



Governmental Advisory Committee

26 January 2015

Dr. Steve Crocker
Chair, ICANN Board

cc: Cyrus Namazi, ICANN

Dear Dr. Crocker,

Re: GAC Membership concerns with the use of two-character labels at the second level

On 16 October 2014 [ICANN Board Resolution 2014.10.16.14](#) passed, with consideration of the [GAC Los Angeles Communiqué](#), directing ICANN staff to “develop and implement an efficient procedure for the release of two-character domains currently required to be reserved in the New gTLD Registry Agreement.”

Concerns have been raised by GAC members who feel that the new process has been implemented very quickly and without any formal consultation with affected/interested members of the GAC, just notification via ICANN support staff. The new process appears to depart from the new gTLD Registry Agreement, which supported national sovereignty, and GAC Principles regarding new gTLDs, in that:

- Registries no longer need to seek permission from each relevant government to use two-character labels that are included on ISO 3166-1 alpha-2 list (the list used to allocate ccTLDs).
- Registries may now apply to use every two-character label in the ICANN form document called Appendix A. This document includes almost all two-character labels that are included on ISO 3166-1 alpha-2 list.
- It appears that each government which objects to its ccTLD being used at the second level must lodge a public comment within 30 days, for each Registry application. ICANN can then decide whether or not to uphold the objection.

Therefore, on behalf of some of the GAC membership, I would request that the ICANN Board asks ICANN staff to take these concerns into consideration before adopting any of these Registry requests, at least until we can together work out an appropriate way forward.

Some of our suggestions for a possible solution include:

- Making the relevant information much easier to search and access. It would be highly appreciated to have a list in .xls where it is possible to customize the order in which different strings appear. Requesting TLDs should be presented in alphabetical order but with the possibility of altering that order to take into account the date the public comment periods ends or begins, their adscription to category 1 or 2 of the GAC Safeguard Advice, their characterization as brand TLDs or their being a new gTLD in IDN characters. That list should be provided to

the GAC each time it is updated. A list with Brand TLDs that have requested authorization to register two-letter second level domains would be useful, as per an earlier request to ICANN staff. The current process is particularly onerous and resource-consuming, especially for small and developing nations.

- Improving the alert process, for example to notify also governments outside the GAC membership of relevant requests, or maintaining the reservation of ccTLDs belonging to countries or territories that are not currently represented at the GAC.
- Enabling governments to file their positions regarding use of their ccTLD labels on the second level in a single repository. Some governments may wish to prevent the use of their ccTLD label altogether; some may allow such use only in specific circumstances; others may have no concerns about such use at all.
- Extending the public comment period beyond 30 days.
- Accepting objections to release the use of two-character labels at the second level which are the same or similar or deceptively similar as the ccTLD/s expressed by the respective government during the public comment periods. That is, the decision to allow the use of the label or not rests with the government, not with ICANN.
- Informing the GAC about each Registry's plans to open registrations for two-letter names at the second level so that Governments can also apply to register them if they so wish.
- Allowing Governments to oppose an application to register the corresponding ccTLD as second level domain, if they are apprised of that application before it materializes, and to dispute registrations already done (in keeping with principle 2.7 b) of GAC Principles regarding new gTLDs) if there are reasons to claim that the name is being used to the prejudice of its national interests including geographic significance.
- ccTLDs may submit a tentative list of two character labels which are objectionable and ICANN may consider withholding such two character labels in the second level, *ab initio*.

The affected/interested membership of the GAC is happy to work with ICANN to find a mutually agreeable way forward.

Lastly, I am pleased to confirm that the GAC expects to discuss the protection of country and territory names at the second level of the new gTLDs at its next meeting in Singapore. Therefore, we request a stay in resolving requests made by some Registries to release the use of those names at the second level until the Singapore GAC meeting.

Best regards,



Mr Thomas Schneider
Chair, Governmental Advisory Committee