

United TLD Comment on the proposed measures for letter/letter two-character ASCII labels to avoid confusion with corresponding country codes

United TLD Holdco Ltd., trading as Rightside Registry (“Rightside”), a registry operator for forty new generic top level domain names wishes to thank ICANN for the opportunity to comment on the proposed measures for letter/letter two-character ASCII Labels to avoid confusion with corresponding country codes (hereafter ‘Proposed Measures Document’). Having reviewed the proposal, we offer following statements:

Support for the Registries Stakeholder Group Statement

Rightside fully supports each statement contained in the comment submitted by the Registries Stakeholder Group (hereafter the “RySG Comment”) and urges ICANN to give these statements full consideration.

Clarification as to Choice

In addition to the RySG Comment, Rightside wishes to emphasize that the Proposed Measures Document is ill-worded and makes all three proposed measures **required** for implementation. In addition to this being a departure from past requirements of ICANN (e.g. arrangements already persisting for .TRAVEL requiring only the implementation of an exclusive availability pre-registration period), the suggested ‘mandatory’ implementation requirement is a great concern as ICANN is proposing to attribute rights to governments and country code managers for two character ASCII domain names that simply do not exist in law. Rightside urges ICANN to clarify that the measures are:

- a) Voluntary; and
- b) that the implementation of a single option is sufficient.

Clarification as to Applicability

Rightside also wishes to note the following:

- a) The Proposed Measures Document is not phrased as to provide any clarity as to the identity of the strings to which the implementation of the measures applies. Rightside participated in this process on the basis that such measures related solely to those strings that have received specific objections by the country in question, and not the entirety of ISO 3166-1 alpha-2 standard letter/letter combinations.
- b) Rightside acknowledges the efforts that ICANN have made to provide ample notice and opportunity to those affected national authorities to raise any such objections. Rightside believes that a failure to provide any objection, despite being actively provided with the opportunity to do, should be taken as an indication that such a country does not have any valid objection.
- c) Rightside also submits that any such outstanding and/or future objections should be the subject to a basic merits test, noting specifically the lack of legal or other rights in any 2 letter combinations that may constitute a ccTLD. In this respect we refer also to the more substantive statement regarding this issue, as contained in the RySG Comment. Rightside requests that any alleged ‘confusion’ arising

from the use of a 2 character domain, must be grounded by some individual and objectively valid reason on the part of the objecting country, including, but not limited to, a specific addressing of the underlying source and/or cause of such an alleged confusion. (e.g. IT.software)

We hope that ICANN will take this comment and the RySG Comment under careful consideration in advance of releasing any revised draft of the proposed measures.

