



## Governmental Advisory Committee

27 November 2012

Ms. Elise Gerich  
Vice President  
IANA and Technical Operations  
ICANN

Dear Ms. Gerich,

I am pleased to forward the results of the GAC's deliberations in response to your May 7, 2012 letter seeking input from the GAC on ICANN's position of continuing to protect all two character codes represented in ISO 3166. The GAC deliberations on this subject were initially reflected in the GAC Prague Communiqué<sup>1</sup>. The GAC confirms its continued support for the role of the ISO 3166 standard in ICANN's consideration of ASCII and IDN delegation and redelegation requests. The GAC also understands that ICANN has no ability to unilaterally amend the ISO 3166 list.

However, as the GAC noted in the Prague Communiqué, the GAC believes that recent experiences with particular applications submitted under the IDN ccTLD Fast Track Procedure raise questions that warrant further attention. In particular, determinations by the Fast Track DNS Stability Panel that some applied-for strings appear to be "confusingly similar" to existing two letter codes in the ISO 3166 standard have

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<sup>1</sup> **Prague GAC Communiqué:** The GAC advises the ICANN Board:

- that when decisions are taken in this regard, that there be transparency of process, and that decisions against the release of a string should be accompanied by a detailed rationale.
- the GAC will write to the Board with further reflections on the methodology that should be followed when evaluating two character IDNs.
- recently refused IDNs, particularly those nominated by public or national authorities should be urgently reconsidered in light of the above considerations.
- Without prejudice to the previous bullet and for transparency and accountability purposes, the GAC further advises the Board to create a mechanism of appeal that will allow challenging the decisions on confusability related to proposed IDN ccTLDs.

triggered the GAC's concerns, in large part due to the absence of any detailed rationale for those determinations and the inability of the applicants to appeal them.

In light of the absence of an appeal process in the Fast Track Procedure, the GAC believes these cases should serve as "lessons learned" from the Fast Track Procedure to inform the broader ccTLD IDN policy development process. Noting the "draft" status of the draft ccTLD IDN Policy document posted on August 29, 2012, and in view of the GAC advice that "the recently refused IDNs, particularly those nominated by public and national authorities, should be urgently reconsidered" the GAC recommends that the applications considered "confusingly similar" under the Fast Track Procedure should be addressed in the very near term as case studies in the ccTLD IDN Policy development process and the results should be taken into account in the next draft. From the GAC's perspective, this approach is consistent with its interim ccTLD IDN Principles that "competing or confusingly similar requests should be dealt with on a case-by-case basis and resolved in consultation with all concerned stakeholders", and would overcome the deficiency in the Fast Track procedure.

As further input to your thinking of this subject, I am pleased to attach a paper prepared by the Greek Government on this issue.

Thank you again for seeking the views of the GAC.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Dryden', with a stylized flourish at the end.

Heather Dryden  
Chair, Governmental Advisory Committee  
Senior Advisor to the Government of Canada

Enclosure: Annex Greece's comments regarding IDN ccTLDs

## **ANNEX: Greece's comments regarding IDN ccTLDs**

The GAC has already expressed its consensus position on the matter of IDN ccTLDs in the GAC Communiqué which followed the recent Prague meeting<sup>1</sup>.

The GAC is of the view that decisions may have erred on the too-conservative side, in effect applying a more stringent test of confusability between Latin and non-Latin scripts than when undertaking a side by side comparison of Latin strings. Greece is in line with this statement.

Under the current situation of the IDN ccTLD Fast Track Process, and on the basis of recent decisions by the "DNS Stability Panel" (the "Panel") on "confusing similarity", it is unlikely that two-letter strings using scripts of the same origin as Latin, such as Greek or Cyrillic, will ever be assigned as IDN ccTLDs. This opposes the reason of the introduction of IDN ccTLDs: to serve the respective communities.

During the IDN Fast Track process, there have been a number of occasions where the Panel decided that the strings being applied for are "confusingly similar" to two-letter ISO-3166 codes.

Regarding the concerns expressed by the Panel decisions, on the "confusingly similarity" of these scripts against letter codes in the ISO-3166, Greece is of the opinion that:

1. The assessment of "confusing similarity" appears to be of inherently subjective nature. Although Greece accepts that such subjectivity cannot be totally eliminated from the process, the impact of this subjectivity can be reduced by the application of scientifically based public criteria on the basis of which such an assessment is conducted. At the moment, these criteria are not present and this fact significantly reduces the credibility of the procedure. Elements such as contextual information, for example or all the "component parts" of the domain name, i.e. the second, third or other levels of a domain name, could also be taken into account in a decision and this is not happening today by the Panel.
2. Greece fully agrees with the overall objective of preserving the stability and security of the Internet. However, it is important to distinguish between this objective and the objective of avoiding confusion for Internet users. Greece does not believe there is necessarily a link between the supposed condition of "confusing similarity" among two two-letter codes and the overall stability and security of the Internet.
3. Related to the above, Greece has not been made aware of any practical evidence that string confusion can have an adverse impact on the security and stability of the Internet, certainly not to the extent that would justify the overly conservative approach taken by ICANN so far. There is a number of two-letter codes from ISO-3166, currently used as ccTLDs, that are "more confusingly similar" with each other (e.g. ".it" and ".lt") than other pairs identified by the Panel as "confusingly similar" (e.g. ".ελ" and ".ea"). This

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does not seem to have had any adverse impact either on the security or the stability of the Internet or on the user experience of the average Internet user.

Greece considers that the Panel has been acting on the basis of a “too much conservative” principle, which is (a) unnecessary, (b) unfair to the respective local Internet communities, who, as required by the IDN ccTLD Fast Track Process, have chosen the IDN strings in question, as well as (c) highly problematic in terms of respecting the rights and responsibilities of public authorities which are in certain cases legally responsible for a ccTLD.

Greece urges IANA and ICANN to reconsider the very conservative approach that the Panel has been instructed to follow in the context of the IDN ccTLD Fast Track Process and act according to GAC’s advice as stated in the Prague Communiqué and explained in more detail in this letter, thus allowing a broader use of IDNs for ccTLDs.