

Akram Atallah
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By email: akram.atallah@icann.org

16 March 2016

Dear Akram,
Two Letter Codes

Thank you for meeting with a few of the members and supporters of the Brand Registry Group (BRG) on Wednesday, during ICANN 55.

During our meeting we were pleased to have the opportunity to discuss with you the longstanding issue regarding the release of two letter codes. This issue continues to raise major concerns for BRG members and other Brand TLD operators.

Currently, through the process defined by ICANN Staff, TLD registries are being asked to provide mitigation measures to avoid confusion for those labels that received comments from governments pertaining to confusion. You have asked that these mitigation measures to be notified to ICANN by 25 April 2016.

As we know, the process under which registries are seeking to release two letter codes is contained in Specification 5 of the RA which states that ["The Registry Operator may also propose the release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes, subject to approval by ICANN"](#).

The request for so-called "mitigation measures" implies that a registry has not already applied policies or controls to avoid confusion. However, Brand TLDs that have adopted Specification 13 have, by their very nature, already applied measures that avoid such confusion with the corresponding country code, namely the following:

- The Brand TLD is identical to a qualifying registered trade mark;
- It is not a Generic String, as this is defined in Specification 11;
- The Brand TLD has developed and will implement a closed registration policy that requires that all domain names in the Brand TLD be registered only by Registry Operator, its affiliates, or its trademark licensees;
- As required under the RA, the Brand TLD will clearly publish this registration policy;
- The Brand TLD will enforce this registration policy and ensure continued compliance, including through annual recertification of the Brand TLD's qualification for Specification 13.

The publicly available registration and usage policies would prevent governments from

registering domains in any registry that has adopted Specification 13. It would therefore clearly designate to the public that the registry was a proprietary space in which all second-level domains in the TLD were being operated by the registry and not any government.

Considering the above, and in order to streamline the process, the BRG would like to propose a simplified approach. Rather than demanding individual responses, the BRG could submit a response on behalf of all BRG members (or, potentially, all Specification 13 Brand TLDs), based on the above language and rationale. This would be far more efficient in terms of administration for the associated registries, ICANN and the GAC. This would not prevent individual submissions from any registries who so wished, but would allow many others to rely on a single, consistent response.

Could you please confirm if this approach would be acceptable to ICANN? Also, as ICANN Staff will be evaluating these responses, it would be helpful to know if the rationale we discussed and which is contained in this letter, would produce a positive outcome for Specification 13 Brand TLDs, and within a short time frame.

We look forward to hearing from you and if you have any questions please do let me know.

Yours sincerely,



Executive Director
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