

ccNSO Study Group on the use of Country and Territory Names

Final Report

July 2013

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1. Executive Summary

The Study Group on the use of Country and Territory Names (“the Study Group”) was established by a resolution of the ccNSO Council on 8 December 2010. The Study Group was tasked with developing an overview of:

- the way in which the names of countries and territories are currently used within ICANN, be it in the form of policies, guidelines and/or procedures;
- the types of strings, relating to the names of countries and territories that currently used, or proposed to be used, as TLDs; and
- the issues that arise (or may arise) when current policies, guidelines and procedures are applied to these representations of country and territory names.

The Study Group is comprised of representatives from across the ICANN stakeholder community and conducted its work between May 2011 and June 2013.

Comments and Observations

In summary, the Study Group developed the following comments and observations.

- Throughout its deliberations, the Study Group observed an incredible level of complexity associated with any attempt to definitively categorize country or territory names, especially when such an effort includes multiple languages or scripts.
- A consistent observation was the inability of individual “lists” or resources to provide comprehensive, consistent or universal guidance regarding the various representations of country and territory names, in particular as a result of geo-political changes, the creation of new countries and the dissolution of others.
- ICANN’s current policies and procedures (as they may relate to ccTLDs, IDNs or current and potential new gTLDs) do not afford consistent treatment of country and territory names. This may give rise to stakeholder and end-user confusion and uncertainty.
- ICANN’s current policy framework (the Applicant Guidebook) for the introduction of new gTLDs affords an unprecedented level of protection for country and territory names, though notes that such protections are only confirmed for the first and current round of new gTLD applications.
- The current Fast Track and IDN ccTLD policy are restricted. The major restrictions are the requirements that:
 1. the IDN ccTLD string is a meaningful representation in a designated language of the territory, and
 2. only one string per designated language

If adopted the IDN ccTLD policy should be reviewed in five years, which includes a review of these restrictions.

Recommendations

A. It is recommended that the ccNSO Council establish a cross community working group to:

- Further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures;
- Provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SO's and AC's; and
- Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.

The GNSO, ALAC and GAC should be invited to participate in such a WG.

B. In light of the need for further work on the treatment of country and territory names, the complexity of the issue at hand and the aforementioned inconsistencies between various ICANN policies, it is also recommended that the ccNSO Council request that the ICANN Board extend the current rule in the new gTLD Applicant Guidebook regarding the exclusion of all country and territory names in all languages, for consecutive rounds of new gTLD applications.

2. Introduction

Context

The treatment of country and territory names as Top Level Domains is a topic that has been discussed by the ccNSO, GAC, GNSO, ALAC and the ICANN Board for a number of years.

Issues regarding the treatment of representations of country and territory names have arisen in a wide range of ICANN policy processes, including the IDN fast track, IDN ccPDP, and the development of the new gTLD Applicant guidebook.

References to country and territory names and their use are also present in guidelines such as the GAC's "Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains" and "Principles regarding new gTLDs", foundation documents such as RFC1591 and administrative procedures such as those followed by IANA, in accordance with ISO3166-1, in the delegation and redelegation of ccTLDs.

However, there has never been an overarching, cross-constituency study undertaken on how country and territory names are used across the ICANN community. There is no analysis of how the various rules and procedures relating to how country and territory names are used, whether there are inconsistencies between each, whether current frameworks are appropriate, and consideration of whether a more unified policy approach is required, or desirable.

It is in recognising the absence of such a study, and the importance of country and territory names to a wide range of stakeholders, that the ccNSO Council convened the Study Group on the use of Country and Territory Names.

Background

On 21 November 2009, the Chair of the ccNSO, wrote to the Chair of the ICANN Board to express the ccNSO's belief that it would be inappropriate and unwise to, at that time, introduce new gTLDs that constitute meaningful representations of the names of countries and/or territories on the ISO 3166-1 list.

In his letter, the ccNSO Chair cited the potential, significant issues that had been identified by both the ccNSO and the GAC in relation to country/territory gTLDs, the extent to which these issues had not been addressed in a meaningful way to date, and the existence of an ongoing policy development process in which they could be considered.

In his letter, dated 21 June 2010, the Chair of the ICANN Board stated that, in response GAC's interpretation of paragraph 2.2 of the GAC principles on new gTLDs, the ICANN Board had reconsideration of the treatment of country and territory names in the new gTLD process.

This had resulted in a change of approach as reflected in draft version 4 of the Applicant Guidebook: namely, that country and territory names would not be available for delegation in the first round of the new gTLD application process.

The letter also acknowledged that the ccNSO was undertaking ongoing policy discussions. In particular, defining the distinction between country code and generic names may warrant a broader cross-SO/AC policy discussion and once policy is developed, it will be appropriate for the Board to reconsider its positions on the use of country and territory names.

On 8 December 2010, the Chair of the IDN ccPDP WG 1 informed the ccNSO Council that the use of Country and Territory names as TLD strings in general is considered outside the scope of the IDN ccPDP and will therefore not be addressed.

In response to this advice, the ccNSO Council resolved to establish a Study Group to examine these issues. The Members, experts and support staff are listed in **Annex A: Study Group Membership**.

Study group purpose and scope

The Study Group was established to provide the ccNSO Council, ccTLD community, and other interested stakeholders, including the GAC and GNSO Council:

1. An overview of current and proposed policies, guidelines and procedures for allocation and delegation of strings currently used or proposed to be used as TLDs that are either associated with Countries and Territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of the names of Countries and Territories.
2. A comprehensive overview of the types and categories of strings currently used or proposed to be used as TLDs that are either associated with Countries and Territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of Country and Territory names.
3. A comprehensive overview of issues arising (or likely to arise) in connection with applying the current and proposed policies, guidelines and procedures for allocation to types and categories of strings currently used or proposed to be used as TLDs that are either associated with

Countries and Territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of Country and Territory names.

If considered appropriate, the Study Group was also empowered to advise on a course of further action, if any, to resolve the issues identified in the course of their work.

In particular, the Study Group was directed to:

- a. Develop a work plan to conduct its study, including a high level schedule. The schedule is reflected in **Annex B: Timeline**;
- b. Summarise existing and proposed policies, guidelines and implementation rules regarding the use of representations of Country and Territory names as TLDs;
- c. Provide a comprehensive overview of the issues associated with the use of representations of Country and Territory names as TLDs as identified by the ccNSO, GAC and GNSO;
- d. Liaise with the ccNSO, GAC and GNSO as needed to seek further clarification and input regarding b. and c.;
- e. Liaise with the IDN ccPDP working group 1 as necessary and appropriate to seek further clarification and input, and provide input and feedback to that working group.
- f. Liaise with ICANN's new gTLD project team as necessary and appropriate to seek further clarification and input and provide input and feedback, for example to better understand the proposed future scope of excluded Country and Territory names and objection mechanisms;
- g. Liaise with (IDN) ccTLDs and individual GAC-members as necessary and appropriate to solicit their views and perspectives on the use of representations of their Country or Territory names;
- h. Prepare sessions to be conducted at ICANN meetings to inform and report to the ccTLD community, and other interested Supporting Organisations and Advisory Committees on the findings and intermediate results of the Study Group;
- i. Provide a Final Report of its findings to the ccNSO Council.

A table outlining the Study Group's activities against each aforementioned task is at **Annex C: Checklist - Study Group tasks**.

The Study Group was also empowered to undertake any other activities that members deemed appropriate to fulfil the Group's purpose and scope.

Throughout the early stages of the Study Group's working schedule, group members also identified, and shared with other ICANN stakeholders, issues which were outside of the group's scope. These included:

- Developing a formal definition of what is and isn't a ccTLD
- Intervening in first round of the new gTLDs process
- Passing judgement on the effectiveness or appropriateness of previous policy approaches
- Making recommendations for additional protections for country and territory names
- Developing a definitive recommendation for how country and territory names should be treated in future policy processes.

It should be noted that the Study Group also determined that, in order to ensure its deliberations were expansive and comprehensive, it would address a very wide range of possible representations of country or territory names. As a guiding principle, the group attempted to capture and assess the many possible representations of the names of sovereign States that *may* be chosen, and how this would impact, and be dealt with, by existing policy structures within ICANN.

However, the group stressed throughout its outreach to community members that this thorough approach was not, at any stage, an attempt to expand the definition of “country and territory names” in the ICANN policy context, nor an endorsement for the expansion of current protections.

Making these clarifications was an important part of the Study Group’s preliminary work, as it helped set a clear focus and work plan for the group, prevented internal misunderstandings and also allayed some of the community’s concerns and possible misunderstandings about the intended outcomes of the Study Group.

3. Deliverable 1: Overview of current policies and procedures

The Study Group's first priority was the development an overview, or stocktake, of the ways in which country and territory names are currently used, or are proposed to be used, as TLD strings within ICANN policies, guidelines and procedures.

It was intended that commencing the Study Group's work with this priority would provide Study Group members with a factual, objective baseline understanding of the way in which country and territory names have been treated within ICANN in the past and will be in future. This would also provide an evidentiary basis for subsequent analysis of possible policy gaps or inconsistencies.

