Council of European National Top-Level Domain Registries

CENTR Comment on the Interim Paper of the Cross-Community Working Group on Use of Names of Countries and Territories as Top Level Domains

CENTR hereby submits the following comments on the Interim Paper from the Cross-Community Working Group on a Framework for use of Country and Territory Names as TLDs (CWG-UCTN) dated 9 February 2017. CENTR would like to take the opportunity to thank the Cross-Community Working Group for its diligent work on this difficult issue.

Please see CENTR's responses to the recommendations in line below.

Recommendation 1

> *"To close this CWG in accordance with and as foreseen in the charter."*

CENTR response

CENTR supports this recommendation. The CWG has served its purpose and has done everything reasonably possible within its mandate to find a harmonised framework for use of country and territory names as top-level domains (TLDs). However, it has failed to find a solution. The CWG should therefore be closed in accordance with its charter. However, CENTR believes that this work should be continued through an all-inclusive dialogue (see response to Recommendation 4 below).

Recommendation 2

> *"The CWG recommends that the ICANN community consolidate all policy efforts relating to geographic names (as that term has traditionally been defined very broadly to this point) to enable in-depth analyses and discussions on all aspects related to all geographic-related names. This is the only way, in our view, to determine whether a harmonized framework is truly achievable."*

CENTR response

CENTR supports this recommendation related to geographic names at top level. A harmonised framework can only be achieved through an overarching effort across all ICANN communities. CENTR also believes it is already clear from
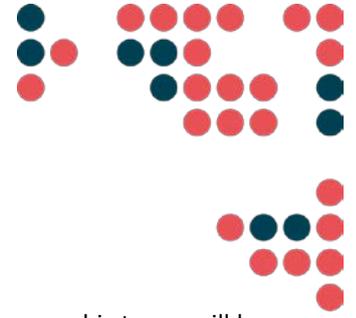
the CWG interim report that different (albeit interrelated) policies for the various types of geographic terms will be required. Geographic names such as names of rivers, capital cities and region names are different in nature from ISO 3166-1 3-letter codes and full or abbreviated country names as listed in ISO 3166-1. One of the most essential differences is that country names (via their 2-letter equivalent) were explicitly recognised as a separate category in RFC 1591.
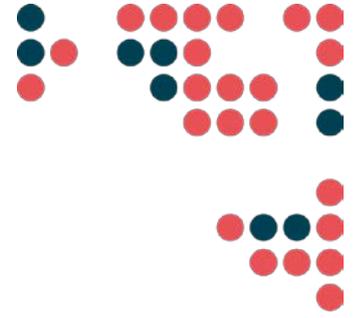
Recommendation 3

"The CWG could not agree on any of the alternatives for recommendation 3. As noted based on a survey poll, the majority of the members/participants in the CWG who participated in the poll (20), expressed support for one form or another of recommendation 3. A small majority of respondents supported alternative C, and a large minority alternative B. Please note that this should be interpreted as a sense of the direction of travel preferred by members of the WG. One of the major concerns, expressed by some members of the CWG, is that whatever structure is preferred for future work, the issues pertaining to the use of names of countries and territories as TLDs are within the scope of both the ccNSO and GNSO policy development processes. For example, how full names of countries and territories, other than Latin scripts, are dealt with. These issues should therefore be addressed through a coordinated effort under both processes.

Recommendation 3 Alternative A

Future work should take place with the authority of a policy development process under ICANN's Bylaws, with a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CWG, as it has not been made clear how the group's work can or will be incorporated in policy-making pursuant to ICANN's Bylaws. Some members of the WG raised the concern that issues that are in scope of both the ccNSO and GNSO policy development processes, for example how full names of countries and territories other than Latin scripts are dealt with, should be addressed through a coordinated effort under both processes.

Recommendation 3 Alternative B

To ensure that the conclusions and recommendations of a CWG will at one point have the authority of a policy developed through the relevant processes under ICANN's Bylaws, future work should take place with a clear view on how this work at some point will reach the authority of a policy developed as or relates to and provides input to formal policy development processes. With regard to the subject matter, the use of country and territory names as TLDs, the CWG notes that this should be defined with respect to both the ccNSO and GNSO Policy development processes. Due to the overlapping definitions used under existing Version 9 February 2017 32 policies, additional policy developed by one group may impact and have an effect upon the policy developed by another group. Avoiding this issue may be achieved through a clearly drafted Charter or scope of work that sets out how these policy development processes will be informed. This addresses a key deficiency this CWG has encountered, as it has not been made clear how the group's work can or will be incorporated in policy-making pursuant to ICANN's Bylaws.

