Re: Proposed Amendments to Base New gTLD Registry Agreement

Via Electronic Mail:
comments-proposed-measures-two-char-08jul16@icann.org

August 17, 2016

Charleston Road Registry d/b/a Google Registry supports the comments submitted by the Registries Stakeholder Group (RySG) urging that the early access registration period (EARP) for governments and country-code top-level domain (ccTLD) operators be made voluntary. We share the concerns cited regarding the appropriateness of granting governments a first right to register two-letter labels that correspond to the ISO-3166-1 alpha-2 standard list. We additionally believe that ICANN's proposed framework to avoid confusion ("proposed framework") should be targeted at preventing and addressing identifiable areas of potential confusion with ccTLDs. While the other two mechanisms, related to complaint handling and registration policies, meet this standard, the EARP does not directly relate to confusion and should not be made a requirement for registries.

We further recommend that ICANN maintain the existing authorization process, which allows registries to release non-objected labels, provided that they commit to implement confusion avoidance mechanisms of their design. As ICANN has repeatedly noted, the process in place today has allowed the predictable and timely release of the vast majority of two-letter labels. To do away with the authorization process once ICANN finalizes its proposed framework would raise several concerns:

- Doing away with the authorization process prevents governments that have specific confusion concerns regarding a not-yet-authorized TLD from bringing their concerns forward to be accounted for in that registry's confusion avoidance plan, undermining the intent of this process.
- Several governments have indicated that they do not wish to be notified of further developments related to two-character labels. Transition to ICANN's Proposed Framework, in its current form, would negate these requests by requiring that they be included in EARP notices for not-yet-authorized TLDs.
- Lastly, on multiple occasions ICANN has communicated that the authorization process would be retained.[1] Doing away with the process at this late stage would break this commitment and create unpredictability and inequity across applicants.

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[1] According to ICANN's website, "The current framework of the Authorization Process, whereby a registry submits an authorization request and relevant governments may submit comments, is not expected to change. However, we believe the finalized criteria for approval will help everyone with a more clearly defined standard with which ICANN can evaluate future requests." (Retrieved August 15, 2016)

Google Registry

ICANN could establish that any labels that receive valid objections during the authorization process could only be released provided implementation of the final confusion avoidance framework.

We appreciate ICANN's consideration of our recommendations and the comments by the RySG and look forward to bringing this process to closure.

Sincerely,

Stephanie Duchesneau
Domains Policy and Compliance