

GNSO Reserved Name Working Group Report

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A. EXECUTIVE SUMMARY

1. This report summarizes the work of the GNSO Reserved Name Working Group including recommendations regarding nine subcategories of reserved names. It is presented to the GNSO Council for its consideration. Each subcategory was examined by a small subgroup, whose full reports are included in Appendices C through J. Members of the Working Group are listed in Appendix B. The Statement of Work for the Group is given in Appendix A. A description of the classifications of reserved names is presented in Appendix K.
2. This executive summary is intended for the GNSO and ICANN community generally and does not substitute for the actual recommendations in the report which follows.
3. Where the working groups were unable to come to rough consensus, the usual recommendation was for more work to be done. What follows is the *briefest possible* summary of the outcomes for each category or relevant subdivision thereof of the ASCII versions of reserved names, and selected IDN versions. Please refer to Section 4 and the individual subreports for the definitive version of the recommendations and those pertaining to IDNs. In some cases the recommendations are too complex to be usefully summarized and the reader is directed to the relevant section of the report.

A very brief table of recommendations of ASCII and selected IDN reserved names

See the actual tables for the complete recommendations

Table	Reserved Name Category	Domain Name Level(s)	Abbreviated Recommendation
4.1	ICANN and IANA	All	More work
4.2	Symbols	All	Maintain reservation
4.3	Single character names, letters	Top	More work
	Single character names, numbers	Top	More work, concern for technical issues
	Single character IDNs	Top	More work
	Single character names	Second	Release, contingent upon creation of a suitable allocation framework
		Third	No recommendation, subgroup did not address

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Table	Reserved Name Category	Domain Name Level(s)	Abbreviated Recommendation
4.4	Two-character names, letters	Top	Maintain reservation based on the ISO-3166 list, no further work
4.4	Two-character IDNs	Top	More work
	Two-character names, numbers and letter-number combinations	Top	More work
	Two character names, letters and numbers	Second	Registries may propose release provided that measures to avoid confusion with any corresponding country codes are implemented.
	Two character names	Third	No recommendation, subgroup did not address
4.5	Tagged names	Top	Maintain reservation
		Second	Modify terms of reservation
4.6	Nic,whois,www	All	Maintain reservation
	Geographic and geopolitical		See actual recommendations in Section 4 or in Appendix G
	Three-character reserved names at the third level	Third	Maintain reservations
4.7	gTLD names at the second level	Second and third	More work
4.8	Controversial	Top	Create such a category. See Table 4.8 for details
		Second and third	Registry operators must comply with local laws and regulations

Table A-1: Recommendation Table

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B. BACKGROUND

Statement of Work

1. In its meeting on 18 January 2007, the GNSO Council approved the formation of the Reserved Name Working Group (RN-WG) for the purpose of performing “an initial examination of the role and treatment of reserved domain names at the first and second level, with the goal of providing recommendations for further consideration by the TF or Council.”¹ The statement of work for the RN-WG is provided in Appendix A; it lists the following tasks for the WG:
 - a. Providing an initial examination of reserved names at both the top and second level for both existing and new gTLDs to include:
 - i. Reviewing the present treatment and process for reservation of names at all levels
 - ii. Reviewing any other discussions to date that have occurred related to reserved names for top level strings for new gTLDs including IDN gTLDs
 - iii. Reviewing any ICANN staff reports related to reserved names
 - iv. Liaising with the ICANN staff as needed, including legal and operational, to identify and review any existing work or relevant experiences related to reserved names processes and procedures
 - v. Reviewing any relevant technical documents
 - vi. Liaising with the ccNSO and the ccTLD community in general as needed regarding the two letter names issues
 - vii. Defining the role of reserved strings
 - viii. Prioritizing sub-elements of the broad topic of reserved names in a manner that would facilitate breaking the broad topic of reserved names into smaller parts that could then be divided into separate policy efforts of a more manageable size and that might also allow some less complicated issues to be resolved in a more timely manner so that some policy changes might be included in the introduction of new gTLDs
 - ix. Recommending how to proceed with a full examination of issues and possible policy recommendations.

¹ Minutes of the meeting can be found at <http://gns0.icann.org/meetings/minutes-gns0-18jan07.shtml>.

Working Group Membership

The Working Group was open for membership to GNSO Councilors and to GNSO Constituency members. ICANN advisory committees (e.g., ALAC, GAC) were allowed to appoint non-voting liaisons to the working group. The addition of WG members was allowed by the constituencies and the advisory groups at any time. Individual observers were also allowed to participate in the group.

Consistent with the terms of the Statement of Work, the GNSO Council appointed Chuck Gomes, a representative of the gTLD Registry Constituency from VeriSign, as Interim Chair of the WG. Mr. Gomes was subsequently elected chair by the WG in its initial meeting.

Table 1 summarizes the number of participants by organization. A complete list of WG members can be found in Appendix B.

Table 1 Number of RN-WG Participants by Organization

Constituency/Organization	Role	# of Participants
Business Constituency	Regular Members	4
Intellectual Property Constituency	Regular Members	4
Internet Service & Connectivity Providers Constituency	Regular Members	0
Non-Commercial User Constituency	Regular Members	2
Registrars Constituency	Regular Members	3
gTLD Registries Constituency	Regular Members	4
GNSO Council Nominating Committee Representatives	Regular Members	1
Individual	Observer	2
ccNSO and GNSO IDN Working Group *	Liaisons	2
ICANN Staff **	Staff Support	7

Table B-1: Participant Information

- * Invitations were sent to the ccNSO, the GAC and the GNSO IDN Working Group to provide liaisons. The ccNSO and the IDN WG in fact provided liaisons while the ALAC was made aware of the opportunity to provide a liaison via their participation on the GNSO Council.

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** Includes: Timothy Denton, consultant hired by the ICANN Policy Development team to support the WG; extensive administrative support by the GNSO Secretariat, Glen de Saint Gerry, and Victoria Tricamo; Patrick Jones of the Operational Staff; Policy Development team members; IDN program office; and General Counsel's Office.

Methodology

As much as possible, the working group operated using a rough consensus approach. Every effort was made to arrive at positions that most or all of the full group or subgroup members were willing to support. In any case where there was disagreement with the consensus view, members were asked to submit minority statements.

The following steps were performed by the WG to accomplish its tasks:

1. A mailing list was established and used for communication within the WG. Archives of the list can be found at <http://forum.icann.org/lists/gnso-idn-wg/>.
2. Relevant documents were identified and reviewed.
3. A comparison of gTLD Registry reserved name requirements in all 16 gTLD registry agreements was prepared and reviewed. (See Appendix K)
4. Reserved names were divided into eight categories and subgroups were formed to work on each category. Each subgroup did the following:
 - a. Reviewed any relevant documents and provided summaries for the full WG (see Section 5 of each subgroup's report)
 - b. Wrote a background statement that described the reserved name category (see Section 1 of each subgroup's report)
 - c. Identified possible experts and consulted with those experts as a subgroup or arranged for a consultation with the full WG if needed (see Section 4 of each subgroup's report)
 - d. Developed a brief statement defining the role of the reserved names in their category (see Section 2 of each subgroup's report)
 - e. Attempted to reach rough consensus on what were referred to as 'straw recommendations' for consideration by the full working group
 - f. Prepared a report containing the following elements:
 - i. Background
 - ii. Role of reservations requirement (if any)
 - iii. 'Straw' recommendations for the entire WG
 - iv. Consultation with Experts
 - v. Summary of Relevant Information Sources
5. The full working group held consultations with experts as necessary.
6. The full working group reviewed all subgroup reports, suggested modifications as necessary and approved the final subgroup reports, including changing subgroup 'straw' recommendations into "WG recommendations".

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7. The approved subgroup reports were used to create this final WG report.

Meetings

Weekly teleconference meetings were held starting on 25 January, continuing through 15 March with two extra meetings added in March. One in-person meeting (with dial-in capability) was held in conjunction with the policy development process meetings held in Marina del Rey, California 22-24 February. A total of eleven full working group meetings were held. In addition, many meetings were held by subgroups.

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C. SUMMARY OF RESERVED NAME CATEGORIES

Table 2 provides an abbreviated overview of nine reserved name categories considered by the RN-WG. (Note that the Single/2-Character category was divided into two separate categories in this table.) This summary is intended to be for easy understanding of the overall categories of reserved names and as such does not contain all details of the registry agreement requirements. For full details, see the registry agreements or the comparison of the reserved name requirements found in Appendix K.

Table 2 Summary of Existing Reserved Name Requirements

Category of Names	TLD Levels	Reserved Names	Applicable gTLDs
ICANN & IANA related	2 nd (and 3 rd if applicable)	ICANN: aso, gnso, icann, internic, ccNSO IANA: afrinic, apnic, arin, example, gtld-servers, iab, iana, iana-servers, iesg, ietf, irtf, istf, lacnic, latnic, rfc-editor, ripe, root-servers	All 16 gTLDs
Single Character	2 nd level	All 36 alphanumeric ASCII characters (e.g., a.biz, b.aero)	All 16 gTLDs (some of these were registered prior to the requirement)
Two Character	2 nd level	1296 combinations of ASCII letters and digits(e.g., xy.org, b2.info)	All 16 gTLDs (with some exceptions for certain gTLDs)
Tagged	2 nd (and 3 rd if applicable)	All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")	All 16 gTLDs
NIC, Whois, www	2 nd level	Nic, Whois, www (reserved for registry operations only)	All 16 gTLDs

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Category of Names	TLD Levels	Reserved Names	Applicable gTLDs
Geographic & Geopolitical	2 nd (and 3 rd if applicable)	All geographic & geopolitical names in the ISO 3166-1 list (e.g., Portugal, India, Brazil, China, Canada) & names of territories, distinct geographic locations (or economies), and other geographic and geopolitical names as ICANN may direct from time to time	.asia, .cat, .jobs, .mobi, .tel & .travel
Third Level	3 rd level	See Section 1.B of the subgroup report in Appendix H.	.pro and .name
Other 2 nd Level	2 nd level	See the section titled 'Other names reserved at the 2 nd level' in Appendix I	Varying lists for .aero, .biz, .coop, .info, .museum, .name and .pro
Controversial	No current requirement	N/A	None

Table C-1: Reserved Names Existing Registries

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D. ROLES OF RESERVED NAMES

Table 3 shows the definition of roles as determined by the RN-WG for each of nine reserved name categories considered by the WG.

Table 3 Roles of Reserved Names

Category of Names	Reserved Names	Role
ICANN & IANA related	ICANN: aso, gnso, icann, internic, ccNSO IANA: afrinic, apnic, arin, example, gTLD-servers, iab, iana, iana-servers, iesg, ietf, irtf, istf, lacnic, latnic, rfc-editor, ripe, root-servers	The role of the reserved names held by IANA and ICANN has been to maintain for those organizations the exclusive rights to the names of ICANN (icann), its bodies (aso, ccnso, pso, etc.) or essential related functions (internic) of the two organizations.
Single Character	All 36 alphanumeric ASCII characters (e.g., a.biz, b.aero)	It appears that the original purpose for reserving the single characters was driven by technical concerns.
Two Character	1296 combinations of ASCII letters and digits(e.g., xy.org, b2.info)	Two letter reservations appear to have been based on concerns about confusion with two letter country codes.
Tagged	All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")	The role of the tagged name reservation requirement is to be able to provide a way to easily identify an IDN label in the DNS and to avoid confusion of non-IDN ASCII labels. Implicit in this role is the need to reserve tagged names for future use in case the ASCII IDN prefix is changed.
NIC, Whois, www	Nic, Whois, www (reserved for registry operations only)	The rationale for the reservation of these names for use by registry operators is based upon long standing and well established use of these strings by registry operators (both gTLD and ccTLDs) in connection with normal registry operations.

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Category of Names	Reserved Names	Role
Geographic & Geopolitical	All geographic & geopolitical names in the ISO 3166-1 list (e.g., Portugal, India, Brazil, China, Canada) & names of territories, distinct geographic locations (or economies), and other geographic and geopolitical names as ICANN may direct from time to time	Protection afforded to Geographic indicators is an evolving area of international law in which a one-size fits all approach is not currently viable. The proposed recommendations in this report are designed to ensure that registry operators comply with the national laws for which they are legally incorporated/organized.
Third Level	See Section 1.B of the subgroup report in Appendix H.	The role of the names specifically reserved at the third level is primarily to combat security concerns (e.g., a party registering www.med.pro could pose as the registrar for that domain). As a secondary matter, they may be needed to overcome technical challenges presented by 'double' addresses (e.g., www.www.med.pro) and, to a lesser extent, consumer confusion.

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Category of Names	Reserved Names	Role
Other 2 nd Level	See the section titled 'Other names reserved at the 2 nd level' in Appendix I.	1) reservation of gTLD strings at the second level was put in place by ICANN in order to avoid consumer confusion in relation to TLD.TLD addresses; 2) the reservation of registry-related names came about during contract negotiations and are in place in order to protect the Registries and their successors and to avoid consumer confusion; 3) for the .name, .mobi, .coop, .travel and .job Registries, certain 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.
Controversial	N/A	There is no apparent role for controversial names among the existing categories of names reserved at the second level within gTLDs. The role of controversial second level names within several ccTLDs varies and includes an array of concepts such as the protection of national interests, illegal activities, obscenity, and social disorder.

Table D-1: Role of Reserved Names

E. RN-WG RECOMMENDATIONS

1. The recommendations of the RN-WG for each of the reserved name categories considered by the WG are provided below. Note that for clarity some of the original eight categories were broken down into smaller categories. For some of the categories, recommendations are shown in tables; in those cases the recommendations are provided according to the level of the domain name (top, 2nd, 3rd) and within each of those levels they are broken down into any recommendations regarding ASCII domain names

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and IDN domain names. The column titled ‘More Work?’ indicates whether or not the WG recommends that additional work be done before making final recommendations. Additional information regarding the recommendations including guidelines for additional work, if applicable, is provided following each table.

2. The recommendations listed are those for which at least rough consensus was reached by the full WG. For any categories for which there are views different from the rough consensus of the WG, minority views are provided following the table or the narrative recommendations.

Table 4.1 Recommendations regarding ICANN & IANA Related Reserved Names

Description of Current Reserved Name Requirement			
ICANN: aso, gnso, icann, internic, ccNSO			
IANA: afrinic, apnic, arin, example, gtld-servers, iab, iana, iana-servers, iesg, ietf, irtf, istf, lacnic, latnic, rfc-editor, ripe, root-servers			
Level	Type	More Work?	Recommendations
Top	ASCII	Yes	More work is recommended. (See discussion below of what that work might entail).
Top	IDN	No, except for “example”	<ol style="list-style-type: none"> 1. For all but “example”, do not try to translate into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist. 2. In the case of “example”, we recommend the IDN working group be consulted with regard to whether the term “example” be reserved in corresponding versions of Unicode.
2 nd	ASCII	Yes	More work is recommended. (See discussion below of what that work might entail).
2 nd	IDN	No, except for “example”	<ol style="list-style-type: none"> 1. For all but “example”, do not try to translate into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist. 2. In the case of “example”, we recommend the IDN working group be consulted with regard to whether the term “example” be reserved in corresponding versions of Unicode.
3 rd	ASCII	Yes	For gTLDs with registrations at the third level, more work is recommended. (See discussion below of what that work

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Description of Current Reserved Name Requirement			
ICANN: aso, gnso, icann, internic, ccNSO			
IANA: afrinic, apnic, arin, example, gTLD-servers, iab, iana, iana-servers, iesg, ietf, irtf, istf, lacnic, latnic, rfc-editor, ripe, root-servers			
Level	Type	More Work?	Recommendations
			might entail).
3 rd	IDN	No, except for "example"	For gTLDs with registrations at the third level: 1. For all but "example", do not try to translate into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist. 2. In the case of "example", we recommend the IDN working group be consulted with regard to whether the term "example" be reserved in corresponding versions of Unicode.

Table E-1: ICANN & IANA Related Reserved Names

Some members of the RN-WG wished to express the following personal views on the subject of ICANN and IANA reserved names.

Avri Doria wrote:

"These TLDs should be available to the appropriate organizations for registration; e.g. the IAB should be allowed register .iab or .irtf, ISOC should be able to register .ietf or .iesg and Afrinic should be able to register .afrinic - assuming, of course, they meet all the other requirements for registration and want to do so.

"The review, comment and challenge procedures that are being developed by the GNSO new gTLD process to deal with registration of a label by an entity that does not have the right to so register the label should be sufficient to prevent these names from being registered by organizations other than those who would have the right to do so.

"Note: the discussion of the reservation at the second and third levels should be subject to similar constraints as at the first level, though the processes for review and challenge would be different."

Michael Palage offered the following points:

"In accordance with Article I, Section 2 subparagraph 8 of the ICANN bylaws it states that in performing its mission, the following core values should guide the decisions and actions of ICANN "[m]aking decisions by

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applying documented policies neutrally and objectively, with integrity and fairness." Unlike other reservations that are based upon long standing and well established principles, ICANN/IANA staff has sought to continue reservation of a compilation of strings in which they have been unable to provide any documentation regarding the legal authority for such reservation. For ICANN/IANA to continue to reserve these names while similarly situated parties, in this case sovereign national governments (country names), IGOs and nationally recognized trademark holders, are not provided equal protection appear to be a clear violation of the bylaw provision cited above. More detailed discussion regarding the legal concerns regarding these reservation have been documented on the working groups mailing list, see <http://forum.icann.org/lists/gnso-rn-wg/msg00169.html>.

"In order for this or any other working group to make a determination based upon documented fact, the following inquiries should be explored:

- ICANN should make available to the group all written and historical references to the original basis of these reservations;
- ICANN should contact all organizations that have had their name reserved, and ask for documentation in connection with any actual confusion or security/stability concerns that have arisen in connection with the use of these strings in legacy gTLD (.com, .net and .org);
- ICANN should ask these organizations if they would prefer to have ICANN continue to reserve these names in existing and future TLDs, and the basis of this reservation request; and
- ICANN should undertake an analysis to determine any third parties that may have rights in the reserved strings (i.e. nationally registered trademarks, etc) and how this reservation potentially negatively impacts those rights."

Mike Rodenbaugh stated the following:

It appears obvious that these names were reserved to avoid end-user confusion if an entity other than the corresponding entity (ICANN, IANA, etc.) were to register a domain such as icann.info, iana.biz, afnic.travel, etc. Such problem is far more severe in the case of well-known brands (Yahoo!, Citibank, eBay, etc.) who receive exponentially more traffic to their websites and collect personal and financial information from users, making them far more frequent and severe targets for cybersquatting, phishing and other illegal activities.

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ICANN and related entities' brands should not receive any greater protection than more well-known brands. Rather, ICANN should determine methods to better protect all users and brands from these problems, taking into account the many years of experience that non-ICANN related brands have suffered in this regard.

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Table 4.2 Recommendations regarding Symbols

Description of Current Reserved Name Requirement			
Level	Type	More Work?	Recommendations
ALL	N/A	No	We recommend that current practice be maintained, so that no symbols other than the '-' [hyphen] be considered for use at any level, unless technology at some time permits the use of symbols.

Table E-2: Symbols

Minority statement from Avri Doria

I have a minority statement for symbols. I do not buy the blanket technical argument for all symbols, especially in IDNs.

There should be actual technical proof that symbols cause problems in the DNS. The prohibition should only be for those that are shown to prove harmful. Any symbols not found harmful should be released after technical testing.

I recommend that the use of symbols in the DNS be tested to see which cause problems.

Table 4.3 Recommendations regarding Single Character Names

Description of Current Reserved Name Requirement			
All 36 alphanumeric ASCII characters (e.g., a.biz, b.aero, 9.com)			
Level	Type	More Work?	Recommendations
Top	ASCII	Yes	Letters: We recommend further work to confirm that there are no technical reasons to prohibit single letter TLDs.
			Numbers: We recommend that further work be done on single numbers at the top level. There may be technical issues in that some programs may read such a string as a partial IP address.
Top	IDN	Yes	We recommend further work on the subject of one-character IDN TLDs, including outreach to experts and

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Description of Current Reserved Name Requirement			
All 36 alphanumeric ASCII characters (e.g., a.biz, b.aero, 9.com)			
Level	Type	More Work?	Recommendations
			discussion related to policies for IDNs.
2 nd	ASCII	Yes	Letters and numbers: We recommend that single ASCII letters and numbers be released at the second level in future TLDs, and that those currently reserved in existing TLDs should be released. This release should be contingent upon the development of an appropriate allocation framework.
2 nd	IDN	Yes	We recommend further work on the subject of two-character IDNs, including outreach to experts and discussion related to policies for IDNs.
3 rd	ASCII	No	The subgroup did not address single-letters and numbers at the third level for gTLDs that offer registrations at that level.
3 rd	IDN	No	The subgroup did not address single-character IDNs at the third level for gTLDs that offer registrations at that level.

Table E-3: Single Character Names

Minority Statement from Mike Rodenbaugh

According to recent research conducted by IANA, out of 9540 possible combinations of single-character ASCII names at the second level (containing 26 letters, 10 numbers, but not symbols, across 265 TLDs), 1225 delegations of single-character ASCII names exist in the zone. 63 TLDs have at least one single-character ASCII delegation (see <http://forum.icann.org/lists/gnso-rn-wg/msg00039.html>). Given that single letter and number domains are widely in use at the second level in country codes and as IDNs (Unicode renderings of ACE forms of IDNA valid strings (“A-labels”)), it seems reasonable to examine how to release and allocate single letter and number top level names, both in ASCII and IDN.

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Table 4.4 Recommendations regarding 2-Character Reserved Names

Description of Current Reserved Name Requirement 1296 combinations of ASCII letters and digits (e.g., xy.org, b2.info, 29.biz)			
Level	Type	More Work?	Recommendations
Top	ASCII	No	Letters only: We recommend that the current practice of allowing two-letter ASCII names at the top level, only for ccTLDs, remain at this time. *
		Yes	One letter and one number or two numbers: We recommend further work regarding letter/number or 2-number TLDs including outreach to experts. This area needs further study, including discussion with technical experts before any recommendation is made.
Top	IDN	Yes	Two-character IDNs need further work including outreach to experts and discussion related to policies for two-character IDNs and IDN versions of the ISO 3166 list. This is a possible area for further work by the IDN WG.
2nd	ASCII	No	We recommend that registries may propose release of two letter and/or number strings at the second level, provided that measures to avoid confusion with any corresponding country codes are implemented. A standardized approach should be used which ensures consultation with appropriate parties, including the ccNSO and ISO-3166 Maintenance Agency, and where security and stability issues are identified, RSTEP. **
2nd	IDN	Yes	We recommend further work on the subject of two-character IDNs, including outreach to experts and discussion related to policies for IDNs.
3rd	ASCII	No	The subgroup did not address two-character letters and numbers at the third level.
3rd	IDN	No	The subgroup did not address two-character IDNs at the third level.

Table E-4: Two Character Reserved Names

* The subgroup was encouraged by the ccNSO not to consider removing the restriction on two-letter ASCII names at the top level. IANA has based its allocation of two-letter names at the top level on the ISO 3166 list. There is a risk

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of collisions between any interim allocations, and ISO-3166 assignments which may be desired in the future.

** The existing gTLD registry agreements provide for a method of potential release of two-character ASCII names at the second level. In addition, two letter and/or number ASCII strings at the second level may be released through the process for new registry services, which process involves analysis of any technical or security concerns and provides opportunity for public input. Technical issues related to the release of two-letter and/or number strings have been addressed by the RSTEP Report on GNR's proposed registry service. The GAC has previously noted the WIPO II Report statement that "If ISO 3166 alpha-2 country code elements are to be registered as domain names in the gTLDs, it is recommended that this be done in a manner that minimises the potential for confusion with the ccTLDs."

Minority Statement by Mike Rodenbaugh

"I recommend that two letter ASCII gTLDs be allowed, provided that measures to avoid confusion with any corresponding country codes are implemented. A standardized approach should be used which ensures consultation with appropriate parties, including the ccNSO and ISO-3166 Maintenance Agency, and where security and stability issues are identified, RSTEP. While there may be political reasons, there appears no strong policy reason to withhold every possible two-letter TLD from use, on the assumption that some of them may be desired by countries that may be created in the future. In addition, this concern would diminish if countries were able to use their own name as a TLD, including in its IDN form, or in an IDN two letter ccTLD.

"I recommend that single and two IDN character names continue to be released at the second level in future TLDs in accord with ICANN IDN Guidelines, as they have already been released in existing TLDs."

Table 4.5 Recommendations regarding Tagged Reserved Names

To avoid user confusion that might result in not being able to tell the difference between a legitimate IDN name and an illegitimate one and to provide maximum flexibility in the unlikely case that the xn-- prefix should ever need to be changed, we make the recommendations shown in the following table.

