



*Addressing the global Internet*

**Rod Beckstrom**  
CEO and President

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Dr. Polys Michaelides  
Office of the Commissioner of Electronic Communications & Postal Regulation  
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Dear Dr. Michaelides,

Thank you for your October 23 2009 letter, providing comments on the New gTLDs Applicant Guidebook version 3, and the proposed implementation plan for the IDN ccTLD Fast Track Process.

New gTLDs

During the development of the New gTLD Draft Applicant Guidebook, consultations were undertaken with ICANN's Governmental Advisory Committee (GAC) on a number of areas of concern to the GAC, including the consideration of geographic names in the New gTLD process. Safeguards have been developed a broad set of geographic names to ensure that the relevant government or public authority's sovereign rights are respected. A partial list of names protected is:

- country and territory names listed on the ISO 3166-1 list and the short and long form of the names (or a translation in any language);
- capital city names of the country and territory names on the ISO 3166-1 list (or a translation in any language); and
- all sub-regional names (such as counties, states, or provinces) listed on the ISO 3166-2 list.

The complete list is found in module three (and the annex to it) in the Applicant Guidebook.



ICANN relies on authoritative lists for many reasons, among them: the lists form a clear set of rules, they are formed objectively with required knowledge and expertise by a recognized international body, and the lists are continually updated. Applications for names fitting into any of these categories will require a letter for support or non-objection from the relevant government or public authority. This meets, we think, the requirement set out in your comments. The letter should also demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and the applicant is willing to accept the conditions under which the string is available.

There are other protections for governments regarding the delegation of geographic names. For one, there is nothing to prevent a Government or public authority conditioning the granting of their approval of TLD requests to the TLD operator and so can influence policy making in a manner appropriate and acceptable to the government or public authority for that TLD. In addition, if the geographic name gTLD designates itself as a community TLD it will have restrictions in its agreement consistent with the restrictions associated with its community-based designation. If the TLD strays from those obligations to represent the community (through registration restrictions, for example), the government can lodge an objection and the decision maker can order the registry to comply with the restrictions in the agreement or face sanctions). To ensure this path is available, the government could condition its approval of the TLD application upon the TLD identifying itself as community TLD so that the government could lodge an objection if the registry operator does not live up to its obligations.

The Guidebook seeks to provide paths that address many of your areas of concern. In relation to your recommendation that gTLDs of 'political importance and national sensitivity' should also be excluded from delegation to interested parties unless the applicant has the consent of the country that the gTLD refers: some of those are included on the published lists but some are not been included in the Applicant Guidebook because of the challenges associated with defining the terms 'political importance' and 'national sensitivity' and developing a comprehensive and inclusive list of such names across the globe. I appreciate that your government has provided an indicative list of gTLD names it considers to fall into this category. In considering options to afford protections to such names, it was felt that the objection process provides an avenue of recourse to governments. There are two paths for objecting to strings not included on the indicated ISO (and other) lists. An objection can be made that the applied-for gTLD misappropriates a community label. Also, in the case of submission by the secessionist entities in the occupied areas of the Republic, an objection might be lodged that the proposed TLD is contrary to generally accepted legal norms relating to public order that are recognized under international principles of law. The standing requirements and standards for lodging such an objection are found in module 3 of the Guidebook.



An application will be rejected if an expert panel determines that there is a substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted. It will also be rejected if a panel determines that a TLD uses an incitement to or a promotion of violent lawless action, an incitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin; or make a determination that an applied-for gTLD string would be contrary to equally generally accepted identified legal norms relating to morality and public order that are recognized under general principles of international law.

#### IDN ccTLD Fast Track

As with the case of new gTLDs, the IDN ccTLD implementation goals and plans are closely aligned with the issues raised in your letter. As you may be aware, on 30 November 2009, the ICANN Board approved the Implementation Plan for the IDN ccTLD Fast Track Process during the ICANN meeting in Seoul. The transcript of the approval can be found at [<http://sel.icann.org/node/6751>]. The IDN ccTLD Fast Track Process was officially launched on 16 November 2009, and requests for IDN ccTLDs can now be submitted to ICANN in accordance with the requirements set out in the Implementation Plan. I recommend that you contact ICANN's Sr. Director for IDNs, Tina Dam, at [tina.dam@icann.org](mailto:tina.dam@icann.org) for more details on how the process works and for any assistance you might need for your potential participation in it.

In answer to some of the letter's concerns, the process requirements include that requests for an IDN ccTLD include the support of the relevant government or public authority, community support for the requested IDN ccTLD, and demonstration that the string must be a meaningful representation of the country or territory name. In the latter requirement acronyms, short or long versions of the country name or territory name can be elected as the IDN ccTLD, so aside from any potential overlaps the names are essentially reserved for each country and territory as you state.

The Fast Track is an interim process pending the finalisation of the IDN country code Policy Development Process (ccPDP) being undertaken by the country code names supporting organization (ccNSO). The Fast Track Process can delegate multiple ccTLDs to each territory or country, limited to one IDN ccTLD per official language or script per country or territory. The language must be an official language in the corresponding country or territory, and have legal status in the country or territory, or serve as a language of administration. The specifics of how this is verified are defined in Module 3 to the Final Implementation Plan for the Fast Track Process. The number of allowable languages may be broadened more in the formal IDN ccTLD policy development that is currently being undertaken.



Significant consideration was given to the issue of user confusion during the development of the Fast Track Implementation Plan and part of the evaluations process has an established component that addresses confusability with existing TLDs or other TLD applications. In cases where user confusion is likely, the country or territory will be asked to select another string.

Another good point you are raising is that the existing guidelines/rules found in the "Principles and Guidelines for the Delegation and Administration of Country Code Top-Level Domains," should be applied to the Fast Track Process. This exactly the case. The Fast Track Process is a three phased process, phase one is where the preparations are made for participation, phase two is the String Evaluation, and phase three is the standard delegation process. Please see <http://www.icann.org/en/topics/idn/fast-track/> for an overview of these phases, and all material related to the Fast Track Process.

To the extent that the concerns voiced in the letter are not fully addressed, it is thought that they will be considered as part of the IDN ccPDP. I encourage your participation in this process through the GAC and welcome any additional comments you have on the new gTLD and IDN Fast Track Process.

Thank you for the time and thought that went into your letter. This response will not close our consideration of them. They have been forwarded to ICANN's implementation teams with direction for careful consideration.

Warmly,

A handwritten signature in black ink, appearing to read "Rod Beckstrom", with a long horizontal flourish extending to the right.

Rod Beckstrom  
President and CEO