent? (see f.1.2.3)
- What is a geographic name for the purposes of the New gTLD Program? Does the intended use of the string matter? (see f.1.2.4)
- What are the key takeaways from the 2012 round for the purposes of future policy development and implementation? (see f.1.2.5)
- Are there alternate methods of consultations or collaborations in the application process that could satisfy all stakeholders? (see f.1.2.6)

During the public comment period, feedback is welcome on all aspects of the report, including ideas, positions, and proposals discussed in Part 2, section f.

### 1.3 Deliberations and Community Input

The full Working Group formally sought community input through public comment on three occasions: (1) conducted outreach to all ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) as well as GNSO Stakeholder Groups (SGs) and

Constituencies (Cs) with a request for input at the start of its deliberations, which included a specific request for historical statements or Advice relating to new gTLDs<sup>1</sup> (2) Community Comment 1 (CC1)<sup>2</sup> (2) Community Comment 2 (CC2)<sup>3</sup>. For additional information about outreach activities conducted by the full Working Group, please see the Initial Report.

Work Track 5 has conducted outreach by connecting to the relevant communities through Work Track Co-Leaders and participants engaged in those communities. There is one Work Track Co-Leader representing each the ALAC, the ccNSO, the GAC, and the GNSO. The Co-Leaders have served as liaisons to their respective communities, ensuring that members of their communities are aware of the status of activities and know about opportunities to engage. The Work Track 5 Co-Leaders have regularly met with SOs and ACs during ICANN meetings. Face-to-face working sessions at ICANN meetings have been open and all members of the community have been encouraged to attend and engage. Cross-community sessions were held at ICANN59 and ICANN62 on the topic of geographic names at the top level.

In addition, some members of the GAC submitted written feedback about some of the issues being addressed by Work Track 5.<sup>4</sup>

## 1.4 Conclusions and Next Steps

This Supplemental Report for Work Track 5 will be posted for public comment for approximately 40 days. After Work Track 5 reviews public comments received on this report, it will complete this section documenting any conclusions based on the overall findings of the report, which will be integrated into the Final Report.

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<sup>1</sup> See outreach and inputs received on the Wiki here: <https://community.icann.org/x/2R6OAw>

<sup>2</sup> See Community Comment 1 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/3B6OAw>

<sup>3</sup> See Community Comment 2 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/Gq7DAw>

<sup>4</sup> See <https://community.icann.org/download/attachments/60490848/GAC%20Member%20inputs%20WT5.pdf?version=1&modificationDate=1529308543000&api=v2>