Description of Current Reserved Name Requirement			
All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")			
Level	Type	More Work?	Recommendations
Top	ASCII	No	<ol style="list-style-type: none"> 1. In the absence of standardization activity and appropriate IANA registration, all labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n") must be reserved.² 2. For each IDN gTLD proposed, applicant must provide both the "ASCII compatible (ACE) form of an IDNA valid string" ("A-label") and in local script form (Unicode) of the top level domain ("U-label").³
Top	IDN	No	N/A
2 nd	ASCII	No	The current reservation requirement be reworded to say, " <i>In the absence of standardization activity and appropriate IANA registration, all labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n") must be reserved.</i> " ⁴ – added words in <i>italics</i> . (Note that names starting with "xn--" may only be used if the current ICANN IDN Guidelines are followed by a gTLD registry.)
2 nd	IDN	No	N/A
3 rd	ASCII	No	Same as for the 2 nd -level for any gTLDs for which registrations occur at the 3 rd -level
3 rd	IDN	No	N/A

² Considering that the current requirement in all 16 registry agreement reserves "All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")", this requirement reserves 1296 names (36x36).

³ Internet Draft IDNAbis Issues: <http://www.ietf.org/internet-drafts/draft-klensin-idnabis-issues-01.txt> (J. Klensin), Section 3.1.1.1

⁴ Considering that the current requirement in all 16 registry agreement reserves "All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")", this requirement reserves 1296 names (36x36).

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Table E-5: Tagged Reserved Names

The Tagged Name Subgroup relied exclusively on Ram Mohan, and Tina Dam as experts and did not believe that additional expert consultation was needed for the topic of tagged name reservations, but did recommend scheduling of a full WG consultation with Ram, Tina and Cary Karp to assist in the finalization of reports for other reserved name categories with regard to IDNs. That WG consultation occurred on 1 March 2007.

Table 4.6 Recommendations regarding Reservation of NIC, Whois and www for Registry Operations

Description of Current Reserved Name Requirement NIC, Whois, www			
Level	Type	More Work?	Recommendations
Top	ASCII	No	The following names must be reserved: nic, whois, www.
Top	IDN	No	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.
2 nd	ASCII	No	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.
2 nd	IDN	No	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.
3 rd	ASCII	No	For gTLDs with registrations as the third level, 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.
3 rd	IDN	No	For gTLDs with registrations as the third level, 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.

Table E-6: NIC, WHOIS, WWW Reserved Names

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Recommendations regarding Geographic & Geopolitical Reserved Names

Top Level (ASCII and Unicode strings):

In order to approve the introduction of new gTLDs using geographic identifiers, ICANN shall require the solicitation of input from GAC members(s) and/or government(s) associated with the potential geographic string (ASCII and/or Unicode).

Additionally, Registries incorporated 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 (“Member States”), or have other related applicable national laws must take appropriate action to comply with those guidelines and those national laws. Registries incorporated under the laws of those countries that have not 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 (“Non-Member States”) must take appropriate action to comply with any related applicable national laws.

Second Level (ASCII and Unicode strings):

Registries incorporated 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 (“Member States”) must 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.

Third Level (ASCII and Unicode strings):

Registries that register names at the third level and are incorporated 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 (“Member States”) must 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.

If any of the above recommendations are not supported by the community, it is recommended that further consultation with WIPO, the ccNSO and the GAC be conducted. Proposed questions for such consultation can be

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found in Section 5, Consultation with Experts, in the Geographic and Geopolitical Reserved Names Report in Appendix G.

Recommendations regarding 3-Character Reserved Names at the 3rd-Level

We do not recommend any change in the treatment of “prohibited third level labels” and “patterns of names staying with the registry.” While recognizing the right of registries to reserve names for a variety of technical, security and/or business reasons, the registry operators should provide some documentation for the basis of these reservations. The ICANN and IANA reserved names at the third level should be harmonized with the recommendations regarding those names at the second level.

If these or other registries reserving names at the third level are considering offering IDNs, the registry may wish to reserve IDN versions of the registry’s reserved names, except where those name are abbreviations or acronyms.

Table 4.7 Recommendations regarding Reserved gTLD Strings

Description of Current Reserved Name Requirement			
gTLD names at the 2 nd level			
Level	Type	More Work?	Recommendations
Top	ASCII	No	N/A
Top	IDN	Yes	More work is recommended. (See guidelines below.)
2 nd	ASCII	Yes	More work is recommended. (See guidelines below.)
2 nd	IDN	Yes	More work is recommended. (See guidelines below.)
3 rd	ASCII	Yes	Recommendations for the 2 nd level, if any, could likely be applied at the third level for gTLDs registering names at the 3 rd level.
3 rd	IDN	Yes	Recommendations for the 2 nd level, if any, could likely be applied at the third level for gTLDs registering names at the 3 rd level.

Table E-7: Reserved gTLD Strings

Guidelines for Additional Work

Three alternative recommendations were considered by the subgroup:

[ALT1] The provision be retained in order to avoid consumer confusion.

[ALT2] The reservation requirement is overly restrictive and seems to create an unfair advantage for some existing registries over new registries. Thus, the reservation requirement should be removed.

[ALT3] The reservation requirement should be retained unless the two Registries in question come to agreement between themselves to release the names.

Section 4 (Consultation with Experts) summarizes the feedback received from about half of the existing gTLD registries. The opinions expressed are mixed so it might be helpful to solicit responses from the remaining gTLD registries.

It might also be helpful to attempt to collect data regarding ccTLD practices regarding use of gTLD strings at the second level.

Finally, there are at least three considerations regarding IDNs that need to be investigated: 1) should Unicode versions of existing ASCII strings be reserved in any scripts at the top level; 2) should ASCII and/or Unicode strings of future gTLDs be reserved; and 3) if it is decided that ASCII gTLD strings should be

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reserved at the second level, should corresponding Unicode strings be reserved in any scripts? Much of this work possibly should be done by the GNSO IDN working group or similar groups with IDN expertise.

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Recommendations regarding Reserved Registry-Specific Names

Further consideration of this particular reservation requirement is advised. It does not appear that this issue clearly fits within the remit of the PRO WG and so future work is required by an alternative working group.

Guidelines for Further Work

The subgroup considered the following alternative recommendations:

[ALT1] Registries may propose such reservations during contract negotiations with the standard comment period to apply, allowing for input from all interests.

[ALT2] Registries should be allowed to reserve *and register* such names.

[ALT3] Referral to the Protecting Rights of Others (PRO) Working Group for further consideration in light of potential infringement of rights issues.

Other alternatives are possible and should be further investigated along with the above. For example, this type of reservation requirement could be handled strictly via the new gTLD application process with opportunity for public comments in that process.

Finally, if further work is done for this category of names, it would be helpful to obtain input from NeuStar regarding the .biz list of reserved names in this category.

Recommendations regarding Other Reserved Names

It is recommended that more work be done on this subcategory of names. With regard to that work, the following recommendation was supported by several people in the working group and should be further considered in any follow-on work:

It was the group's observation that each gTLD's list of reserved names and its business model may be unique. There may not be any one-size-fits-all approach for all gTLDs. For new gTLDs, applicant's approach to this category of reserved names (if applicable) must continue to be set during contract process and must include an opportunity for public comment by all interested parties.

The following information must be included in new gTLD applications that involve names in this category:

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1. A proposed list of reserved names from the registry, and a proposed procedure for opposing any names on such list, including a proposed administrator of such dispute resolution service (e.g., dotMobi's Premium Name Application Process for Trademark Holders which was administered by WIPO)
2. An overview as to why the various groups of names are being reserved and how this serves the community or forms part of the Registry's business model
3. An outer time limit, five years or less, as to how long the names will be reserved
4. A proposed procedure for releasing the names (e.g., an allocation method).

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 (e.g., as per the .name example). Therefore, the Registry Service Approval 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.

Minority Statement by Victoria McEvedy

I refer to my minority report in relation to Controversial Names and the comments of that Subgroup. For many of the same reasons I do not support any proposal that allows Registries to unilaterally deny applications at their discretion, without transparent and objective criteria, and without allowing for a proper external legal remedy by which the applicant can challenge the decision. Obviously there are concerns as to Freedom of Expression issues here. I support further work being undertaken on this issue.

Minority Statement by Marilyn Cade

This will be short. I think Greg/others identified an area that this group can make rapid progress on but which needs more work to determine how names are reserved, and then released by the registry.

I understand it may be a unique category but for now, addressing it will be most efficient by the present group who has some expertise.

Minority Statement from Caroline Greer

If Registries submit a list of reserved names for public comment during contract negotiations they should not also be required to provide for an opposition procedure administered by a third party. Such an opposition procedure may not

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be necessary or appropriate depending on the gTLD / names proposed and any opposition could be voiced during the public comment period. dotMobi's Premium Name Application Process for Trademark Holders was a unique process appropriate for that Registry (and developed after contract execution).

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Table 4.8 Recommendations regarding Controversial Reserved Names

Definition of Controversial Names used in this report			
<ol style="list-style-type: none"> 1. Qualifies as a TLD under the then prevailing String Criteria 2. Does not fall under any other Reserved Name category 3. Is disputed for reasons other than: i) It falls under any other Reserved Name category; ii) It infringes on the prior legal rights of others 			
Level	Type	More Work?	Recommendations
Top	ASCII	Yes	<ol style="list-style-type: none"> 1. Propose creating a category called Controversial Names for use at the top level only. A label that is applied for would be considered Controversial if during the Public Comment phase of the new gTLD application process the label becomes disputed by a formal notice of a consensus position from an ICANN Advisory Committee or ICANN Supporting Organization, and otherwise meets the definition of Controversial Names as defined above. 2. <ol style="list-style-type: none"> a. In the event of such dispute, applications for that label would 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 would reenter the processing queue. The period of time allowed for dispute should be finite and should be relegated to a, yet to be defined, external dispute resolution process. The external dispute process should be defined to be objective, neutral, and transparent. The outcome of any dispute should not result in the development of new categories of Reserved Names. b. Notwithstanding the outcome of any such dispute, National law must apply to any applicants within its jurisdiction and in cases where the processes of International law allow enforcement of one nation's law on applicants from a different jurisdiction, those processes should apply. 3. It is recommended that more work needs to be done in regards to dispute resolution processes, including minimizing the opportunity for such processes to be gamed or abused.

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Definition of Controversial Names used in this report			
1. Qualifies as a TLD under the then prevailing String Criteria 2. Does not fall under any other Reserved Name category 3. Is disputed for reasons other than: i) It falls under any other Reserved Name category; ii) It infringes on the prior legal rights of others			
Level	Type	More Work?	Recommendations
			4. The process [or lack thereof] described in 2 above could also be applied to new or existing strings that fall under other reserved name categories, for example, geographic and geopolitical names. The process may apply equally well to names at the second level.
Top	IDN	Yes	These recommendations may apply equally well to IDNs at the top level, but more work needs to be done.
2 nd	ASCII	No	Processes, if any, to deal with controversial names at the second level should be left to the discretion of the gTLD Registry Operator with the exception that Registry Operators must comply with applicable local laws and regulations.
2 nd	IDN	No	Processes, if any, to deal with controversial IDN names at the second level should be left to the discretion of the gTLD Registry Operator with the exception that Registry Operators must comply with applicable local laws and regulations.
3 rd	ASCII	No	Same as for the 2nd-level for any gTLDs for which registrations occur at the 3rd-level.
3 rd	IDN	No	Same as for the 2nd-level for any gTLDs for which registrations occur at the 3rd-level.

Table E-8: Controversial Reserved Names

Comments of Avri Doria (In consultation with Victoria McEvedy, Solicitor, International Dispute Resolution Practice Consultant.):

This report is concerned to identify comprehensively the issues raised by the principles and to examine them.

Trade Mark Laws and ccTLDs as models

It should be noted that both Nation States' trade mark laws, which are territorially limited and ccTLDs are premised on the assumption that a Nation is monocultural with a unitary legal system and a generally accepted standard of morality and taste often with only one or two dominant religions.

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Issues arise from attempts to extrapolate standards globally in a multicultural context is clearly problematic. These analogies must be considered with this limit in mind.

Trade mark laws also give inadequate weight to Freedom of Expression concerns which are relevant in an internet context given that much of the use is non-commercial. Consideration must also be given to the special considerations arising from the government sanction and exclusivity involved in trade marks which may not be applicable to the internet.

International Law

. . . Arts 19 and 29 of the UN Convention on Human Rights . . . together subject Freedom of Expression to only such limitations as are determined by law. The ECHR provides similarly at Art. 10. Considerations arise as to the desirability of improving on such standards and questions as to the availability of other options.

Most nations have some restrictions on speech and inciting racial hatred or discrimination and crime tend to be included. It may be that common standards can be extracted after a review. Criticism of other religions is a tenant of Freedom of Expression in the West but prohibited in the Middle East. A full and proper study of the appropriateness of imposing the Eastern standards on the West should be considered.

Content v Strings

Another issue that arises is the possibility that no action should be taken as to the strings on the basis that content is regulated by all nations so that for example, while .Nazi itself would not infringe French or German laws against glorification of the Nazi – the issue would be content related and depend on the content. See for example the Yahoo litigation.

The Veto

The ability of any one nation to block an application requires serious consideration.

Comments of Marilyn Cade:

While the GAC is developing public policy principles, these are presently not available in final version to the Working Group, or GNSO Council. It is therefore not possible to fully consider the GAC's principles, although earlier draft versions are being discussed. Indications are that there will be some guidance from the GAC regarding criteria. Ideally, in the future, ongoing discussion and dialogue about draft principles will be undertaken in a 'multi stakeholder' discussion, before principles are finalized. Changes and improvements in sharing of information by the GNSO with the GAC should be considered as work in progress and undertaken during the

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GNSO improvements process. All such changes should accommodate the interests and perspectives of the GAC.

The GAC's advisory role to the ICANN processes is based on consensus of the GAC members. The Working Group should provide its best judgment, and provide for consultation and dialogue with the GAC, in conjunction with the GNSO Council, once the GAC principles are available for discussion. Ideally, the GAC will engage in dialogue with the GNSO Council, its Task Forces/Working Groups, and other ICANN expert bodies, before finalizing principles.

In my view, the establishment of the controversial/disputed names category is largely as a placeholder, where a name can be parked, and the disputed or controversial issues be addressed, in an established time frame. It is not my view that all strings that are proposed will be ultimately approved. Some will be denied for technical or political reasons, e.g. the name of a country proposed as a string by someone other than the country itself. While some believe that a TLD should be a matter of freedom of speech, I am not inclined to expect such lofty goals of a simple TLD. It is important to remember that second level registrations remain available to registrants, and the operating a registry is an obligation, not a right. The availability of second, third level registrations, and the ability to register for access to the Internet via ISPs for web pages and email addresses remains a core mechanism for users. Of today's 1 billion users, the vast majority use email addresses, web pages from ISPs, for their access and identity on the Internet.

Comments of Tim Ruiz:

The basis for my support of the straw recommendation is the desire that all applications for a new gTLD registry should be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process, and that it is impossible for ICANN to pre-determine all terms that may be morally offensive or of national, cultural or religious significance for all of the world's cultures and create predictable criteria for applicants.

It is my view that 2.v. of TOR two in the draft final report should be applied more as a warning to applicants, not as a criteria that ICANN can actually proactively apply when considering applications. The warning is that any string applied for may be contested as something contrary to public policy. If contested, the application will be moved to a holding status as 'controversial' until the public policy claims can be further investigated.

The only exception might be the seven words banned by the US Federal Communication Commission. While I have not asked that this be added to the straw recommendation, it is my belief that the US Department of Commerce, who has ultimate approval of all additions to the root, would

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never allow a gTLD string that exactly matches one of the seven banned words into the root.

Minority Statement by Victoria McEvedy

I wish to supplement the work of the Committee by adding these comments.

It is my view that any general Principle which seeks to prohibit any gTLD promoting hatred, racism, discrimination, crime or any abuse of religions or cultures is fundamentally flawed insofar as it fails to include any reference to Freedom of Expression.

GACs own Operating Principles, as amended at Mar del Plata, April 2005, provide at §6.3 that ICANN's decision making should take into account public policy objectives including, among other things:

- secure, reliable and affordable functioning of the Internet, including uninterrupted service and universal connectivity;
- the robust development of the Internet, in the interest of the public good, for government, private, educational, and commercial purposes, world wide;
- *transparency and non-discriminatory practices in ICANN's role in the allocation of Internet names and address;*
- effective competition at all appropriate levels of activity and conditions for fair competition, which will bring benefits to all categories of users including, greater choice, lower prices, and better services;
- fair information practices, including respect for personal privacy and issues of consumer concern; and
- *freedom of expression.*

Given that one of GACs overall policy objectives is Freedom of Expression, it is critical that it be referred to in any statement the GAC may make on the new gTLDs. It is more significant than the concerns of Rights' claimants.

The internet is not solely concerned with commercial use and speech and it is critical that proper consideration be given to Freedom of Expression.

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This is a consumer concern and is why trade mark law is so often an inadequate analogy.⁵

It is now well established in international jurisprudence that Freedom of Expression should only be subject to limits prescribed by law. A classic example is the balance in Article 10 of the European Convention on Human Rights. E.g.:

“(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...(2) The exercise of these freedoms, since it carries with it duties and responsibilities, *may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society*, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Freedom of Expression is therefore predominant and subject only to those limits both prescribed by law *and* necessary in a democratic society for one of the enumerated purposes.

I propose that any GAC policy statement or Principles reflect a similar balance. The predominant concern should be Freedom of Expression, subject only to those limits supplied by law and in the interests of preventing the promotion of hatred, racism, discrimination etc. Most nations do have laws preventing this type of speech so this should not be problematic.

In relation to “abuse of specific religions or cultures,” unless that abuse would fall within one of the laws aforementioned, then presumably in the delicate balancing act between Freedom of Expression and limits prescribed, this conduct is deemed by a given society to fall within the right to Freedom of Expression.

Different societies have reached different answers to these difficult questions. Whose should prevail? The danger is that the nation with the most restrictive approach would drag the rest down to its standards.

⁵ Not only does trade mark law contain many compromises in its complex defences which are not reflected in the Domain System, but entry on the register, for registered marks, was at the government’s discretion and thus contained an element of state sanction –allowing it to impose a Victorian “taste and decency” approach.

Certainly in democratic traditions, it has never been acceptable to have secret closed committees, accountable to no-one, decide what can be said or published based on criteria known only to them and not subject to law or of law –this is censorship. This is the problem with the first stage of the “disputed application” approach as recommended. Arguably pre-determined criteria or restricted lists are more transparent.

ICANN should defer to the law but whose law? The choices are broadly Country of Origin or Countries of Destination. Destination is not feasible -- -unless, if the proposed name would infringe a law in a nation state which objects to the application—the application could be granted with conditions restricting or preventing its use in the objecting state(s). I understand however that this may not be technically possible. It would however prevent one State imposing its laws on others. The technical issues should be investigated.

An alternative might be agreed rules for jurisdiction and choice of law. Experts should be consulted.

This applies similarly to names at the second level, and other levels, where it should not be left to the discretion of the Registrars.

F. RESERVED NAME TOPICS NOT CONSIDERED BY THE RN-WG

Because of limited time constraints, the RN-WG was not able to spend much time on the following topics related to reserved names that were suggested as possible topics for consideration in the statement of work:

1. Whether reserved name requirements need to be the same for all gTLDs and, if not, which ones might vary
2. Whether there should be a procedure by which staff publishes new categories of reserved names before adding them to registry agreements
3. Processes by which names could be put into reserved status at the top level
4. Processes by which names can be unreserved at the **top level** and made available for allocation, including discussion of whether there are unique treatments in allocation for names that are reserved
5. Whether and how categories of names can be unreserved and allocated at the **second level** from the existing categories
6. Should there be a process by which new names or categories are added to the reserved status in the second level (e.g., should we assume that all new strings allocated for operation as registries are reserved at the second level when they are awarded?)

It may be useful for the GNSO Council to consider whether separate working groups should be established to consider any of the above topics either independently or in combination with related topics.

It should also be noted that the RN-WG did not consider whether trademark names should have any reserved status because it was assumed that the Protecting the Rights of Others Working Group (PRO-WG) recently formed by the GNSO Council will cover this area.

G. REPORTS FOR RESERVED NAME CATEGORIES

As stated earlier in the Methodologies subsection of this document, a separate report was written and approved for each of the reserved name categories considered by the RN-WG. The roles of reserved names and recommendations for all eight categories come directly from those reports. The basis used by the WG in arriving at the roles and recommendations can be better understood by reviewing the full reports for each category. Each report contains:

- Important background information to facilitate understanding of the reserved name category along with some historical information where applicable (Section 1 of each report)
- A listing of possible experts and a summary of the results of any consultations done with experts (Section 4 of each report)
- A summary of relevant sources of information (Section 5 of each report).

Because of the large number of information sources used for each report, they will not be repeated here. Please refer to Section 5 of each report to see the list of all sources reviewed for each category along with links or references as applicable. The following information sources were reviewed by the full RN-WG at the beginning of the process:

- gTLD Registry Agreement Reserved Names Appendices
 - URL for agreements:
<http://www.icann.org/registries/agreements.htm>
 - Attachment 11 - .aero, .coop, .museum⁶
 - Appendix 6 - .asia, .biz, .cat, .com, .info, .jobs, .mobi, net, .org, .tel, .travel
 - Appendix K - .name, .pro
- Relevant RFCs which discuss reserved names
 - RFC 2606 (<http://www.rfc-editor.org/rfc/rfc2606.txt>)⁷
 - RFC 2141 (<http://www.ietf.org/rfc/rfc2141.txt>)
 - RFC 3491 (<http://www.rfc-editor.org/rfc/rfc3491.txt>)

Table 6.1 lists the appendices where individual subgroup reports for each reserved name category can be found.

Table 6.1 List of Appendices for Subgroup Reports

⁶ Note that ICANN posted a revised .museum sTLD agreement for comment on 2 March 2007. That agreement contains a reserved names list in Appendix 6 that can be found here: <http://www.icann.org/tlds/agreements/museum/draft-proposed-museum-appendices-02mar07.pdf>. This report does not include details of the revised reservation requirements because they have not yet been approved by the ICANN Board.

⁷ Note that RFC 2606 has the most relevance to reserved names of the three RFCs listed.

Category of Names	Reserved Names	Appendix
ICANN & IANA related	ICANN: aso, gnso, icann, internic, ccNSO IANA: afrinic, apnic, arin, example, gtld-servers, iab, iana, iana-servers, iesg, ietf, irtf, istf, lacnic, latnic, rfc-editor, ripe, root-servers	C
Single Character	All 36 alphanumeric ASCII characters (e.g., a.biz, b.aero)	D
Two Character	1296 combinations of ASCII letters and digits(e.g., xy.org, b2.info)	D
Tagged	All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")	E
NIC, Whois, www	Nic, Whois, www	F
Geographic & Geopolitical	All geographic & geopolitical names in the ISO 3166-1 list (e.g., Portugal, India, Brazil, China, Canada) & names of territories, distinct geographic locations (or economies), and other geographic and geopolitical names as ICANN may direct from time to time	G
Third Level	All three-character labels	H
Other 2 nd Level	See the section titled 'Other names reserved at the 2 nd level' in Appendix K	I
Controversial	N/A	J

Table G-1: Appendices for Sub-Group Reports

The full RN-WG consulted with two IDN experts on 1 March 2007: **Ram Mohan** (Chair of the GNSO IDN Working Group); **Cary Karp** (Member of the ICANN President's IDN Committee). Individual subgroups consulted with many experts who are listed in their reports.

H. OTHER CONCLUSIONS FROM THE WORK

The conclusions of each separate working group report speak for themselves and no additions or modifications are made here. In this section we add some observations to the report that arise from the nature of the process we were engaged in.

The role of technology

One thought which the Working Group had arose from the role of technology in justifying the reservation of names. It is quite predictable that technology may change in ways that would undermine the continuing rationale for some names to be reserved. In that case, the WG thought that there needs to be some ongoing thought given to the role of technology.

It is recommended that, for names which continue to be reserved for technological reasons, ICANN should continue to monitor the rationales for keeping them reserved. It should put in place a process whereby names thus reserved would be released in an orderly way as technological evolution permits. Further work needs to be done to consider what an orderly process would consist of.

APPENDIX A – STATEMENT OF WORK

I. Formation of the Working Group

The Working Group (WG) is chartered by the GNSO Council with an approved statement of work, as defined below. This Statement of Work is intended to guide the work of the group.

1. Voting:

In general, the working group should operate using a rough consensus approach. Every effort should be made to arrive at positions that most or all of the group members are willing to support. "Straw poll voting" should be used to determine whether there is rough consensus on particular issues. In order to ensure that each constituency does not have to provide the same number of members, constituencies, regardless of number of representatives, can hold 3 votes, and each individual nominating committee councilor hold one vote. Liaisons are non voting.

2. Membership

The Working Group is open for membership to Councilors and to GNSO Constituency members; advisory committees (e.g., ALAC, GAC) may appoint non-voting liaisons to the working group. Members may be added by the constituencies and the Advisory groups at any time during the work of the WG. The ccNSO could be invited to have representatives participate as observers because there may be implications for the treatment of the two letter country codes, which are presently reserved at all levels. The WG may invite external experts as speakers or advisors (in the role of observer) that may be able to constructively contribute to the effort.

Every effort should be made to ensure that the working group include and consider the varying points of view on key issues. It is more important that all varying points of view are examined and reflected than for every constituency or group to have representation or equal numbers of members. If this goal is achieved and recommendations are developed that have rough consensus of the group, then the full Council, with balanced representation from all constituencies and NomCom appointees, will then have opportunity to act.