With respect to the (future) policies and methodologies included in the overview, the Study Group observed different terminology to refer to country and territories. The Study Group did not attempt to consolidate the terminology, but instead provided the terminology as used in the methodology and current and proposed policies.

This starting point is also important to illustrate to Study Group members – and the broader ICANN community – the key points of difference between ICANN's various policies and procedures, as they relate to country and territory names. That is, which policy or procedure is applied to a country or territory name as TLD, determines the applicable governance framework, the structure of relationships between the relevant stakeholders (including end-users) and their respective roles and responsibilities. This is not just relevant for the selection or delegation stage, but also for subsequent stages, once a country or territory name Top Level Domain is operational.

Current policies and methods for use of country and territory names as a TLD

Policy for two-letter codes as ccTLDs (ASCII ccTLDs)

Eligibility: The name of country or territory must be listed on International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes'

TLD String: two letter code as listed on the ISO 3166-1 standard and associated with a territory.

Reference Documents: RFC 1591, ICP-1, GAC principles on delegation and re-delegation of ccTLDs

Basic Rule from RFC 1591¹: The IANA is not in the business to define what is and what is not a country. The selection of the ISO 3166 list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be and should not be on that list.

Rules Fast Track Process for IDN ccTLD's

Eligibility: The name of country or territory or must be listed on International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes'

¹ <http://www.ietf.org/rfc/rfc1591.txt>, section 4.2

² http://unstats.un.org/unsd/geoinfo/ungegn/docs/pubs/UNGEGN%20tech%20ref%20manual_m87_combined.pdf

TLD String: Meaningful representation of the name of a country or territory listed on ISO 3166-1 in an official language of that country or territory.

Meaningfulness Requirement

For purposes of the Fast Track the string used must be meaningful in the Official Language. A string is meaningful if it is in the Official Language and:

- a) is the name of the Territory; or
- b) a part of the name of the Territory that denotes the Territory in the language (for example “Lanka” representing Sri Lanka in Sinhalese) ; or
- c) a short-form designation for the name of the Territory, recognizably denoting it in the indicated language (for example **РФ**, RF in Cyrillic)

Official language criteria

For the purpose of the Fast Track, an ‘official’ language is one that has a legal status in the Territory or that serves as a language of administration.

In the event that there is more than one Official Language in the Territory, it may be possible for the Territory to use the Fast Track for the delegation of one IDN ccTLD in each of those languages.

Only one (1) IDN ccTLD string per Official Language.

In the event that there is more than one Designated Language in the Territory, one (1) unique IDN ccTLD for each Official Language may be selected, provided the meaningful representation in one Designated Language cannot be confused with an existing IDN ccTLD string for that Territory.

Requirements relating to the script

For purposes of the Fast Track the term "non-Latin script" is used to designate any script that does not contain the twenty-six letters listed in the US-ASCII character set (a-z), either in their basic forms or with combining marks.

Procedural requirements:

Where the selected string is listed as the long form or short form name of the relevant Territory in of the United Nations Group of Experts on Geographical Names Manual² then the string should be considered to be meaningful. If the string is not so listed then meaningfulness will need to be documented by the selected delegate of the IDN ccTLD. The selected string is considered to meet the criteria if:

1. The identified language is an Official language/script of the Territory in accordance with the definition in Stage 1, section 1 above and
2. The selected string is the long or short form name of the relevant Territory in the identified language in the UNGEGN Manual, Part Three column 3 or 4

In all other cases additional documentation should be provided by the selected delegate.

The delegation, re-delegation and retirement of IDN ccTLD is similar and in accordance with the processes for the delegation, re-delegation and retirement of ccTLD's

Reference documents:

- IDNC WG Final Board Report (<http://ccnso.icann.org/workinggroups/idnc-wg-board-proposal-25jun08.pdf>)
- Final Implementation Plan (<http://www.icann.org/en/topics/idn/fast-track/idn-cctld-implementation-plan-16nov09-en.pdf>)

² http://unstats.un.org/unsd/geoinfo/ungegn/docs/pubs/UNEGN%20tech%20ref%20manual_m87_combined.pdf

Treatment of Country Names under the new gTLD process

New gTLD policy and process first round of applications

According to the Applicant Guidebook, version 2012-06-04³, Module 2 Part III – Policy Requirements for Generic Top Level Domains

These requirements apply to all prospective Top Level Domain strings applied for as gTLDs.

3.1 Applied-for gTLD strings in ASCII must be composed of three or more visually distinct characters. Two character ASCII strings are not permitted, to avoid conflicting with current and future country codes based on the ISO 3166-1 standard.

3.2 Applied-for gTLD strings in IDN scripts must be composed of two or more visually distinct characters in the script, as appropriate. Note, however, that a two-character IDN string will not be approved if:

3.2.1 It is visually similar to any one-character label (in any script); or

3.2.2 It is visually similar to any possible two character ASCII combination.

According to the Applicant Guidebook, version 2012- 06-04, section 2.2.1.4.1:

Applications for strings that are country or territory names will not be approved, as they are not available under the new gTLD Program in the first application round. This based on advice from the Governmental Advisory Committee in recent communiqués providing interpretation of Principle 2.2 of the GAC Principles regarding New gTLDs to indicate that strings which are a meaningful representation or abbreviation of a country or territory name should be handled through the forthcoming ccPDP, and other geographic strings could be allowed in the gTLD space if in agreement with the relevant government or public authority⁴. A string shall be considered to be a country or territory name if:

- i. It is an alpha-3 code listed in the ISO 3166-1 standard.
- ii. It is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language.
- iii. It is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language.
- iv. 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.

³ <http://newgtlds.icann.org/en/applicants/agb/evaluation-procedures-04jun12-en.pdf>

⁴ This rule in the Applicant Guidebook is the result of a long and extensive correspondence between the GAC and ICANN Board of Directors on the interpretation of the GAC new gTLD Principles section 2.2. See for background on this decision:

Letter from the Board to the GAC: <http://www.icann.org/en/correspondence/dengate-thrush-to-dryden-23nov10-en.pdf>

Letter from the GAC to the Board: <http://www.icann.org/en/correspondence/dryden-to-dengate-thrush-23sep10-en.pdf>

GAC Communiqué Nairobi: <https://gacweb.icann.org/display/gacweb/GAC37+Meeting+Nairobi%2C+Kenya>

GAC principles new gTLD's: Section 2.1 and 2.2

https://gacweb.icann.org/download/attachments/28278837/gTLD_principles_0.pdf?version=1&modificationDate=1312358178000&api=v2

- v. 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 (not included).
- vi. 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.”
- vii. 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.

Policies under development

IDN ccTLD overall policy

Eligibility

Eligibility only if name of territory listed on ISO 3166.

To be eligible for a ccTLD string a country, dependency or other area of particular geopolitical interest must be listed on the ‘International Standard ISO 3166, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes’, or, in some exceptional cases already assigned as a ccTLDs and listed as an exceptionally reserved ISO 3166-1 code element

Requirements Country or Territory name as TLD String

An IDN country code Top Level Domain must contain at least one non-ASCII character.

For example, *españa* would qualify under this criteria and *italia* would not. *españa* contains at least one character other than [-, a-z, 0-9], while still being a valid domain name.

A different way of expressing this is that the IDN ccTLD must be a valid U-Label that can also be expressed as an A-label. It cannot be a NR-LDH Label.

For more formal definitions of these terms, see RFC 5890.

The IDN ccTLD string must be a meaningful Representation of the name of a Territory

The principle underlying the representation of Territories in two letter (ASCII) code elements is the visual association between the names of Territories (in English or French, or sometimes in another language) and their corresponding code elements⁵.

A visual association between the IDN country code string and the name of a Territory should be maintained. An IDN ccTLD string has to be a meaningful representation of the name of the Territory. A country code string is considered meaningful if it is:

- a) The name of the Territory; or
- b) Part of the name of the Territory that denotes the Territory; or
- c) A short-form designation for the name of the Territory, recognizably denoting the name.

The meaningful Representation of the name of the Territory must be in a Designated Language of the Territory

The ccTLD string should be a meaningful representation of the name of the Territory in an “designated” language of that Territory. For this purpose a “designated” language is defined as a language that has a

⁵ See ISO 3166-1: 2006 Section 5.1

legal status in the Territory or that serves as a language of administration (hereafter: Designated Language)⁶.

Only one (1) IDN ccTLD string per Designated Language.

In the event that there is more than one Designated Language in the Territory, one (1) unique IDN ccTLD for each Designated Language may be selected, provided the meaningful representation in one Designated Language cannot be confused with an existing IDN ccTLD string for that Territory.

Reference: IDN ccPDP Final Report

Contention rules relating to the use of country or territory names as TLDs

The following sets of contention rules have been identified:

- Fast Track Process rules
- New gTLD process: String Similarity Check (Module 2 Applicant Guidebook)
- New gTLD process: Objection Procedures (Module 3 Applicant Guidebook)
- IDN ccTLD overall Policy rules

Fast Track Process⁷

String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion. For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion⁸.

