

Discussion note letter on continued efforts on Use of CTN names as TLDs

At its meeting in July the ccNSO Council discussed the need for a letter to the ICANN Board of Directors on next steps with respect to the use of names of countries and territories as TLDs. The chair and the Secretariat were requested to draft such a letter for the next meeting.

Core of this second Study group advice at the time was that in case no harmonized framework could be developed, the *status quo*, i.e., the current rules under the applicant Guidebook would remain effective until such time agreement across the broader community could be reached.

Since the July 24th meeting the ccNSO Council was invited to participate in a new track (Working Track 5) under auspices of the GNSO PDP subsequent procedures. In response to that invitation the ccNSO Council has designated Annebeth Lange as co-lead in a new effort and implied its willingness to participate.

Under these circumstances it is necessary to review the decision regarding the letter to the Board as advised by the Study Group, i.e., is it necessary to send the letter at all or address it to the GNSO.

On balance (see below) and in consultation with the former co-chair of the CCWG (Annebeth Lange) it is advised to send a letter to the GNSO to ensure a truly multi-stakeholder approach to the issue, stress the right of the ccNSO to vote on the recommendations of the WT 5 according to ccNSO own rules and procedures, and further that in case the ccNSO and/or another group objects, the current rules pertaining to names of countries and territories under Applicant Guidebook remain in place¹.

¹ This is a similar mechanism as under the ccNSO PDP , if no policy recommendation can be agreed upon, no changes, it should not be replaced. As of 4th version of the Applicant Guidebook country and territory names were excluded of the first round of new gTLD applications and the description of what should be considered the representation of the name of country or territory remained unchanged. The 11 January 2012 version of the gTLD Applicant Guidebook in place during the new gTLD applications period provided that “[a] string shall be considered to be a country or territory name if:

- it is an alpha-3 code listed in the ISO 3166-1 standard
- it is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language
- it is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language
- it is the short- or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency
- it is a separable component of a country name designated on the “Separable Country Names List,” or is a translation of a name appearing on the list, in any language. See the Annex at the end of this module.
- it is a permutation or transposition of any of the names included in items (i) through (v). Permutations include removal of spaces, insertion of punctuation, and addition or removal of grammatical articles like “the”. A transposition is considered a change in the sequence of the long or short-form name, for example, “RepublicCzech” or “IslandsCayman”.
- it is a name by which a country is commonly known, as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization.”

Brief Analysis

No Letter

Pros of not sending any letter: The newly created effort WT 5 will start without any additional burden and with a clean slate.

Contra: The ccNSO and ccTLD community at large may forfeit the ability to “co-determine” the output of WT 5. In addition, if circumstance so dictate, launching a PDP on related topics runs the risk of being perceived as unpredictable behavior, as the ccNSO participated in the GNSO subsequent procedures effort.

Unclear what will happen if WT 5 does not reach consensus position.

Letter to the Board

Pro: This is in line with the earlier ccNSO Council decision, and makes clear to the Board and broader community where the ccNSO stands.

Contra: A letter to the Board pre-empts the outcome and is not in line with participation of the ccNSO in the subsequent procedure effort. The Board is not in a position to take any action on such a letter. At this stage of the process issues, if any need to be resolved between community groups.

Letter to GNSO

Pro: The GNSO Council (and others) are informed about major concerns of the ccNSO and ccTLD community. ccNSO would welcome truly cross-community format. Board is not involved at this stage (only informed)

Contra: Could be perceived as gaming the GNSO PDP and circumventing the primary role of the GNSO to set GNSO policy. Involvement of the GAC is needed to ensure position of the ccTLD community.