Members should be selected who can commit sufficient time during the next three-four months to facilitate achievement of the targeted accomplishments describe in the next section (Working Timeline).

The Council will appoint an initial or interim chair [or co-chairs] and the Working Group should, at its initial meeting, elect or confirm the chair and co-chair(s).

3. Working Timeline

The Working Group is asked to convene at the earliest possible time and to achieve the following targets:

1. Progress report in the upcoming intercessional working sessions of Dec05 PDP committee and the Feb06 PDP task force, scheduled for February 22-25
2. Deliver written recommendations for next steps forward to the GNSO Council at least one week prior to the start of the Lisbon ICANN meetings (16 March 2007), at which time the working group would end unless otherwise decided by the GNSO Council.
3. Provide any follow-up actions requested by the Council within 30 days after the Lisbon meetings.

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As appropriate, the Working Group should coordinate throughout with the Dec05 PDP Committee, the Feb06 PDP Task Force and the GNSO Council.

II. Purpose of the Working Group

The purpose of the WG will be to perform an initial examination of the role and treatment of reserved domain names at the first and second level., with the goal of providing recommendations for further consideration by the TF or Council. This working group should focus initially on defining the role of reserved strings, and how to proceed with a full examination of issues and possible policy recommendations. This will include prioritizing sub-elements of the broad topic of reserved names in a manner that would facilitate breaking the broad topic into smaller parts that could then be divided into separate policy efforts of a more manageable size and that might also allow some less complicated issues to be resolved in a more timely manner so that some policy changes might be included in the introduction of new gTLDs.

The treatment of reserved names is a matter of contract for existing gTLDs and will be a matter of contract for future gTLDs. As such it relates to the work of both the Dec05 PDP regarding the Introduction of New gTLDs including IDNs and the Feb06 PDP regarding Contractual Conditions for Existing Registries, Therefore the WG needs to provide an initial examination of reserved names at both the top and second level for both existing and new gTLDs. Should it be determined that the ToR for Feb 06 does not allow for addressing contractual conditions, the WG report to the Council regarding relevant recommendations.

III. Working Group Responsibilities, Tasks and Proposed Working Approach

A. To perform its initial examination of the role and treatment of reserved domain names at the first (top) level, WG responsibilities and tasks should include but need not be limited to the following:

1. Review the present treatment and process for reservation of names at all levels (using Appendix 6 in the latest gTLD Registry Agreements as examples), including reviewing treatment of reserved names that may differ in existing contracts – link provided in Background Section
2. Review any other discussions to date that have occurred related to reserved names for top level strings for new gTLDs including IDN gTLDs (e.g., the GNSO's Task Force on new gTLDs; constituency comments, etc.)
3. Review any ICANN staff reports related to reserved names – see Background Section
4. Review any relevant technical documents ,e.g., relevant RFCs –see Background Section and determine what technical outreach (IETF, IAB, SSAC, etc.) is needed and complete.
5. Liaise with the ICANN staff as needed, including legal and operational, to identify and review any existing work or relevant experiences related to reserved names processes and procedures
6. Liaise with the ccNSO and the ccTLD community in general as needed regarding the two letter names issues, including whether the present approach, as outlined in Appendix 6, is sufficient or necessary

B. Proposed Working Approach for Working Group:

1. Initially, examine the sub-elements of the broad topic of reserved names to consider breaking the broad topic into smaller parts
2. Estimate the complexity of issues associated with each of the sub-elements and briefly describe the elements of complexity (e.g., more controversial issues involving multiple stakeholder groups with competing views might be rated more complex; consultation with the GAC might be rated as more complex; etc.)
3. Prioritize the sub-elements according to these two factors:

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- a. Estimated level of complexity (less complex to higher)
 - b. Importance/relevance to complete any future policy work prior to the introduction of new gTLDs
 - c. Other {to be developed}
4. Identify any sub-elements for which any needed policy work may be able to be completed in time for the introduction of new gTLDs and develop recommendations about how that might best be accomplished/launch development of recommendations
 5. Identify the remaining sub elements and establish a working plan to address these, including considering parallel work tracks, if feasible and resources permit, versus sequential work.
 6. Prepare and submit an interim report to the relevant PDP group and/or the Council so that any additional policy work needed could be started as soon as possible referencing the Time Line provided by the Council
 7. Prepare and submit a final report regarding all of the above for both PDP groups and the Council upon conclusion of work..

Regular progress reports should be provided for both PDP groups and the Council corresponding to scheduled meetings of those groups and the Council.

IV. Example of Topics for Reserved Names

This section provides an example of a work plan outline for the work of the Working Group. It is provided as an initial resource for potential use by the Working Group and to attempt to help to launch the Working Group quickly, due to the pressures of time limitations. It is not intended to be comprehensive nor prescriptive. It should be assumed that the work will need to ask the question of how reserved names apply to IDNs at both second and first levels, as well as Latin character gTLDs.

7. Identify possible roles and purposes for reserved names at the top level and review and examine those roles and purposes, including how to address the role of reserved names in IDNs
8. Identify and develop proposals to address any policy issues that should be or are under consideration by the existing GNSO PDPs regarding policy considerations related to the role, use, reservation, and release and allocation of reserved names at the top and second level
9. Determine:
 - a. The various roles that reserved names may play in new gTLDs in addressing controversial categories of names, including whether trademark names and country/geopolitical names should have initial or permanent reserved status; etc.
 - b. Whether existing reserved names at the second level should automatically be included at the first level or
 - c. Whether there is different treatment proposed for existing reserved names at the second level, in the first level
 - d. Whether reserved name requirements need to be the same for all gTLDs and, if not, which ones might vary
 - e. Whether there should be a procedure by which staff publishes new categories of reserved names before adding them to registry agreements
10. Discuss and review processes by which names could be put into reserved status at the top level
11. Discuss and propose processes by which names can be unreserved at the **top level** and made available for allocation, including discussion of whether there are unique treatments in allocation for names that are reserved
12. Discuss whether and how categories of names can be unreserved and allocated at the **second level** from the existing categories, including second level reservations in single

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character⁸ and two character labels, and reservations for geographic and geopolitical names, to include examination of any existing technical concerns

13. Reconfirm whether there should be a process by which new names or categories are added to the reserved status in the second level (e.g., should we assume that all new strings allocated for operation as registries are reserved at the second level when they are awarded?)

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APPENDIX B -- BACKGROUND MATERIALS AND RELEVANT INITIATIVES

Background:

- 1) Existing Registry Agreements Reserved Names (Annex 6 and other examples)
<http://www.icann.org/registries/agreements.htm>
- 2) Relevant RFCs which discuss reserved names
<http://www.rfc-editor.org/rfc/rfc2606.txt>
<http://www.ietf.org/rfc/rfc2141.txt>
<http://www.rfc-editor.org/rfc/rfc3491.txt>
- 3) Status report on single letter names – to be provided

Relevant Initiatives:

- (1) PDP 05: developing policy recommendations on new gTLDs, as part of a policy development process called PDP-Dec05.
<http://www.gnso.icann.org/issues/new-gtlds/>
- (2) PDP 06 [need link]
- (3) IDN Working Group
<http://www.gnso.icann.org/issues/idn-tlds/issues-report-02aug06.htm>

Submitted by: Marilyn Cade and Chuck Gomes

Attachment 1:

Additional considerations:

For a policy issue to warrant a policy development process it must Meet the following criteria:

- (A) Is within the scope of ICANN's mission statement;
- (B) is broadly applicable to multiple situations or organizations;
- (C) is likely to have lasting value or applicability, albeit with the need for occasional updates;
- (D) Will establish a guide or framework for future decision-making; or
- (E) Implicates or affects an existing ICANN policy.

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APPENDIX C -- RESERVED NAMES WORKING GROUP MEMBERS

	Name	Company	Location	Constituency / Organization
1	Alistair Dixon	Telstra Clear Ltd	Wellington, New Zealand	BC
2	Neal Blair	Capitol Strategies	Las Vegas, NV	BC
3	Marilyn Cade	Consultant	Falls Church, D.C., USA	BC
4	Mike Rodenbaugh	Yahoo! Inc.	Sunnyvale, CA, USA	BC
5	Avri Doria	Independent Research Consultant	USA & Sweden	GNSO Council NomCom Appointee
6	Dan Dougherty	Yahoo! Inc.	San Francisco, CA, USA	IPC
7	Gregory S. Shatan	ReedSmith LLP	New York, NY, USA	IPC
8	Lucila King	AIPPI (INTA)	Buenos Airers, Argentina	IPC
9	Tamara Reznik	Expedia, Inc.	Bellevue, WA, USA	IPC
10	Mawaki Chango	Syracuse Univ.	New York	NCUC
11	Victoria McEvedy			NCUC
12	Jonathon Nevett	Network Solutions LLC	Herndon, VA, USA	Registrars
13	Seth Jacoby	Basic Fusion, Inc.	New York, NY, USA	Registrars
14	Tim Ruiz	The Go Daddy Group, Inc.	Cedar Rapids, Iowa, USA	Registrars
15	Edmon Chung	I. DOT ASIA ORGAN IZATION N	Hong Kong, China	RyC
16	Caroline Greer	J. mTLD TOP LEVEL DOMAI N LTD	Dublin, Ireland	RyC
17	Chuck Gomes	VeriSign, Inc.	Sacramento, CA, USA	RyC
18	Michael D. Palage	Consultant	Palm Beach, FL, USA	RyC
19	Dr. Kung-Chung Liu	National Communications Commission Distinct Economy of Taiwan	Taiwan	Individual

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	Name	Company	Location	Constituency / Organization
20	Bilal Beiram	Internet Affairs Manager, Talal Abu-Ghazaleh Organization	Amman, Jordan	Individual
21	Minjung Park	NIDA (National Internet Development Agency of Korea)	Seoul, Korea	ccNSO - Liaison
22	Sophia Bekele	CBS Enterprise Group		IDN WG Liaison
23	Timothy Denton	Consultant	Ottawa, Canada	ICANN Consultant
24	Denise Michel	K. ICANN	Brussels, Belgium	ICANN Staff
25	Glen de Saint Gerry	L. ICANN	France	ICANN Staff
26	Liz Williams	M. ICANN	Brussels, Belgium	ICANN Staff
27	Tina Dam	N. ICANN	Marina del Rey, CA, USA	ICANN Staff
28	Dan Halloran	O. ICANN	Marina del Rey, CA, USA	ICANN Staff
29	Patrick Jones	P. ICANN	Marina del Rey, CA, USA	ICANN Staff

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APPENDIX D -- ICANN & IANA RELATED RESERVED NAMES

Prepared Timothy Denton and Mawaki Chango

1. Background

This report provides an overview and assesses the current status of the category of reserved names related to ICANN and IANA. As such, the reserved names are not available for registration by members of the public.

More specifically, the Registry Agreements negotiated by ICANN state that “the following names shall be reserved at the second level and at all other levels within the TLD at which Registry Operator makes registrations”.

The two tables below present the set of reserved names for two organizations: ICANN and IANA. In the case of ICANN, there are five reserved names for each registry. In the case of the IANA, they are seventeen (17) for each registry.

**Table 1: ICANN-related names,
in order of year of ICANN-Registry agreement**

GTLD	Reserved Names					Date of Agreement
.aero	aso	dns0	icann	internic	pso	2001
.coop	aso	dns0	icann	internic	pso	2001
.museum	aso	dns0	icann	internic	pso	2001
.name	aso	dns0	icann	internic	pso	2001
.pro	aso	dns0	icann	internic	pso	2002
.jobs	aso	gnso	icann	internic	ccnso	2005
.mobi	aso	gnso	icann	internic	ccnso	2005
.net	aso	gnso	icann	internic	ccnso	2005
.travel	aso	gnso	icann	internic	ccnso	2005
.cat	aso	gnso	icann	internic	ccnso	2005
.tel	aso	gnso	icann	internic	ccnso	2006
.asia	aso	gnso	icann	internic	ccnso	2006
.biz	aso	gnso	icann	internic	ccnso	2006
.com	aso	gnso	icann	internic	ccnso	2006
.info	aso	gnso	icann	internic	ccnso	2006

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.org	aso	gnso	icann	internic	ccnso	2006
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Table 2: IANA-Related Names

TLD		Reserved Names
.aero	All names in Reserved Names column at right are reserved in each TLD at left.	afrinic
.asia		apnic
.biz		arin
.cat		example
.com		gtld-servers
.coop		iab
.info		iana
.jobs		iana-servers
.mobi		iesg
.museum		ietf
.name		irtf
.net		istf
.org		lacnic
.pro		latnic
.tel		rfc-editor
.travel		ripe
	root-servers	

Justification for ICANN reserved names

The words reserved by ICANN are mostly acronyms that basically relate to the organization structures (bodies) and functions, as it has evolved, and the justification for reservation is equally obvious.

The "schedule of reserved names" was born with the new TLD registry agreements in early 2001. A consultation with ICANN officials yielded the same result: no one recalls any record of any public or private document that describes the rationale for having a scheduled names list, or that describes the reasons why particular strings were included (or excluded).

Some members of the Working Group on Reserved Names believe that ICANN and IANA should not be able to reserve if other entities must register names in order to keep them from public use.

A further point was made by Patrick Jones of ICANN, in relation to ICANN- and IANA-reserved names.

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“... just to clarify that IANA/ICANN names are reserved, provided that if ICANN/IANA or the related entities whose names are on reserve wanted to use one of the names, those names could be registered by the requesting entity. For example, ICANN registered and paid for the registration costs to un-reserve ICANN.jobs. If ICANN wanted to use ICANN.info in the future, it should be able to un-reserve the name.”

Justification for IANA's reserved names

There has been little need in the past to justify decisions about some reserved names, some of which must date from the days of John Postel. A search has revealed only a few paragraphs here and there of justification.

The IANA-reserved names relate to functions and institutions within the purview of IANA: subordinate nameservers, IANA's regional nodes, the request for comment editor, and so forth.

The standard explanation offered to those seeking to register such names is basically given by IANA along the following lines.

General responses to other reserved domains:

Thank you for your enquiry.

Domain names reserved by the Internet Assigned Numbers Authority are not available for sale, registration or transfer. These have been reserved on policy grounds, and include single letter domains, domains with hyphens in the third and fourth positions, and other reserved words.

Should the policies regarding these rules change, they will be released from IANA's registration according to revised policy.

A note on http, https, and html

In the course of the work of the Working Group, the question of whether the following names should also be reserved has come up. They are:

http, https and html

A review of the *whois* sites showed that, as of March 5, http.org had been registered. All three names are currently registered in .com and there appear to be no issues with them.

https.com since 1999 (monetized)

http.com since 1995 (not currently resolving)

html.com since 1993 (hosting company)

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As of March 8, consultations with IANA or other authorities had not taken place about these three names.

The view of the working group was that no further work needed to be done in relation to these three additional names, and that there was no persuasive reason to reserve them. Since they have never been reserved, no further recommendations have been made in relation to them.

2. Role

The role of the reserved names held by IANA and ICANN has been to maintain for those organizations the exclusive rights to the names of ICANN (icann), its bodies (aso, ccnso, pso, etc.) or essential related functions (internic) of the two organizations.

3. Recommendations regarding ICANN and IANA reserved Names

Description of Current Reserved Name Requirement			
ICANN: aso, gnso, icann, internic, ccNSO			
IANA: afrinic, apnic, arin, example, gtld-servers, iab, iana, iana-servers, iesg, ietf, irtf, istf, lacnic, latnic, rfc-editor, ripe, root-servers			
Level	Type	More Work?	Recommendations
Top	ASCII	Yes	More work is recommended. (See discussion below of what that work might entail).
Top	IDN	No, except for "example"	<ol style="list-style-type: none"> 1. For all but "example", do not try to translate into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist. 2. In the case of "example", we recommend the IDN working group be consulted with regard to whether the term "example" be reserved in corresponding versions of Unicode.
2 nd	ASCII	Yes	More work is recommended. (See discussion below of what that work might entail).
2 nd	IDN	No, except for "example"	<ol style="list-style-type: none"> 1. For all but "example", do not try to translate into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist.

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Description of Current Reserved Name Requirement			
ICANN: aso, gnso, icann, internic, ccNSO			
IANA: afrinic, apnic, arin, example, gTLD-servers, iab, iana, iana-servers, iesg, ietf, irtf, istf, lacnic, latnic, rfc-editor, ripe, root-servers			
Level	Type	More Work?	Recommendations
			2. In the case of “example”, we recommend the IDN working group be consulted with regard to whether the term “example” be reserved in corresponding versions of Unicode.
3 rd	ASCII	Yes	For gTLDs with registrations at the third level, more work is recommended. (See discussion below of what that work might entail).
3 rd	IDN	No, except for “example”	For gTLDs with registrations at the third level: 1. For all but “example”, do not try to translate into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist. 2. In the case of “example”, we recommend the IDN working group be consulted with regard to whether the term “example” be reserved in corresponding versions of Unicode.

Some members of the RN-WG wished to express the following personal views on the subject of ICANN and IANA reserved names.

Avri Doria wrote:

“These TLDs should be available to the appropriate organizations for registration; e.g. the IAB should be allowed register .iab or .irtf, ISOC should be able to register .ietf or .iesg and Afrinic should be able to register .afrinic - assuming, of course, they meet all the other requirements for registration and want to do so.

“The review, comment and challenge procedures that are being developed by the GNSO new gTLD process to deal with registration of a label by an entity that does not have the right to so register the label should be sufficient to prevent these names from being registered by organizations other than those who would have the right to do so.

“Note: the discussion of the reservation at the second and third levels should be subject to similar constraints as at the first level, though the processes for review and challenge would be different.”

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Michael Palage offered the following points:

“In accordance with Article I, Section 2 subparagraph 8 of the ICANN bylaws it states that in performing its mission, the following core values should guide the decisions and actions of ICANN “[m]aking decisions by applying documented policies neutrally and objectively, with integrity and fairness.” Unlike other reservations that are based upon long standing and well established principles, ICANN/IANA staff has sought to continue reservation of a compilation of strings in which they have been unable to provide any documentation regarding the legal authority for such reservation. For ICANN/IANA to continue to reserve these names while similarly situated parties, in this case sovereign national governments (country names), IGOs and nationally recognized trademark holders, are not provided equal protection appear to be a clear violation of the bylaw provision cited above. More detailed discussion regarding the legal concerns regarding these reservation have been documented on the working groups mailing list, see <http://forum.icann.org/lists/gnso-rn-wg/msg00169.html>.

“In order for this or any other working group to make a determination based upon documented fact, the following inquiries should be explored:

- ICANN should make available to the group all written and historical references to the original basis of these reservations;
- ICANN should contact all organizations that have had their name reserved, and ask for documentation in connection with any actual confusion or security/stability concerns that have arisen in connection with the use of these strings in legacy gTLD (.com, .net and .org);
- ICANN should ask these organizations if they would prefer to have ICANN continue to reserve these names in existing and future TLDs, and the basis of this reservation request; and
- ICANN should undertake an analysis to determine any third parties that may have rights in the reserved strings (i.e. nationally registered trademarks, etc) and how this reservation potentially negatively impacts those rights.”

Mike Rodenbaugh stated the following:

It appears obvious that these names were reserved to avoid end-user confusion if an entity other than the corresponding entity (ICANN, IANA, etc.) were to register a domain such as icann.info, iana.biz, afnic.travel,

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etc. Such problem is far more severe in the case of well-known brands (Yahoo!, Citibank, eBay, etc.) who receive exponentially more traffic to their websites and collect personal and financial information from users, making them far more frequent and severe targets for cybersquatting, phishing and other illegal activities.

ICANN and related entities' brands should not receive any greater protection than more well-known brands. Rather, ICANN should determine methods to better protect all users and brands from these problems, taking into account the many years of experience that non-ICANN related brands have suffered in this regard.

3. Consultation with Experts

Both Dan Halloran and Kurt Pritz have been approached to supply a rationale for the continuing reservation of these names. Kurt Pritz wrote:

“Regarding the reasoning for making the name reservation on these 17 names: present staff at ICANN were not involved in the decision making process. We have started the documentation search regarding these reservations and will make contact with those involved with making the reservation. We have had discussions regarding this issue but will not be able to generate a formal report in the near-term.

“In the meantime, it is ICANN's position [is] that these names continue to be reserved.”

Other members of ICANN have supplied information to this report.

Dan Halloran has pointed out that if IANA's or ICANN's current set of reserved names were ever disputed, the entire UDRP process is under the aegis of ICANN. This would have the effect of making it appear that ICANN was sitting in judgment of its own interests. The better way to avoid this possibility was to keep them reserved.

IDN Implications

As regards the IDN implications of these two categories of names, both Cary Karp and Ram Mohan were consulted in a teleconference of March 1, 2007. The advice received was that these names were “integral designators” to be used “without translation”. In other words, there was no need to reserve these strings in other languages. Ram Mohan also agreed that they should not be reserved in foreign languages or scripts. “Find the equivalent and reserve them at that time”, he suggested. “Don't try to translate them”, referring to the acronyms.

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The one possible exception to the general advice was in relation to the single word “example”, which was capable of being used in translated form in many languages.

4. Summary of Relevant Information Sources

The [ICANN registry agreements](http://www.icann.org/registries/agreements.htm) set forth the reserved names in question (<http://www.icann.org/registries/agreements.htm>).

We have been unable to find directly relevant RFCs or other documents pertaining to this class of reserved name.

APPENDIX E -- SINGLE AND DUAL CHARACTER RESERVED NAMES

Report regarding Single- and Dual Character Domains

Prepared by Patrick Jones, Marilyn Cade, Mike Rodenbaugh, Alistair Dixon, Neil Blair and Timothy Denton

1. Background

This report addresses the Reserved Names that contain one or two characters. "Characters" include letters, numbers and symbols (such as #, \$, &, !, *, -, _, +, =). For purposes of this discussion, five subcategories will be addressed:

- Single and two character symbols at the first and second level
- Single letters and numbers at the first level
- Single letters and numbers at the second level
- Two letters and numbers at the first level
- Two letters and numbers at the second level

This report will examine each of the above categories, recognizing that the technical and policy issues may differ across each of the sub categories. The purpose of this report is to examine whether there are any technical, policy or practical concerns about releasing these names. Domain names are defined in RFC 1034 (published in November 1987 and recognized as an Internet Standard, <ftp://ftp.rfc-editor.org/in-notes/rfc1034.txt>).

The initial treatment of using a 'reservation' developed with Jon Postel and involved both single and two character strings. Some discussion about reserved names can be traced back to specific RFCs, while the 'reservation category' has also evolved via gTLD registry agreements. The reserved names list was created during the proof-of-concept round of new TLDs in 2001. The reserved names list was a topic of discussion during the ICANN Meeting in Melbourne, Australia in March 2001. An information page on the registry agreement appendices was first posted in February 2001 (<http://www.icann.org/melbourne/new-tld-agreements-topic.htm>). Subsequently, the category of Geographical and Geopolitical names were added as a category to the 'standard appendix for reserved names, beginning with .info.

1.1 Single and two character symbols at the first and second level:

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Only ASCII characters are permitted in the DNS – limiting the characters to the letters a-z; the numbers 0-9, and the hyphen-dash (-). "." has a special status: it is permitted by the DNS but used as a "separator" for labels. No other symbols are permitted in the DNS, to the left of the TLD.

Discussions with technology experts indicate that there would not be support for making any changes to allow the release of symbols in one or two character domain names, at any level. .

1.2 Single characters (letters or numbers) – Top Level:

Single-character TLDs have never been released by ICANN. In 2000, ICANN received an application for .i. This application was not approved (see <http://www.icann.org/tlds/i1/>).

RFC 1035 (see <http://www.ietf.org/rfc/rfc1035.txt>) states that domain names “must start with a letter, end with a letter or digit, and have as interior characters only letters, digits, and hyphen. There are also some restrictions on the length. Labels must be 63 characters or less.”

There may be potential user confusion from mistyping single characters or numbers at the top level (i.e., .l versus .1, .m versus .n, .q versus .g). There may be other “technical” issues as yet unidentified, particularly as to single numbers.

Some businesses own trademarks in single letters, such as Overstock, Nissan Motors, T-Mobile and Yahoo! [Examples are provided merely for illustration and discussion]. Such trademark owners may be interested in registering a corresponding TLD.

According to recent research conducted by IANA, out of 9540 possible combinations of single-character ASCII names at the second level (containing 26 letters, 10 numbers, but not symbols, across 265 TLDs), 1225 delegations of single-character ASCII names exist in the zone. 63 TLDs have at least one single-character ASCII delegation (see <http://forum.icann.org/lists/gnso-rn-wg/msg00039.html>).

Given that single letter and number domains are widely in use at the second level in country codes and as IDNs (Unicode renderings of ACE forms of IDNA valid strings (“A-labels”)), it seems feasible to examine how to release and allocate single letter and number top level names, both in ASCII and IDN.

The release and allocation of single letters has been subject of some discussion during the PDPs regarding contractual terms for TLD registries.

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1.3 Single characters (letters and numbers) – Second Level

Currently, all 16 gTLD registry agreements (.aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel) provide for the reservation of single-character names at the second level. ICANN's gTLD registry agreements contain the following provision on single-character names. See, e.g., Appendix 6 of the .TEL Registry Agreement, <http://www.icann.org/tlds/agreements/tel/appendix-6-07apr06.htm> ("the following names shall be reserved at the second-level:... All single-character labels.").