String confusion issues can involve two or more strings that are identical or are so confusingly similar that they cannot coexist in the DNS, such as:

Requested IDN ccTLD strings against existing TLDs and reserved names;

Requested IDN ccTLD strings against other requested IDN ccTLD strings; and

Requested IDN ccTLD strings against applied-for gTLD strings.

Contention situations between Fast Track requests and new gTLD applications are considered unlikely to occur. Assessments of whether strings are considered in conflict with existing or applied-for new gTLD strings are made in the DNS Stability String Evaluation for Fast Track requests and in the Initial Evaluation step for new gTLD applications. The following supplemental rules provide the thresholds for solving any identified contention issues:

A. A gTLD application that is approved by the ICANN Board will be considered an existing TLD in inter-process contention unless it is withdrawn. Therefore, any other later application for the same string will be denied.

B. A validated request for an IDN ccTLD will be considered an existing TLD in inter-process contention unless it is withdrawn. Therefore, any other later application for the same string will be denied.

⁶ The limitation to Designated Language is recommended as criteria for reasons of stability of the DNS. According to some statistics currently 6909 living languages are identified. See for example:

http://www.ethnologue.com/ethno_docs/distribution.asp?by=area. If one IDN ccTLD would be allowed per territory for every language this would potentially amount to 252*6909 or approximately 1.7 million IDN ccTLDs.

⁷ <http://www.icann.org/en/topics/idn/fast-track/idn-ccTld-implementation-plan-16nov09-en.pdf>

⁸ Note the standard for string similarity is similar to the standard under the new gTLD process.

For the purpose of the above contention rules, an IDN ccTLD string request is regarded as validated once it is confirmed that the string is a meaningful representation of the country or territory and that the string has passed the DNS String confusion with existing TLD strings (ccTLD, and gTLD, and any of the elements in the alpha-2 codes that is used by ISO 3166/MA (section 5.2 of ISO 3166-1:2006)

Result of the Evaluation⁹

If any issues with the selected string are discovered in this review the DNS Stability Panel can request clarification from the requester through ICANN.

If clarifications are insufficient or cannot be provided, the Termination Process will be initiated.

If the DNS Stability Panel review reveals no technical issues the requester is notified that the DNS Stability String Evaluation is successfully completed and that the requested string(s) will be queued for public posting.

New gTLD process: String similarity check¹⁰

The String Similarity Panel's task is to identify visual string similarities that would create a probability of user confusion.

The panel performs this task of assessing similarities that would lead to user confusion in four sets of circumstances, when comparing:

- Applied-for gTLD strings against existing TLDs and reserved names;
- Applied-for gTLD strings against other applied-for gTLD strings;
- Applied-for gTLD strings against strings requested as IDN ccTLDs; and
- Applied-for 2-character IDN gTLD strings against:
 - Every other single character.
 - Any other 2-character ASCII string (to protect possible future ccTLD delegations)

Similarity to Existing TLDs or Reserved Names

This review involves cross-checking between each applied-for string and the lists of existing TLD strings and Reserved Names to determine whether two strings are so similar to one another that they create a probability of user confusion.

In the simple case in which an applied-for gTLD string is identical to an existing TLD or reserved name, the online application system will not allow the application to be submitted.

Testing for identical strings also takes into consideration the code point variants listed in any relevant IDN table. For example, protocols treat equivalent labels as alternative forms of the same label, just as "foo" and "Foo" are treated as alternative forms of the same label (RFC 3490). All TLDs currently in the

⁹ Implementation Plan Section 5.6.3

¹⁰ See Applicant Guidebook, version 2012-06-04, section 2.4.1.

root zone can be found at <http://iana.org/domains/root/db/>. IDN tables that have been submitted to ICANN are available at <http://www.iana.org/domains/idn-tables/>.

Similarity to TLD strings requested as IDN ccTLDs (Section 2.2.1.1.1)

Applied for gTLD strings will also be reviewed for similarity to TLD strings requested in the IDN ccTLD Fast Track process (see <http://www.icann.org/en/topics/idn/fast-track/>). Should a conflict with a prospective fast-track IDN ccTLD be identified, ICANN will take the following approach to resolving the conflict.

If one of the applications has completed its respective process before the other is lodged, that TLD will be delegated. A gTLD application that has successfully completed all relevant evaluation stages, including dispute resolution and string contention, if applicable, and is eligible for entry into a registry agreement will be considered complete, and therefore would not be disqualified by a newly-filed IDN ccTLD request. Similarly, an IDN ccTLD request that has completed evaluation (i.e., is “validated”) will be considered complete and therefore would not be disqualified by a newly-filed gTLD application.

In the case where neither application has completed its respective process, where the gTLD application does not have the required approval from the relevant government or public authority, a validated request for an IDN ccTLD will prevail and the gTLD application will not be approved.

The term “validated” is defined in the IDN ccTLD Fast Track Process Implementation, which can be found at <http://www.icann.org/en/topics/idn>.

In the case where a gTLD applicant has obtained the support or non-objection of the relevant government or public authority, but is eliminated due to contention with a string requested in the IDN ccTLD Fast Track process, a full refund of the evaluation fee is available to the applicant if the gTLD application was submitted prior to the publication of the ccTLD request.

Review of 2-character IDN strings

In addition to the above reviews, an applied-for gTLD string that is a 2- character IDN string is reviewed by the String Similarity Panel for visual similarity to:

- a. Any one-character label (in any script), and
- b. Any possible two-character ASCII combination.

An applied-for gTLD string that is found to be too similar to a) or b) above will not pass this review.

Standard for String Confusion¹¹

String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion. For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense

¹¹ Applicant Guidebook version 2012-06-04, section 2.2.1.1.2

that the string brings another string to mind, is insufficient to find a likelihood of confusion¹².

*Outcome of String Similarity Review*¹³

An application that fails the String Similarity review due to similarity to an existing TLD will not pass the Initial Evaluation, and no further reviews will be available. Where an application does not pass the String Similarity review, the applicant will be notified as soon as the review is completed.

An application for a string that is found too similar to another applied-for gTLD string will be placed in a contention set.

An application that passes the String Similarity review is still subject to objection by an existing TLD operator or by another gTLD applicant in the current application round. That process requires that a string confusion objection be filed by an objector having the standing to make such an objection. Such category of objection is not limited to visual similarity. Rather, confusion based on any type of similarity (including visual, aural, or similarity of meaning) may be claimed by an objector.

An applicant may file a formal objection against another gTLD application on string confusion grounds. Such an objection may, if successful, change the configuration of the preliminary contention sets in that the two applied-for gTLD strings will be considered in direct contention with one another. The objection process will not result in removal of an application from a contention set.

New gTLD process: Objection Procedures

This section includes general mechanisms and procedures for objection that may affect an application for country or territory name. Whether these mechanisms apply is unclear. However to ensure the overview is complete they are included for discussion by the members of WG .

The general mechanisms could be relevant if the applied string refers to the name of a country or territory that is not in the format listed in section 2.2.1.4.1 of the Applicant Guidebook (see above). The following mechanisms and procedures could be in particular relevant:

- The procedure by which ICANN's Governmental Advisory Committee may provide GAC Advice on new gTLDs to the ICANN Board of Directors concerning a specific application.
- Public Objection and Dispute Resolution Process, in particular:
 - Limited Public Interest Objection – The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.
 - Community Objection – There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

Proposed IDN ccTLD overall policy for the selection of IDN ccTLD strings¹⁴

¹² Note the standard for string confusion is similar to the standard under the Fast Track Process

¹³ Applicant Guidebook version 2012-06-04, section 2.2.1.1.3

A selected IDN ccTLD string should not be confusingly similar with:

1. Any combination of two ISO 646 Basic Version (ISO 646-BV) characters (letter [a-z] codes), nor
2. Existing TLDs or reserved names.

The following supplemental rules provide the thresholds to solve any contention issues between the IDN ccTLD selection process and new gTLD process:

- A gTLD application that is approved by the ICANN Board will be considered an existing TLD unless it is withdrawn.
- A validated request for an IDN ccTLD will be considered an existing TLD unless it is withdrawn.

A selected IDN ccTLD string is considered confusingly similar with one or more other string(s) (which must be either Valid-U-labels or any a combination of two or more ISO 646 BV characters) if the appearance of the selected string in common fonts in small sizes at typical screen resolutions is sufficiently close to one or more other strings so that it is probable that a reasonable Internet user who is unfamiliar with the script would perceive the strings to be the same or confuse one for the other . The review of whether or not a selected IDN ccTLD string is confusingly similar is a process step and should be conducted externally and independently. The recommended procedure is described in Section 4, Processes and Documentation.

The method and criteria to assess confusing similarity should be developed as part of the implementation planning. For reasons of transparency and accountability they should be made public prior to implementation of the overall policy and endorsed by the ccNSO.

