ICANN | GAC
Governmental Advisory Committee

Two Character Country Codes at the Second Level in New gTLDs

Session 2.1 - Two Character Codes Discussion

Contents

Session Objectives

- Assess ICANN Board response to the GAC Barcelona Communiqué Advice, including related ICANN org documentation

- Provide opportunity for GAC members to discuss experiences with the new Two-character Country Code Registration Search Tool that was released by ICANN Org prior to ICANN64.

Background

On the one hand, GAC Members have expressed concerns regarding the change in the process for the release of country codes, particularly in view of existing GAC Advice. On the other hand, some GAC Members are concerned with the use of their country codes at the second level of the DNS (concerns include consumer confusion and the use of country codes without the permission of the relevant authority).

In summary, the regime overseeing the use of country codes at the Second Level in New gTLD today is that of a [blanket authorization and associated Measures to Avoid Confusion with Corresponding Country Codes](#) which New gTLD Operators (Registries) are expected to implement. This regime was introduced pursuant to an ICANN Board [resolution](#) (8 November 2016) which retired a previously existing [Authorization Process for Release of Two-characters ASCII Labels](#), itself the result of several years of interactions between governments, the GAC and both the ICANN Organization and ICANN Board.

The ICANN63 [Briefing](#) document provided an overview of the key process points leading to the perceived departure from the "Authorization Process" and suggested - based on the assessment of the group of countries who participated in its production[1] - the existence of potentially serious procedural flaws, including of Board action inconsistent with GAC Advice.

Issue

In summary[2], concerns expressed by GAC Members' regarding the release of their country codes at the second level include:

1) Losing their ability to play a role in a procedure for the release of their 2-character country codes (hereafter "the Authorization Process") as prompted by the 8 November 2016 Board resolution;

2) The retirement of the "Authorization Process" despite GAC Advice requesting some procedure for the release of 2-character country codes in which the relevant governments could play a role.

Leadership Proposal for GAC Action

- The GAC will consider whether the explanations provided by the Board and ICANN org satisfy the request provided as GAC Consensus Advice in the ICANN63 Barcelona Communiqué and any potential follow-up by the committee.

- The GAC will continue to evaluate the [search tool](#) deployed by the ICANN organization to assist governments in tracking the use of their country code(s) in Top-Level Domains (TLDs), with a view to providing feedback by ICANN66 (per [ICANN64 GAC Meeting minutes](#)).

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[1] Including the consideration of research conducted on the [History of GAC Advice and Ensuing Actions](#) (2 October 2018), pp. 11-56.
[2] For more background, see material and recording from the relevant [ICANN64 Session](#) (9 March 2019)

Relevant Developments

Deployment of the Country Code Registration Search Tool

- During its plenary discussion of the issue during ICANN61 in San Juan (10 March 2018), the GAC and ICANN Org discussed enhancements to existing measures to mitigate governments concerns, including a "user-friendly" space on ICANN's Website to monitor the use of country codes at the Second Level of the DNS.
- During ICANN62 In Panama City (26 June 2018), the ICANN Org provided an update on the development of a portal on the GAC website for information on 2-character country codes at the second level
- On 26 February 2019, ICANN introduced this tool to the GAC Membership in a demo webinar (login required). It is available on the GAC Website at: https://gac.icann.org/activity/second-level-country-code-registration-search (login required)

ICANN Org Documentation of the History of Authorization Regimes

The ICANN Org released new documentation in a letter from the ICANN CEO to the GAC Chair (22 January 2019) which includes:

- A Memo on Implementation of the Procedure for Release of Two-Character Labels and Standard Measures to Avoid Confusion with Corresponding Country Codes (15 pages)
  - provides a succinct explanation of events that occurred leading up to the November 2016 ICANN Board resolution, focusing on "*the rationale behind the implementation activities, including how the activities were consistent with GAC Advice and Board direction*" (pp. 4-9)
  - provides a point by point response to the ICANN63 Briefing that was shared and discussed with the ICANN Board in Barcelona (pp. 10-15)
- An Historical Overview of Events Regarding Two-Character Labels at the Second Level in the New gTLD Namespace (26 pages)
  - provides a more detailed account of background and developments that led to the 8 November 2016 ICANN Board resolution, focusing on a "*factual, sequential recitation of events*" (pp. 4-12)
  - recalls how GAC Advice subsequent to the 8 November 2016 Board resolution was addressed (pp. 13-16)
  - includes a record of communications on this matter throughout the process with the GAC, governments and ccTLD Managers (pp. 17-24)
- A summary of the two documents (attached to this briefing) is also provided in annex to the CEO Letter to the GAC Chair.

As part of this documentation, ICANN org indicates that:

- Specification 5, Section 2 of the [Draft new gTLD Registry Agreement](#) (part of the [New gTLD Applicant Guidebook](#) developed by ICANN Community and adopted by the Board) specified two different ways to release the 2-character country codes:
  - "The reservation of a two-character label string may be released to the extent that Registry Operator reaches agreement with the government and country-code manager, or,
  - The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes. "
- The objective of this provision was to avoid confusion with the corresponding country codes. This provision is part of the adopted [New gTLD Registry Agreement](#) (see page 72)

Response to ICANN63 GAC Advice

Consistent with conclusions of the [GAC/ICANN Board Clarification Call](#) regarding the Barcelona Communiqué (28 November 2018), the Board considered the [GAC Advice](#) on Two-Character Country Codes at the Second Level during its [meeting](#) on 27 January 2019.