Letters, numbers and the hyphen symbol are allowed within second level names in both top level and country code TLDs. Single letters and numbers also are allowed as IDNs -- as single-character Unicode renderings of ASCII compatible (ACE) forms of IDNA valid strings.

Before the current reserved name policy was imposed, in 1993, Jon Postel took steps to register all available single character letters and numbers at the second level, purportedly to reserve them for future extensibility of the Internet (see 20 May 1994 email from Jon Postel, <http://ops.ietf.org/lists/namedroppers/namedroppers.199x/msg01156.html>). All but six (q.com, x.com, z.com, i.net, q.net, and x.org) of the possible 144 single-letter or numbers at the second-level in .COM, .EDU, .NET and .ORG were registered and remain reserved by IANA. Those six registrations have been grandfathered, and several have been used for various purposes and/or transferred amongst different registrants. Under current policy, these names would be placed on reserve if the registrations were allowed to expire.

Since the initial registration of single-letter names by IANA, IANA has uniformly turned down all offers by third parties to purchase the right to register these names, and has advised these parties that the names are reserved for infrastructure purposes to help ensure stable operation of the Internet.

An email of 27 May 2000 to the then DNSO-GA list provides further background on single-letter names (see <http://www.dnsso.org/clubpublic/ga/Arc04/msg00442.html>).

According to recent research conducted by IANA, out of 9540 possible combinations of single-character ASCII names (containing 26 letters, 10 numbers, but not symbols, across 265 TLDs), 1225 delegations of single-character ASCII names exist in the zone. 63 TLDs have at least one single-character ASCII delegation (see <http://forum.icann.org/lists/gnso-rn-wg/msg00039.html>).

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We understand that some businesses **may** own trademarks in single letters, such as Overstock, Nissan Motors, T-Mobile and Yahoo! [Examples have been provided merely for illustration and discussion]. These trademark owners, if they have not already registered their single-character trademarks as domain names, may be interested in doing so across a number of TLDs.

There may be potential user confusion from mistyping single characters or numbers at the top level (i.e., 1.com versus l.com, m.com versus n.com, q.com versus g.com).

Given that single letter and number second level domains are widely used in country codes and as IDNs (Unicode renderings of ACE forms of IDNA valid strings (“A-labels”)), and six letters are used in the existing legacy generic top level domains, it seems feasible to examine how to release and allocate single letter and number second level names, both in ASCII and IDN. (RFC 1035 definition of domain names would seem to preclude domains that start with numbers, but there is much existing use of such domain names.)

The release and allocation of single letters has been subject of some discussion during the PDPs regarding contractual terms for TLD registries.

1.4 Two characters (letters and numbers) – Top Level

To date, two-character TLDs have been released only as two-letter ccTLDs. No combinations of letters and numbers, and no two-number strings have been allocated at the top level. The sub-group is conducting expert outreach to examine any implications of release of such combination or two-number TLDs.

An early RFC issued in October 1984 (RFC 920) defined country codes as the “The English two letter code (alpha-2) identifying a country according the ISO Standard for ‘Codes for the Representation of Names of Countries’”. This RFC was issued before ccTLDs had been established (see <ftp://ftp.rfc-editor.org/in-notes/rfc920.txt>, page 7).

RFC 1032, issued in November 1987, states that “countries that wish to be registered as top-level domains are required to name themselves after the two-letter country code listed in the international standard ISO-3166.”

Two character/letter strings at the top level are now identified with the ISO 3166 list, which has a two letter code associated with all of the over 200 countries and recognized economies. Country code or ccTLDs correspond directly to the two character letters on the ISO 3166 list. The ISO 3166-Maintenance Agency governs the list of country codes. Further information on the ISO 3166 list is available at <http://www.iso.org/iso/en/prods-services/iso3166ma/index.html>. According to RFC 1591, “IANA is not in the business of deciding what is and is

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not a country” (<http://www.rfc-editor.org/rfc/rfc1591.txt>). “The selection of the ISO 3166 list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be and should not be on that list.”

Further, RFC 1591 defines a country code as “a domain in the top level of the global domain name system assigned according to a two-letter code based on the ISO 3166-1 standard ‘Codes for the Representation of Names of Countries and Their Subdivisions.’”

In the 2000 round, ICANN received an application for .GO. This string was not allocated on the ISO 3166 list to a country. This application was rejected.

The GAC Principles and Guidelines for the Delegation and Administration of Country-Code Top Level Domains (5 April 2005) contains a statement on ccTLDs:

4.1.2. Every country or distinct economy with a government or public authority recognised in accordance with article 3.8 above should be able to ask for its appropriate country code to be represented as a ccTLD in the DNS and to designate the Registry for the ccTLD concerned.

A 27 February 2007 email from Kim Davies provides context to support the reservation of two-letter strings at the top level for use as future ccTLDs (see <http://forum.icann.org/lists/gnso-rn-wg/msg00163.html>).

A 4 March 2007 email from Chris Disspain states in part:

“gTLDs in ASCII – there is, if I understand it correctly, a current prohibition on issuing new gTLDs with 2 characters. I imagine the vast majority of the ccTLD community would be in favour of this prohibition being retained. Apart from anything else, reservation of 2 characters at the top level is the only way of ensuring that a new ccTLD code will be available for new territories.”

There may be potential user confusion from mistyping combinations of letters and numbers (eg. .c0 versus .co, .t0 versus .to, .1l versus .li, m0 versus .mo), with two-number strings (.00 versus .oo, .11 versus .ll, .l0 versus .lo), and with two-letter strings (ll versus li, .vy versus .yv, .pq vs. .pg).

Some businesses own trademarks in single letters, such as Overstock, Nissan Motors, T-Mobile and Yahoo! [Examples are provided merely for illustration and discussion]. Such trademark owners may be interested in registering a corresponding TLD.

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The release and allocation of single letters has been subject of some discussion during the Dec05 PDP regarding the introduction of new gTLDs.

1.5 Two characters (letters and numbers) – Second Level

In 2001, in considering a proposal from .AERO for the limited release of two-letter airline codes, a GAC Communique (<http://www.icann.org/committees/gac/communique-09sep01.htm>) noted that the WIPO II report addressed this category of names and recommended that “If ISO 3166 alpha-2 country code elements are to be registered as domain names in the gTLDs, it is recommended that this be done in a manner that minimizes the potential for confusion with the ccTLDs.” This recommendation has been incorporated into the reserved names appendix of 14 of ICANN’s current, gTLD registry agreements.

The WIPO II Report is available at <http://www.wipo.int/amc/en/processes/process2/report/html/report.html> and included in this report under Section 5(k).

Fourteen out of sixteen of the present gTLD registry agreements (.aero, asia, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .pro, .tel and .travel) provide for the reservation of two-character names at the second level, via the following provision. (See, e.g., Appendix 6 of the .TEL Registry Agreement, <http://www.icann.org/tlds/agreements/tel/appendix-6-07apr06.htm>.)

Except to the extent that ICANN otherwise expressly authorizes in writing, the Registry Operator shall reserve names formed with the following labels from initial (i.e. other than renewal) registration within the TLD: ... All two-character labels shall be initially reserved. The reservation of a two-character label string shall be released to the extent that the Registry Operator reaches agreement with the government and country-code manager, or the ISO 3166 maintenance agency, whichever appropriate. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes.

Two of the sixteen present gTLD strings, .BIZ and .ORG registry agreements say only “Registry Operator shall reserve names formed with the following labels from initial (i.e. other than renewal) registration within the TLD: ... All two-character labels shall be initially reserved.” See

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<http://www.icann.org/tlds/agreements/biz/appendix-06-08dec06.htm> and <http://www.icann.org/tlds/agreements/org/appendix-06-08dec06.htm>).

There may be potential user confusion between the combination of letters and numbers (eg. c0.com versus co.com; t0.com versus to.com; 1l.com versus li.com, m0.com versus mo.com), with two-number strings (00.com versus oo.com, 11.com versus ll.com), and with two-letter strings (ll.com versus li.com, vy.com versus yv.com).

At the second level, two-character names have been registered, re-sold directly or via auction, and/or transferred by a wide variety of parties for many years. The GNR RSTEP report noted that there have been 18 UDRP cases involving two-character names at the second level.

Some businesses use two letter identifiers or two-character abbreviations, such as FT for Financial Times, GM for General Motors, DT for Deutsche Telecom, BT for British Telecom, HP for Hewlett-Packard, or have corporate names of characters and number, such as 3M. [Examples are provided merely for illustration and discussion]. These trademark owners, if they have not already registered their two-character trademarks as domain names, may be interested in doing so across a number of TLDs.

In the past, ICANN has approved the release of certain two-character names from the reserved names lists through one-on-one communication with the requesting registry operator. There are no public information sources on the release of these names, but in the past ICANN has agreed to the release of e8.org, a2.coop, nz.coop and uk.coop. NZ.coop and UK.coop were released with the approval of the UK and NZ government representatives and ccTLD managers. A2.coop and e8.org were released without objection from the ISO 3166-Maintenance Agency. On 25 May 2004, the ICANN Board approved the limited release of two-character airline codes in .AERO (<http://www.icann.org/minutes/resolutions-25may04.htm>). On 16 January 2007, the ICANN Board approved the limited use of two-character names in .NAME (<http://www.icann.org/minutes/prelim-report-16jan07.htm>) (see summary of relevant information sources below for further information on the GNR proposal).

On 21 February 2007, Fundació puntCAT proposed release of three two-character names from the .CAT Sponsorship Agreement. .CAT has proposed release of UB.cat, UV.cat and UA.cat. Only UA.cat corresponds to a country code TLD (Ukraine). ICANN has approved this release.

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The existing registry agreement provisions provide a mechanism for the release of two-character names at the second level, as set forth above. In addition, registries may submit a proposal for the release of two-character names through the process for new registry services (also known as the “Funnel”), which was approved as a GNSO Consensus Policy on 8 November 2005 (<http://www.icann.org/minutes/resolutions-08nov05.htm>) and implemented 25 July 2006 (<http://www.icann.org/announcements/rsep-advisory-25jul06.htm> and <http://www.icann.org/registries/rsep/rsep.html>).

2. Role of the Name Reservation Requirement

It appears that the original purpose for reserving the single characters was driven by technical concerns. Two letter reservations appear to have been based on concerns about confusion with two letter country codes.

3. Recommendations

Table 3.1 Recommendations regarding Symbols

Description of Current Reserved Name Requirement			
Level	Type	More Work?	Recommendations
ALL	N/A	No	We recommend that current practice be maintained, so that no symbols other than the ‘-’ [hyphen] be considered for use at any level, unless technology at some time permits the use of symbols.

Minority statement from Avri Doria

I have a minority statement for symbols. I do not buy the blanket technical argument for all symbols, especially in IDNs.

There should be actual technical proof that symbols cause problems in the DNS. The prohibition should only be for those that are shown to prove harmful. Any symbols not found harmful should be released after technical testing.

I recommend that the use of symbols in the DNS be tested to see which cause problems.

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Table 3.2 Recommendations regarding Single Character Names

Description of Current Reserved Name Requirement			
All 36 alphanumeric ASCII characters (e.g., a.biz, b.aero, 9.com)			
Level	Type	More Work?	Recommendations
Top	ASCII	Yes	Letters: We recommend that further work be done to confirm that there are no technical reasons to prohibit single letter TLDs.
			Numbers: We recommend that further work be done on single numbers at the top level. There may be technical issues in that some programs may read such a string as a partial IP address.
Top	IDN	Yes	We recommend further work on the subject of one-character IDN TLDs, including outreach to experts and discussion related to policies for IDNs.
2 nd	ASCII	Yes	Letters and numbers: We recommend that single ASCII letters and numbers be released at the second level in future TLDs, and that those currently reserved in existing TLDs should be released. This release should be contingent upon the development of an appropriate allocation framework.
2 nd	IDN	Yes	The subgroup did not have time to address single-character IDNs at the second level. This is also an area that could be addressed by the IDN WG.
3 rd	ASCII	No	The subgroup did not address single-letters and numbers at the third level for gTLDs that offer registrations at that level.
3 rd	IDN	No	The subgroup did not address single-character IDNs at the third level for gTLDs that offer registrations at that level.

Minority Statement from Mike Rodenbaugh:

According to recent research conducted by IANA, out of 9540 possible combinations of single-character ASCII names at the second level (containing 26 letters, 10 numbers, but not symbols, across 265 TLDs), 1225 delegations of single-character ASCII names exist in the zone. 63 TLDs have at least one single-character ASCII delegation (see <http://forum.icann.org/lists/gnso-rr-wg/msg00039.html>). Given that single letter and number domains are widely in use at the second level in country codes and as IDNs (Unicode renderings of

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ACE forms of IDNA valid strings (“A-labels”)), it seems reasonable to examine how to release and allocate single letter and number top level names, both in ASCII and IDN.

Table 3.3 Recommendations regarding 2-Character Reserved Names

Description of Current Reserved Name Requirement 1296 combinations of ASCII letters and digits (e.g., xy.org, b2.info, 29.biz)			
Level	Type	More Work?	Recommendations
Top	ASCII	No	Letters only: We recommend that the current practice of allowing two-letter ASCII names at the top level, only for ccTLDs, remain at this time. *
		Yes	One letter and one number or two numbers: We recommend further work regarding letter/number or 2-number TLDs including outreach to experts. This area needs further study, including discussion with technical experts before any recommendation is made.
Top	IDN	Yes	Two-character IDNs need further work including outreach to experts and discussion related to policies for two-character IDNs and IDN versions of the ISO 3166 list. This is a possible area for further work by the IDN WG.
2nd	ASCII	No	We recommend that registries may propose release of two letter and/or number strings at the second level, provided that measures to avoid confusion with any corresponding country codes are implemented. A standardized approach should be used which ensures consultation with appropriate parties, including the ccNSO and ISO-3166 Maintenance Agency, and where security and stability issues are identified, RSTEP. **
2nd	IDN	Yes	We recommend further work on the subject of two-character IDNs, including outreach to experts and discussion related to policies for IDNs.
3rd	ASCII	No	The subgroup did not address two-character letters and numbers at the third level.
3rd	IDN	No	The subgroup did not address two-character IDNs at the third level.

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* The subgroup was encouraged by the ccNSO not to consider removing the restriction on two-letter ASCII names at the top level. IANA has based its allocation of two-letter names at the top level on the ISO 3166 list. There is a risk of collisions between any interim allocations, and ISO-3166 assignments which may be desired in the future.

** The existing gTLD registry agreements provide for a method of potential release of two-character ASCII names at the second level. In addition, two letter and/or number ASCII strings at the second level may be released through the process for new registry services, which process involves analysis of any technical or security concerns and provides opportunity for public input. Technical issues related to the release of two-letter and/or number strings have been addressed by the RSTEP Report on GNR's proposed registry service. The GAC has previously noted the WIPO II Report statement that "If ISO 3166 alpha-2 country code elements are to be registered as domain names in the gTLDs, it is recommended that this be done in a manner that minimises the potential for confusion with the ccTLDs."

Minority Statement by Mike Rodenbaugh

"I recommend that two letter ASCII gTLDs be allowed, provided that measures to avoid confusion with any corresponding country codes are implemented. A standardized approach should be used which ensures consultation with appropriate parties, including the ccNSO and ISO-3166 Maintenance Agency, and where security and stability issues are identified, RSTEP. While there may be political reasons, there appears no strong policy reason to withhold every possible two-letter TLD from use, on the assumption that some of them may be desired by countries that may be created in the future. In addition, this concern would diminish if countries were able to use their own name as a TLD, including in its IDN form, or in an IDN two letter ccTLD.

"I recommend that single and two IDN character names continue to be released at the second level in future TLDs in accord with ICANN IDN Guidelines, as they have already been released in existing TLDs."

4. Consultations with Experts

In some cases the working group was able to consult with experts and in other cases we recommend that certain experts might be consulted if further work is to be done.

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4.1 Single letters and numbers – Top level:

Single letters and numbers are widely delegated at the second level, in 63 TLDs and as IDN (U-label) versions. Further work is required to examine potential user confusion and unidentified technical issues.

4.2 Single letters and numbers – Second level

Single letters and numbers are widely delegated at the second level, in 63 TLDs and as IDN (U-label) versions. Therefore, we presume there is no technical reason why remaining letters, at least, should remain reserved. Further work may be required before any recommendations can be drafted on potential release of single numbers at the second level, due to the definition of 'domain name' in RFC 1035 ("must start with a letter").

While it appears that single letters and numbers at the second can be released, further examination of allocation options is needed.

4.3 Two letters and/or numbers – Top level:

Two-letter strings at the top level have only been allowed for country codes as defined by the ISO 3166 list. Chris Disspain, Chair of the ccNSO, believes the vast majority of the ccTLD community would be in favour of this practice being retained. Kim Davies, IANA Technical Liaison believes the current practice should be continued, as a policy matter, due to potential need for some two-letter strings by future countries.

4.4 Two letters and/or numbers – Second level:

Second level strings with two letters and/or numbers have been widely used for a long time. Therefore we presume there is no technical reason why remaining strings should remain reserved. There may be other policy or political reasons to maintain the present reservation process, unless registries follow the previously given GAC advice and propose release of two-character names using methods to avoid confusion with any corresponding country codes.

In 2001 the GAC addressed potential release of two-character names at the second level as part of its consideration of a request from .AERO for the limited release of two-letter airline codes. This issue has been addressed in 14 registry

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agreements as set forth above. Two-number or letter-number combinations, and two-letter combinations that are not likely to correspond to country codes, should be possible at the second level.

4.5 Possible experts

The Working Group identified the following people who could act as experts in these issues.

- Lyman Chapin, Chair of the Registry Services Technical Evaluation panel

- Glenn Kowack, Chair of the RSTEP Review Team for the GNR two-character proposal
- Patrik Falstrom
- Lars Liman
- Steve Bellovin
- Ram Mohan/Tina Dam
- Steve Crocker
- Kim Davies
- Others as necessary

5. Summary of Relevant Information Sources

- a.) ICANN Staff's Status Report on Single-Level Domains, dated Sept. 12, 2005. [insert link]
- b.) Recent data from Kim Davies at IANA, showing single-letters delegated in 63 TLDs (<http://forum.icann.org/lists/gnso-rn-wg/msg00039.html>), and from Patrick Jones, showing almost 3000 single- and dual-character domains for sale at Sedo: 7 February 2007 email from Patrick Jones on Sedo auction (<http://forum.icann.org/lists/gnso-rn-wg/msg00041.html> and <http://forum.icann.org/lists/gnso-rn-wg/msg00042.html>).
- c.) Correspondence:
- 8 March 2007 email from Roberto Gaetano to GA list on single-letter names (<http://gnso.icann.org/mailling-lists/archives/ga/msg06100.html>)
 - 8 March 2007 email from Patrick Jones to RN WG on TRAFFIC auction of two-character names (<http://forum.icann.org/lists/gnso-rn-wg/msg00275.html>)
 - 20 January 2007 email from John Klensin on single-letter names to GNSO Council (<http://gnso.icann.org/mailling-lists/archives/council/msg03166.html>).
 - 20 January 2007 email from Patrick Jones to Liz Williams for GNSO Council on GNR proposal and Funnel process (<http://gnso.icann.org/mailling-lists/archives/council/msg03165.html>)
 - 18 January 2007 email from John Klensin on single-letter names to GNSO Council list (<http://gnso.icann.org/mailling-lists/archives/council/msg03164.html>).
 - Policy Recommendation from Overstock.com, May 2006 (insert hyperlink)
 - Letter from Overstock.com, 28 November 2006 (<http://www.icann.org/correspondence/warren-to-board-28nov06.pdf>).
 - Letter from Yahoo to ICANN, 12 December 2005 (<http://www.icann.org/correspondence/filo-to-icann-12dec05.pdf>).

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- Letter from Lisa Martens to John Jeffrey, 12 December 2005 (<http://www.icann.org/correspondence/martens-to-jeffrey-12dec05.pdf>).
- Letter from Overstock.com, 11 November 2005 (<http://www.icann.org/correspondence/byrne-to-twomey-11nov05.pdf>).

Letter from K Computing, 30 June 2005
(<http://www.icann.org/correspondence/dankwardt-to-pritz-30jun05.htm>).

d.) GNR proposal re two-character names, and supporting docs, 2006.

- GNR Proposal: http://www.icann.org/registries/rsep/GNR_Proposal.pdf
- Submitted Applications page on GNR proposal (http://www.icann.org/registries/rsep/submitted_app.html#2006004).
- 20 October 2006 ICANN letter to RSTEP (<http://www.icann.org/registries/rsep/icann-to-rstep20oct06.pdf>)
- RSTEP Report on GNR Two-character name proposal (<http://www.icann.org/registries/rsep/RSTEP-GNR-proposal-review-team-report.pdf>).
- 16 January 2007 ICANN Board Resolution approving GNR service (<http://www.icann.org/minutes/prelim-report-16jan07.htm>).

“Rainbow document” from Chuck Gomes re existing gTLD contract conditions re Reserved Names

Additional historical information on two-character names:

25 May 2004 Board resolution approving release of two-character strings in .AERO:
<http://www.icann.org/minutes/resolutions-25may04.htm>

9 Sept 2001 GAC Communique: <http://www.icann.org/committees/gac/communique-09sep01.htm>

30 Aug 2001 Letter from ISO 3166/MA to Louis Touton & Paul Twomey:
<http://www.icann.org/tlds/wischhoefer-to-touton-30aug01.htm>.

Correspondence from Kim Davies to Tim Denton, dated 7 January 2007:

“The single-letter/number domains in .com, .net, .org, .edu, .biz, .info, .name, .pro, .aero, .coop, and .museum are reserved by the IANA.

Accordingly, these names are not for "sale" or subject to transfer under established policy. A few of the single-letter names were registered before this reservation was made.

The IANA obtained the registration for most single-character names under

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.com in 1993 to implement a policy designed to enhance the extensibility of the domain-name space.

Since then, these names have been continuously under registration by the IANA. The IANA has received many inquiries from people seeking to register these names. As required by the existing policy, the IANA advises those inquiring that these names are already registered to the IANA and reserved for infrastructure purposes to help ensure stable operation of the Internet. The IANA has uniformly turned down all offers by third parties to purchase the right to register these names.

Four of the single-character names under .com were registered by other parties before the IANA entered its registration of these names. The registrations of these names have been (and are) grandfathered for the time being. Recently some of these registrations have been transferred from one third party to another. Those transfers are consistent with the grandfathering policy.

Having assumed the responsibility for operating the IANA, and for overall technical management of the Internet, ICANN is following the same policies for the operation of the IANA as were followed by Dr. Postel and his colleagues at the Information Sciences Institute. ICANN's charter and bylaws, together with its obligations under its various agreements with the United States Government, establish consensus-based procedures for modification of existing policies, fostering participation by affected parties. Until the policy is changed by the established procedures, ICANN is required to continue its registration of the single-letter .com domain names for the benefit of the Internet community.”

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There is also an Information page at <http://res-dom.iana.org/>.

Email correspondence from Kim Davies, IANA Technical Liason, to Patrick Jones, posted on RN WG list 27 February 2007: <http://forum.icann.org/lists/gnso-rn-wg/msg00163.html>:

RFC 1591, sect 2 reads:

"In the Domain Name System (DNS) naming of computers there is a hierarchy of names. The root of system is unnamed. There are a set of what are called "top-level domain names" (TLDs). These are the generic TLDs (EDU, COM, NET, ORG, GOV, MIL, and INT), and the two letter country codes from ISO-3166."

As any possible two-letter combination is eligible to be allocated or reserved in the ISO 3166-1 alpha-2 standard in the future, the working group is strongly encouraged not to consider using these possibilities for other applications. There is a risk of collisions between such allocations, and future ISO-3166 assignments, and in such cases would mean ICANN is unable to grant a ccTLD to a valid country.

IANA has, since the introduction of the DNS, relied upon the determinations within the ISO-3166 standard to identify what constitutes a country, and what is the appropriate two-letter code for that country. This shields the organisation from making value judgements that would be very political, and instead lets and independent third party decide (the ISO 3166 Maintenance Agency, which is guided by the United Nations Statistics Office). On this matter, RFC 1591 is clear:

"The IANA is not in the business of deciding what is and what is not a country."

The selection of the ISO 3166 list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be and should not be on that list."

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The ISO-3166 standard is not static, and evolves with changes to countries and their territories. Most importantly, new codes are added for new regions and countries. Just this year "AX", "ME" and "RS" have been new additions. One can assume there will be more changes in the future that we can not predict.

If a conflict is introduced between a newly created ccTLD code, and an allocated gTLD, IANA's neutrality would be compromised. It would either need to deprive a country of a country-code top-level domain, or it would need to stop adhering to the ISO 3166 standard which would be problematic. It would represent a key divergence from one of the most central tenets of ccTLD policy.

i.) email from Chris Disspain to Patrick Jones, dated March 4, 2007]

I am copying this to the ccNSO members and council lists. Those who wish to comment, will you please send your comments to Gabi (gabriella.schittek@icann.org) who will collate them and forward to Patrick.

