

New gTLDs - Draft Applicant Guidebook

Input from ccNSO Council on Country/Territory Names

The ccNSO wishes to reiterate the comments made in its submissions of 15 December 2008 and 9 April 2009 and add the following comments which are limited to the use of country/territory names in top level domains, and are not intended to address the use of city or regional names."

Today ICANN distinguishes between two categories of TLDs – ccTLDs and gTLDs.

ccTLDs set their policy within territory and in consultation with their local Internet community, including government.

gTLDs are governed by ICANN policies and contractual terms. The "g" in gTLDs stands for "generic", and today all of the gTLDs¹ are generic terms such as info, museum, com, biz etc.

It is the view of the ccNSO Council that to allow the "given names" of countries to be defined as generic (and thus delegated as gTLDs), is illogical and incompatible with any normal understanding of the term generic.

Allowing a TLD representing a meaningful representation of a country to be a gTLD is likely to create a situation where ICANN will be caught up in the internal policy of a country. It is highly likely that the government will at some stage want to have policy input into what a country TLD is used for or expect it to be answerable under national law. A change in government could radically affect the official position within the country regarding the gTLD which in turn could adversely affect the stability and integrity of the DNS.

Further, there will be significant confusion caused for Internet users if some country names are ccTLDs under local law and with local policies, while other country TLDs are gTLDs bound by ICANN's policy processes, including policy for registrar accreditation, dispute resolution and WHOIS.

Janis Karklins stated in his letter from GAC of 24 April that the rights of a sovereign state or territory cannot be limited or made conditional by ICANN's procedures and that geographic names are special cases and should have special rules applying to them. The GAC further states: "The ccNSO has proposed that country or territory names on the ISO-list are treated as ccTLDs. This seems to be a sensible approach to ensure that geographic names are afforded sufficient protection."

In light of this, the ccNSO Council strongly believe that its earlier input should be given serious consideration when revising the DAG, v3.

¹ With the arguable exceptions of .asia and .cat

Finally, in relation to item 2.1.1.4 of the DAG we conclude that the current formulation proposed for defining country names does not cover the same terms that were protected by the earlier definition of “meaningful representation”. While we understand the desire for a defined list, we believe that it is important to keep the fundamental principles associated with national sovereignty firmly in view. Lists can often easily be circumvented and not respond to reasonable expectations from the governments or users based in the country concerned. New TLD applications will not be processed automatically so there is no need for a defined list

The list creation formula itself is very complicated. It should also be noted that parties not currently involved in this process will not yet have had the opportunity to check that all meaningful representations of their country names are properly protected in these lists.