Per its [resolution](#) of 27 January 2019, the Board addressed the GAC Advice as laid out in the [Board Scorecard](#). Below are extracts of these responses

- Barcelona Communiqué V.1.a.i:
  Explain in writing how and why it considers it is implementing GAC advice on the release of country codes at the second level;

  Extract of Board Reponse: (available in full in Annex)
  [....] the Board believes it has both fully considered and implemented the GAC advice on two-character labels at the second level.

- Barcelona Communiqué V.1.a.ii:
  Explain in writing whether its Resolution of 8 November 2016 and its change from the preexisting release process (indicated in specification 5. 2 of the Registry Agreement, sentence 1) to a new curative process (under sentence 2) are compatible with GAC advice on this topic, or whether it constitutes a rejection of GAC advice. The GAC advises the Board to set out its explanation in writing by 31 December 2018. Previous GAC advice on this matter stands.

  Extract of Board Reponse: (available in full in Annex)
  [...] The November 2016 resolution did not constitute a switch from a "release process" to a "curative process", but rather was the culmination of a multi-year process of development, which allowed for input from registry operators, GAC members and individual governments, and other community members. [....]

The Board examined the issue with respect to ICANN's mission, commitments and core values, and believes that it adopted a resolution that is consistent with GAC advice. The Board shares the GAC's concern that use of two-character strings corresponding to country codes should not be done in a way to deceive or confuse consumers, and, based on the process described in the ICANN org memo and Historical Overview, believes it has implemented a solution that resolves any issues related to user confusability. The Board is not aware of any further negative consequences from the 8 November 2016 resolution regarding security, stability, or user confusability

- Barcelona Communiqué V.1.a.ii
  Ensure that its direction to the ICANN CEO to "engage with concerned governments to listen to their views and concerns and further explain the Board's decision making process" (Board Resolution 2017.06.12.01) is fully implemented including direct engagement with those governments in order to fully address their concerns.

  Extract of Board Reponse: (available in full in Annex)
  [...] Although the Board believes that the advice to engage with concerned governments to explain the process and rationale has been fully implemented, the Board directs the ICANN President and CEO to continue to develop the tools as noted above to allow concerned GAC members to track two-character registrations.

Current Positions

ICANN63 GAC Advice

As a consequence of concerns expressed by a number of GAC members, in its ICANN63 Barcelona Communiqué, the GAC advised the ICANN Board to:

I. Explain in writing how and why it considers it is implementing GAC advice on the release of country codes at the second level and,

II. Explain in writing whether its Resolution of 8 November 2016 and its change from the preexisting release process (indicated in specification 5. 2 of the Registry Agreement, sentence 1) to a new curative process (under sentence 2) are compatible with GAC advice on this topic, or whether it constitutes a rejection of GAC advice. The GAC advises the Board to set out its explanation in writing by 31 December 2018. Previous GAC advice on this matter stands.

III. Ensure that its direction to the ICANN CEO to "engage with concerned governments to listen to their views and concerns and further explain the Board's decision making process" (Board Resolution 2017.06.12.01) is fully implemented including direct engagement with those governments in order to fully address their concerns.

ICANN63 Briefing document prepared for the GAC by GAC Vice-Chair Thiago Jardim in collaboration with a group of concerned countries (as shared with the ICANN Board)

The ICANN63 Briefing on Concerns Regarding the Release of 2-Character Country Codes at the Second Level under gTLDs was shared and discussed with the ICANN Board in Barcelona.

In summary, the briefing document, as prepared by GAC Vice-Chair Thiago Jardim (Brazil) in collaboration with a set of concerned countries over several conference calls, pointed to:

● Concerns with the release of country codes, as reiterated in previous GAC Communiqués, including: governments losing the ability to play a role in the release of their country codes and the ICANN Board not taking appropriate actions.

● "Serious procedural flaws" in the decision making process in relation to the Board decision of 8 November 2016

● An assessment of why, from a GAC perspective, "the removal of the 'Authorization Process' was inconsistent with GAC Advice".

Key Reference Documents

- ICANN Documentation in [letter from the ICANN CEO](#) to the GAC Chair (22 January 2019)

- [ICANN Organization Memo on the Implementation of the Procedure for Release of Two Character Labels and Standard Measures to Avoid Confusion with Corresponding Country Codes](#) (22 January 2019)

- [ICANN Organization Historical Overview of Events Regarding Two-Character Labels at the Second Level in the New gTLD Namespace](#) (22 January 2019)

- [ICANN63 Briefing](#) prepared for the GAC on this matter (20 October 2018), based on analysis of a compilation of the [History of GAC Advice and Ensuing Actions](#) (2 October 2018)

- [Authorization For Release of Letter/Letter Two-Character ASCII Labels at The Second Level](#) (13 December 2016)

- ICANN Board [resolution](#) including approved [Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#) (8 November 2016)

Further Information

ICANN Country Code Search Tool:
https://gac.icann.org/activity/second-level-country-code-registration-search

ICANN Org Website Reference Page:
https://www.icann.org/resources/two-character-labels

Document Administration

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