I am unclear as to whether the draft report is intended to deal only with reserved names/characters in ASCII and so I'd like to make the following general points in respect to reserved names/characters at the top level. I believe this issue splits into 2 categories:

gTLDs in ASCII – there is, if I understand it correctly, a current prohibition on issuing new gTLDs with 2 characters. I imagine the vast majority of the ccTLD community would be in favour of this prohibition being retained. Apart from anything else, reservation of 2 characters at the top level is the only way of ensuring that a new ccTLD code will be available for new territories.

IDNs – here is where the problems start. I won't go into details here of the myriad challenges of .idn but the issue of reserved names serves to illustrate my serious concerns about the gNSO's decision to couple new gTLD policy with IDN policy. What is a relatively simple issue for new ASCII gTLDs (see paragraph above) becomes a minefield in respect to .idn. This is because there are currently no rules and no precedents.

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So, for example, we could say that all 2 character names at the top level are reserved for ccTLD registrations in both ASCII and IDN characters but that assumes that new .idn ccTLDs will be limited to 2 characters and that is an assumption which cannot be made at this stage. It might end up being the case but we can't assume it now.

Further, the ccTLD community cannot sensibly create ccTLD .idn policy on an issue by issue basis. Reserved names is but one issue of many and whilst we can sensibly comment on it in regard to ASCII names we cannot in regard to IDNs.

If the report on single and dual characters is intended to cover only ASCII (and if that is the case then it needs to say so clearly) then I imagine that you will be able to get input from the cc community within a reasonable time. However, if it is also intended to cover IDNs the ccNSO will, I suspect, be unable to respond at this stage and the matter will need to be placed in the 'further time and research' category that you have outlined below.

Finally, I believe that this situation is not isolated and my response above is likely to arise time and time again with respect to IDNs where there are cc and g crossover issues.

j) GAC Principles and Guidelines for the Delegation and Administration of Country-Code Top Level Domains (5 April 2005)

4.1.2. Every country or distinct economy with a government or public authority recognised in accordance with article 3.8 above should be able to ask for its appropriate country code to be represented as a ccTLD in the DNS and to designate the Registry for the ccTLD concerned.

k) WIPO II Report (Second WIPO Internet Domain Name Process, published 3 September 2001), <http://www.wipo.int/amc/en/processes/process2/report/html/report.html>.

19. The ccTLDs are those top-level domains which bear two letter codes essentially derived from the International Organization for Standardization's (ISO) Standard 3166.

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ISO 3166 Country Code Elements

254. The origin of the codes reflecting country top-level domains is the International Organization for Standardization (ISO). ISO, which was established in 1947 as a non-governmental organization, is a worldwide federation of national standards bodies from 137 countries. Its mission is to promote the development of standardization and related activities in the world with a view to facilitating the international exchange of goods and services, and to developing cooperation in the spheres of intellectual, scientific, technological and economic activity.[\[244\]](#) One of ISO's most famous standards is Part 1 of ISO 3166 concerning codes for the representation of names of countries and their subdivisions. Part 1 of ISO 3166 contains two letter country codes (alpha-2 codes; for example, au for Australia) and three letter country codes (alpha-3 codes, for example, aus for Australia). It is on the basis of the alpha-2 codes that the country code top-level domains (ccTLDs) were created by the Internet Authority for Assigned Names and Numbers (IANA) during the late eighties and early nineties.[\[245\]](#) Since the creation of the ccTLDs, registrations in the country domains have flourished, as the use of the Internet has spread throughout the world. It is expected that the importance of the ccTLDs will continue to grow in the future.

255. A phenomenon concerning ccTLDs that merits attention is the registration at the second level in the gTLDs of the country code elements (for example, *uk.com*). Often these domain names are registered by persons or entities in order to make them available to the public for the registration of names at the third level (for example, *company.uk.com*).[\[246\]](#) The implications of such practices are discussed below.

ISO 3166 Country Code Elements

268. The Interim Report recommended the exclusion of the ISO 3166 alpha-2 country code elements from registration as domain names in the new gTLDs, in the absence of an agreement to the contrary from the relevant competent authorities. Furthermore, the Interim Report recommended that persons or entities who have registered such codes at the second level in the existing gTLDs and who accept registrations of names under them should take measures to render the UDRP applicable to such lower level registrations.

269. Several commentators favored the exclusion mechanism proposed in the Interim Report for the ISO 3166 alpha-2 country code elements,[\[278\]](#) while others opposed it.[\[279\]](#) Some of the entities offering the possibility of registrations under the codes in the existing gTLDs have expressed a willingness to adopt the UDRP or a similar procedure, as recommended in the Interim Report.[\[280\]](#) Few administrators of ccTLDs submitted comments on the Interim Report's recommendations in this area. Trademark owners have expressed concerns that

the exclusion mechanism proposed in the Interim Report would prevent the legitimate registration of two-letter trademarks or acronyms of trademarks.[\[281\]](#)

ISO 3166 Alpha-2 Country Code Elements

290. The Interim Report formulated two recommendations in relation to ISO 3166 country code elements. First, it proposed that these codes be excluded from registration in the new gTLDs, unless the relevant authorities grant permission for their registration. Secondly, it recommended that persons or entities who have registered such codes at the second level in the existing gTLDs and who accept registrations of names under them take measures to ensure that the UDRP applies to such lower level registrations.

291. In connection with the first recommendation, we note that the current version of Appendix K to the Registry Agreements between ICANN and the sponsors and operators of the new gTLDs states that [a]ll two-character labels shall be initially reserved. The reservation of a two-character label string shall be released to the extent that the Registry Operator reaches agreement with the government and country-code manager, or the ISO 3166 maintenance agency, whichever appropriate. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes.[\[292\]](#)

Exclusions for ISO 3166 Country Code Elements. A number of factors, highlighted in the comments and reactions received on the Interim Report, have lead us to re-consider our recommendation that the ISO 3166 alpha-2 country code elements should be excluded from registration as domain names in the gTLDs. These factors are as follows:

(i) While, on the Internet, the ISO 3166 codes have been associated in particular with country code top-level domains, in the physical world they find broad application and use throughout a wide variety of industries. This is consistent with the nature and purpose of the standard, which itself states that [it] provides *universally applicable* coded representations of names of countries and that [it] is intended for use *in any application* requiring the expression of current country names in coded form. (*Emphasis added*)[\[293\]](#) We observe that some of the industries which traditionally have used the ISO 3166 codes to structure themselves in the physical world are migrating some aspects of their operations to the online world, and that this trend may intensify in the future. As they move to the Internet, these industries may wish to rely on the same codes to replicate their structures in the networked environment, including the DNS. Excluding the registration of the ISO 3166 codes as domain names may, under certain circumstances, unfairly hamper those industries in their on-line activities, by establishing an overly exclusive linkage between the codes in question and the country domains.

(ii) Certain ISO 3166 country codes correspond to the acronyms of other identifiers, in particular trademarks. Excluding the codes from registration in the DNS would prevent such other identifiers from being registered as domain names without seeming justification.

292. In light of the above considerations, we no longer subscribe to the view that the ISO 3166 country code elements should be excluded from registration in the new gTLDs under all circumstances. Nonetheless, we remain concerned that, depending on the manner in which these codes are registered and used in the DNS, confusion may be created with the ccTLDs. That being the case, we believe that the proper focus should be on the avoidance of confusion with regard to those codes, rather than on an absolute prohibition of their registration and use.

293. If ISO 3166 alpha-2 country code elements are to be registered as domain names in the gTLDs, it is recommended that this be done in a manner that minimizes the potential for confusion with the ccTLDs.

APPENDIX F -- TAGGED NAME RESERVED NAMES

Prepared by Chuck Gomes and Patrick Jones

1. Background

All existing ICANN registry agreements as of the date of this report contain the requirement for gTLD registries to reserve all labels with hyphens in the third and fourth positions (e.g., “xn--ndk061n”). This requirement comes directly from the approved technical standards for Internationalized Domain Names (IDNs). Note that this reservation requirement does not specify any domain name level, so it is assumed that it applies to all levels of names registered by a given gTLD registry.

Only ASCII characters are permitted in the Domain Name System (DNS) thereby limiting characters to the letters a-z, the numbers 0-9 and the hyphen-dash (-), the last of which cannot be the first or last character of a domain name. Consequently, to be able to allow representation of domain names in non-ASCII characters, standards were developed in the Internet Engineering Task Force (IETF) that map international scripts to strings of ASCII characters. Those standards require that all ASCII representations of IDNs begin with a 4-character prefix with hyphens in the third and fourth positions.

The current prefix is “xn--”. To avoid confusion of IDNs with ASCII names having the same prefix, it is necessary to reserve the “xn--” prefix. Prior to the finalization of the IDN standards, other prefixes were used, the most recent of which was “bq--”. At that time, speculators started registering ASCII names with the “bq--” prefix. To avoid this possibility with future prefixes, it was decided to reserve all prefixes of this form.

It is also important to note that the current prefix might need to be changed in the future. If that happens, confusion will be avoided by the fact that all labels with hyphens in the third and fourth positions are reserved.

For further information regarding IDNs, please refer to the ICANN Internationalized Domain Names (IDN) information area: <http://www.icann.org/topics/idn/> .

2. Role of tagged name reservation requirement

The role of the tagged name reservation requirement is to be able to provide a way to easily identify an IDN label in the DNS and to avoid confusion of non-IDN ASCII labels. Implicit in this role is the need to reserve tagged names for future use in case the ASCII IDN prefix is changed.

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3. WG Recommendations

- a. To avoid user confusion that might result in not being able to tell the difference between a legitimate IDN name and an illegitimate one and to provide maximum flexibility in the unlikely case that the xn-- prefix should ever need to be changed, we make the recommendations shown in the following table.

Description of Current Reserved Name Requirement			
All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")			
Level	Type	More Work?	Recommendations
Top	ASCII	No	<ol style="list-style-type: none"> 1. In the absence of standardization activity and appropriate IANA registration, all labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n") must be reserved.⁹ 2. For each IDN gTLD proposed, applicant must provide both the "ASCII compatible (ACE) form of an IDNA valid string" ("A-label") and in local script form (Unicode) of the top level domain ("U-label").¹⁰
Top	IDN	No	N/A
2 nd	ASCII	No	The current reservation requirement be reworded to say, " <i>In the absence of standardization activity and appropriate IANA registration, all labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n") must be reserved.</i> " ¹¹ – added words in <i>italics</i> . (Note that names starting with "xn--" may only be used if the current ICANN IDN Guidelines are followed by a gTLD registry.)
2 nd	IDN	No	N/A
3 rd	ASCII	No	Same as for the 2 nd -level for any gTLDs for which registrations occur at the 3 rd -level
3 rd	IDN	No	N/A

⁹ Considering that the current requirement in all 16 registry agreement reserves "All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")", this requirement reserves 1296 names (36x36).

¹⁰ Internet Draft IDNabis Issues: <http://www.ietf.org/internet-drafts/draft-klensin-idnabis-issues-01.txt> (J. Klensin), Section 3.1.1.1

¹¹ Considering that the current requirement in all 16 registry agreement reserves "All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")", this requirement reserves 1296 names (36x36).

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- b. The Tagged Name Subgroup relied exclusively on Ram Mohan, and Tina Dam as experts and did not believe that additional expert consultation was needed for the topic of tagged name reservations, but did recommend scheduling of a full WG consultation with Ram, Tina and Cary Karp to assist in the finalization of reports for other reserved name categories with regard to IDNs. That WG consultation occurred on 1 March 2007.

4. Consultation with Experts

Since this category of reserved names is relatively straight forward and has little if any controversy, it was decided that only minimal consultation with experts is necessary. The authors of this report consulted with Ram Mohan, Chair of the GNSO IDN Working Group and Tina Dam, ICANN IDN Program Director.

The following questions were asked of Tina Dam and Ram Mohan:

- Would it be possible to only reserve a subset of the tagged names of the form character-character-dash-dash instead of all 1296 variations?
 - If so, how big a subset would be needed?
 - Would we need feedback from the technical community in this regard?
 - If so, who do you think we should contact in that regard?

Here is Ram's response:

"The IETF has defined "xn--" for IDNA, as you know. It is safe to say that questions of defining a subset of the available CCHH range should definitely be run by the IAB, with a note sent to the IAB Chair (Leslie).

"To your question regarding how big a subset would be "needed", the fact is that all CCHH names are restricted so that we don't have charlatans who sell unwitting customers some other CCHH name(s) that will absolutely not work with the existing technical protocols for resolving IDN names worldwide. Therefore, my sense is that it is much safer to restrict all CCHH combinations than to allow just a few, because the end-user is just not going to be able to tell the difference between a legitimate IDN name and an illegitimate one."

Here is Tina's response:

". . I agree with Ram. There is no reason currently to believe that the xn prefix will change but I still think it might be a good pre-caution to keep all labels with "--" in third and fourth place reserved.

One additional comment. The reservation of these kinds of labels must include a process for allowing such reserved labels to be registered (at the time where internationalized top level labels are available for registration) and possible some reference to the Unicode version of that label (following the IDNA protocol) is reserved as well. The latter is to make sure that both the stored and displayed names are reserved together. More specific and clear terminology for the stored/displayed label will come for the protocol revision work. As soon as this is available I will send you another note for potential inclusion in the RN-WG work.”

Numerous exchanges occurred involving Tina and Ram to clarify Tina’s suggestion regarding Unicode versions of labels. Rather than pasting all of the email, we report that the basic suggestion is that, for any IDN gTLDs that are proposed, the applicant should be required to provide the "ASCII compatible (ACE) form of an IDNA valid string" representations along with the corresponding Unicode representation to ensure that there is a one-to-one mapping between the "ASCII compatible (ACE) form of an IDNA valid string" and Unicode representations.

Tina also reported that clearer terminology will come from the protocol revision group and suggests that all IDN related WGs incorporate this terminology. It is expected that the protocol revision, soon to be released, will likely recommend against the use of the term "punycode string" and instead recommend the use of "ASCII compatible (ACE) form of an IDNA valid string". She went on to clarify that “an IDNA valid string is a string that fulfills the requirements of the IDNA protocol” and noted that “the protocol document goes into further details of what this means”. She suggested using the following term: "ASCII compatible (ACE) form of an IDNA protocol valid string”. Finally, she stated that under the revised protocol, “Every ACE label will begin with the IDNA ACE prefix, ‘xn--’.”

5. Summary of Relevant Information Sources

a. ICANN Registry Agreement Requirements

All 16 existing gTLD registry agreements posted on ICANN’s website as of 2 February 2007 (.aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel) contain the following requirement¹²

Except to the extent that ICANN otherwise expressly authorizes in writing, the Registry Operator shall reserve names formed with the following labels from initial (i.e. other than renewal) registration within the TLD:

¹² See “Comparison of gTLD Registry Reserved Names” prepared for the RN-WG and ICANN Registry Agreements located at (<http://www.icann.org/registries/agreements.htm>).

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C. Tagged Domain Names. All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n").

ICANN also has ccTLD Sponsorship Agreements and MOUs in place with 12 ccTLD managers.¹³ Each of those agreements contain the following requirement on tagged names:

4. Tagged Domain Names. In addition, domain names in the Delegated ccTLD (excluding subdomain names under domains registered to third parties) having labels with hyphens in the third and fourth character positions (e.g., "rq--1k2n4h4b") are reserved from initial (i.e. other than renewal) registration, except as authorized by ICANN policy or by written exception from ICANN.¹⁴

b. RFC 3490, Internationalizing Domain Names in Applications (IDNA)¹⁵

The Introduction of RFC 3490 says:

“IDNA works by allowing applications to use certain ASCII name labels (beginning with a special prefix) to represent non-ASCII name labels.

“To allow internationalized labels to be handled by existing applications, IDNA uses an "ACE label" (ACE stands for ASCII Compatible Encoding). An ACE label is an internationalized label that can be rendered in ASCII and is equivalent to an internationalized label that cannot be rendered in ASCII . . . Every ACE label begins with the ACE prefix specified in section 5.”

Section 5 (ACE Prefix) reads:

“The ACE prefix, used in the conversion operations (section 4), is two alphanumeric ASCII characters followed by two hyphen-minuses. It cannot be any of the prefixes already used in earlier documents, which includes the following: "bl--", "bq--", "dq--", "lq--", "mq--", "ra--", "wq--" and "zq--". . . .

“The ACE prefix for IDNA is "xn--" or any capitalization thereof. This means that an ACE label might be "xn--de-jg4avhby1noc0d", where "de-jg4avhby1noc0d" is the part of the ACE label that is generated by the encoding steps in [PUNYCODE].

¹³ ICANN ccTLD Agreements located at (<http://www.icann.org/cctlds/agreements.html>).

¹⁴ .AU ccTLD Sponsorship Agreement, Attachment F, <http://www.icann.org/cctlds/au/sponsorship-agmt-attf-25oct01.htm>. The identical provision appears in the other 11 ccTLD agreements.

¹⁵ <http://www.ietf.org/rfc/rfc3490.txt?number=3490> (P. Faltstrom and P. Hoffman)

“While all ACE labels begin with the ACE prefix, not all labels beginning with the ACE prefix are necessarily ACE labels. **Non-ACE labels that begin with the ACE prefix will confuse users and SHOULD NOT be allowed in DNS zones.**” (Bold font added – this is the primary reason for reserving the ACE prefix.)

- c. RFC 3492, Punycode: A Bootstring encoding of Unicode for Internationalized Domain Names in Applications (IDNA), March 2003¹⁶

The Introduction of this RFC says the following:

“[IDNA] describes an architecture for supporting internationalized domain names. Labels containing non-ASCII characters can be represented by ACE labels, which begin with a special ACE prefix and contain only ASCII characters. The remainder of the label after the prefix is a Punycode encoding of a Unicode string satisfying certain constraints. For the details of the prefix and constraints, see [IDNA] and [NAMEPREP].”

- d. GNSO Preliminary Issues Report Policy Issues relating to IDN at the top-level, 28 May 2006¹⁷

An introduction of PUNYCODE is provided in this document:

“Punycode is a bootstring encoding that will convert the local characters in a domain name into the limited character set that is supported by the DNS. The encoding is applied to each component of a domain name and a prefix 'xn--' is added to the translated Punycode string. For example, the first component of the domain name rødgrødmedfløde.dk becomes 'xn--rdgrdmedflde-vjbdg', and the domain will be represented as xn--rdgrdmedflde-vjbdg.dk. This kind of encoding would apply for top-level labels with characters from non-Latin scripts.”

- e. Informational RFC 4690, Review and Recommendations for Internationalized Domain Names (IDNs), September 2006¹⁸

The following excerpt relates to the possibility of the need to change the Punycode prefix:

¹⁶ <http://www.ietf.org/rfc/rfc3492.txt?number=3492> (A. Costello)

¹⁷ <http://gnso.icann.org/issues/idn-tlds/issues-report-28may06.htm>

¹⁸ <http://www.ietf.org/rfc/rfc4690.txt?number=4690> (J. Klensin, P. Faltstrom, C. Karp)

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“It is worth noting that sufficiently extreme changes to IDNA would require a new Punycode prefix, probably with long-term support for both the old prefix and the new one in both registration arrangements and applications. An alternative, which is almost certainly impractical, would be some sort of “flag day”, i.e., a date on which the old rules are simultaneously abandoned by everyone and the new ones adopted. However, preliminary analysis indicates that few, if any, of the changes recommended for consideration elsewhere in this document would require this type of version change. For example, suppose additional restrictions, such as those implied above, are imposed on what can be registered. Those restrictions might require policy decisions about how labels are to be disposed of if they conformed to the earlier rules but not to the new ones. But they would not inherently require changes in the protocol or prefix.”

- f. Internet Draft, Proposed Issues and Changes for IDNA - An Overview, October 16, 2006¹⁹

Section 5, The Question of Prefix Changes, says the following:

“The conditions that would require a change in the IDNA “prefix” (“xn--” for the version of IDNA specified in [RFC3490]) have been a great concern to the community. A prefix change would clearly be necessary if the algorithms were modified in a manner that would create serious ambiguities during subsequent transition in registrations. This section summarizes our conclusions about the conditions under which changes in prefix would be necessary.

“5.1. Conditions requiring a prefix change

“An IDN prefix change is needed if a given string would resolve or otherwise be interpreted differently depending on the version of the protocol or tables being used. Consequently, work to update IDNs would require a prefix change if, and only if, one of the following four conditions were met:

1. The conversion of a Punycode string to Unicode yields one string under IDNA2003 (RFC3490) and a different string under IDNA200x.
2. An input string that is valid under IDNA2003 and also valid under IDNA200x yields two different Punycode strings with the different versions. This condition is believed to be essentially equivalent to the one above.

¹⁹ <http://www.ietf.org/internet-drafts/draft-klensin-idnabis-issues-00.txt> (J. Klensin)

Note, however, that if the input string is valid under one version and not valid under the other, this condition does not apply. See the first item in Section 5.2, below.

3. A fundamental change is made to the semantics of the string that is inserted in the DNS, e.g., if a decision were made to try to include language or specific script information in that string, rather than having it be just a string of characters.
 5. Sufficient characters are added to Unicode that the Punycode mechanism for offsets to blocks does not have enough capacity to reference the higher-numbered planes and blocks. This condition is unlikely even in the long term and certain to not arise in the next few years.”
- g. Internet Draft, Proposed Issues and Changes for IDNA - An Overview (IDNAbis Issues), February 23, 2007²⁰

(Note: This is version 01, an update to the previously listed Internet Draft of the same name, version 00.)

Section 8.1, Design Criteria, says the following regarding tagged names:

- “3. Anyone entering a label into a DNS zone must properly validate that label -- i.e., be sure that the criteria for an A-label are met -- in order for Unicode version-independence to be possible. In particular:
- Any label that contains hyphens as its third and fourth characters MUST be IDNA-valid. This implies in particular that, (i) if the third and fourth characters are hyphens, the first and second ones MUST be "xn" until and unless this specification is updated to permit other prefixes and (ii) labels starting in "xn--" MUST be valid A-labels, as discussed in Section 3 above.”

Section 8.3, The Question of Prefix Changes, says:

“The conditions that would require a change in the IDNA "prefix" ("xn--" for the version of IDNA specified in [RFC3490]) have been a great concern to the community. A prefix change would clearly be necessary if the algorithms were modified in a manner that would create serious ambiguities during subsequent

²⁰ IDNAbis Issues: <http://www.ietf.org/internet-drafts/draft-klensin-idnabis-issues-01.txt> (J. Klensin)

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transition in registrations. This section summarizes our conclusions about the conditions under which changes in prefix would be necessary.

“8.3.1. Conditions requiring a prefix change

“An IDN prefix change is needed if a given string would resolve or otherwise be interpreted differently depending on the version of the protocol or tables being used. Consequently, work to update IDNs would require a prefix change if, and only if, one of the following four conditions were met:

1. The conversion of a Punycode string to Unicode yields one string under IDNA2003 (RFC3490) and a different string under IDNA200x.
2. An input string that is valid under IDNA2003 and also valid under IDNA200x yields two different Punycode strings with the different versions of IDNA. This condition is believed to be essentially equivalent to the one above.

Note, however, that if the input string is valid under one version and not valid under the other, this condition does not apply. See the first item in Section 8.3.2, below.

3. A fundamental change is made to the semantics of the string that is inserted in the DNS, e.g., if a decision were made to try to include language or specific script information in that string, rather than having it be just a string of characters.
4. A sufficiently large number of characters is added to Unicode so that the Punycode mechanism for block offsets no longer has enough capacity to reference the higher-numbered planes and blocks. This condition is unlikely even in the long term and certain not to arise in the next few years.”

“Section 8.3.2, Conditions not requiring a prefix change, says:

“In particular, as a result of the principles described above, none of the following changes require a new prefix:

1. Prohibition of some characters as input to IDNA. This may make names that are now registered inaccessible, but does not require a prefix change.

2. Adjustments in Stringprep tables or IDNA actions, including normalization definitions, that do not affect characters that have already been invalid under IDNA2003.
3. Changes in the style of definitions of Stringprep or Nameprep that do not alter the actions performed by them.”

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APPENDIX G -- NIC, WHOIS & WWW RESERVED NAMES FOR REGISTRY OPERATIONS

Prepared by Timothy Denton

1. Background

The following three names are reserved for use in connection with the operation of the registry for the Registry TLD.

nic
whois
www

All 16 of the current gTLD registry agreements prohibit these from being used by any other gTLD registry at the second-level .aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel

Fourteen (14) out of 16 agreements specify that the Registry Operator may use them, but upon conclusion of the Registry Operator's designation as operator of the registry for the Registry TLD, they shall be transferred as specified by ICANN. These include the following 14 agreements: .aero, asia, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .pro, .tel and .travel. The successor rights clause does not appear in the cases of: .biz, .org.

Names	Registries affected	Successor Rights clause not found in	Who may use the names
Nic Whois www	.aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel	.biz, .org	Only the registries in question, no one else

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In the course of the work, the question arose whether to reserve *html*, *http* and *https* on reserve. That issue is dealt with in the report on ICANN and IANA reserved names. Because the names which this report addresses (NIC, Whois, www) are for registry operational uses and because there does not seem to be any identified registry operational need for html, http and https, it is not recommended that html, http and https be added to this category.

2. Role of the Reservation of these three names

The rationale for the reservation of these names for use by registry operators is based upon long standing and well established use of these strings by registry operators (both gTLD and ccTLDs) in connection with normal registry operations.