The assessment of confusing similarity of strings depends on amongst other things linguistic, technical, and visual perception factors, therefore these elements should be taken into consideration in developing the method and criteria.

Taking into account the overarching principle to preserve and ensure the security, stability and interoperability of the DNS, the method and criteria for the confusing similarity assessment of an IDN ccTLD string should take into account and be guided by the work in progress on Principles for Unicode Point Inclusion in labels in the DNS Root (<http://tools.ietf.org/html/draft-iab-dns-zone-codepoint-pples-01>).

4. Deliverable 2: Overview of the types and categories of strings associated with Country and Territory names (currently used or proposed to be used as TLDs)

In undertaking the second stage of its work, the Study Group determined to utilise two methodological tools to assist with its deliberations.

The first is a typology that provides a systematic approach to the identification, categorisation and analysis of the wide variety of ways in which country and territory names are represented, both within ICANN processes and the wider community.

¹⁴ Section 2.1.2 I, Interim report IDN ccPDP, <http://ccnso.icann.org/workinggroups/idn-ccpdp-interim-04feb13-en.pdf>.

The second is a survey of a sub-set of UNESCO Member States, based upon the typology, that would test whether the proposed categorisations of country and territory names were relevant and appropriate and provide an evidentiary basis for the Study Group's third phase of work.

As a threshold issue, the Study Group notes that, despite the collective expertise and experience of group members, it is not possible to replicate the extensive body of work that has already occurred in other fora with regard to categorising country and territory names.

Other organisations have devoted many years of effort to the specific and complex issue of standardising country names references, and cataloguing the many examples of toponyms (place names), be they exonyms (references to a country by others) or endonyms (references to a country by locals).

One pertinent example is the extensive work undertaken by the United Nations Group of Experts on Geographical Names¹⁵. While the Study Group has sought to use existing resources to provide a frame of reference, it is acknowledged that this group's deadlines and specific focus on the Domain Name System and the current and potential future use of TLDs necessitates a more focussed and selective approach.

Country and territory names typology

During initial meetings, Study Group members were able to identify and share anecdotal examples of possible complexities and inconsistencies that arose in the treatment of country and territory names, when various policy frameworks were applied.

However, the group determined to develop a typology, or a set of categories, that would allow it to approach its work in a more comprehensive and methodologically-sound manner. Therefore, the typology was developed in order to provide a thorough framework through which the Study Group could discuss and assess the many different ways in which country and territory names are represented.

It also enabled the Study Group to fulfill its second deliverable – to provide a comprehensive overview of the categories of strings associated with country and territory names that are, *or could be used* as TLDs.

It is however, only an assessment and illustrative tool and is not, and cannot be, an exhaustive list. The Study Group notes that examples discussed below are simply used as case studies, and no judgment or criticism of how the relevant representations have been allocated or used, should be inferred.

The categories developed are:

- Two-letter representations of country or territory names in the International Organization for Standardization's (ISO) 3166-1 Alpha 2 list¹⁶
- Three-letter representations of country or territory names in the International Organization for Standardization's (ISO) 3166-1 Alpha 3 list

¹⁵ <http://unstats.un.org/unsd/geoinfo/ungegn/default.html>

¹⁶ http://www.iso.org/iso/country_codes.htm

- Other commonly-used abbreviations or acronyms
- “Official” long-form names (also referred to as “formal” or “principal” name or “name used for administrative purposes
- “Official” short-form names (also referred to as “formal” or “principal” name or “name used for administrative purposes
- Country / territory name in the six official languages of the United Nations - Arabic, Chinese (Mandarin), English, French, Russian, Spanish
- Commonly used or local names
- Country or territory names in minority or indigenous languages
- Long- and short-form representations of country name in non-official/administrative (or “other”) languages

ISO 3166-1 alpha 2 codes

These two-letter identifiers for countries and territories were included as the first category as they are the basis for the long-standing and commonly-used definition of ccTLDs within the ICANN environment. The ISO list was identified as a relevant resource in RFC1591¹⁷ and underpins IANA’s procedures for root zone management and assessment of delegation and re-delegation requests.^{18 19} The list is maintained by the ISO 3166 Maintenance Agency, which adopts politically neutral procedures for determining which entities are included in the list. ICANN (specifically IANA) is simply a user of the ISO list and, as an interested stakeholder, participates in the Maintenance Agency’s deliberations.

The list itself is dependent upon other United Nations sources, namely the UN Terminology Bulletin Country Names and the list of Country and Region Codes for Statistical Use of the UN Statistics Division²⁰ A code cannot be allocated unless the relevant country or territory is identified in either of these publications.

Examples of ISO3166-1 alpha two codes used as ccTLD’s include Germany’s “.de”, Australia’s “.au” and Japan’s “.jp”. A full list of codes used as ccTLD’s is available in the IANA root zone database.²¹

The Study Group included these identifiers as an initial, non-contentious categorization that many in the ICANN community are familiar with and understand.

ISO3166-1 Alpha 3 codes

Study group members carefully deliberated the inclusion of ISO-3166-1 three-letter codes as a

¹⁷ <http://www.ietf.org/rfc/rfc1591.txt>

¹⁸ <http://www.iana.org/domains/root/delegation-guide>

¹⁹ <http://www.iana.org/procedures/cctld-establishment.html>

²⁰ <http://unstats.un.org/unsd/methods/m49/m49alpha.htm>

²¹ <http://www.iana.org/domains/root/db>

categorization in the group's typology.

Some Study Group members noted that, while two-letter codes had a long-standing role in policy and procedure, ICANN had not consistently extended the same protections and definitions to three-letter codes. The Study Group also noted that TLDs and the ISO3166-1 alpha 3 list had coexisted, with occasional intersections, for many years, with no significant policy-based conflicts.

However, following the release of the final version of the new gTLD applicant guidebook, which included a total prohibition on the use of ISO3166-1 three-letter codes, it was deemed appropriate to include this categorization in the group's discussions.

Other commonly used acronyms or abbreviations

In part, the Study Group chose to include this categorization in acknowledgement of the fact that the ISO 3166-1 two-letter and three-letter lists are not the only officially- or commonly-used resource for country and territory name abbreviations. Other examples include:

- International Olympic Committee (IOC) codes²²,
- assorted North Atlantic Treaty Organization (NATO) listings²³,
- International Telecommunication Union (ITU) codes,
- distinguishing signs (DS) codes for vehicles
- International Civil Aviation Organization (ICAO) codes
- World Meteorological Organisation codes, and
- the Fédération Internationale de Football Association (FIFA) codes.

While none of these collections have current status within any ICANN policy or procedure, they are potential sources as well.

Official / conventional Long-form and short form names

As with the ISO-3166 codes, country and territory long- and short-form names were included in the Study Group's deliberations as they are the most predictable, common representation of the identity of States.

The wording of this category ("Official" long-form names, also referred to as "formal" or "principal" name or "name used for administrative purposes") was carefully constructed in order to capture all possible international understandings of the term under analysis.

Once again, the Study Group observed that there is no single, authoritative source listing country and territory names. Current resources include:

- The United Nations Group of Experts on Geographical Names (UNGEGN) Manual for the standardization of geographical names²⁴ provides extensive guidance on the treatment and representation of geographical names.

²² http://en.wikipedia.org/wiki/List_of_IOC_country_codes

²³ <http://www.nato.int/structur/ac/135/main/links/ncs-country-codes.htm>

²⁴ http://unstats.un.org/unsd/publication/seriesm/seriesm_88e.pdf

- The UNGEGN's working paper, including a list of country names²⁵ – 193 country names (both “official” names and the names in all 6 UN languages)
- UNTERM – the UN's multilingual terminology database²⁶ - 197 names (long and short form) of member states.
- The World Intellectual Property Organization's Standard ST.3²⁷ which includes 221 country and territory names and is also another listed of two-letter code representations.
- The United Nations Statistical Division's Standard Country or Area Codes for Statistical Use²⁸ – (using Terminology Bulletin No. 347/Rev.1) – over 240 names, also with three-letter code representations
- The ISO-3166-1 list – 249 names

This particular categorization also led the Study Group to consider issues relating to IDNs as, in many cases, the official names of countries are represented in non-Latin scripts.

Country and territory name in the six official languages of the UN

This category was included in the typology in order to further explore the complexities associated with introducing the concept of country name representations in different scripts and languages. In the first instance, the six languages of the UN were utilised to broaden scope in a controlled fashion, in terms familiar to UN Member States, and with the support of UNGEGN resources that provide guidance in this area. The Study Group essentially aimed to introduce the concept of country and territory name representations in (except in limited cases) scripts and strings that do not represent local or official languages.

Commonly used or local names

This category was included in the Study Group's deliberations as a broader grouping that could identify informal or local names for countries that were not captured in previous categories, as they are not in “official” languages, or do not represent the “official” name of the country.

