

Google Registry

August 1, 2014

Via Electronic Mail to:

comments-two-char-new-gtld-12jun14@icann.org

Re: Reply Comments on Introduction of Two-Character Domain Names in the New gTLD Name Space

We appreciate the opportunity to comment on the topic of two-character names at the second level in the new gTLD space; their release is something that the Google Registry broadly supports. We feel the release of two-character second level registrations is both in line with established precedent in the operation of other gTLDs, but also, is fully within the spirit of the new gTLD program in that it will expand consumer choice, promote competition in the domain name industry, and with proper implementation enhance consumer trust.

Uniform Precedent Regarding the Release of Two-Character Domain Names

ICANN has uniformly approved *all* Registry Services Evaluation Process (RSEP) requests to release two-character domain names over the past eight years, including certain ISO-3166 two-character names corresponding to country codes. It is evident that all RSEP requests are consistently granted where the registry has either agreed to reserve all ISO-3166 two letter codes, where the two-character names serve the needs of a particular community, or where the registrations are subject to some baseline eligibility criteria within the TLD.

Below please find a more detailed list of such precedent:

TLD	RESULT	DATE	PERTINENT RATIONALE
NAME	Approved	Jan. 16, 2007	Research of UDRP cases found no evidence of user confusion from earlier registrations of two-character domain names. Also, an RSTEP evaluation concluded that there was no risk of technical problems.
CAT	Approved	March 7, 2007	ISO 3166 names UB, UV and UA released to serve the interests of the Catalan linguistic and cultural community.
JOBS	Approved	March 28, 2007	The Sponsorship Agreement provided measures to avoid confusion, and

			two-character names were provided on a first-come, first served basis.
COOP	Approved	Sept. 18, 2007 June 13, 2008	Two-character name GO released. Served the needs of the International cooperative community; evaluation criteria had measures to avoid confusion.
MOBI	Approved	Nov. 14, 2008	Serve the needs of the Mobile Internet community; evaluation criteria had measures to avoid confusion.
BIZ	Approved	May 29, 2009	Obtained permission to release all two-character domain names in .BIZ, except those found on the ISO-3166-1 list.
PRO	Approved	Jun 26, 2009	Obtained permission to register all two-character second level domain names because the TLD itself had extra registration requirements (namely proof dedication to professional services). However, this registration requirement is not longer imposed.
TRAVEL	Approved	Aug. 5, 2010	Sought country code manager expressions of interest for all ISO 3166 names, allocating subject to normal registration fees and commitments to use the registered names.
INFO	Approved	April 22, 2010	All ISO 3166 names were reserved by the registry.
TEL	Approved	Nov. 18, 2010	All ISO 3166 names were reserved by the registry.
ASIA	Approved	Feb. 29, 2012	All ISO 3166 names considered governmental reserved names based on ASIA reserved names policies.
ORG	Approved	March 1, 2012	All ISO 3166 names were reserved by the registry.

It is important to note that this review of the relevant RSEPs presents an overarching theme mainly that TLDs with limitations on the use or registration of SLDs, including .NAME, .CAT, .PRO, .JOBS, .COOP, .MOBI and .TRAVEL, faced notably low bars in the release and registration of two-character country code names on the ISO-3166 list.

Further, legacy gTLDs have no requirement to reserve any two-character second-level registrations, including two-character codes that appear on the ISO-3166 list. In fact many such registrations exist within the .COM space. For example, BN and PW are country codes for Brunei and Palau, respectively; however, bn.com redirects to the website for Barnes and Noble and pw.com is the website for PriceWaterhouseCoopers. There is no evidence that any user confusion exists between the websites and countries to which the corresponding country code belongs.

User Confusion Unlikely

In fact, in 2007 the GNSO Reserved Names Working Group (RN-WG) Final Report explicitly recognized that “[a]t the second level, two-character names have been registered, re-sold directly or via auction, and transferred by a wide variety of parties for many years.”¹ Ultimately, the RN-WG Final Report recommended that registries be permitted to release any combination of two-character and/or digit strings provided that measures to avoid confusion with any corresponding country codes be implemented.

In response to several public comments, we observe there has yet to be significant confusion between two-character names and current or existing country codes. As we discussed in more detail above the potential confusion has not been an issue with legacy gTLDs, and it is highly unlikely in new gTLDs, particularly when either the TLD itself or the proposed usage of SLDs is distinctive rather than generic in nature.

As noted above, GNSO recommendation on avoidance of confusion with country codes has in practice resulted in a fairly low bar for approval by ICANN. This standard is met by most generic, brand, and geographic strings. This is particularly the case for .BRAND TLDS. Confusion regarding whether the SLD is an official conduit of the affected country should be of minimal concern for governments in the context of a closed registry whose TLD is the trademark of a private entity and where all usage of the domain is directly tied to a specific company’s brand and offerings. We also note that there should be no risk of confusion in cases where the proposed use of two-letter SLDs is well-defined and distinct from country codes, as with the proposal to allow the use of ISO 639 two-character language codes in the .WIKI TLD.

Increased Choice, Competition and Consumer Trust

In addition, in supporting several positive public comments, we agree that two-character names will increase consumer choice and trust by offering global companies tailored, segmented domain names, as well as the ability to utilize a full array of marketing and brand protection opportunities.² We agree that releasing two-character names only stands to increase competition in the domain name industry and online, rather than hinder it in any manner.³

One specific example is that Registry Operators for .BRAND TLDs would be able to customize their sites for a number of countries and regions across the world, and harness these TLDs to provide localized content, especially to the developing world. Throughout 2011, several chapters of the Internet Society in developing nations have found that despite growing connectivity in their nations, Internet usage and electronic commerce were not thriving due to a lack of localized content.⁴ .BRAND TLDs which are able to utilize the full spectrum of second-level registrations to build recognizable and meaningful sites could provide a means of rectifying this situation,

¹ GNSO New gTLDs Committee, [Reserved Names Working Group Final Report](#) p. 75 et seq. (May 23, 2007).

² See e.g. Francis Toldi, [HP Comments on Two-Character Domain Names](#) (July 10, 2014).

³ Katrin Ohlmer, [DOTZON Comment on "Introduction of Two-Character Domain Names in the New gTLD Namespace"](#) (July 10, 2014).

⁴ Internet Society, UNESCO, and the OECD Report. [The Relationship Between Local Content, Internet Development, and Access Prices](#) (September 27, 2011).

ensuring that Internet users in developed and developing nations have access to substantive content that is relevant to their lives.

Conclusion

Accordingly, in light of such precedent, and the measures taken to avoid confusion with corresponding country codes, we join in supporting RSEP requests filed by CEOTLD Pty Ltd. (CEO), BestTLD Pty Ltd. (BEST), KredTLD Pty Ltd. (KRED), Globo Comunicacao e Participacoes S.A. (GLOBO), and Donuts, Inc. (multiple TLDs), as well as Top Level Design (WIKI) in particular.

Sincerely,



Sarah Falvey
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Google Inc.