



Comments in response to the Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes

August 2016

Introduction to InternetNZ

InternetNZ is a multi-stakeholder membership-based Internet community organisation in New Zealand, which serves the local Internet community in a range of ways including as the designated manager for the .nz country code Top Level Domain.

Our vision is of a better world through a better Internet. Our mission is to promote the Internet's benefits and uses, and protect its potential.

InternetNZ has two wholly-owned charitable subsidiaries to whom management, operation and regulation of the .nz top level domain are delegated. These are:

- NZRS Limited, the Registry
- Domain Name Commission Limited, the Regulator

Comments on the Proposal

The proposed measures are a radical departure from the current process. Whereas now governments are notified of registry requests and given 60 days to comment on the request, this proposal will have governments and ccTLD managers given 30 days in which to decide whether to register their two letter label before it is released.

We have a number of areas of concern with this proposal.

1. It is unclear how this policy proposal has been developed with two key affected groups of stakeholders not really involved in its development. The policy has been developed largely through engagement by ICANN staff with the gTLD registry operators but that level of engagement has not also been accorded to the Governments or the ccTLD managers for their comments. In fact, the proposal is at odds with the position taken by the GAC in their Helsinki communiqué. As a ccTLD manager we have not received any communication during the development of this policy proposal and as far as we are aware no approach has been made to the ccNSO for engagement even though ccTLD managers are a key part of this new proposed measure.
2. The proposal creates a new group for priority right for registering second level domain names. Whereas governments previously had a chance to express any concerns but no rights to the name, under this proposal both governments and

ccTLDs are given the right to register the name only with no real process to work through a mutually agreeable approach with the registry manager.

3. Registration is not a suitable mechanism for addressing community concerns in all cases. It is acknowledged that registry operators do not want to have to maintain an ongoing list of reserved or blocked names but this should not mean that governments or ccTLD managers are forced to register names in order to protect their two letter code given that
 - a. There may be genuine concerns around confusion.
 - b. The registry operators may set terms, such as registration and renewal costs, that are outside the means of many ccTLD managers and / or their government.
 - c. Registration may be seen as endorsing or otherwise accepting the existence of a domain that the community does not wish registered.
4. The addition of the ccTLD manager in the new group with the priority right gives significant power to them, where previously they had none, and may potentially create issues with their government if they choose to register a two letter name that the government may themselves want, or which they do not want registered at all. Though some governments have close working relationships with their ccTLD managers many do not. Even those who do communicate are unlikely to have formal processes in place to handle two letter labels as in this proposed measure.

Summary

InternetNZ believes the Proposal:

- Introduces a new priority right in the registration of second level domains
- Forces governments or ccTLD managers to register two letter labels that they have concerns about being released in a particular new gTLD
- Has not been developed with any consultation with, and input from, the community, particularly GAC and ccNSO

Therefore, in the absence of a policy developed through a proper policy development process with full engagement with the community, we do not support the proposed measures.

Contact

For further information please feel welcome to contact any of the following:

Debbie Monahan
Domain Name Commissioner
(note: Debbie is Lead Contact for this document)

dnc@dnc.org.nz

Jay Daley
Chief Executive, NZRS

jay@nzrs.net.nz

Jordan Carter
Chief Executive, InternetNZ

jordan@internetnz.net.nz

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