Examples of country / territory name in minority or indigenous languages²⁹

This category was included in the acknowledgement that significant ethnic minorities and/or indigenous populations exist in many countries and that the terminology they use to refer to their country or territory may not be captured by other elements of the typology. However, these representations may

²⁵ http://unstats.un.org/unsd/geoinfo/UNGEGN/docs/26th-gegn-docs/WP/WP54_UNGEGN%20WG%20Country%20Names%20Document%202011.pdf

²⁶ <http://unterm.un.org/>

²⁷ <http://www.wipo.int/standards/en/pdf/03-03-01.pdf>

²⁸ <http://unstats.un.org/unsd/methods/m49/m49alpha.htm>

²⁹ Depending on the source used, this category could include 7105 living languages. A living language is defined as one that has at least one speaker for whom it is their first language. See: <http://www.ethnologue.com/statistics>.

be identified by national governments as relevant terms, and which could also be perceivably used as TLDs³⁰.

Examples of name in non-official languages

This was, by far, the most expansive category addressed by the Study Group, incorporating many possible country name representations not previously captured in previous categories.

Although “commonly used” or “minority/indigenous” categorisations captured numerous examples, this category was specifically designed as a “catch all” to highlight issues the Study Group may not have previously identified.

Survey of a sub-set of UNESCO Member States

In September 2011, the Study Group formally corresponded with the United Nations Educational, Scientific and Cultural Organization (UNESCO), in order to seek UNESCO’s expert views upon the use of country and territory names as they pertain to the internationalization of the Internet.

The approach was made in accordance with ICANN’s Co-operation Agreement with UNESCO to promote linguistic diversity on the Internet, which was signed in December 2009.

On 30 September 2011, UNESCO Assistant Director-General for Communication, Jānis Kārklīņš, provided UNESCO’s preliminary views on the Study Group’s progress and undertook to collaborate with the group on any relevant activities.

Based upon this high-level agreement, Study Group members and UNESCO commenced work on developing a survey that could be circulated to UNESCO Member States. The survey was based upon the typology developed by the Study Group and was intended to serve as both a test of the typology and an exercise for gathering the expert input of UNESCO Member States on their perspectives relating to country and territory names.

It was determined that, for the sake of administrative and methodological expediency, the survey would be sent to a subset of Member States that display appropriate linguistic, script and geographical diversity.

Accordingly, the questions presented to Member States (in July 2012) were:

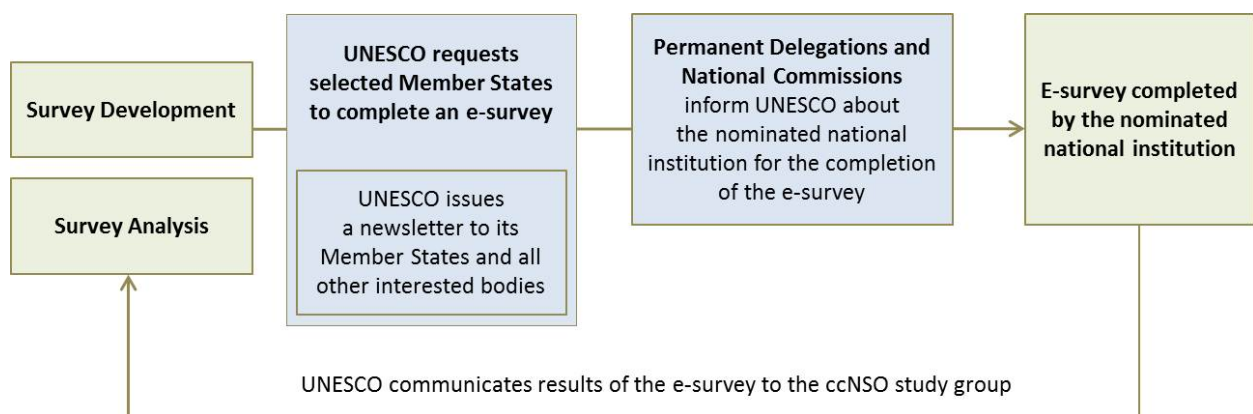
- ISO-3166-1 Alpha 2 code: What is your country or territory's two-letter representation in the International Organization for Standardization's (ISO) 3166-1 list?
- ISO-3166-1 Alpha 3 code: What is your country's / territory's three-letter representation in the International Organization for Standardization's (ISO) 3166-1 list?

³⁰ See for example submission of the UK government on the IDN ccPDP Interim Report, <http://forum.icann.org/lists/comments-idn-ccpdp-05feb13/msg00000.html>

- Are there any other commonly-used abbreviations or acronyms for your country or territory? Please provide examples and cite reference materials.
- What is your country or territory’s “official” long-form name? This may also be referred to as a “formal” name, “principal” name or “name used for administrative purposes”.
- What is your country or territory’s “official” short-form name? This may also be referred to as a “formal” name, “principal” name or “name used for administrative purposes”.
- Please provide both the long and short form name of your country / territory in the six official languages of the United Nations - Arabic, Chinese (Mandarin), English, French, Russian, Spanish.
- Please provide the long and short form names of the other participants in this survey (listed below) in your designated language/s
- Please provide examples of any other commonly-used or local representations of your country / territory name. For example: “Holland”. If possible, please provide references or citations for these representations.
- Please provide examples of written indigenous or minority representations of your country or territory name. Please provide references or citations for these representations.
- Please provide examples of any other representations of your country or territory name that may not have been captured by the above categories. Please provide explanation and references or citations for these representations.

The survey also requested information regarding whether “civil society” stakeholders were consulted or involved in Member States’ responses.

The detailed mechanism for the execution of the survey process is represented diagrammatically, below.



Overall, the survey garnered a moderate rate of response from UNESCO Member States. Of the 39 States that were surveyed, responses were received from 12.

This would not typically represent a statistically-significant response rate in order to ascertain trends across respondents; however the data gathered did confirm Member States’ understanding of the typology and provided useful individual exemplars that illuminated the Study Group’s deliberations.

The responses received also indicated that it is very difficult and time-consuming to engage and involve the appropriate governmental agency or department in matters relating to country and territory names.

As the survey of its Member States was undertaken by UNESCO, the details of responses remain the property of that agency. Access to the results of the e-survey could be considered upon receipt of an official request on a case-by-case basis, pending the approval of the respective Member State.

5. Deliverable 3: Issues arising or likely to arise in connection with applying policies to current or proposed strings

In the third stage of its work, the Study Group took the extensive list of examples gathered through the typology and feedback from the UNESCO survey and assessed what would happen should various ICANN policies and procedures be applied to these strings. In other words, the group sought to identify any difficulties or inconsistencies that may arise, the extent and applicability of existing frameworks, and whether any inconsistencies or gaps existed.

Once again, the group did not pass judgement on the applicability or appropriateness of current policies and procedures, noting that each was developed at a different time, for a specific purpose and that universally consistent outcomes were unlikely.

ISO 3166-1 alpha 2 codes

With the assistance of the input and guidance from experts familiar with ISO processes, the Study Group noted that the 3166-1 list itself is not static³¹ and that geo-political changes, the creation of new countries and the dissolution of others meant that not even this most fundamental guideline document was without its own complexities and challenges.

Such past and potential changes include, though are not limited to:

- the formation of South Sudan and the allocation of the “SS” two letter code;
- the dissolution of the Netherlands Antilles,
 - o deletion of the “AN” code
 - o subsequent creation of numerous other code allocations including “BQ”, “CW” and “SX” code for Dutch Sint Maarten³²
- dissolution of the former Soviet Union,
 - o exceptional reservation of the “SU” code and continued use as a ccTLD
 - o allocation of “RU” for Russia and numerous other codes to countries formerly part of the Soviet Union
- dissolution of the Socialist Federal Republic of Yugoslavia
 - o transitional reservation of the “YU” code, following use by the Federal Republic of Yugoslavia,
 - o reallocation of the “CS” code (previously-deleted code for Czechoslovakia) to Serbia and Montenegro and subsequent deletion upon the establishment of “RS” (Serbia) and “ME” (Montenegro), creation of .MK, (Macedonia, the former Yugoslav Republic of)

However, on the whole, the Study Group noted that this flexibility in the ISO list did not itself cause instability or uncertainty when it comes to the treatment of two-letter country codes as TLDs. Under well-established precedents, all two-letter codes, whether used as a country code or not, are excluded and can only be delegated or re-delegated for this specific purpose.

³¹ http://www.iso.org/iso/home/standards/country_codes/updates_on_iso_3166.htm?show=tab2

³² Note that Aruba’s “AW” designation and relevant ccTLD were already in existence. “MF” for French Saint Martin is not related to the Netherlands Antilles.

In noting this, the Study Group acknowledges that changes to the ISO list and the creation or deletion of two-letter codes has implications for the membership of the ccNSO, though this issue is out-of-scope for this project. Also, the matter of ensuring efficiency and consistency in IANA's processes for managing delegations and re-delegations is within the remit of the Framework of Interpretation Working Group³³ and is also out-of-scope for this group.

