Report of Public Comments

Release of Country and Territory Names within the .BROTHER, .GEA, .ACO, .SECURITY, .PROTECTION, .THEATRE and .RENT TLDs

Publication Date:	17 October 2015
Prepared By:	Krista Papac

Comment Period:

Comment Open Date:	1 September 2015
Comment Close Date:	14 October 2015

Important Information Links

Announcement
Public Comment Box
View Comments Submitted

Staff Contact:	Krista Papac	**Email:**	krista.papac@icann.org

Section I: General Overview and Next Steps

General Overview

Four (4) Registry Services Evaluation Policy (RSEP) requests were submitted by the registry operators listed below to allow the release of country and territory names for the below TLDs. In total, the requests concern 7 New gTLDs.

Proposal	TLD	Registry Name	Documents
2014117	security protection theatre rent	XYZ.COM LLC	XYZ.COM LLC Request 30 July 2015
2014114	aco	ACO Severin Ahlmann GmbH & Co. KG	ACO Severin Ahlmann GmbH & Co. KG Request 2 July 2015
2014113	gea	GEA Group Aktiengesellschaft	GEA Group Aktiengesellschaft Request 2 July 2015
2014110	brother	Brother Industries, Ltd.	Brother Industries, Ltd. Request 9 June 2015

As required by the RSEP, ICANN made a preliminary determination on whether these RSEP proposals might raise significant competition, security or stability issues. ICANN's preliminary review (based on the information provided) did not identify any such issues.

Following ICANN's preliminary determination that the proposals do not raise significant competition, security or stability issues, ICANN proposed to implement the registry service by amending the respective Registry Agreements.

From 1 September 2015 – 14 October 2015, ICANN posted the proposed RA amendments for public comment, which resulted in one comment.

Next steps

As provided in Section 4 of Specification 5 of the Registry Agreement, a registry operator may propose the release of reserved country and territory names "subject to review by ICANN's Governmental Advisory Committee and approval by ICANN". In its Singapore Communiqué (11 February 2015), the GAC advised ICANN Board to "work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement".

Subsequent to the GAC's Singapore Communiqué (11 February 2015), on 23 April 2015, the GAC Chair sent a letter to the Chairman of the ICANN Board, confirming its intent to work on a proposal for the development of such database for the process for release of country and territory names. The GAC indicated in its letter that "The GAC has started to work on a proposal for such a database and on related aspects of the process for release of country and territory names. This work has priority status for the GAC and a proposal will soon be shared with ICANN. In the meantime, it is the expectation of the GAC that a realistic timeline will be followed, and that existent RSEP requests will not be approved before an adequate process involving the GAC and individual governments in the release of country and territory names at the second level has been developed." On 14 April 2015, the Brand Registry Group (BRG), the Business Constituency (BC) and the Intellectual Property Constituency (IPC) submitted a letter to the ICANN Board, offering a joint proposal on the matter of the release of country and territory names and two-letter labels at the second level. The letter requests confirmation that the database project referenced in the GAC's April 23rd letter is underway, and the anticipated timeframe for making this information available.

Also it is stated in the GAC's Buenos Aires Communiqué (24 June 2015) that "the GAC is continuing to develop a database of country requirements for notification of requests for release of country/territory names at the second level in new gTLDs (reserved according to the application rules for new gTLDs), with options for governments to state that they do not object to release and abstain from notifications for such requests". The list was finalised and published on the GAC website on 30 July 2015.

On 12 October 2015, ICANN published the Country and Territory Names webpage to provide information regarding names currently reserved under Specification 5 Section 4 of the New gTLD Registry Agreement. The webpage provides clarification regarding the Governmental Advisory Committee Notification Requirements list established to facilitate notification of registry requests for release of country and territory names as second-level domains in new gTLDs.

To access the Country and Territory Names webpage, please visit https://www.icann.org/resources/country-territory-names.

ICANN will consider these comments along with the advice from the GAC as it considers whether or not to approve the requested amendments.

Section II: Contributors

<u>Organizations and Groups:</u>

Name	Submitted by	Initials
Business Constituency	Steve DelBianco	BC

Section III: Summary of Comments

Regarding the proposed introduction of country and territory names within .BROTHER, .GEA, .ACO and .BRAND TLDs:

The one comment submitted supports the release of country and territory domain names within .BROTHER, .GEA, .ACO TLDs and also more generally within .BRAND TLDs.

> "The use of country and territory names will allow .BRAND registries to create customized and relevant localized content for consumers in various countries and regions across the world, especially in developing nations with predominantly non-English speaking populations. This geographic segmentation will not only bring greater efficacy to .BRAND TLDs, but it will benefit businesses and consumers alike by fueling economic development in regions which currently have limited choice with respect to linguistically and culturally tailored domain names and content. In addition, we firmly believe that the release of country and territory names for .BRAND TLDs will enhance security and trust in online commerce by permitting businesses to exercise more control over the security and stability of their customized web sites….the use of country and territory names within a .BRAND registry will always avoid confusion with an official government web property." (BC)

Regarding the proposed introduction of country and territory names within .SECURITY, .PROTECTION, .THEATRE, .RENT and open TLDs:

The comment received recognizes that geographic segmentation and non-confusion arguments set forth for .BRAND TLDs (as noted above) are less persuasive for the release of country and territory domain names within the .SECURITY, .PROTECTION, .THEATRE, .RENT and also more generally within open TLDs.