Recommendation 3 Alternative C

Future work should clearly align with ICANN policy development processes, and should have a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform ICANN policy development."

CENTR response

The recommendation set out in the interim report poses three options, and CENTR notes that the CWG could not reach a consensus for any of the options, although there appears to be a small majority supporting alternative C. Unfortunately, CENTR did not find this recommendation or any of the alternatives as set out above clear enough or easy to understand. In CENTR's view, the essence of the point intended to be made is covered/duplicated in recommendation 4 (see below).

Recommendation 4

"Future policy development work must facilitate an all-inclusive dialogue to ensure that all members of the community have the opportunity to participate. Again, we believe that this is the only way to determine whether a harmonized framework is truly achievable."

CENTR response

CENTR strongly supports this recommendation. CENTR believes that a stable and harmonised framework can only be achieved through a multi-stakeholder approach. In CENTR's view, in relation to geographic terms at the top level, an essential precondition to any change to the rules agreed upon in the Applicant Guidebook (AGB) for use in subsequent rounds is the support of all stakeholders in the ICANN community. If the different stakeholder groups, not least the existing ccTLDs, their respective governments and national internet communities, are not effectively brought into the process together with its outcomes, there is a substantial risk that we will all end up with disputes and other legal processes delaying the opening of a new round of gTLDs. This is in nobody's interest and risks bringing the ICANN processes and communities into disrepute.
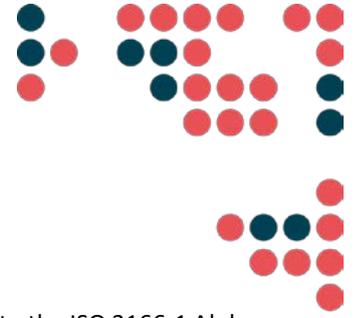
On 2-letter country codes

Section 5.1.6. of the CWG Interim Paper sets out a Preliminary Recommendation on 2-letter ASCII Codes as follows:

"The CWG recommends that the existing ICANN policy of reserving 2-letter codes for ccTLDs should be maintained, primarily on the basis of the reliance of this policy, consistent with RFC 1591, on a standard established and maintained independently of and external to ICANN and widely adopted in contexts outside of the DNS (ISO 3166-1)."

CENTR response

CENTR strongly supports this preliminary recommendation. This policy has provided a stable and predictable framework based on RFC 1591. A general restriction on assigning 2-letter codes that are not on the ISO 3166-1 Alpha-

2 list avoids the difficulties that would arise in the event of a name change or future addition to the ISO 3166-1 Alpha-2 list. In CENTR's view, it quite rightly removes ICANN from political discussions on what is and what is not a country.

On 3-letter country codes

Section 5.3 of the CWG Interim Paper sets out Preliminary Recommendation on 3-letter ASCII codes as follows:

> *"The working group was unable to reach a consensus opinion regarding 3-letter ASCII codes, therefore no recommendation has been put forward on this issue."*

CENTR response

CENTR accepts that the working group was unable to reach a consensus in relation to the 3-letter ASCII codes. Indeed, there are greater and lesser degrees of sensitivity within the CENTR community itself about the potential use of 3-letter combinations which exactly match the ISO 3166-1 Alpha-3 list. For some ccTLDs, the corresponding 3-letter country code combination, if released as a gTLD, would present a very real and serious cause for concern due to the similarity with the existing 2-letter ccTLD and the high degree of user/consumer identification with the 3-letter combination with the country in question.

We suggest that if at any point in the future 3-letter codes that are currently included in the ISO 3166-1 Alpha-3 list are to be delegated, this should only be allowed on the same terms as currently defined under the current gTLD round in the AGB paragraph 2.2.1.4.2. It does not make any sense that capital cities and cities under certain circumstances need support or non-objection from relevant governments or public authorities, but that 3-letter country codes would not need this protection. This is not in line with the hierarchy of such names.

About CENTR

CENTR is the association of European country code top-level domain (ccTLD) registries, such as .de for Germany or .si for Slovenia. CENTR currently counts 53 full and 9 associate members – together, they are responsible for over 80% of all registered domain names worldwide. The objectives of CENTR are to promote and participate in the development of high standards and best practices among ccTLD registries. Full membership is open to organisations, corporate bodies or individuals that operate a country code top level domain registry.