ISO3166-1 Alpha 3 codes

As mentioned in the discussion under Deliverable 2, the inclusion of ISO3166-1 alpha 3 codes was not as straightforward a decision as the inclusion of alpha 2 codes. Neither the policies relating to ccTLDs nor IDNs explicitly refer to three-letter codes. Similarly, previous processes such as the December 2003 Request for Proposal for new sponsored TLDs did not explicitly address the issue of three-letter representations of country or territory.

As such, the range of current TLDs were established and allocated without specific consideration of whether the three-letter strings would intersect with country and territory name abbreviations, nor discussion of whether this eventuality was problematic. The Governmental Advisory Committee has, as far back as 2000 and 2001³⁴, provided advice to the ICANN Board on the treatment of country (and, more generally, geographic identifiers) though this was largely focused upon the use of such identifiers at the second level of existing or new TLDs.

However, given its responsibility for undertaking a comprehensive analysis of all of the representations of country and territory names that *may* be used as TLD strings, the Study Group determined it appropriate to include this categorization. The appropriateness of this decision was reinforced when ICANN included explicit reference to ISO3166-1 alpha 3 codes in the final version of the Applicant Guidebook.

The first example the Study Group discussed was that of “.com”, the largest gTLD, and also an ISO3166-1 alpha 3 code for Comoros. The group acknowledged that this duality has existed since January 1985, when the TLD was first implemented. At the time, there were simply no policy protections in place for country names. However, “.com” has thrived as the pre-eminent gTLD and any attempt at retrospective application of protectionist policies for three-letter codes would provide an undesirable policy conflict and destabilizing, unenforceable influence in the case of this case study.

Furthermore, the Study Group noted the re-launch and rebranding of Colombia's “.co” in 2010 under auspices of the Colombian government with a liberalized policy regime aimed at attracting registrations from companies from both within and outside the country. Irrespective of the commercial success or uptake levels of “.co” domains, the Study Group observed that no prohibitions were placed (nor could be) upon Colombian government to determine the appropriate use of its own ccTLD and that “.co” and “.com” continue to coexist.

Prior to ICANN's 12 June 2012 announcement³⁵ of the strings applied-for during the first new gTLD round, the Study Group analysed the ISO3166-1 alpha 3 list to identify strings that could, due to dual

³³ <http://ccnso.icann.org/workinggroups/foiwg.htm>

³⁴ For example - <http://archive.icann.org/en/committees/gac/communique-09sep01.htm>

³⁵ <http://newgtlds.icann.org/en/program-status/application-results/strings-1200utc-13jun12-en>

meanings, be both meaningful representations of a country or territory and also a possible new gTLD application.

One policy circumstance that was noted in the Applicant Guidebook was the reservation of the code “NIC”, explicitly included on the “top-level domains reserved list” as a representation of “Network Information Center” and yet also an ISO3166-1 alpha 3 code representation for Nicaragua. The group noted that, although this is not an inconsistency *per se*, should future policy changes allow sovereign States determine the allocation and use of three-letter country codes, this provision could not be afforded to the Government of Nicaragua, under current policy rules.

Similarly, use of “BEN”, the three-letter ISO representing Benin, could perceivably become problematic given confusion rules (that were not applicable in the circumstance of “.co” and “.com”) and the current ccTLD codes of “.be” for Belgium and “.bn” for Brunei Darussalam.

Another example is that of “CYM” - the ISO3166 three-letter code for the Cayman Islands. It could also be perceived as a meaningful abbreviation for “Cymru” (Wales). While applications for both “.cymru” and “.wales” were lodged with ICANN, current policies would prohibit use of “cym” for the same purpose. In addition, relaxation of this protection in future could give rise to issues of confusing similarity.

Following ICANN’s announcement of strings that had been applied for, the Study Group noted that applications had been received for “.AND”, “.ARE”, “.IDN” and “.EST”, representations of Andorra, the United Arab Emirates, Indonesia and Estonia, respectively. Although the Applicant Guidebook provides clear guidance, and includes procedures for objection and / or the possible withdrawal of these applications, the fact that formal interest was expressed for these strings, and applications made, highlights the possibility for confusion and a lack of policy clarity, even for stakeholders that are intimately familiar with the new gTLD process and ICANN’s rules around it. As of early March 2013, three of these applications have been withdrawn, though the application for .IDN remains active, under initial evaluation.

Other commonly used acronyms or abbreviations

Much like the consideration of ISO3166-1 three-letter codes, the Study Group determined to include “other” abbreviations in its deliberations, given the possibility of intersection between existing or future TLDs and meaningful country representations. In part, this was again an acknowledgement that ISO3166-1 is not the only widely used source of country abbreviation codes, and is not necessarily consistent with other lists.

One salient example is the case of Barbados. The ISO’s official designation is “BRB”, while numerous other sources use the abbreviation “BAR”. This is both a common English-language term and an applied-for gTLD string.

Overall, the group concluded that current ICANN policies, particularly with regard to the current new gTLD process, provide an inconsistent framework for treatment of three-letter country representations:

- ISO-related strings that could be of interest to potential new gTLD applicants (such as .BRB or .CAN or .GEO) are currently protected – and cannot be new gTLDs.

- The outcomes of the application round showed pent-up demand in this area with tangible examples such as “.IDN” and “.AND”.
- Some codes – such as “.com” already are TLDs.
- Other three-letter codes on the ISO list (such as .NIC) could never be available, even if ICANN were to drop current protections, unless other Reserve List policies were changed
- And yet other three-letter codes – most notably those IDNs involved in the fast track process – are required to meet an entirely different set of eligibility criteria.

| 3-letter code | Country | Source | Designation |
|------------------|----------------------------|-------------------|--|
| .BRB, .CAN, .GEO | Barbados, Canada, Georgia | ISO | - No allowable use (as for many ASCII codes) - In future??? |
| .BAR | Barbados | IOC | - Potential <u>gTLD</u> - Possible objection? |
| .CYM | Cayman Isl. | ISO | - No allowable use - Wales (<u>Cymru</u>) ineligible |
| .COM | Comoros | ISO | - IS a <u>gTLD</u> |
| .NIC | Nicaragua | ISO List Reserved | - Prohibited new <u>gTLD</u> - Also a reserved name |
| .BEN | Benin | ISO List | - Prohibited new <u>gTLD</u> - Confusion rules (BE, BN) |
| .CPБ, .ҚАЗ, .УКР | Serbia, Kazakhstan Ukraine | Fast track | - IDN <u>ccTLD</u> |

The general observation of the Study Group with regard to this circumstance is that there is no consistency or predictability with how particular three-letter codes will be managed, protected or allocated. It is outside of the scope of this group to recommend how these strings should be treated in future (open market with no restrictions, refined or limited set of protections etc) but it remains a policy issue for ICANN and its stakeholders that should be resolved.

Official / conventional Long-form and short form names

As mentioned in the discussion under Deliverable 2, although the definition of the long and short-form “official” names of countries appears to be a straight-forward process that can be addressed by ISO3166-1, this is not necessarily the case, given that other resources and lists exist that do not necessarily conform with the ISO list.

Their respective contents vary depending upon purpose, scope, frequency of revision and definition – for example whether the list either excludes or includes “territories”.

The table below illustrates the above points, with green marks denoting the presence of an entry in the relevant resource list, and red denoting its absence.

| | UNGEGN Manual | UNGEGN Working Paper | UNITERM List | WIPO ST3 | UNSD Standard | ISO 3166 |
|---------------------------------|---------------|----------------------|--------------|----------|---------------|----------|
| Bolivia | ● | ● | ● | ● | ● | ● |
| Plurinational State of Bolivia | ● | ● | ● | ● | ● | ● |
| Cook Islands | ● | ● | ● | ● | ● | ● |
| Serbia and Montenegro | ● | ● | ● | ● | ● | ● ● |
| South Sudan | ● | ● | ● | ● | ● | ● |
| Hong Kong | ● | ● | ● | ● | ● | ● |
| Puerto Rico | ● | ● | ● | ● | ● | ● |
| Palestinian Territory, Occupied | ● | ● | ● | ● | ● | ● |

The reason for the Study Group noting these inconsistencies is to highlight the fundamental fallibility of any process that relies upon a single, given resource as an authoritative of “list” of country and territory names. While ISO3166 provides the most expansive list, it is only published in English and French, whereas UNGEGN resources include all six languages of the UN.