3. Recommendations

Recommendations regarding Reservation of NIC, Whois and www for Registry Operations

Description of Current Reserved Name Requirement NIC, Whois, www			
Level	Type	More Work?	Recommendations
Top	ASCII	No	The following names must be reserved: nic, whois, www.
Top	IDN	No	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.
2 nd	ASCII	No	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.
2 nd	IDN	No	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.
3 rd	ASCII	No	For gTLDs with registrations as the third level, 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

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Description of Current Reserved Name Requirement			
			conclusion of Registry Operator's designation as operator of the registry for the Registry TLD, they shall be transferred as specified by ICANN.
3 rd	IDN	No	For gTLDs with registrations as the third level, 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.

4. Consultation with Experts

Two kinds of question arose in connection with these names: first, why the difference in the reservation of names for dot biz and dot org, and second, the general question of principle as to whether these names should be reserved.

a) successor rights clause

The successor rights clause does not appear in the registry agreements of dot biz and dot org. Upon inquiry of Jeff Neuman, Senior Director, Law and Advanced Systems, of Neustar, operator of .biz, he replied that:

“To tell you the truth, we did not focus on this exhibit at all during the renegotiation and did not realize that this was any different than the other operators. Any deviation from the original 2001 agreement we signed was inadvertent and missed by both us and ICANN during the renegotiations.”

David Maher, Senior Vice President, Law and Policy, of the Public Interest Registry, wrote as follows:

“The answer appears to be that these 2d level names are in use. They were registered before there was a policy limiting their use. If the registrations were ever terminated, then they would become reserved.”

b) reservations of these names in principle

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The official contact people within top-level and country code registries were consulted via email and in one case by telephone this past week. We heard from dot aero, dot org, dot name and dot travel.

David Maher of dot org responded: "Yes, the names should be kept reserved."

Marie Zitkova of dot aero responded as follows:

1) As a registry, do you wish to keep those names reserved?

Yes, these name are traditionally used by TLDs to designate specific functions key to the operation of registry and it makes sense for ICANN to maintain a certain standard across the board.

2) If they were not reserved, what actions would you take to protect your interests in those names?

I am not sure I understand the question. First, these names were reserved from day 1 so no such question ever came up and it cannot come up anymore because the names are in use.

Second, I certainly do not understand what is implied by "our interest" in those names. We are not talking about tradenames or trademarks. Surely, the reservation above was mandated not because of an interest of any individual sponsor or registry operator but because it makes sense for the entire system of TLDs to have some minimum level of predictability to locate elementary functions associated with the operation of the TLD.

Third, and that is answering the very hypothetical question what would happen before the launch of our TLD if these three names were not reserved by ICANN. We are a Sponsor of a sponsored TLDs, availability of names and eligibility criteria for the registration would be determined by the policies set by the Sponsor in consultation with the sponsored community and in the best interests of the aviation community, same process as we follow in all other cases, and the Registry Operator would implement those policies upon the request from the Sponsor.

Hakon Haugnes of dot name responded:

1) yes, they are in use and are expected to exist by the community.

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2) They are in use by the Registry so I guess that would be protection enough. It would be silly to have to defend them under UDRP, for example. We believe, though, that they belong to the Registry and not to the Company, of course.

I must admit I am not fully aware of the work of the WG, but what would be the purpose of not making them reserved?

Cherian Mathai of dot travel could only be reached by telephone, owing to a computer failure in his office. When asked whether he wanted those three names reserved, he responded "yes".

Eric Brown of Neulevel responded as follows:

"1. We believe that NIC and WHOIS should remain reserved. They are used to denote functionality to the .BIZ registry. For example, if one types in WHOIS.BIZ, they will be taken to our official WHOIS website for .BIZ domain names. In addition, with respect to NIC.BIZ, this is essential to keep reserved as well. This is because there are a number of people that do not know who a particular registry operator is and therefore have no way to get to the official registry site. NIC.TLD is important because it is a predictable place that one could (and should) always go when they know the TLD, but not the operator.

2. It is not that we believe we have some sort of intellectual property rights in the names so there are no actions we would take to protect it from an IP perspective. However, to not reserve these names (at least NIC and WHOIS), would cause confusion among consumers looking for the official WHOIS database of the TLD or looking for the official website of the registry (when they do not know the name)."

Cary Karp of dot museum responded as follows:

"...In my conceptual frame of reference, reservation places constraints on the circumstances under which a name may be registered. By definition, the reservation is terminated (or suspended, if you'd prefer) when that registration takes place. If such name should subsequently ever be removed from the DNS it could be placed back on the reserved list. In the hope that it properly answers your question, that is what I would intend to happen with the labels nic, whois, and www if they are ever removed from the .museum zone.

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2) If they were not reserved, what actions would you take to protect your interests in those names?

Karp: "If they had not been reserved we would have protected our interests in them by registering them in precisely the manner that we have."

Ray Fassett of dot jobs responded as follows:

1) As a registry, do you wish to keep those names reserved?

"Before I can answer this question, I must qualify with how I define a reserved name: A name that is prohibited to be allocated by the TLD operator to a third party of the contract.

I believe it is appropriate for the names www, nic, and whois to be prohibited from allocation by the TLD operator to a third party of the contract."

2) If they were not reserved, what actions would you take to protect your interests in those names?

"I believe an interest – or expectation - from the user community has evolved for these 3 names more so than an "interest" to us as the TLD operator in need of "protecting". Given the hypothetical nature of this question, the best I can answer would be an action felt to be in the best interests of the HR Community, consistent to the mission of .jobs."

It is likely that these names could be removed from the reserved list by negotiation between each registry and ICANN, if they thought this was to their respective advantages. Second, the fact that these names were not in contention suggests that the reservation of these names is not controversial.

To generalize from a few respondents, it appears that country codes are rather freer to follow less consistent policies. Michael Haberler of dot at wrote:

"what we did in the past is register "interesting" (which might be contentious if held by the wrong party) names like www.at, internet.at etc on trustworthy registrants, like ourselves, or the ISP association. We do register others for our own purposes or likely fields of activity. But conceptually that's just a registration, not a reservation. We had the issue come up with registrars bitching about it and I just told them that we reserve the right to acquire names for our own purposes, and that's it, period."

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Sabine Dolderer responded as follows:

1) does dot de have reserved names?

We have only some minor restrictions for domains which could not be registered but that are no real reservations. It is

- no domain name with less than 3 characters is allowed
- no domain name which is equal to an existing TLD is allowed (actually only com/net/org/edu/int) because of problems related to RFC1535
- no domains which are equal to local community carplate numbers are allowed. This is done because when the rule was created it was unclear if one would need a future structuring mechanism.

2) Does it reserve */nic*, */www/*, and or */whois/*?

No.

3) Does it give a reason for these reservations, if it has them?

- 2-character and existing TLDs has the reason because of problems with TLD. TLD as described in RFC 1535
- carplate numbers because of the potential structuring-issue – [The reasons are] no longer really valid but there are only viewed with 3-characters; most have 1- or 2-character abbreviations

Canada's Bernard Turcotte wrote back in relation to dot ca that these names are not reserved in the case of CIRA, but that, on reflection, he thought they ought to have been reserved.

A more systematic process of consultation with country code operators might enlighten us about their practices but would not be directly pertinent to whether the three names should be reserved at the generic TLD level.

c) Consultations with IDN experts

As regards the IDN implications of these three names, both Cary Karp and Ram Mohan were consulted in a teleconference of March 1, 2007. The advice received was that these names were "integral designators" to be used "without translation". In other words, there was no need to reserve these strings in other languages. Ram Mohan suggested "Find the

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equivalent and reserve them at that time" and added "Don't try to translate them", referring to the acronyms and/or abbreviations."

4. Summary of Relevant Information Resources

The primary source is the set of ICANN-registry agreements, found at <http://www.icann.org/registries/agreements.htm>

There do not appear to be any official rationales or explanations other than those reported in this document.

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APPENDIX H -- GEOGRAPHIC & GEOPOLITICAL RESERVED NAMES

Prepared by Mike Palage, Avri Doria, Jon Nevett

1. Background

Geographic and geopolitical domain name reservations are a relatively new class of reservations that were first incorporated into the ICANN registry contracts in connection with the 2004 sTLD round. However, the genesis for this type of reservation can be specifically tracked back to ICANN Board resolution 01-92²¹ involving issues surrounding the rollout of the .INFO gTLD. This topic has also received significant attention in other International fora, most notably the World Intellectual Property Organization's Second WIPO Internet Domain Name Process (hereinafter WIPO II Process).²² As the WIPO II Process notes, "[t]his is a difficult area on which views are not only divided, but also ardently held."²³

It is important to note at the outset that "geopolitical domain name reservations" is a term that has not been widely used within the broader geographical identifier discussion. In fact, the term is only used once in a parenthetical in the entire WIPO II Process final report.²⁴ Given the lack of any legal construct involving the term geopolitical domain names, it is most prudent to use the terminology contained in the WIPO II Process final report as a framework for discussion. Specifically, geographical identifiers should serve as an umbrella

²¹ <http://www.icann.org/minutes/minutes-10sep01.htm>. It is also noteworthy that the passage of the resolution by the ICANN Board was far from unanimous (11 in favor, 7 in opposition).

²² <http://www.wipo.int/amc/en/processes/process2/report/html/report.html>

²³ Paragraph 237, Second WIPO Internet Domain Process

²⁴ See Paragraph 55,

term that includes not only country names, but names of places within countries²⁵, geographical indications²⁶, and names of indigenous peoples²⁷.

The first action by ICANN to seek protection for this class of names was in connection with ICANN Board Resolution 01-92. This action was taken by the ICANN Board in response to the 9 September 2001 Government Advisory Committee (GAC) communiqué²⁸ sent by Dr. Paul Twomey acting in his capacity as GAC Chair, which states in relevant part:

The GAC confirmed that this is an issue of considerable political importance and complexity that merits thorough study by qualified and competent experts. The issue also relates to the overall taxonomy of the DNS and its evolution concerning the expansion of the TLD space.

...

The GAC notes that the issue of geographical and geopolitical names is very complex and the subject of ongoing international discussion. Without prejudice to any future discussions, general policy or international rules in this area, and considering the very special nature of *.info*, and problems that have become apparent with the registration of such names in the sunrise period, the GAC agreed that interim *ad hoc* measures should be taken by ICANN and the Registries to prevent avoidable conflicts in *.info*. The GAC agreed that the use of names of countries and distinct economies as recognised in international fora as second level domains in the *.info* TLD should be at the discretion of the respective governments and public authorities.

²⁵ As the Second WIPO Internet Domain Process acknowledges “the list of names of places in the world that may have been registered as domain names is virtually limitless” See Paragraphs 256, Second WIPO Internet Domain Process.

²⁶ Geographical indications refer to “indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.” See Paragraph 217, Second WIPO Internet Domain Name Process. Examples of Geographical Indicators include Champaign, Napa Valley, Cognac etc.

²⁷ See Paragraphs 262 thru 263 of the WIPO II Process.

²⁸ See <http://gac.icann.org/web/communiques/gac10com.htm>

It is important to note that the GAC communiqué was limited to just the .INFO top-level domain (TLD) citing “the very special nature” of that TLD. Also noteworthy is the fact that none of the other six proof of concept TLDs had formerly launched.²⁹

Notwithstanding the narrow construct of the GAC communiqué and the corresponding board action, the new registry contract language resulting from the 2004 sTLD round included several provisions dealing with geographic and geopolitical names which are summarized below.

E. Geographic and Geopolitical Names. All geographic and geopolitical names contained in the ISO 3166-1 list from time to time shall initially be reserved at both the second level and at all other levels within the TLD at which the Registry Operator provides for registrations. All names shall be reserved both in English and in all related official languages as may be directed by ICANN or the GAC.

NOTE: This is the exact provision contained with the .ASIA registry contract. The other 2004 sTLD registry contracts (.CAT, .JOBS, .MOBI, .TEL and .TRAVEL include the same language with the exception of “as may directed by ICANN or the GAC” which has been excluded in these contracts. There is no such corresponding provision in the .AERO, .BIZ, .COM, .COOP, .INFO, .MUSEUM, .NAME, .NET, .ORG or .PRO registry contracts.

In addition, Registry Operator shall reserve names of territories, distinct geographic locations, and other geographic and geopolitical names as ICANN may direct from time to time. Such names shall be reserved from registration during any sunrise period, and shall be registered in ICANN's name prior to start-up and open registration in the TLD. Registry Operator shall post and maintain an updated listing of all such names on its website, which list shall be subject to change at ICANN's direction. Upon determination by ICANN of appropriate standards and qualifications for registration following input from interested parties in the Internet community, such names may be approved for registration to the appropriate authoritative body.

NOTE: This is the exact provision contained with the .ASIA registry contract. The other 2004 sTLD registry contracts (.CAT, .JOBS, .MOBI, .TEL and

²⁹ Although other proof of concept registry strings had already been added to the root, i.e. .BIZ, no other proof of concept registries were allowing domain name registrants to register resolving names at the time of the GAC communiqué.

.TRAVEL include the same language but “geographic locations” is replaced by “economies”. There is no such corresponding provision in the .AERO, .BIZ, .COM, .COOP, .INFO, .MUSEUM, .NAME, .NET, .ORG or .PRO registry contracts

2. **Role for Geographic and Geopolitical Reservations**

Protection afforded to Geographic indicators is an evolving area of international law in which a one-size fits all approach is not currently viable. The proposed recommendations below are designed to ensure that registry operators comply with the national laws for which they are legally incorporated/organized.

3. **Recommendation of the Group**

Top Level (ASCII and Unicode strings):

In order to approve the introduction of new gTLDs using geographic identifiers, ICANN shall require the solicitation of input from GAC members(s) and/or government(s) associated with the potential geographic string (ASCII and/or Unicode).

Additionally, Registries incorporated 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 (“Member States”), or have other related applicable national laws must take appropriate action to comply with those guidelines and those national laws. Registries incorporated under the laws of those countries that have not 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 (“Non-Member States”) must take appropriate action to comply with any related applicable national laws.

Second Level (ASCII and Unicode strings):

Registries incorporated 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 (“Member States”) must take appropriate action to

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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.

Third Level (ASCII and Unicode strings):

Registries that register names at the third level and are incorporated 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 (“Member States”) must 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.

If any of the above recommendations are not supported by the community, it is recommended that further consultation with WIPO, the ccNSO and the GAC be conducted as described in the following section, Consultation with Experts.

4. **Consultation with Experts**

Because this topic has been discussed extensively in various international fora, the use of experts could prove beneficial. However, the scope of the expert involvement would likely be limited toward confirming the existing divided and ardently held views.³⁰ The reason that these experts are unlikely to assist in the advancement of any consensus position is rather articulately stated in Paragraph 287 of the WIPO II Process Final Report in which it states:

Both points lead us to conclude that we have reached the limits of what can be achieved legitimately through consultation processes, such as WIPO Internet Domain Name Processes or any similar ICANN processes. In other words, we agree with those commentators who are of the view that this particular question is one more appropriately dealt with by governments.

³⁰ Paragraph 237 WIPO II Process Final Report.

To date there are one-hundred and seventy-five WIPO Member States that have supported the protection of country names within the domain name system (DNS). Therefore, a representative from WIPO would be one potential expert to articulate the views held by these countries. However, the Delegations of Australia, Canada and the United States of America have opposed this protection.³¹ Therefore a representative from one of these Delegations would potentially constitute a second expert. A possible third expert would be a representative from the International Trademark Association (INTA) that has a standing committee on geographic identifiers.

In addition to this consultation, the answers to the following questions would also be very beneficial to the working group.

Question #1 to WIPO:

In Francis Gurry's correspondence to ICANN dated 21 February 2003³², in Annex 2 Paragraph 7 (iv) states in relevant part that "the protection should be extended to all future registrations of domain names in generic top-level domains (gTLDs)" citing the Summary by the Chair of the SCT dated 15 November 2002.³³ This appears to be a narrowing of the scope of protection originally sought during the second Special Session of the SCT in May 2002, where the chair concluded that "the protection should be extended to all top-level domains, both gTLD and ccTLDs." However, in document WO/GA/30/2³⁴ prepared for the WIPO Generally Assembly and dated 7 August 2003, Paragraph 14 cites the original May 2002 report affording protection of country names in both gTLDs and ccTLDs.

³¹ Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, Ninth Session, Geneva, November 11 to 15, 2002. SCT/9/8 Date 15 November 2002.

³² <http://www.icann.org/correspondence/gurry-letter-to-cerf-lynn-21feb03.htm>

³³ http://www.wipo.int/edocs/mdocs/sct/en/sct_9/sct_9_8.pdf

³⁴ www.wipo.int/documents/en/document/govbody/wo_gb_ga/doc/wo_ga_30_2.doc

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Are WIPO Member States seeking protection for country names in just gTLDs as noted in Summary of the Chair dated 15 November 2002, or protection for country names in both gTLDs and ccTLDs as noted in the May 2002 and August 2003 documentation?

Question #2 to WIPO

If WIPO Member States are only seeking protection for country names in gTLDs, can WIPO point to any interventions or documentation following the May 2002 report that lead to the narrowing of this protection to just gTLDs?

Question #3 to GAC:

Paragraph 2.12 of the Draft GAC Principles and Guidelines on Public Policy Issues Regarding the Implementation of New gTLDs states in relevant part that “[e]ach government should have the right, without cost, to reserve or block its geographical name(s) in its' official language(s) in any new gTLD.”

The scope of this protection on its face appears to represent an expanse of the protection documented through the WIPO Member States in the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications which calls for the following protection:

- (i) protection should be extended to the long and short names of countries, as provided by the United Nations Terminology Bulletin;
- (ii) the protection should be operative against the registration or use of a domain name which is identical or misleadingly similar to a country name, where the domain name holder has no right or legitimate interest in the name and the domain name is of a nature that is likely to mislead users into

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believing that there is an association between the domain name holder and the constitutional authorities of the country in question;

(iii) each country name should be protected in the official language(s) of the country concerned and in the six official languages of the United Nations; and

(iv) the protection should be extended to all future registrations of domain names in generic top-level domains (gTLDs).

Can the GAC provide a basis for the broadened scope of protection they are seeking under Paragraph 2.12 of the draft GAC principles that call for an absolute right of denial/registration of a country's name while apparently abandoning the SCT recommendations that call for legal determination based on a number of factors.

Question #4 to the GAC and the ccNSO:

Paragraph 261 of the WIPO II Report cites eight ccTLD administrators that have adopted policies for “excluding the names of places in their countries from registration as domain names, at least under certain conditions.” Is the GAC or ccNSO aware of any ccTLD administrator that has provided protection for geographic indicators from another country, if so which ones?

Question #5 to the GAC and the ccNSO:

Is the GAC or ccNSO aware of any ccTLD administrator that has provided the protection sought by the GAC in Paragraph 2.12 of the draft GAC principles, if so which ones?

5. Summary of Relevant Information Sources

Second WIPO Internet Domain Name Process

<http://www.wipo.int/amc/en/processes/process2/report/html/report.html>

Author: Chuck Gomes
GNSOPDPDec05 -- Introduction of new top level domains: Reserved Names Working Group
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- Q. WIPO GENERAL ASSEMBLY, TWENTY-EIGHTH (13TH EXTRAORDINARY) SESSION;
GENEVA, SEPTEMBER 23 TO OCTOBER 1, 2002
- R. [HTTP://WWW.WIPO.INT/DOCUMENTS/EN/DOCUMENT/GOVBODY/wo_gb_ga/index_28.htm](http://www.wipo.int/documents/en/document/GOVBODY/wo_gb_ga/index_28.htm)
- S. [HTTP://WWW.WIPO.INT/EDOCS/MDOCS/SCT/EN/SCT_9/SCT_9_8.PDF](http://www.wipo.int/edocs/mdocs/sct/en/sct_9/sct_9_8.pdf)

WIPO Presentation to the GAC on GIs and WIPO II

<http://gac.icann.org/web/meetings/mtg15/RioPresentations/WIPOSecondProcess/WIPOSecondProcess.ppt>

Letter from WIPO to ICANN

<http://www.icann.org/correspondence/gurry-letter-to-cerf-lynn-21feb03.htm>

GAC Communiqué:

<http://gac.icann.org/web/communiques/gac10com.htm>

ICANN Board Resolution:

<http://www.icann.org/minutes/minutes-10sep01.htm>

ICANN Country Name Action Plan w.r.t. Afiliás (.INFO)

<http://www.icann.org/montevideo/action-plan-country-names-09oct01.htm>

DNSO Resolution on Geographical Identifiers

<http://www.dnso.org/clubpublic/council/Arc06/msg00202.html>

GAC Commentary to DNSO Resolution:

<http://www.icann.org/committees/gac/names-council-resolution-commentary-26oct01.htm>

Author: Chuck Gomes
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.COOP Community Names Program involving country names

<http://www.icann.org/tlds/agreements/coop/>

<http://www.nic.coop/information.asp>

www.coop/downloads/registrars/RegistrarBackgroundInfo.doc

<http://www.australia.coop>

<http://www.icann.org/montevideo/action-plan-country-names-09oct01.htm>

Author: Chuck Gomes
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APPENDIX I -- THIRD LEVEL RESERVED NAMES

Prepared by Greg Shatan and Dan Dougherty.

1. Background

A. General Background

There are currently two TLDs that expressly reserve names at the third level, .pro and .name. In these two TLDs, domain names at the second level serve essentially as TLDs; the second level names are not registered to individual owners. Instead, they serve as quasi-domains where individual owners can register their individual domain name at the third level.

i. .Pro

The .pro TLD was proposed by RegistryPro as an unsponsored TLD restricted to registrations by persons and entities that provide professional services and are credentialed by governmental bodies, professional organizations and other appropriate entities. A key feature of the proposal, and one mentioned in the Board's selection process, is that the registration process for .pro provides a highly trustworthy framework for registrations by professionals.

The .pro TLD has second-level domains for specific professions, such as .med.pro for physicians. Members of the medical, legal, accounting and engineering professions, licensed in the United States, Canada, Germany or the United Kingdom, are eligible to register for third-level .Pro domains within the appropriate profession-specific second level domain (PS-SLD). Registrants can secure profession-specific third-level names such as [name].law.pro, [name].med.pro and [name].cpa.pro.

ii. .Name

The .name TLD was established by The Global Name Registry, Ltd. in 2002 as an unsponsored TLD where the second level represented the proper names of individuals (e.g., smith.name), including fictional characters for whom the registrant has rights. The third level would be the given name of a person (e.g., John.Smith.name) or fictional character (e.g., Harry.Potter.name), and could be registered by an individual or rightsholder.

B. Types of Reservations, Restrictions and Prohibitions

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i. Prohibited Third-Level Labels

Appendix L to the Registry Agreements for .Pro and .Name specify certain strings (or “labels”) that are not available for registration. Both .Pro and .Name prohibit the following labels at the 3rd level: dir, directory, email, http, mail, mx, mx[followed by a number from 0 to 100], ns, ns[followed by a number from 0 to 100], wap, www and www[followed by a number from 0 to 100]. In addition, each TLD prohibits certain additional labels. Specifically, .Pro prohibits av, ca, cca, cert, certificate, grpa, pro, registrypro, verify, and verification, while .Name prohibits genealogy.)

ii. ICANN and IANA Reserved Names.

Appendix K to both Registry Agreements includes a list of names that are reserved “at all other levels within the TLD at which Registry Operator makes registrations.” Thus, these names are reserved at the third level. The names listed are the “ICANN and IANA Reserved Names,” which are dealt with in the report of that name. These Reserved Names are:

ICANN:

- aso
- dnso
- icann
- internic
- pso

IANA-related names:

- | | |
|----------------|----------------|
| • afrinic | • ietf |
| • apnic | • irtf |
| • arin | • istf |
| • example | • lacnic |
| • gtld-servers | • latnic |
| • iab | • rfc-editor |
| • iana | • ripe |
| • iana-servers | • root-servers |
| • iesg | |

iii. Patterns of names staying with the registry.

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Appendix X to the Registry Agreements specifies that “directory” and “www” are not available for registration at the third level and will be delegated to the registry, as follows:

a. .Pro

1. directory.<PS-SLD>.pro
2. www.<PS-SLD>.pro

b. .Name

1. Directory.<second-level name>.name
2. www.<second-level name>.name

We note that these two names are also among the “prohibited third-level labels” in Appendix L, discussed above in Section 1.B.i.

iv. Names Registered to Registry Operator

We note that Appendix X also lists certain names registered to the Registry Operator (and identified in the respective Appendices X for .name and .pro). These names are not dealt with here, since these are second level names and they are registered (or at least registerable) by the Registry Operator, and not reserved.

2. Role of Third Level Domain Name Reservation Requirement

Based on our discussions with experts, it appears that the role of the names specifically reserved at the third level is primarily to combat security concerns (e.g., a party registering www.med.pro could pose as the registrar for that domain). As a secondary matter, they may be needed overcome technical challenges presented by ‘double’ addresses (e.g., www.www.med.pro) and, to a lesser extent, consumer confusion. No documentation has been identified to date which provided the rationale for the reserved names.

