auDA comments on ICANN's new gTLD Draft Applicant Guidebook (v2)

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.au Domain Administration Ltd (auDA) is the not-for-profit organisation endorsed by the Australian Government to administer the .au domain space under an industry self-regulatory regime. auDA is a long-standing, active participant in ICANN's country code Names Supporting Organization (ccNSO).

auDA welcomes the opportunity to comment upon the second iteration of ICANN's new gTLD Draft Applicant Guidebook.

General Comments

The introduction of new gTLDs is one of the most complex policy processes ever undertaken by ICANN. The introduction of potentially hundreds of new gTLDs could signal a fundamental change to the way billions of people navigate the internet. Such significant change will impact everyone, including end users, companies, community groups, security vendors and sovereign territories. As evidenced by the unprecedented level of community response to ICANN's public comment process on version one of the Draft Applicant Guidebook, many of these stakeholders are taking a keen and active interest in ICANN's deliberations.

Given these high stakes, the process by which ICANN develops the policies and implementation details for the introduction of new gTLDs must be open, collaborative and comprehensive. All stakeholders must be given the opportunity to provide their perspectives, and this input must be duly incorporated.

auDA applauds ICANN's acknowledgement that this is a process that cannot be rushed, and its decision to release at least three iterations of the Draft Applicant Guidebook for community comment. auDA also recognises the tremendous amount of work ICANN staff has undertaken in developing the draft guidebook, seeking, summarising and incorporating community comments, and drafting Version 2.

While considerable progress has been made since Version 1, additional work is required before the guidebook is finalised, and before the wide range of concerns expressed by stakeholders have been adequately addressed. Important areas requiring further refinement include:

- The development of appropriate and effective mechanisms to protect Intellectual Property rights;

- Ensuring the ongoing security and stability of the internet;
- The protection of consumers from potential confusion and malicious activity;
- The finalisation of fair and appropriate application and annual fee structures; and
- The provision of additional information on key elements of the process, including objection mechanisms, string confusion and methods for selecting evaluators and panellists.

Geographical Names

As a ccTLD manager, auDA is most directly concerned with the way in which geographical names – particularly country and territory names – will be handled when ICANN formally calls for new gTLD applications.[1]

auDA strongly supports the position and principle endorsed by the ccNSO Council – that all country names and territory names are ccTLDs, not gTLDs.

Any territory name, or meaningful abbreviation of that name, should not be available as a gTLD. This includes the names in any ASCII or non-ASCII script or any recognised language.

It is of particular concern this position was first expressed by the ccNSO Council in October 2007[2] and again in December 2008[3], though has not been fully incorporated into the current version of the Draft Applicant Guidebook.

Our position stems from three key concerns:

- the differences between ccTLDs and gTLDs are becoming increasingly blurred, and could disappear altogether if country and territory names are allowed as new gTLDs;
- the current proposal to allow territory names and abbreviations as either gTLDs or ccTLDs is likely to cause confusion among both end users and national authorities that are less familiar with ICANN policies; and
- the current framework for the new gTLD process risks pre-empting the outcomes of the IDN ccTLD Policy Development Process.

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[1] Module 2: Evaluation Procedures, part 2.1.1.4 'Geographical Names'. Draft Applicant Guidebook v2.

[2] http://ccnso.icann.org/meetings/losangeles/ccnso-council-minutes-31oct07.pdf

[3] http://forum.icann.org/lists/gtld-evaluation/msg00015.html

To address these concerns, auDA recommends that any meaningful representations or abbreviations of a country and territory name in any script or language should not be allowed in the gTLD space – at least until the related IDN ccTLD PDP has been completed.

Given this is a position held by a significant proportion of ICANN stakeholders – country code managers (through the ccNSO Council) and governments (through the GAC[4]) – auDA calls upon ICANN to engage with these constituencies to develop a mutually-agreeable solution for the treatment of country and territory names prior to the finalisation of new gTLD Applicant Guidebook.

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[4] GAC Communiqué XXXIII, Mexico City, 03/04/2009.