As a broader observation, the Study Group noted that rigid application of the current range of ICANN policies and procedures could potentially lead to an inconsistent treatment of country and territory names. That is, certain representations could be deemed as prohibited as new gTLDs according to the Applicant Guidebook, others could be considered IDNs, and yet others could be prohibited from use as an IDNccTLD given current “one per Official/Designated Language/” provisions of the fast track process and future IDN ccTLD policy.

| Country | Designation |
|--|--|
| Australia | <ul style="list-style-type: none"> - No allowable use (as for many ASCII codes) - In future??? |
| Россия (Russia) | <ul style="list-style-type: none"> - No allowable use - Not IDN fast track - Not <u>gTLD</u> under current protections |
| Russia | <ul style="list-style-type: none"> - No allowable use - No non-ASCII characters (not IDN) - Not <u>gTLD</u> under current protections |
| Ўзбекистон Республикаси (Republic of Uzbekistan) | <ul style="list-style-type: none"> - IDN fast track (as not yet applied for) - Not <u>gTLD</u> under current protections |
| Mali | <ul style="list-style-type: none"> - Not <u>gTLD</u> under current protections - Confusion if “.mail” were applied for? |
| Nicaragua | <ul style="list-style-type: none"> - Prohibited new <u>gTLD</u> - Also a reserved name |

Furthermore, on aggregate, the assortment of current ICANN policies and procedures, even with relation to *an individual* country or territory, could cause unclear or inconsistent treatment. That is, multiple meaningful representations of the same country could be considered assessed as ccTLDs, IDN ccTLDs, a gTLD, an IDN gTLD, or prohibited for reserve list reasons.

| Representation | Country | Designation |
|------------------------|---------|---|
| .no | Norway | - ccTLD |
| .Norge | Norway | <ul style="list-style-type: none"> - No allowable use - Not IDN fast track - Not gTLD under current protections. - Possible new gTLD in future? |
| .nor | Norway | - Confusingly similar with reserved ICANN term “NRO”? |
| .norway | Norway | <ul style="list-style-type: none"> - Not gTLD under current protections - Possible new gTLD in future? |
| .norvège | Norway | <ul style="list-style-type: none"> - Not IDN fast track - Possible new IDN gTLD in future? |
| ناروے (.norge in Urdu) | Norway | - Possible new IDN ccTLD in future? |

Country and territory name in the six official languages of the UN

For the most part, the Study Group focused upon the broader of issue the representation of country and territory names in multiple languages. This discussion was guided by the current provisions in the new gTLDs Applicant Guidebook where protections are afforded to names in all languages. This provision brings about its own complexities such as what constitutes a “language”, are protections expanded to all minority, spoken, written and historical languages and what authoritative sources can be used upon which to implement this policy position?

As a preliminary step in establishing the complexities and possible expansiveness of broadly-worded policy protections, the Study Group assessed the permutations that arise if “only” the six official UN languages are considered.

Utilizing the UNGEGN’s resources expands the scope of protections to over 1200 names, a figure that is doubled if both long and short-form names are included, and expanded further given many nations have more than one “official” language. Similarly, use of the ISO3166 list conservatively identifies over 1500 names and is multiplied again, if the above criteria are applied.

The Study Group’s motivation in identifying this pattern is to raise awareness that, even if strict, limited definitions are applied to the concept of country names, any resultant protections will be necessarily expansive in nature.

Commonly used or local names

One of the pertinent examples that the Study Group considered was the use of the term “Holland” which is commonly used interchangeably with “The Netherlands”, even though it refers more correctly to two provinces (North and South Holland). The term “Holland” is absent from the official lists of country and territory names previously discussed. However, the use of the term “Holland” to describe the whole of The Netherlands is so expansive that government entities, such as the Netherlands marketing and tourism authority NBTC, adopt the term for official purposes.³⁶

Another pertinent example was drawn from the survey response received from the Republic of Armenia that listed a wide range of commonly used / local representations, including "Hayasdan", "Hayastan", "Aiastan", "Hayk", "Mets Hayk" and "Hayastani Hanrapetutyun" along with historical names such as "Urartu", "Nairi", "Biayna", and "Kilikia".

The identification of such names serves introduces the issues and complexities associated with regional, geo-political and historical names.

The Study Group chose not to formally categorise and analyse historical and possible future country names, given the incredible difficulty and complexity associated with doing so. However, the group noted that such names could give rise to potential policy conflicts within the ICANN environment. For example, reverting to the example of “Holland”, the Study Group noted that the term “New Holland” is a historical representation of the island continent of Australia, is the tradename, brandname and business name of a large producer of farming and construction equipment and is also a string that has

³⁶ <http://www.holland.com>

been applied for as part of the new gTLDs process. Once again, the Study Group presents this observation as an illustrative example, and provides no judgment as to the preferred treatment of the string.

Examples of country / territory name in minority or indigenous languages

One example consider by the Study Group was “Aotearoa”, the representation of “New Zealand” in the Māori language. However, this is a somewhat unique example, as Māori is recognised as an official language, and would therefore be captured in narrower definitions discussed earlier in the Study Group’s work.

Other examples gleaned from the UNESCO survey process included minority representations of Armenia:

- Russian-"Армения",
- Ezid -"Ерманистан",
- Assirian-"Armistan",
- Kurdish-"Ermenistan" and
- Hebrew-"ארמניה רפובליקת"

In Sweden, there are five recognized minority languages³⁷: Finnish, Meänkieli (Tornedal Finnish), Sami (all dialects), Romani Chib and Yiddish. Therefore the representations of “Sweden” in these languages are:

- Finnish: Ruotsi
- Meänkieli: Ruotti,
- Ruotsi Sami: Svöörje,
- Sveerje Romani Chib: Sveddi
- Yiddish: שוועדן

Examples of name in non-official languages

In adopting this all-encompassing category, the Study Group attempted to acknowledge the full extent of the permutations and complexities that could arise with regard to country and territory name representations. Such a categorization was deemed appropriate given that ICANN’s own rules for short- and long-form country names under the first round of the new gTLD process extended to representations “in all languages”.

As a threshold observation, the Study Group noted that to attempt to categorise and assess all country name representations, in all languages, creates an insurmountable challenge that can only be managed with a case-by-case objection procedure, rather than through the development of definitive “lists”.

³⁷ According to the definition of Designated Language they could qualify as a language for administration.

Numerous problems arise from attempting to define what constitutes a language - be it living, historical, written or oral. Once again, numerous resources exist that attempt to identify the current number of living languages and their minority dialects.

For example, SIL International maintains “Ethnologue” that currently contains descriptions of 7105 known living languages³⁸. Alternative language names and dialects expand this list to nearly 40,000.

The International Organization for Standardization set of standards relating to the names of languages or language groups (ISO 639) includes a standard ISO 639-3:2007. This is a superset that contains alpha3 codes for the representation of names of languages –be they living, extinct, ancient or constructed languages. This standard contains 7776 entries³⁹ and is also maintained by SIL.

The Study Group noted this because, by any reasonable measure, it would be an almost impossible undertaking to comprehensively gather and list all country and territory names, in all languages⁴⁰.

³⁸ <http://www.ethnologue.com/statistics>

³⁹ <http://www-01.sil.org/iso639-3/download.asp>

⁴⁰ Assuming that countries and territories are defined through the ISO 3166-1 list and only documented living languages are relevant, such a list would contain 1,833,090 entries.

6. Deliverable 4: Study Group recommendations

The Country and Territory Names Study Group was tasked, by the ccNSO Council, with providing an analytical overview in three main areas:

- current ICANN policies, procedures and guidelines relating to the use of country and territory names,
- the types of strings that are, or may be, used as TLDs that could also be considered meaningful representations of country and territory names, and
- the issues that may arise if current policies and procedures are applied to these country and territory name-related strings.

This report represents the Study Group's findings in relation to these three main objectives.

However, the Group was also tasked with, if considered appropriate, the provision of advice with regard to a course of further action, to resolve any issues identified in the course of its work.

Study Group members hold that the provision of a detailed "state of play" represents a suitable evidentiary basis upon which to assess the issues at-hand. However, noting its narrow mandate, the members of the Study Group also believe it appropriate that their work should be used to provide meaningful guidance for future deliberations.

Accordingly, the Study Group offers the following comments and observations.

- Throughout its deliberations, the Study Group observed an incredible level of complexity associated with any attempt to definitively categorize country or territory names, especially when such an effort includes multiple languages or scripts.
- A consistent observation was the inability of individual "lists" or resources to provide comprehensive, consistent or universal guidance regarding the various representations of country and territory names, in particular as a result of geo-political changes, the creation of new countries and the dissolution of others.
- ICANN's current policies and procedures (as they may relate to ccTLDs, IDNs or current and potential new gTLDs) do not afford consistent treatment of country and territory names. This may give rise to stakeholder and end-user confusion and uncertainty.
- ICANN's current policy framework (the Applicant Guidebook) for the introduction of new gTLDs affords an unprecedented level of protection for country and territory names, though notes that such protections are only confirmed for first and current round of new gTLD applications.
- The current Fast Track and IDN ccTLD policy are restricted. The major restrictions are the requirements that:
 1. the IDN ccTLD string is a meaningful representation in a designated language of the territory, and
 2. only one string per designated language

If adopted the IDN ccTLD policy should be reviewed in five years, which includes a review of these restrictions.

Recommendations

It is recommended that the ccNSO Council establish a cross community working group to:

- further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures;
- provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SO's and AC's; and
- should such a framework be deemed feasible, provide detailed advice as to the content of the framework.

The GNSO, ALAC and GAC should be invited to participate in such a WG.

In light of the need for further work on the treatment of country and territory names, the complexity of the issue at hand and the aforementioned inconsistencies between various ICANN policies, it is also recommended that the ccNSO Council request that the ICANN Board extend the current rule in the new gTLD Applicant Guidebook regarding the exclusion of all country and territory names in all languages, for consecutive rounds of new gTLD applications until such a time when the work of the cross community working group has been concluded.