3. Recommendations

We do not recommend any change in the treatment of “prohibited third level labels” and “patterns of names staying with the registry.” While recognizing the right of registries to reserve names for a variety of technical, security and/or business reasons, the registry operators should provide some documentation for the basis of these reservations. The ICANN and IANA reserved names at the third level should be harmonized with the recommendations regarding those names at the second level.

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If these or other registries reserving names at the third level are considering offering IDNs, the registry may wish to reserve IDN versions of the registry's reserved names, except where those name are abbreviations or acronyms.

4. Consultation with Experts

The list of restricted names for both registries is very similar (though the restrictions for .name do not include av, ca, cca, cert and certificate, among others). The decisions regarding these reserved names date back to 2001, and neither we nor the registries have been able to identify any documents that exist and which provide any context or detailing, for example, why: (i) these names were selected, (ii) the class of .name restrictions is more narrow than .pro; (iii) other names that were considered and rejected; etc.

However, in speaking with the registry experts it was learned that a common sense approach was taken to identify names that could cause security concerns and which should naturally be reserved (e.g., fraud concerns where a registrant poses as a registry through domain registrations such as www.law.pro). While security concerns outweighed technical limitations, there are scalability issues that helped identify names to be reserved at the third level. For example, where a very large number of users are added to a specific third level domain (e.g., [first name].smith.name). An example of this could be the email services offered by the .name registry which may cause it to partition off certain parts of its system to handle such larger levels (e.g., mx[1:100].smith.name and ns[1:100].smith.name). In short, the names selected for reservation were chosen through considered deliberation aimed at identifying names that may lend themselves to abuse and/or public confusion as well as functional needs of each registry.

As to IDNs, the opinion among the registries and the working group is that the approach adopted as to second level IDNs (e.g., if local equivalents are reserved) should likewise apply to the third level – particularly given that through certain mechanics of Registry Agreements some second level name reservations are applied to the third level (i.e., the names reserved pursuant to Appendix K of the agreements apply to both the second and third levels).

It is the working group's opinion that no expert consultation is required beyond what has already been obtained from the .pro and .name registry experts given that this category is very unique to the business model, and the reserved names are, on their face, sufficiently reasonable as to warrant acceptance without significant expert involvement.

5. Summary of Information Sources

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- A. ICANN Accra Meeting Topic: Approval of Registry Agreement for .pro. Discussion of proposal for .pro. (posted 7 March 2002, available at: <http://www.icann.org/accra/pro-agmt-topic.htm>)
- B. Website for Registry Pro, the exclusive Operator of .pro domains (http://nic.pro/products_overview.htm)
- C. .pro Registry Agreement (<http://www.icann.org/tlds/agreements/pro/>)
- D. .name Registry Agreement (<http://www.icann.org/tlds/agreements/name/>)
- E. Appendix L to Registry Agreements: Prohibited Names.

Appendix L to the Registry Agreements for .Pro and .Name specify “labels” that are not available for registrations.
(<http://www.icann.org/tlds/agreements/pro/registry-agmt-appl-30sep04.htm>)
(<http://www.icann.org/tlds/agreements/name/registry-agmt-appl-8aug03.htm>)

- F. Appendix K to Registry Agreements: Reserved Names.

Appendix K to both Registry Agreements includes a list of “Names Reserved at All Levels”; these are the “ICANN and IANA Reserved Names.”
(<http://www.icann.org/tlds/agreements/pro/registry-agmt-appk-21may04.htm>)
(<http://www.icann.org/tlds/agreements/name/registry-agmt-appk-8aug03.htm>).

- G. Appendix X to Registry Agreement: Names Registered to Registry Operator.

Appendix X lists certain strings that are registered to the Registry Operator at the third level – specifically “www” and “directory.”

(<http://www.icann.org/tlds/agreements/pro/registry-agmt-appx-21may04.htm>)
(<http://www.icann.org/tlds/agreements/name/registry-agmt-appx-8aug03.htm>).

APPENDIX J -- OTHER SECOND-LEVEL RESERVED NAMES

Prepared C Greer, T Reznik, M Rodenbaugh

A. gTLD Strings

1. Background

Registry Agreements for .asia, .biz, .cat, .com, .info, .jobs, .mobi, .net, .org, .travel and .tel (the latter modified slightly) state 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 TLD³⁵.”

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:

³⁵ *The listing shown at this URL is provided in the ‘Rainbow Document’ as circulated to the WG on 8th February, 2007.*

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

2. Role of the name reservation requirement

There is no documentary evidence regarding the origin 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. Recommendations

Table 4.10 Recommendations regarding gTLD strings

Description of Current Reserved Name Requirement			
gTLD names at the 2 nd level			
Level	Type	More Work?	Recommendations
Top	ASCII	No	N/A
Top	IDN	Yes	More work is recommended. (See guidelines below.)
2 nd	ASCII	Yes	More work is recommended. (See guidelines below.)
2 nd	IDN	Yes	More work is recommended. (See guidelines below.)
3 rd	ASCII	Yes	Recommendations for the 2 nd level, if any, could likely be applied at the third level for gTLDs registering names at the 3 rd level.
3 rd	IDN	Yes	Recommendations for the 2 nd level, if any, could likely be applied at the third level for gTLDs registering names at the 3 rd level.

Guidelines for Additional Work

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Three alternative recommendations were considered by the subgroup:

[ALT1] The provision be retained in order to avoid consumer confusion.

[ALT2] The reservation requirement is overly restrictive and seems to create an unfair advantage for some existing registries over new registries. Thus, the reservation requirement should be removed.

[ALT3] The reservation requirement should be retained unless the two Registries in question come to agreement between themselves to release the names.

Section 4 (Consultation with Experts) summarizes the feedback received from about half of the existing gTLD registries. The opinions expressed are mixed so it might be helpful to solicit responses from the remaining gTLD registries.

It might also be helpful to attempt to collect data regarding ccTLD practices regarding use of gTLD strings at the second level.

Finally, there are at least three considerations regarding IDNs that need to be investigated: 1) should Unicode versions of existing ASCII strings be reserved in any scripts at the top level; 2) should ASCII and/or Unicode strings of future gTLDs be reserved; and 3) if it is decided that ASCII gTLD strings should be reserved at the second level, should corresponding Unicode strings be reserved in any scripts? Much of this work possibly should be done by the GNSO IDN working group or similar groups with IDN expertise.

4. Consultation with experts

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

- ICANN staff (informal consultation) – favoured a removal of the reservation clause since it is likely to become unmanageable in the future with new TLDs coming on board.
- SITA (.aero) recommended removing the reservation requirement since the current system is favoring incumbents i.e. aero.com exists but com.aero (the airport code for Coleman airport in the US) is not available for registration
- PIR (.org) voted to retain the reservation requirement for future TLDs.
- Verisign (.com) believed that there should be no restrictions on unsponsored TLDs. As regards sponsored TLDs, a reserved list should be completely up to that sponsored TLDs, but should be in line with the mission of the TLD.
- GNR (.name) would rather that the reservation requirement be retained unless two Registries in question come to an agreement between themselves as regards the name release.
- NeuStar (.biz) supported a recommendation that the reservation requirement be removed from future TLD contracts.

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- dotAsia supported the view that relevant Registries could come to agreement between themselves to release the names, provided that such agreement not be unreasonably withheld.

The group also consulted the recently issued RSTEP Report on Internet Security and Stability Implications of the GNR proposal. A 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

Dot biz and dot 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. Recommendations

Further consideration of this particular reservation requirement is advised. It does not appear that this issue clearly fits within the remit of the PRO WG and so future work is required by an alternative working group.

Guidelines for Further Work

The subgroup considered the following alternative recommendations:

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[ALT1] Registries may propose such reservations during contract negotiations with the standard comment period to apply, allowing for input from all interests.

[ALT2] Registries should be allowed to reserve *and register* such names.

[ALT3] Referral to the Protecting Rights of Others (PRO) Working Group for further consideration in light of potential infringement of rights issues.

Other alternatives are likely possible and should be further investigated along with the above. For example, this type of reservation requirement could be handled strictly via the new gTLD application process with opportunity for public comments in that process.

Finally, if further work is done for this category of names, it would be helpful to obtain input from NeuStar regarding the .biz list of reserved names in this category.

4. Consultation with experts

The .info Registry (Afilias) was consulted and its statement is provided below.

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

- PRO Working Group Statement of Work

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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, 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
- .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.

Allocation plans for these Registries are in some cases uncertain and have no timing requirements. At least one registry indicated it has no current plans to allocate these names, although it has recently come to our attention that that registry has begun to explore an allocation process. Thus, it is possible that these names could remain unallocated for extremely long periods of time and become *de facto* reserved names.

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. Recommendation

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It is recommended that more work be done on this subcategory of names. With regard to that work, the following recommendation was supported by several people in the working group and should be further considered in any follow-on work:

It was the group's observation that each gTLD's list of reserved names and its business model may be unique. There may not be any one-size-fits-all approach for all gTLDs. For new gTLDs, applicant's approach to this category of reserved names (if applicable) must continue to be set during contract process and must include an opportunity for public comment by all interested parties.

The following information must be included in new gTLD applications that involve names in this category:

5. A proposed list of reserved names from the registry, and a proposed procedure for opposing any names on such list, including a proposed administrator of such dispute resolution service (e.g., dotMobi's Premium Name Application Process for Trademark Holders which was administered by WIPO)
6. An overview as to why the various groups of names are being reserved and how this serves the community or forms part of the Registry's business model
7. An outer time limit, five years or less, as to how long the names will be reserved
8. A proposed procedure for releasing the names (e.g., an allocation method).

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 (e.g., as per the .name example). Therefore, the Registry Service Approval 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.

Minority Statement by Victoria McEvedy

I refer to my minority report in relation to Controversial Names and the comments of that Subgroup. For many of the same reasons I do not support any proposal that allows Registries to unilaterally deny applications at their discretion, without transparent and objective criteria, and without allowing for a proper external legal remedy by which the applicant can challenge the decision. Obviously there are concerns as to Freedom of Expression issues here. I support further work being undertaken on this issue.

Minority Statement by Marilyn Cade

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This will be short. I think Greg/others identified an area that this group can make rapid progress on but which needs more work to determine how names are reserved, and then released by the registry.

I understand it may be a unique category but for now, addressing it will be most efficient by the present group who has some expertise.

Minority Statement from Caroline Greer

If Registries submit a list of reserved names for public comment during contract negotiations they should not also be required to provide for an opposition procedure administered by a third party. Such an opposition procedure may not be necessary or appropriate depending on the gTLD / names proposed and any opposition could be voiced during the public comment period. dotMobi's Premium Name Application Process for Trademark Holders was a unique process appropriate for that Registry (and developed after contract execution).

4. Consultation with experts

The following Registry representatives were contacted and asked to illustrate how the reservation of non-ICANN names served their community or 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 (Simon 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

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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 it's 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

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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.

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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

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- 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>

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APPENDIX K -- CONTROVERSIAL RESERVED NAMES

Prepared by Avri Doria, Marilyn Cade, Tim Ruiz, and Victoria McEvedy

1. BACKGROUND

The concept of a category of 'controversial names/disputed names' developed for the first time in discussion among the members of the PDP-Dec05 in their face to face meeting in Amsterdam. While there is not a specific reserved name category in any gTLD registry agreement that is called "controversial names", several ccTLD's registration policies prohibit 'controversial names at the second level' (or third level) in some manner.

1.1 Recommendations in the Current Report

The current draft recommendations state:

Term of Reference Two: 2.v. Strings should not be contrary to public policy principles {The GAC liaison is invited to provide information regarding when GAC public policy principles may be available and discussed with the GNSO council and working group members. }

1.2 Basis for Term of Reference 2.v. in the Current Report

The PDP-Dec05 draft final report ^{5.5} states as follows, in support of the recommendation:

"20. There was detailed discussion about a general category of potential strings which may have public policy impacts of interest to national governments. In response to correspondence from the GNSO Council Chair, the Governmental Advisory Committee [20] have responded to a request to provide guidance on public policy issues. It is expected that these principles will be finalised at the ICANN meeting in March 2007. After those guidelines are formalised, the ICANN staff proposed implementation plan may be modified to take into account ways to address the public policy concerns of governments in relation to the introduction of new top level domains.

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21. *The Committee discussed proposed text to address the concerns of governments that was based on existing international law with respect to strings that may be contrary to public policy or accepted principles of morality or be of such a nature to deceive the public.*

22. *The Committee spent considerable time considering the public policy aspects of new top-level domains [21]. In particular, concerns about “public policy and morality” were raised. This phrasing is consistent with international laws including Article 3 (1) (f) of the 1988 European Union Trade Mark Directive 89/104/EEC and within Article 7 (1) (f) of the 1993 European Union Trade Mark Regulation 40/94. In addition, the phrasing “contrary to morality or public order and in particular of such a nature as to deceive the public” comes from Article 6quinques (B)(3) of the 1883 Paris Convention. The reference to the Paris Convention remains relevant to domain names even though, when it was drafted, domain names were completely unheard of.*

23. *The concept of “morality” is captured in Article 19 United Nations Convention on Human Rights (<http://www.unhcr.ch/udhr/lang/eng.htm>) says “...Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Article 29 continues by saying that “...In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”.*

24. *The EU Trade Mark Office’s Examiner’s guidelines provides assistance on how to interpret morality and deceit. “...Contrary to morality or public order. Words or images which are offensive, such as swear words or racially derogatory images, or which are blasphemous are not acceptable. There is a dividing line between this and words which might be considered in poor taste. The latter do not offend against this provision.” The further element is deception of the public which is treated in the following way. “...Deceive the public. To deceive the public, is for instance as to the nature, quality or geographical origin. For example, a word may give rise to a real expectation of a particular locality which is untrue.” For more information, see Sections 8.7 and 8.8 at <http://oami.europa.eu/en/mark/marque/direc.htm>*

25. *The UK Trade Mark office provides similar guidance in its Examiner’s Guidance Manual. “Marks which offend fall broadly into three types: those with criminal connotations, those with religious connotations and explicit/taboo signs. Marks offending public policy are likely to offend accepted principles of morality, e.g. illegal*

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drug terminology, although the question of public policy may not arise against marks offending accepted principles of morality, for example, taboo swear words. If a mark is merely distasteful, an objection is unlikely to be justified, whereas if it would cause outrage or would be likely significantly to undermine religious, family or social values, then an objection will be appropriate. Offence may be caused on matters of race, sex, religious belief or general matters of taste and decency. Care should be taken when words have a religious significance and which may provoke greater offence than mere distaste, or even outrage, if used to parody a religion or its values. Where a sign has a very sacred status to members of a religion, mere use may be enough to cause outrage.” For more information, see <http://www.patent.gov.uk/tm/t-decisionmaking/t-law/t-law-manual.htm>)

1.3 Controversial Names in ccTLDs

- a) This report will address examples of the concept of controversial names where examples exist, largely in the country code TLDs.
- b) Although there is no specific prohibition in an RFC that governs the issue or topic of controversial names, some ccTLDs’ registration policies prohibit controversial names at the second level (or third level) in some manner although many do not. Examples of some of the more extreme policies are included below, but are by no means exhaustive. The sub group will undertake to quickly review a limited number of ccTLD policies including .us, .im, and .cn, and .se.
- c) There does not appear to be any such rule within any sponsored or unsponsored gTLD but review of relevant rules is not yet complete; the sub group will also email the gTLD Registry Constituency Chair to invite comments from all existing gTLD Registry representatives on current practice within their gTLD registry.
- d) “Controversy” has developed in the consideration of a few of the allocated gTLDs, but has generally been related to whether a string had support from a sponsoring community. One string applicant proposed a name that has been deemed to be very controversial largely with governments, and according to the review of the public forum lists, to some members of the community. .XXX TLD could also be discussed merely as an example of a string that has been found to be controversial and how the process followed by ICANN to address the questions and issues raised by various parties. If addressed by the WG, we

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would propose to review the history of events around its approval and subsequent agreement negotiations..

e) Controversial Second Level Names – Example Practices/Rules of Various ccTLDs:

1. usTLD ^{5.1} - Policy Statement by usTLD Administrator

The usTLD Administrator will follow a policy to preserve and enhance the value of the .US Internet address to all users, including, in particular, state and local governments, libraries and K-12 schools. Given the importance of .US as a national public resource, certain guidelines must apply. Therefore, the usTLD Administrator will review, for possible deletion by the Registry, all registered second-level and locality domain names that contain, within the characters of the domain name registration, any of the seven words identified in *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726, 98 S. Ct. 3026, 57 L.Ed.2d 1073 (1978), the “Seven Words”.

2. imTLD 5.2 - The following is taken verbatim from IM Rules of Registration and Use of Domain Names.

“5. Content restrictions on Domain Names and maintenance of the restricted word lists.

1 An application for a domain name may be rejected for one of the following reasons:

- It is included on the .im Black List;
- Is on the Reserved Domain List and is unavailable for registration;
- Upon review by the Designated Official if the domain name is deemed to be profane or otherwise undesirable it may be withdrawn and added to the Black List retrospectively.

.2 An application for a domain may be referred for approval if it includes words or terms which are in the list for referral. This includes words which are connected to regulated activities on the Isle of Man.

.3 The lists of undesirable words and words for referral are maintained by us in consultation with the Isle of Man Government and are not in the public domain.

.4 The lists are subject to change without notice.

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.5 An application sent for referral does not mean that the application will be rejected or is likely to be rejected. It is however likely that additional information will be requested to support the application.

11. Suspension of a .im Domain

11.2 The Designated Official may request suspension or withdrawal of a domain name should it consider for any reason the domain name is being used for an improper purpose to include anything illegal, considered defamatory or detrimental to the good name of the Isle of Man.”

3. cnTLD 5.3 - China Internet Domain Name Regulations

Chapter III Domain Name Registration

Article 25

In order to maintain the interests of the nation and the civil society, the Domain Name Registry may take necessary measures to protect certain words, and put it on record to MII before implementation.

Article 27

Any of the following contents shall not be included in any domain name registered and used by any organization or individual:

- 1) Those that are against the basic principles prescribed in the Constitution;
- 2) Those jeopardize national security, leak state secrets, intend to overturn the government, or disrupt of state integrity;
- 3) Those harm national honor and national interests;
- 4) Those instigate hostility or discrimination between different nationalities, or disrupt the national solidarity;
- 5) Those violate the state religion policies or propagate cult and feudal superstition;
- 6) Those spread rumors, disturb public order or disrupt social stability;

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- 7) Those spread pornography, obscenity, gambling, violence, homicide, terror or instigate crimes;
- 8) Those insult, libel against others and infringe other people's legal rights and interests; or
- 9) Other contents prohibited in laws, rules and administrative regulations.

4. .seTLD^{5.4} - Regulations | Blocked/Reserved domains

There are a number of categories of domain names that are barred or reserved by .SE.

Some domain names are completely barred for registration while other are reserved for the rightful applicant. As an example, counties can register the reserved geographical names. Barred and reserved domains have been divided into the two categories.

Barred domain names:

- SE Blocked, Country codes
- SE Blocked, Example and test domains
- SE Blocked, Misleading
- SE Blocked, Second level domains
- SE Blocked, Sub-domains
- SE Blocked, Swedish law

Reserved domain names:

- SE Reserved, Countries
- SE Reserved, Geographical words
- SE Reserved, Numerical domains
- SE Reserved, The court

The following combinations are also barred:

All number combinations in the format xxxxxx-xxxx which constitutes or could in the future constitute social security number

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The number series 900 000 - 909 000 with the format 90xxxx-x and 90x-xxxx respectively

90 000 for emergency calls

For technical reasons domain names beginning with two characters followed by two dashes are also barred.

Here you can download a text file with all barred and reserved domains. The data file is created once every 24 hours (at night):

http://www.iis.se/external_pages/datafiles/barred_domains.txt

ROLE OF CONTROVERSIAL RESERVED NAMES

There is no apparent role for controversial names among the existing categories of names reserved at the second level within gTLDs. The role of controversial second level names within several ccTLDs varies and includes an array of concepts such as the protection of national interests, illegal activities, obscenity, and social disorder.

3. Recommendations

Definition of Controversial Names used in this report			
1. Qualifies as a TLD under the then prevailing String Criteria 2. Does not fall under any other Reserved Name category 3. Is disputed for reasons other than: i) It falls under any other Reserved Name category; ii) It infringes on the prior legal rights of others			
Level	Type	More Work?	Recommendations
Top	ASCII	Yes	1. Propose creating a category called Controversial Names for use at the top level only. A label that is applied for would be considered Controversial if during the Public Comment phase of the new gTLD application process the label becomes disputed by a formal notice of a consensus position from an ICANN Advisory Committee or ICANN Supporting Organization, and otherwise meets the definition of Controversial Names as defined above. 2. a. In the event of such dispute, applications for

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Definition of Controversial Names used in this report			
<ol style="list-style-type: none"> 1. Qualifies as a TLD under the then prevailing String Criteria 2. Does not fall under any other Reserved Name category 3. Is disputed for reasons other than: i) It falls under any other Reserved Name category; ii) It infringes on the prior legal rights of others 			
Level	Type	More Work?	Recommendations
			<p>that label would 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 would reenter the processing queue. The period of time allowed for dispute should be finite and should be relegated to a, yet to be defined, external dispute resolution process. The external dispute process should be defined to be objective, neutral, and transparent. The outcome of any dispute should not result in the development of new categories of Reserved Names.</p> <p>b. Notwithstanding the outcome of any such dispute, National law must apply to any applicants within its jurisdiction and in cases where the processes of International law allow enforcement of one nation's law on applicants from a different jurisdiction, those processes should apply.</p> <ol style="list-style-type: none"> 3. It is recommended that more work needs to be done in regards to dispute resolution processes, including minimizing the opportunity for such processes to be gamed or abused. 4. The process [or lack thereof] described in 2 above could also be applied to new or existing strings that fall under other reserved name categories, for example, geographic and geopolitical names. The process may apply equally well to names at the second level.
Top	IDN	Yes	These recommendations may apply equally well to IDNs at the top level, but more work needs to be done.
2 nd	ASCII	No	Processes, if any, to deal with controversial names

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Definition of Controversial Names used in this report			
1. Qualifies as a TLD under the then prevailing String Criteria 2. Does not fall under any other Reserved Name category 3. Is disputed for reasons other than: i) It falls under any other Reserved Name category; ii) It infringes on the prior legal rights of others			
Level	Type	More Work?	Recommendations
			at the second level should be left to the discretion of the gTLD Registry Operator with the exception that Registry Operators must comply with applicable local laws and regulations.
2 nd	IDN	No	Processes, if any, to deal with controversial IDN names at the second level should be left to the discretion of the gTLD Registry Operator with the exception that Registry Operators must comply with applicable local laws and regulations.
3 rd	ASCII	No	Same as for the 2nd-level for any gTLDs for which registrations occur at the 3rd-level.
3 rd	IDN	No	Same as for the 2nd-level for any gTLDs for which registrations occur at the 3rd-level.

Comments of Avri Doria (In consultation with Victoria McEvedy, Solicitor, International Dispute Resolution Practice Consultant.):

This report is concerned to identify comprehensively the issues raised by the principles and to examine them.

Trade Mark Laws and ccTLDs as models

It should be noted that both Nation States' trade mark laws, which are territorially limited and ccTLDs are premised on the assumption that a Nation is monocultural with a unitary legal system and a generally accepted standard of morality and taste often with only one or two dominant religions. Issues arise from attempts to extrapolate standards globally in a multicultural context is clearly problematic. These analogies must be considered with this limit in mind.

Trade mark laws also give inadequate weight to Freedom of Expression concerns which are relevant in an internet context given that much of the use is non-

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commercial. Consideration must also be given to the special considerations arising from the government sanction and exclusivity involved in trade marks which may not be applicable to the internet.

International Law

. . . Arts 19 and 29 of the UN Convention on Human Rights . . . together subject Freedom of Expression to only such limitations as are determined by law. The ECHR provides similarly at Art. 10. Considerations arise as to the desirability of improving on such standards and questions as to the availability of other options.

Most nations have some restrictions on speech and inciting racial hatred or discrimination and crime tend to be included. It may be that common standards can be extracted after a review. Criticism of other religions is a tenant of Freedom of Expression in the West but prohibited in the Middle East. A full and proper study of the appropriateness of imposing the Eastern standards on the West should be considered.

Content v Strings

Another issue that arises is the possibility that no action should be taken as to the strings on the basis that content is regulated by all nations so that for example, while .Nazi itself would not infringe French or German laws against glorification of the Nazi – the issue would be content related and depend on the content. See for example the Yahoo litigation.

The Veto

The ability of any one nation to block an application requires serious consideration.

Comments of Marilyn Cade:

While the GAC is developing public policy principles, these are presently not available in final version to the Working Group, or GNSO Council. It is therefore not possible to fully consider the GAC's principles, although earlier draft versions are being discussed. Indications are that there will be some guidance from the GAC regarding criteria. Ideally, in the future, ongoing discussion and dialogue about draft

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principles will be undertaken in a 'multi stakeholder' discussion, before principles are finalized. Changes and improvements in sharing of information by the GNSO with the GAC should be considered as work in progress and undertaken during the GNSO improvements process. All such changes should accommodate the interests and perspectives of the GAC.