> "The geographic segmentation and non-confusion arguments set forth above are less persuasive for open TLDs than for .BRANDs or geographic TLDs. We therefore believe that

the presumption of approval may be overcome by a particular government's objection to the release of its country or territory name….In our view, the historical availability of country and territory names at all levels in all legacy TLDs still militates in favor of a presumptive approval of the request for the release of country and territory names." (BC)

Regarding Public Comment Process:

The only comment received also commented on ICANN's batching of similar RSEP requests on the release of country and territory names.

> "In order to make the requested delineation more clear, the BC would support bifurcating similar public comment periods on country and territory names into buckets corresponding to restricted access TLDs, such as .Brand or geographic TLDs, versus purely open TLDs." (BC)

Section IV: Analysis of Comments

> *General Disclaimer:* This section is intended to provide an analysis and evaluation of the comments *received along with explanations regarding the basis for any recommendations provided within the analysis.*

The comment received is in favor of the release of country and territory names within .BROTHER, .GEA, .ACO TLDs, and more generally in favor of such release within .BRAND TLDs.

In sum, the BC expressed that geographic segmentation will bring greater efficacy to .BRAND TLDs and that allowance of such names within .BRAND TLDs will enhance security and trust in online commerce. As for .SECURITY, .PROTECTION, .THEATRE, .RENT and "open" TLDs, the BC stated in their comment that the geographic segmentation and non-confusion arguments set forth for .BRAND TLDs are less persuasive for open TLDs and that the presumption of approval may be overcome by a particular government's objection to the release of its country or territory name.

It should be noted that Specification 13 has been granted for .BROTHER on 29 January 2015, Specification 13 has been granted for .GEA on 11 December 2014 and Specification 13 has been granted for .ACO on 8 January 2015, whereas Registry Agreements for .SECURITY, .PROTECTION, .THEATRE and .RENT do not include Specification 13 provisions in place.

In response to these comments regarding the process for releasing reserved country and territory names, ICANN notes that similar comments emerged from the community with respect to the previously published public comments for similar RSEP requests. (See:
https://www.icann.org/public-comments/ctn-release-neustar-2014-09-19-en,
https://www.icann.org/public-comments/bmw-mini-amendment-2014-12-11-en,
https://www.icann.org/public-comments/ctn-release-tlds-2015-01-06-en,
https://www.icann.org/public-comments/emerck-hamburg-berlin-amendment-2015-03-02-en,
https://www.icann.org/public-comments/ctn-release-tlds-2015-03-31-en,
https://www.icann.org/public-comments/ctn-release-tlds-2015-05-13-en,
https://www.icann.org/public-comments/ctn-release-tlds-2015-05-26-en and
https://www.icann.org/public-comments/ctn-release-tlds-2015-06-21-en).

Also, on 11 February 2015, the GAC, in its Singapore Communiqué, advised ICANN Board to "work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement". Subsequent to the GAC's Singapore Communiqué (11 February 2015), on 23 April 2015, the GAC Chair sent a letter to the Chairman of the ICANN Board, confirming its intent to work on a proposal for the development of such database for the process for release of country and territory names. The GAC indicated in its letter that "The GAC has started to work on a proposal for such a database and on related aspects of the process for release of country and territory names. This work has priority status for the GAC and a proposal will soon be shared with ICANN. In the meantime, it is the expectation of the GAC that a realistic timeline will be followed, and that existent RSEP requests will not be approved before an adequate process involving the GAC and individual governments in the release of country and territory names at the second level has been developed."

And also it is stated in the GAC's Buenos Aires Communiqué (24 June 2015) that "the GAC is continuing to develop a database of country requirements for notification of requests for release of country/territory names at the second level in new gTLDs (reserved according to the application rules for new gTLDs), with options for governments to state that they do not object to release and abstain from notifications for such requests". The list was finalised and published on the GAC website on 30 July 2015.

On 12 October 2015, ICANN published the Country and Territory Names webpage to provide information regarding names currently reserved under Specification 5 Section 4 of the New gTLD Registry Agreement. The webpage provides clarification regarding the Governmental Advisory Committee Notification Requirements list established to facilitate notification of registry requests for release of country and territory names as second-level domains in new gTLDs.

To access the Country and Territory Names webpage, please visit https://www.icann.org/resources/country-territory-names.

ICANN will consider these comments along with the advice from the GAC as it considers whether or not to approve the requested amendments.