Annex A: Study Group Membership

In accordance with the Study Group's purpose and scope, membership was open to all ccTLD managers (both members and non-members of the ccNSO), who were appointed by the ccNSO Council after a call for volunteers. The Chair was also appointed by the ccNSO Council, in accordance with the nomination of the SG membership.

The ccNSO Council also invited the GAC, ALAC and GNSO to participate either by appointing members directly according to their own rules and procedures, or by appointing liaisons to participate on equal footing with other SG members.

ccNSO

- Martin Boyle, .uk
- Joke Braeken, .eu
- Becky Burr, NomCom Appointee to the ccNSO Council
- Henry Chan, .hk
- Ian Chiang, .tw
- Keith Davidson, .nz
- Sokol Haxhiu, NomCom Appointee to the ccNSO Council
- Hiro Hotta, .jp
- Annebeth Lange, .no
- Young-Eum Lee, .kr
- Leo Maluwa, .mw
- Nigel Roberts, .gg
- Grigori Saghyan, .am
- Ron Sherwood, .vi
- Paul Szyndler, .au (Chair)
- Maarten Simon, .nl
- Tan Yaling, .cn

GAC

- Elise Lindeberg, Norway

GNSO

- Carlos Aguirre - GNSO Nominating Committee Appointee
- George Asare-Sakyi - Non Commercial Stakeholder Group
- Iliya Bazlyankov - Registrars Stakeholder Group
- Chris Chaplow - Commercial and Business Users Constituency (Observer)
- Ching Chiao - Registries Stakeholder Group
- Avri Doria - Non Commercial Stakeholder Group
- Heather Forrest, Intellectual Property Constituency
- Volker Greimann - Registrars Stakeholder Group
- Tony Harris- Internet Service Providers and Connectivity Providers Constituency

At-Large

- Hawa Diakite, AFRALO
- Eduardo Diaz (NARALO)
- Cheryl Langdon-Orr, APRALO (liaison)

- Sophie Liang (APRALO)
- Andres Piazza (LACRALO)
- Rudi Vansnick, EURALO

Specialists

- Jānis Kārklīņš, UNESCO
- Irmgarda Kasinskaite-Buddeberg, UNESCO
- Jaap Akkerhuis, member ISO 3166 Maintenance Agency

Support Staff

- Bart Boswinkel, ccNSO
- Kristina Nordström, ccNSO
- Gabriella Schitteck, ccNSO
- Marika Konings, GNSO

Annex B: Timeline

Note: In addition to the meetings listed below, the Study Group met via teleconference on a number of occasions. Transcripts of face-to-face and teleconference meetings are available on the ccNSO website. ⁴¹

| | |
|------------------|--|
| 31 October 2007 | ccNSO Council resolves ⁴² to recommend to the ICANN Board that no name of a territory, as listed in ISO 3166-1, or a meaningful abbreviation of it, should be made available as a gTLD. This resolution was subsequently reaffirmed in December 2008, April 2009, and July 2009. |
| 21 November 2009 | Letter from ccNSO Chair to the Chair of the ICANN Board ⁴³ expressing the ccNSO's view that all meaningful representations of country and territory names should be excluded from the process for the introduction of new generic Top Level Domains (gTLDs) |
| 14 June 2010 | ICANN Board Chair response to ccNSO Chair ⁴⁴ , citing the Governmental Advisory Committee's interpretation of paragraph 2.2 of the GAC Principles as the catalyst for the reconsideration of the treatment and country and territory names in the new gTLDs process and a decision that no meaningful representations of such names would be allowed during the first round of new gTLD applications. The letter also acknowledged: <ul style="list-style-type: none">○ the ccNSO's policy discussions on this matter;○ that defining the distinction between country code and generic names may warrant a broader cross-SO/AC policy discussion; and○ that, once policy is developed, it will be appropriate for the Board to reconsider its position. |
| 8 December 2010 | Chair of IDN ccPDP WG 1 advised the ccNSO Council that the use of Country and Territory names as TLD strings, in general, is considered outside the scope of the IDN ccPDP and will therefore not be addressed during the process. <i>ccNSO Council resolved⁴⁵ (Resolution 58-02) "to create an ad-hoc Study Group that will provide the ccTLD community and ccNSO Council with a comprehensive overview of the use of Country and Territory Names as TLD Strings".</i> |
| 25 January 2011 | Study Group's Statement of Purpose and Scope adopted by ccNSO Council |
| 11 May 2011 | Following a call for volunteers among ccTLDs and outreach to the broader ICANN community, the Study Group commenced work, via teleconference. |
| 23 June 2011 | Face-to-face meeting in Singapore |
| 6 September 2011 | Study Group seeks expert input from UNESCO, in accordance with the ICANN – UNESCO Partnership Agreement |

⁴¹ <http://www.ccnsso.icann.org/workinggroups/unctwg.htm>

⁴² <http://ccnsso.icann.org/meetings/losangeles/ccnsso-council-minutes-31oct07.pdf>

⁴³ <http://www.icann.org/en/correspondence/disspain-to-dengate-thrush-21nov09-en.pdf>

⁴⁴ <http://www.icann.org/en/correspondence/dengate-thrush-to-disspain-14jun10-en.pdf>

⁴⁵ <https://ccnsso.icann.org/meetings/cartagena/notes-council-meeting-cartagena-08dec10-en.pdf>

| | |
|-------------------|---|
| 30 September 2011 | UNESCO provides response to SG letter and undertakes to collaborate on the development of a survey of UNESCO Member States to assist with the SG's deliberations. |
| 27 October 2011 | Face-to-face SG meeting of SG in Dakar, Senegal and briefings for ICANN community members |
| 15 March 2012 | Face-to-face SG meeting in San Jose, Costa Rica and briefings for ICANN community members |
| 4 June 2012 | ICANN releases final new gTLD applicant guidebook. The guidebook prohibits the use of meaningful representations of country and territory names. |
| 25 June 2012 | Face-to-face SG meeting in Prague, Czech Republic and briefings for ICANN community members |
| 24 July 2012 | UNESCO releases country and territory names survey to a sub-set of Member States and launches dedicated website |
| 15 October 2012 | Face-to-face SG meeting in Toronto, Canada and briefings for ICANN community members |
| March 2013 | Development of draft final report and consideration by SG members |
| April 2013 | Discussion of draft final report in Beijing, China. |
| June 2013 | Release of Final Report for public comment |
| June - July 2013 | Public comment period |
| July 2013 | Publication of final report and submission to the ccNSO Council |

Annex C: Checklist - Study Group tasks

| | Allocated Study Group task | Study Group action |
|---|---|--|
| A | Develop a work plan, including a high level schedule | The Study Group developed a work plan in the early stages of its deliberations. The SG's work was divided into discreet elements, based upon the identified deliverables. The timeline at Annex B reflects the scheduling of this work. |
| B | Summarise existing and proposed policies, guidelines and implementation rules regarding the use of representations of Country and Territory names as TLDs | Delivered in Section 3: Deliverable 1 of this report. |
| C | Provide a comprehensive overview of the issues associated with the use of representations of Country and Territory names as TLDs as identified by the ccNSO, GAC and GNSO | Delivered in Section 4: Deliverable 2 (summarisation of current policies) and Section 5: Deliverable 3 of this report. |
| D | Liaise with the ccNSO, GAC and GNSO as needed to seek further clarification and input regarding Tasks B and C | Delivered through status reports to ACs and SOs throughout the SG's work and the ongoing contributions of SG members participating on behalf of those ACs and SOs. |
| E | Liaise with the IDN ccPDP working group 1 as necessary and appropriate to seek further clarification and input, and provide input and feedback to that working group | Clarification, where required, was provided by ICANN support staff that were also directly involved in the IDN ccPDP WG1 process. |
| F | Liaise with ICANN's new gTLD project team as necessary and appropriate to seek further clarification and input and provide input and feed-back, for example to better understand the proposed future scope of excluded Country and Territory names and objection mechanisms | Clarification and input, where required, was provided on an ongoing basis by relevant new gTLD project team members and other ICANN support staff. This was rarely required, given the highly-visible nature of the new gTLD process, and the frequent and detailed publication of supporting documents. |
| G | Liaise with (IDN) ccTLDs and individual GAC members as necessary and appropriate to solicit their views and perspectives on the use of representations of their Country or Territory names | Both the ccNSO and GAC were briefed on the progress of the Study Group on a number of occasions. At all times, both the ccNSO and GAC were invited to comment, individually, or collectively. These collective briefings led to numerous informal, individual discussions. |
| H | Prepare sessions to be conducted at ICANN meetings to inform and report to the ccTLD community, and other interested Supporting Organisations and Advisory Committees on the findings and intermediate results of the Study Group | Delivered at numerous ICANN meetings between 2011 and 2013. |
| I | Provide a Final Report of its findings to the ccNSO Council | Delivered. |