



## **Comment on Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes**

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Donuts appreciates the opportunity to comment on the proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes.

### **Applicability of the Exclusive Availability Pre-Registration Period**

Since 2014, ICANN has issued an “Authorization for Release of Two-Character Letter/Letter ASCII Labels at the Second Level” to any registry operator that applied for release of these labels through the ICANN-dictated two-character process. These Authorizations list the letter/letter labels for which ICANN has authorized release. Subsequently, many registries, rightly, made those labels available for registration. Should a registry run an Exclusive Availability Pre-Registration Period for a gTLD that has received such an Authorization, that period can only apply to the letter/letter labels that have not yet been authorized for release.

### **The Registry Agreement Does Not Confer Veto Power to any Country**

ICANN approval to release the reservation of a two-character ASCII label is not and cannot be subject to a particular country’s veto power. Specification 5, Section 2, of the Registry Agreement provides for the release of two-character ASCII labels through *two* distinct avenues: (i) agreement with the related government and ccTLD manager, *OR* (ii) approval by ICANN. These discrete avenues were opened to protect registries and registrants from potential unreasonable government interference or attempts to veto a string’s release. Accordingly, a refusal from ICANN to issue approval for release of such labels based on a country’s illogical objection would negate the difference between the two avenues and run contrary to the Registry Agreement.

Governments have not provided, nor can they provide, substantiated legal reasoning as to why they would be entitled to two-letter labels. Italy, for example, has no legal right to the very common term “IT” – claiming otherwise would be absurd.<sup>1</sup>

### **It’s Time to Move On**

As the GAC stated in its Los Angeles Communiqué nearly two years ago:

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<sup>1</sup> <http://www.it.com/> is actively in use today and is clearly not confused for the Italian government. No party in the ICANN community can conclusively and credibly demonstrate that [www.it.careers](http://www.it.careers) or [www.it.technology](http://www.it.technology), for example, could also confuse.

two-character second level domain names are in wide use across existing TLDs, and have not been the cause of any security, stability, technical or competition concerns.

It is time to conclude this needlessly lengthy process. ICANN should promptly release all letter/letter labels to those registry operators who volunteer to implement appropriate measures to avoid confusion. Any further delay is unwarranted and unnecessary.

### **Support of the RySG Comment**

Donuts supports the comment submitted by the Registry Stakeholder Group and urges ICANN to fully and carefully consider this valuable input.