The GAC's advisory role to the ICANN processes is based on consensus of the GAC members. The Working Group should provide its best judgment, and provide for consultation and dialogue with the GAC, in conjunction with the GNSO Council, once the GAC principles are available for discussion. Ideally, the GAC will engage in dialogue with the GNSO Council, its Task Forces/Working Groups, and other ICANN expert bodies, before finalizing principles.

In my view, the establishment of the controversial/disputed names category is largely as a placeholder, where a name can be parked, and the disputed or controversial issues be addressed, in an established time frame. It is not my view that all strings that are proposed will be ultimately approved. Some will be denied for technical or political reasons, e.g. the name of a country proposed as a string by someone other than the country itself. While some believe that a TLD should be a matter of freedom of speech, I am not inclined to expect such lofty goals of a simple TLD. It is important to remember that second level registrations remain available to registrants, and the operating a registry is an obligation, not a right. The availability of second, third level registrations, and the ability to register for access to the Internet via ISPs for web pages and email addresses remains a core mechanism for users. Of today's 1 billion users, the vast majority use email addresses, web pages from ISPs, for their access and identity on the Internet.

Comments of Tim Ruiz:

The basis for my support of the straw recommendation is the desire that all applications for a new gTLD registry should be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process, and that it is impossible for ICANN to pre-determine all terms that may be morally offensive or of national, cultural or religious significance for all of the world's cultures and create predictable criteria for applicants.

It is my view that 2.v. of TOR two in the draft final report should be applied more as a warning to applicants, not as a criteria that ICANN can actually proactively apply when considering applications. The warning is that any string applied for may be contested as something contrary to public policy. If contested, the application will be

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moved to a holding status as 'controversial' until the public policy claims can be further investigated.

The only exception might be the seven words banned by the US Federal Communication Commission. While I have not asked that this be added to the straw recommendation, it is my belief that the US Department of Commerce, who has ultimate approval of all additions to the root, would never allow a gTLD string that exactly matches one of the seven banned words into the root.

Minority Statement by Victoria McEvedy

I wish to supplement the work of the Committee by adding these comments.

It is my view that any general Principle which seeks to prohibit any gTLD promoting hatred, racism, discrimination, crime or any abuse of religions or cultures is fundamentally flawed insofar as it fails to include any reference to Freedom of Expression.

GACs own Operating Principles, as amended at Mar del Plata, April 2005, provide at §6.3 that ICANN's decision making should take into account public policy objectives including, among other things:

- secure, reliable and affordable functioning of the Internet, including uninterrupted service and universal connectivity;
- the robust development of the Internet, in the interest of the public good, for government, private, educational, and commercial purposes, world wide;
- *transparency and non-discriminatory practices in ICANN's role in the allocation of Internet names and address;*
- effective competition at all appropriate levels of activity and conditions for fair competition, which will bring benefits to all categories of users including, greater choice, lower prices, and better services;
- fair information practices, including respect for personal privacy and issues of consumer concern; and
- *freedom of expression.*

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Given that one of GACs overall policy objectives is Freedom of Expression, it is critical that it be referred to in any statement the GAC may make on the new gTLDs. It is more significant than the concerns of Rights' claimants.

The internet is not solely concerned with commercial use and speech and it is critical that proper consideration be given to Freedom of Expression. This is a consumer concern and is why trade mark law is so often an inadequate analogy.³⁶

It is now well established in international jurisprudence that Freedom of Expression should only be subject to limits prescribed by law. A classic example is the balance in Article 10 of the European Convention on Human Rights. E.g.:

“(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...(2) The exercise of these freedoms, since it carries with it duties and responsibilities, *may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society*, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Freedom of Expression is therefore predominant and subject only to those limits both prescribed by law *and* necessary in a democratic society for one of the enumerated purposes.

I propose that any GAC policy statement or Principles reflect a similar balance. The predominant concern should be Freedom of Expression, subject only to those limits supplied by law and in the interests of preventing the promotion of hatred, racism, discrimination etc. Most nations do have laws preventing this type of speech so this should not be problematic.

In relation to “abuse of specific religions or cultures,” unless that abuse would fall within one of the laws aforementioned, then presumably in the delicate balancing act between Freedom of Expression and limits prescribed, this conduct is deemed by a given society to fall within the right to Freedom of Expression.

³⁶ Not only does trade mark law contain many compromises in its complex defences which are not reflected in the Domain System, but entry on the register, for registered marks, was at the government's discretion and thus contained an element of state sanction –allowing it to impose a Victorian “taste and decency” approach.

Different societies have reached different answers to these difficult questions. Whose should prevail? The danger is that the nation with the most restrictive approach would drag the rest down to its standards.

Certainly in democratic traditions, it has never been acceptable to have secret closed committees, accountable to no-one, decide what can be said or published based on criteria known only to them and not subject to law or of law –this is censorship. This is the problem with the first stage of the “disputed application” approach as recommended. Arguably pre-determined criteria or restricted lists are more transparent.

ICANN should defer to the law but whose law? The choices are broadly Country of Origin or Countries of Destination. Destination is not feasible ---unless, if the proposed name would infringe a law in a nation state which objects to the application—the application could be granted with conditions restricting or preventing its use in the objecting state(s). I understand however that this may not be technically possible. It would however prevent one State imposing its laws on others. The technical issues should be investigated.

An alternative might be agreed rules for jurisdiction and choice of law. Experts should be consulted.

This applies similarly to names at the second level, and other levels, where it should not be left to the discretion of the Registrars.

4. Recommendation for Experts

Questions will be developed only if the RN-WG decides that consultation with experts is needed.

Experts may include relevant contacts at various ccTLD registries. It is recommended that experts on processes in International law be consulted on how similar issues regarding controversial terms are treated, e.g., the French government’s issues on the use of the word ‘Nazi’.

5. Summary of Relevant Documents

5.1 Policy Statement by usTLD Administrator:

http://www.neustar.us/policies/docs/Policy_Statement_usTLD_Admin.pdf

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^{5.2} IM Rules of Registration and Use of Domain Names:

<https://www.nic.im/pdfs/IMRules.pdf>

^{5.3} China Internet Domain Name Regulations:

<http://www.cnnic.net.cn/html/Dir/2005/03/24/2861.htm>

^{5.4} SE Regulations – Blocked/Reserved Domains

http://www.iis.se/english/nydoman/barred_domains.shtml?lang=en

^{5.5} New gTLDs (PDP-Dec05) DRAFT GNSO Recommendation Summary:

<http://gns0.icann.org/issues/new-gtlds/recom-summary-14sep06.htm>

^{5.6} GAC Principles and Guidelines on Public Policy Issues - Implementation of New gTLDs.

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APPENDIX L -- COMPARISON OF gTLD REGISTRY RESERVED NAMES, V.3

Prepared by Chuck Gomes for the Reserved Names Working Group, 29 Jan 2007 (additional information added by Patrick Jones, 27 Jan 2007)

The following information is intended to provide a comparison of the reserved name requirements contained in gTLD registry agreements as currently posted on ICANN's website at:

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

As of 27 January 2007 there are a total of 16 agreements posted.

Notes:

It is hoped that there are minimal errors in this information but there was not time to have it verified by others so users of the information are encouraged to validate it on their own by checking each of the agreements directly.

Please be aware, as noted below, that the latest approved amendments regarding 2-character second-level domain reservations for the .name gTLD have not yet been posted so they are not included in this document.

A. Labels Reserved at All Levels. The following names shall be reserved at the second level and at all other levels within the TLD at which Registry Operator makes registrations:

ICANN-related names:

- Included in ALL 16 agreements except as noted below for 5 gTLDs: .aero, .asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel

aso

gnso 'dnso' for .aero, .coop, .museum, .name, .pro

icann

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internic

ccnso 'ps0' for .aero, .coop, .museum, .name, .pro

IANA-related names:

- Included in ALL 16 agreements: .aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel

afrinic	ietf
apnic	irtf
arin	istf
example	lacnic
gtld-servers	latnic
iab	rfc-editor
iana	ripe
iana-servers	root-servers
iesg	

B. Additional Second-Level Reservations. In addition, the following names shall be reserved at the second level:

All single-character labels.

- Included in ALL 16 agreements: .aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel

All two-character labels shall be initially reserved.

Included in the following 15 agreements: .aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .net, .org, .pro, .tel and .travel

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* The posted agreement for .name does not include the latest amendment that modifies the reserved name requirement for two-character labels.

- Amendments have been approved for the .name gTLD that modify this reservation requirement, see the ICANN Board minutes at <http://www.icann.org/minutes/prelim-report-16jan07.htm>. The Board authorized staff to enter into negotiations with GNR to implement the registry service request that can be found at http://www.icann.org/registries/rsep/GNR_Proposal.pdf. Here is a quote from the proposed registry service document that summarizes the service: *"In pure technical terms, Global Name Registry proposes to simply add and reserve for third level registrations, all two-character strings according to the current rules in the .NAME registry., The strings will be added to the already existing shared third-level namespace on the .name gTLD available to people worldwide through ICANN Accredited Registrars, and made available for registration on the third level on a first-come, first-served basis. All two-character names will be shared and not released directly on the second level."* Here are two examples from the GNR proposal: *"e.g. Yin@Li.name or yin.wu.name."*

The reservation of a two-character label string shall be released to the extent that the Registry Operator reaches agreement with the government, country-code manager, or the ISO 3166 maintenance agency, whichever appropriate. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes.

- Included in the following 14 agreements: .aero, asia, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .pro, .tel and .travel
- Not included in: .biz, .org

C. Tagged Domain Names. All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n").

- Included in ALL 16 agreements: .aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel

D. Second-Level Reservations for Registry Operations. The following names are reserved for use in connection with the operation of the registry for the Registry TLD.

- Included in ALL 16 agreements: .aero, asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel

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:

Included in the following 14 agreements: .aero, asia, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .pro, .tel and .travel

Not included in: .biz, .org
nic

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whois

www

- Included in ALL 16 agreements: .aero, asia, .biz, .cat, com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel

E.Geographic and Geopolitical Names. All geographic and geopolitical names contained in the ISO 3166-1 list from time to time shall initially be reserved at both the second level and at all other levels within the TLD at which the Registry Operator provides for registrations. All names shall be reserved both in English and in all related official languages as may be directed by ICANN or the GAC.

- Included for: .asia

- Included for .cat, .jobs, .mobi, .tel and .travel with the following excluded: “as may be directed by ICANN or the GAC”

- Not included for: .aero, .biz, .com, .coop, .info, .museum, .name, .net, .org, .pro

In addition, Registry Operator shall reserve names of territories, distinct geographic locations, and other geographic and geopolitical names as ICANN may direct from time to time. Such names shall be reserved from registration during any sunrise period, and shall be registered in ICANN's name prior to start-up and open registration in the TLD. Registry Operator shall post and maintain an updated listing of all such names on its website, which list shall be subject to change at ICANN's direction. Upon determination by ICANN of appropriate standards and qualifications for registration following input from interested parties in the Internet community, such names may be approved for registration to the appropriate authoritative body.

- Included for: .asia

- Included for .cat, .jobs, .mobi, .tel and .travel but “geographic locations” is replaced by “economies”

- Not included for: .aero, .biz, .com, .coop, .info, .museum, .name, .net, .org, .pro

Language is included within the Registry Agreements listed below stating that “3.1 (d)(i)(A) Registry Operator shall reserve, and not register any TLD strings (i) appearing on the list of reserved TLD strings attached as Appendix 6 hereto or (ii) 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.” [Note: 1) The listing shown at this URL as of 29 January 2007 is provided at the end of this document; 2) the .tel agreement refers to two URLs, the first one as listed here and a second one that lists all country code TLDs, which appear to be included in the list provided at the first URL.]

- Included for: .asia, .biz, .cat, .com, .info, .jobs, .mobi, .net, .org, .tel (modified slightly), and .travel

- Not included in: .aero, .coop, .museum, .name and .pro

Names reserved at the 3rd level

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All three-character labels shall be initially reserved by the Registry Operator. The reservation of a three-character label string shall be released to the Registry Operator in conjunction with the introduction of corresponding PS-SLDs and pursuant to the procedures outlined in Appendix K, Section 4.

Included for .pro only

Not included for: .aero, .asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .tel and .travel

Other names reserved at the 2nd level

.aero, .coop, .museum, .name and .pro also reserve the following:

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

.biz also reserves the following:

Part A: Names staying with the Registry in the event of reassignment

- | | |
|-------------------------|-----------------------------|
| 1. advisory.biz | 18. cctld.biz |
| 2. api.biz | 19. claims.biz |
| 3. autorenew.biz | 20. customercare.biz |
| 4. billing.biz | 21. customersupport.biz |
| 5. bizdomain.biz | 22. digitalcertificates.biz |
| 6. bizinfo.biz | 23. directory.biz |
| 7. bizlogin.biz | 24. dns.biz |
| 8. bizlock.biz | 25. domain.biz |
| 9. bizname.biz | 26. domainname.biz |
| 10. business.biz | 27. domainnames.biz |
| 11. biznotification.biz | 28. domains.biz |
| 12. bizregistrar.biz | 29. dotbizpromotions.biz |
| 13. bizregistrars.biz | 30. dotbiz.biz |
| 14. bizwebaddress.biz | 31. dotbizaccounting.biz |
| 15. bulkrenew.biz | 32. dotbizbilling.biz |
| 16. business.biz | 33. dotbizcallcenter.biz |
| 17. callcenter.biz | 34. dotbizcards.biz |

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- | | |
|--------------------------------|--------------------------|
| 35. dotbizcustomercare.biz | 72. register.biz |
| 36. dotbizcustomersupport.biz | 73. registry.biz |
| 37. dotbizhelp.biz | 74. registryour.biz |
| 38. dotbizhelpdesk.biz | 75. registryourbiz.biz |
| 39. dotbizinfo.biz | 76. registrant.biz |
| 40. dotbizmail.biz | 77. registrar.biz |
| 41. dotbizorder.biz | 78. registrarreports.biz |
| 42. dotbizregistrar.biz | 79. registrars.biz |
| 43. dotbizregistrarsupport.biz | 80. registrarsupport.biz |
| 44. dotbizsecurity.biz | 81. registrylock.biz |
| 45. dotbizsite.biz | 82. renew.biz |
| 46. dotbiztechnicalsupport.biz | 83. renewnames.biz |
| 47. dotbiztroubledesk.biz | 84. root.biz |
| 48. dotbizwebmaster.biz | 85. rootserver.biz |
| 49. ebiz.biz | 86. securedomain.biz |
| 50. ebizness.biz | 87. securename.biz |
| 51. findyour.biz | 88. security.biz |
| 52. ftp.biz | 89. servicemark.biz |
| 53. getyour.biz | 90. services.biz |
| 54. gopher.biz | 91. smtp.biz |
| 55. gtld.biz | 92. snmp.biz |
| 56. helpdesk.biz | 93. technicalsupport.biz |
| 57. hostmaster.biz | 94. telnet.biz |
| 58. identify.biz | 95. thebizdomain.biz |
| 59. imap.biz | 96. thebizregistry.biz |
| 60. info.biz | 97. theregistry.biz |
| 61. ldap.biz | 98. troubledesk.biz |
| 62. multilingual.biz | 99. usergroup.biz |
| 63. mybiz.biz | 100. webmaster.biz |
| 64. network.biz | 101. whatbiz.biz |
| 65. nntp.biz | 102. whois.biz |
| 66. ntp.biz | 103. whoisbiz.biz |
| 67. order.biz | 104. www.biz |
| 68. pop.biz | 105. xrpEPP.biz |
| 69. pop3.biz | 106. yourbiz.biz |
| 70. questions.biz | 107. zone.biz |
| 71. questionsdotbiz.biz | 108. zonefile.biz |

Part B: Names staying with Registry Operator in the event of reassignment:

1. melbourneit.biz
2. neulevel.biz
3. neu-level.biz
4. neulevelinc.biz
5. neulevelbiz.biz
6. neulevelllc.biz

.info also reserves the following:

Part A: Names to be transferred with the Registry Database in the event of reassignment

- | | |
|-----------------------------|--------------------------|
| 1. about.info | 19. phone.info |
| 2. address.info | 20. register.info |
| 3. buydotinfo.info | 21. registerdotinfo.info |
| 4. directory.info | 22. registerinfo.info |
| 5. dot.info | 23. registrar.info |
| 6. dotinfo.info | 24. registrars.info |
| 7. dotinfodomain.info | 25. registry.info |
| 8. dotinfodomainname.info | 26. search.info |
| 9. dotinformation.info | 27. searchdotinfo.info |
| 10. email.info | 28. selldotinfo.info |
| 11. http.info | 29. site.info |
| 12. infodomain.info | 30. tld.info |
| 13. infodomainname.info | 31. tlddotinfo.info |
| 14. information.info | 32. topleveldomain.info |
| 15. informationdotinfo.info | 33. url.info |
| 16. list.info | 34. web.info |
| 17. mail.info | 35. website.info |
| 18. owndotinfo.info | |

Part B: Names staying with Afilias in the event of registry reassignment:

- | | |
|-----------------------------|-----------------------------|
| 1. 1866.info | 19. afalaismember.info |
| 2. 1-866.info | 20. afalaismembers.info |
| 3. 1866dotinfo.info | 21. afalaisplc.info |
| 4. 1-866-dotinfo.info | 22. afalias.info |
| 5. 1-866-dot-info.info | 23. afaliasco.info |
| 6. 866.info | 24. afaliascompany.info |
| 7. afalais.info | 25. afaliascorp.info |
| 8. afalaisco.info | 26. afaliascorporation.info |
| 9. afalaiscompany.info | 27. afaliasdomains.info |
| 10. afalaiscorp.info | 28. afaliasdotinfo.info |
| 11. afalaiscorporation.info | 29. afaliasinc.info |
| 12. afalaisdomains.info | 30. afaliasinfo.info |
| 13. afalaisdotinfo.info | 31. afaliasinformation.info |
| 14. afalaisinc.info | 32. afaliasllc.info |
| 15. afalaisinfo.info | 33. afaliasllp.info |
| 16. afalaisinformation.info | 34. afaliasmember.info |
| 17. afalaisllc.info | 35. afaliasmembers.info |
| 18. afalaisllp.info | 36. afaliasplc.info |

- | | |
|-------------------------------|--------------------------------|
| 37. affilias.info | 77. afilaisinformation.info |
| 38. affiliasco.info | 78. afilaisllc.info |
| 39. affiliascompany.info | 79. afilaisllp.info |
| 40. affiliascorp.info | 80. afilaismember.info |
| 41. affiliascorporation.info | 81. afilaismembers.info |
| 42. affiliasdomains.info | 82. afilaisplc.info |
| 43. affiliasdotinfo.info | 83. afilias.info |
| 44. affiliasinc.info | 84. afiliasco.info |
| 45. affiliasinfo.info | 85. afiliascompany.info |
| 46. affiliasinformation.info | 86. afiliascorp.info |
| 47. affiliasllc.info | 87. afiliascorporation.info |
| 48. affiliasllp.info | 88. afiliasdomains.info |
| 49. affiliasmember.info | 89. afiliasdotinfo.info |
| 50. affiliasmembers.info | 90. afiliasinc.info |
| 51. affiliasplc.info | 91. afiliasinfo.info |
| 52. affillias.info | 92. afiliasinformation.info |
| 53. affilliasco.info | 93. afiliasllc.info |
| 54. affilliascompany.info | 94. afiliasllp.info |
| 55. affilliascorp.info | 95. afiliasmember.info |
| 56. affilliascorporation.info | 96. afiliasmembers.info |
| 57. affilliasdomains.info | 97. afiliasplc.info |
| 58. affilliasdotinfo.info | 98. affillias.info |
| 59. affilliasinc.info | 99. affilliasco.info |
| 60. affilliasinfo.info | 100. affilliascompany.info |
| 61. affilliasinformation.info | 101. affilliascorp.info |
| 62. affilliasllc.info | 102. affilliascorporation.info |
| 63. affilliasllp.info | 103. affilliasdomains.info |
| 64. affilliasmember.info | 104. affilliasdotinfo.info |
| 65. affilliasmembers.info | 105. affilliasinc.info |
| 66. affilliasplc.info | 106. affilliasinfo.info |
| 67. afil.info | 107. affilliasinformation.info |
| 68. afilais.info | 108. affilliasllc.info |
| 69. afilaisco.info | 109. affilliasllp.info |
| 70. afilaiscompany.info | 110. affilliasmember.info |
| 71. afilaiscorp.info | 111. affilliasmembers.info |
| 72. afilaiscorporation.info | 112. affilliasplc.info |
| 73. afilaisdomains.info | 113. afls.info |
| 74. afilaisdotinfo.info | 114. member.info |
| 75. afilaisinc.info | 115. members.info |
| 76. afilaisinfo.info | |

.name also reserves the following:

In addition, the Registry will reserve a set of names (“Common Names”) that are shared by a very substantial number of people.

For a number of reasons, it is difficult to identify a specific number of names that should be reserved, or a specific percentage of the populations with names that should be reserved in any particular region or country. In some countries (such as China) reserving a very small number of names would protect a very large percentage of the population. In countries that have an extensive immigrant population or history of immigration (such as the United States), a much larger number of names is needed to cover the same portion of the population. At the same time, surnames popular in countries with very high Internet penetration are more likely to be already protected by existing third level registrations. In most cases, it will be most important to reserve names popular in developing countries. On the other hand, this will not always be the case: a name that is very popular in a small developing country may also be registered, and thus protected, as a result of a history of emigration from that country to developing nations (e.g., Vietnamese names in the U.S.).

For this reason, the GNR Registry will need to make judgments, based on research and input from the ICANN community and from appropriate national and regional governments, to identify appropriate names for reservation. There are many sources of information about popular surnames. In developed nations, census data is generally available for this purpose. In other countries, this information may be available only through universities or other institutions. There is also a wealth of information available on the Internet, of various degrees of credibility that the GNR Registry will consult as appropriate.

The following approaches will be used in parallel to identify appropriate names to be reserved at the second level for the operation of the registry for registrations of third level domain names and SLD Email Forwarding. While there is no perfect methodology, these approaches should produce, overall, an appropriate level of protection of popular surnames.

D.1 Community reservations

The GNR Registry intends to get input from the ICANN community to learn which names may be important to reserve on the 2nd level. Governments may volunteer information on common names in their respective countries. This would be particularly useful for regions where extensive knowledge about Common Names is not currently readily available.

The Registry will evaluate names gathered from the Internet community, especially from government representatives participating in the Government Advisory Committee, and, after validation, may reserve common names on the 2nd level to help ensure that 3rd level registrations are available for such names.

The period for receiving input will be from August 18, 2003 to September 18, 2003, and during this period the Registry would collect submissions by email for review and reservation. Only strings that are names should be submitted, for the purpose of reserving them for registration on the third level at some time in the future. There will be an expiration date on this reservation, and if no third level is registered on a given 2nd level one year from the reservation date, the reservation will expire.

The Registry will publish its solicitation for input on the Registry website (<http://www.nic.name>), as well as ask ICANN to publish a link to the solicitation during the same timeframe.

D.2 Registry Common Name reservations

The Registry will use names gathered from name statistics in a series of countries around the world to reserve names on the 2nd level. Names from these lists will be reserved on the 2nd level and made available only for 3rd level registrations.

The Registry will use statistics gathered for last names for the following countries/regions:

1. African Names

(The GNR Registry will seek information on name distribution in a variety of African countries, with the intent of touching on the major language groups and cultures. Target countries will include, without limitation, Nigeria, Kenya, Ghana, Tanzania, Cote d'Ivoire, Ethiopia, Uganda, etc.)

2. Arabic Names

(The GNR Registry will seek information on name distribution in a variety of Middle Eastern countries with the intent of touching on the major language groups and cultures.)

3. Belgium

4. China

5. Denmark

6. Estonia

7. Finland

8. France

9. Germany

10. India

11. Italy

12. Japan

13. Korea

14. Malaysia

15. Netherlands

16. Norway

17. Russia

18. Singapore

- 19. Spain
- 20. Sweden
- 21. Taiwan
- 22. United Kingdom
- 23. United States
- 24. Vietnam

D.3 Post-fix Reservations

The Registry is reserving all 2nd level names ending in a particular set of strings. Such names are reserved on the second level by default, and only 3rd level registrations are allowed on such 2nd levels. The following post-fix strings are reserved:

Post-fix (English version)	Post-fix (Translated version)	Language
Family	-familie	Dutch
Family	-family	English
Family	-perhe	Finnish
Family	-famille	French
Family	-familie	German
Family	-parivaar	Hindi
Family	-keluarga	Indonesian
Family	-famiglia	Italian
Family	-angkan	Philippino
Family	-rodzina	Polish
Family	-familia	Portugués
Family	-familie	Scandinavian
Family	-familia	Spanish
Family	-mischpoche	Yiddish
Family	-umdeni	Zulu

As an example, the reservation of these post-fix strings means that all second level names ending in e.g. “-parivaar”, for example “patel-parivaar” are reserved on the second level for third level registrations only.

<http://data.iana.org/TLD/tlds-alpha-by-domain.txt>

Version 2007012401, Last Updated Thu Jan 25 09:07:01 2007 UTC

AC
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TJ
TK
TL
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TO

TP
TR
TRAVEL
TT
TV
TW
TZ
UA
UG
UK
UM
US
UY
UZ
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VG
VI
VN
VU
WF
WS
YE
YT
YU
ZA
ZM
ZW