



14 June 2010

Dear Chris:

Thank you for your letter of 21 November 2009 regarding the meaningful representation of country and territory names in the gTLD space and associated issues, which also served as the basis of the ccNSO's comments on the Applicant Guidebook version 3. As you know, a considerable amount of work has been undertaken on this issue and it has been evolving over time, including through two iterations of the Applicant Guidebook.

ICANN fully understands the concerns raised by the ccNSO, in particular the concerns that the delegation of country and territory names in the gTLD space might occur during the ongoing ccNSO policy development process, and that the revised definition of a country/territory name included in draft version 2 of the Applicant Guidebook means that some terms considered as protected under the 'meaningful representation' definition will no longer be afforded the same protection.

As you are aware, the treatment of country and territory names in the Guidebook was developed specifically to adhere to paragraph 2.2 of the GAC principles on new gTLDs, i.e., the GAC view that governments should not be denied the opportunity to apply for, or support an application for, their respective country or territory name. However, the GAC's recent interpretation of GAC principle 2.2¹ has resulted in a reconsideration of the treatment of country and territory names in the new gTLD process. This has resulted in a change of approach as reflected in the recently published draft version 4 of the Applicant Guidebook: namely, that country and territory names will not be available for delegation in the first round of the new gTLD application process.

With regard to the definition of country names, the Board has sought to ensure both clarity for applicants, and appropriate safeguards for the benefit of the broad community, throughout the process of developing a framework for new gTLDs. A considerable amount of time has been invested in working through the treatment of country and territory names to ensure it meets these two objectives. Following discussion at the Mexico City meeting, the Board recommended that the Applicant Guidebook be revised in two areas regarding this subject: (1) provide greater specificity as to what should be regarded as a representation of a country or territory name in the generic space, and (2) provide greater specificity in defining the qualifying support requirements for continent names, with a revised position to be posted for public comment.

The resulting definition for country and territory names is based on ISO 3166-1 and other published lists to provide clarity for potential applicants and the community. It seeks to remove the ambiguity created by use of the term 'meaningful representation.' Therefore, the definition of country and territory names has not been amended in the recent Guidebook draft and remains consistent with the Board resolution on this issue.

While the revised criteria may have resulted in some changes to what names are afforded protection, there is no change to the original intent to protect all names listed in ISO 3166-1 or a short or long form of those names (and, importantly, translations of them). This level of increased clarity is important to provide process

¹ The GAC interprets para 2.2 of the GAC gTLD principles that the strings that are meaningful representation or abbreviation of a country or territory name should be handled through the forthcoming ccTLD PDP, and other geographical strings could be allowed in the gTLD space if in agreement with the relevant government or public authority.

certainty for potential TLD applicants, governments and ccTLD operators – so that it is known which names are provided protections.

The definition is objectively based on the ISO list developed and maintained by a recognised international organisation.

As you note in your letter, ICANN has used the concept of ‘meaningful representation’ of a country or territory in the context of the IDN ccTLD Fast Track. This reflects the objective of rapid initial deployment of IDNs and the associated need to remove as many potential obstacles as possible. As you are aware, there have always been particular sensitivities about geographic names where non-Latin scripts and a range of languages are involved. It does not follow that these considerations should automatically apply to the broader ccTLD and gTLD spaces. It is reasonable that the criteria for including names (the Fast Track) could be different than the criteria for excluding names (gTLDs).

I acknowledge that the ccNSO will be undertaking policy discussions which may result in a change in position on these two issues. In particular, defining the distinction between country code and generic names may warrant a broader cross-SO/AC policy discussion. Once policy is developed, it will be appropriate for the Board to reconsider these positions.

Your letter expressed concern that post-delegation problems may arise with a .country name where a government may wish to see different arrangements apply because of changed circumstances. While this may no longer be a concern of the ccNSO in light of the changes to draft Applicant Guidebook on the treatment of country and territory names, I would like to advise that mechanisms of recourse in the event that a government or public authority withdraws its support for a geographic TLD are discussed in a separate [explanatory memorandum](#).

Yours sincerely



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