

Two Character Country Codes at the 2nd Level in New gTLDs

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ICANN64 GAC Plenary Meeting - Agenda Item 2.1

ICANN | GAC
Governmental Advisory Committee



- 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 ICANN Board [resolution](#) which retired a previously existing [Authorization Process for Release of Two-characters ASCII Labels](#) (8 November 2016)
- The ICANN63 [Briefing](#) (prepared for the GAC by GAC Vice Chair Thiago Jardim, Brazil) provides an overview of concerns that some GAC Members and the GAC have expressed over time with these developments.

- **Concerns** regarding the release of country codes at the second level include (for concerned countries):
 - Losing the ability to play a role in the release procedure
 - ICANN Board not providing a satisfactory explanation for the changes
 - ICANN Board not adopting measures to prevent further consequences for the concerned GAC members.

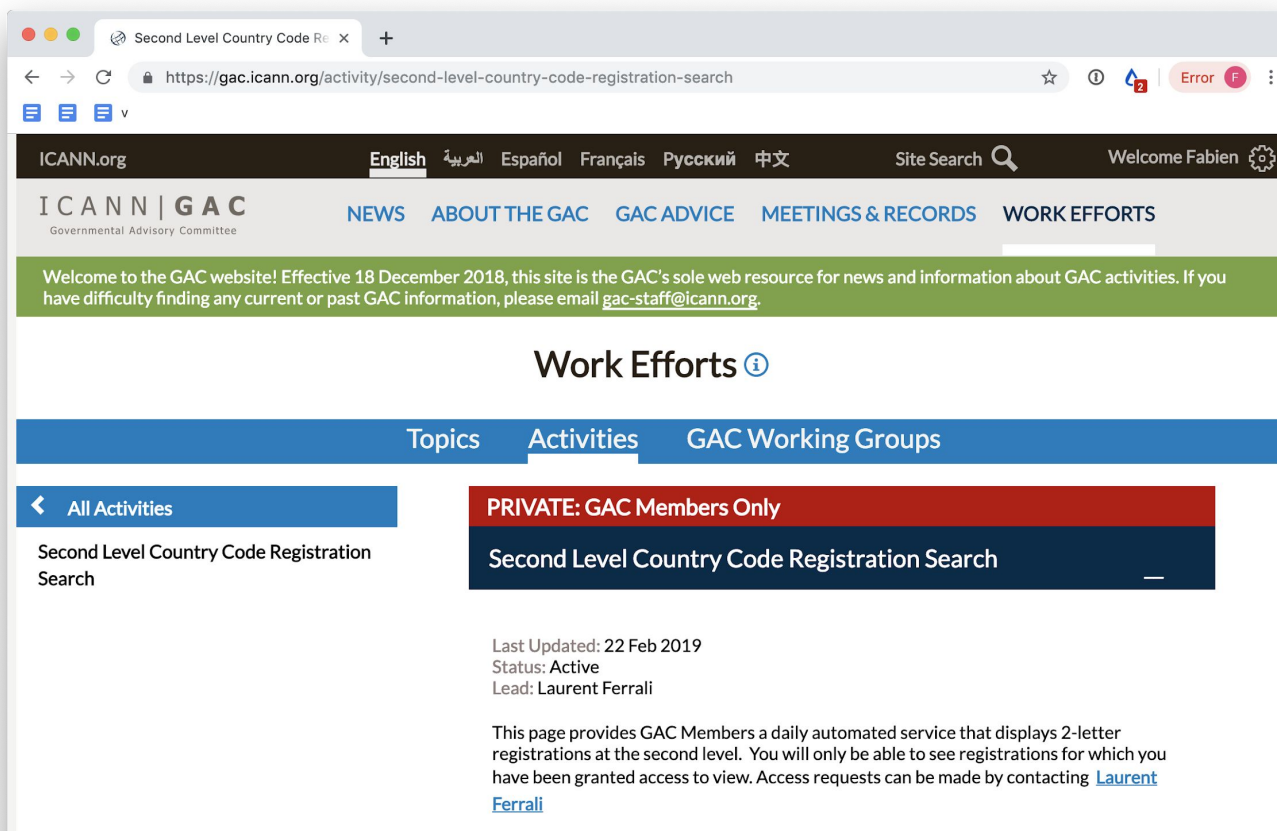
- The GAC considers that there have been **serious procedural flaws** in the decision-making process:
 - The Board adopting a decision significantly affecting a process that was the subject of a pending GAC Advice before it had considered and responded to that Advice.
 - The Board adopting a decision significantly affecting a process recommended under GAC Advice, particularly where there were subsequent uncertainties regarding the interpretation of new GAC Advice, without further consultation with the GAC.

- The removal of the “Authorization Process” was **inconsistent with GAC Advice**
 - GAC Advice recommended the establishment and retention by ICANN of the “Authorization Process”
 - ICANN developed and implemented this “Authorization Process” because of GAC Advice accepted by the Board.
 - Notwithstanding all the above, Board resolution of 8 November 2016 authorized the replacement of the “Authorization Process” by a “blanket authorization” for the release of all country codes.

- In the [GAC Barcelona Communiqué](#), the GAC Advised the ICANN Board to:
 - Explain in writing **how and why it considers it is implementing GAC advice** on the release of country codes at the second level;
 - Explain in writing **whether its Resolution** of 8 November 2016 **and its change** from the preexisting release process [...] **are compatible with GAC advice** on this topic, or whether it constitutes a rejection of GAC advice. [...]
 - Ensure that [Board Resolution 2017.06.12.01] is **fully implemented including direct engagement** with [concerned] governments in order to fully address their concerns.

- On 22 January 2019, ICANN org released [documentation](#) in response to the GAC's concerns:
 - A [Memo on Implementation of the Release Procedure](#) (15 pages)
 - Succinct explanation of events
 - Point by point response to the ICANN63 Briefing
 - An [Historical Overview of Events](#) (26 pages)
 - Background and developments leading to the Board Resolution
 - How GAC Advice was addressed
 - Record of communications with the GAC, Governments and ccTLD Managers
- On 27 January 2019, the Board addressed the GAC Advice in its [resolution](#) as laid out in the [Board Scorecard](#)

- On 26 February 2019, ICANN org introduced the Country Code Registration Search Tool available on the GAC Website:
<https://gac.icann.org/activity/second-level-country-code-registration-search>
(login required)



- Determine whether concerns of the GAC and GAC Members (substantive or procedural) were addressed by recent developments