

Staff Report of Public Comment Proceeding

Release of Country and Territory Names within the .TORAY and .PICTET TLDs

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Prepared By: Krista Papac

Public Comment Proceeding

Open Date: 28 March 2016

Close Date: 10 May 2016

Staff Report: 24 May 2016

Due Date:

Important Information Links

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[View Comments Submitted](#)

Staff Contact: Krista Papac

Email: krista.papac@icann.org

Section I: General Overview and Next Steps

General Overview:

Two (2) [Registry Services Evaluation Policy \(RSEP\)](#) requests were submitted by the registry operators listed below to allow the release of country and territory names for the below TLDs. In total, the requests concern 2 New gTLDs.

Proposal	TLD	Registry Name	Documents
2016009	pictet	Pictet Europe S.A.	Pictet Europe S.A. Request 1 February 2016
2016008	toray	Toray Industries, Inc.	Toray Industries, Inc. Request 28 January 2016

As required by the RSEP, ICANN made a preliminary determination on whether these RSEP proposals might raise significant competition, security or stability issues. ICANN's preliminary review (based on the information provided) did not identify any such issues.

Following ICANN's preliminary determination that the proposals do not raise significant competition, security or stability issues, ICANN proposed to implement the registry service by amending the respective Registry Agreements.

From 28 March 2016 – 10 May 2016, ICANN posted the proposed RA amendments for public comment, which resulted in three comments.

Next steps

As provided in Section 4 of Specification 5 of the Registry Agreement, a registry operator may propose the release of reserved country and territory names "subject to review by ICANN's Governmental Advisory Committee and approval by ICANN". In its [Singapore Communiqué](#) (11

February 2015), the GAC advised ICANN Board to “work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement”.

Subsequent to the GAC’s Singapore Communiqué (11 February 2015), on 23 April 2015, the GAC Chair sent a [letter](#) to the Chairman of the ICANN Board, confirming its intent to work on a proposal for the development of such database for the process for release of country and territory names. The GAC indicated in its letter that “The GAC has started to work on a proposal for such a database and on related aspects of the process for release of country and territory names. This work has priority status for the GAC and a proposal will soon be shared with ICANN. In the meantime, it is the expectation of the GAC that a realistic timeline will be followed, and that existent RSEP requests will not be approved before an adequate process involving the GAC and individual governments in the release of country and territory names at the second level has been developed.” On 14 April 2015, the Brand Registry Group (BRG), the Business Constituency (BC) and the Intellectual Property Constituency (IPC) submitted a [letter](#) to the ICANN Board, offering a joint proposal on the matter of the release of country and territory names and two-letter labels at the second level. The letter requests confirmation that the database project referenced in the GAC’s April 23rd letter is underway, and the anticipated timeframe for making this information available.

Also it is stated in the [GAC’s Buenos Aires Communiqué](#) (24 June 2015) that “the GAC is continuing to develop a database of country requirements for notification of requests for release of country/territory names at the second level in new gTLDs (reserved according to the application rules for new gTLDs), with options for governments to state that they do not object to release and abstain from notifications for such requests”. [The list](#) was finalised and published on the GAC website on 30 July 2015.

On 12 October 2015, ICANN published the Country and Territory Names webpage to provide information regarding names currently reserved under Specification 5 Section 4 of the [New gTLD Registry Agreement](#). The webpage provides clarification regarding the [Governmental Advisory Committee Notification Requirements list](#) established to facilitate notification of registry requests for release of country and territory names as second-level domains in new gTLDs.

To access the Country and Territory Names webpage, please visit <https://www.icann.org/resources/country-territory-names>.

ICANN will consider these comments along with the advice from the GAC as it considers whether or not to approve the requested amendments.

Section II: Contributors

At the time this report was prepared, a total of three community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor’s initials.

Organizations and Groups:

Name	Submitted by	Initials
Intellectual Property Constituency	Gregory S. Shatan	IPC
Business Constituency	Steve DelBianco	BC
GAC Representative - Singapore	Ser Pheng Queh	SG

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Three comments have been posted to the public comment forum during the public comment period. While two of the comments support the release of country and territory names within .TORAY, .PICTET and more generally .BRAND TLDs, the other comment submitted by the GAC representative of Singapore is opposed to release of both two-letter country codes and country and territory names with respect to Singapore in all gTLDs.

Regarding the proposed introduction of country and territory names within .TORAY, .PICTET and .BRAND TLDs:

The two comments submitted supports the release of country and territory domain names within the .TORAY and .PICTET TLDs and also more generally within .BRAND TLDs.

“The use of country and territory names will allow such a .BRAND registry to segment its TLD in a way that is meaningful to Internet users around the globe. Geographic segmentation will bring greater efficacy to .BRAND TLDs, ultimately benefitting businesses and consumers by helping the registry operator target content to audiences in specific geographic regions, using linguistically appropriate domain names and content. In addition, we firmly believe that the release of country and territory names for .BRAND TLDs will enhance security and trust in online commerce by permitting businesses to exercise more control over the security and stability of their customized web sites.” (BC)

“The ability to use country and territory names at the second level in .TORAY and .PICTET or any .BRAND TLD, serves the purposes and goals of new .BRAND TLDs by providing user-friendly, safe and secure geographically-targeted spaces for consumer-brand online interactions, which aligns more broadly with new gTLD program goals of consumer trust, choice, and competition in the online global marketplace” (IPC)

One of the comments also proposed a process for .BRANDs to release country and territory names:

“It seems unnecessary to rigidly apply current blanket restrictions against all second-level country codes and country names within restricted dot.brand registries....It would be inefficient to force .BRANDs to individually reach agreement with ICANN and each respective government and country-code manager. As an alternative to ICANN recognizing an exemption to Registry Agreement §2.6 and Specification 5, ICANN should define a clear and timely path forward for .BRANDs to release geographic names at the second level.” (IPC)

Regarding the release of both two-letter country codes and country and territory names in all gTLDs:

The other comment, submitted by the GAC representative of Singapore, is opposed to release of both “.sg” and “.singapore” in all gTLDs because of the concern that such use would create public confusion. On the other hand, the comment further explained that they are open to considering the release of “.sg” and “.singapore” only if the registry operator has a robust framework in place to address the concerns of the government. Accordingly, the comment also advised ICANN to also focus on post-release issues by putting a holistic and robust framework in place that should include processes such as governments to have the ability to issue a notice to object to the content or manner-of-use that is misleading and provisions that would require registry operator to re-seek approval from the related government should there be material changes in ownership or organizational control, and for ICANN to take actions against the registry operator should they fail to comply with the framework. (e.g. implement a process for country/territory to raise objections to ICANN and for ICANN to take appropriate remedial actions such as remove/delete/revoke affected names).

Section IV: Analysis of Comments

General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.

Three comments have been posted to the public comment forum during the public comment period. While one of the comments support the release of country and territory names within .PICTET, .TORAY and more generally .BRAND TLDs, the other comment submitted by the GAC representative of Singapore is opposed to release of both two-letter country codes and country and territory names with respect to Singapore in all gTLDs.

In sum, both the BC and IPC expressed that geographic segmentation will bring greater efficacy to .BRAND TLDs and that allowance of such names within .BRAND TLDs will bring value to brand owners and their audiences (improved user experience, relevance and localization of content, enhanced security and trust). Also, BC indicated that use of country and territory names within a .BRAND registry will always avoid confusion with an official government web property and IPC further commented that the fact that new .BRAND TLDs will own all domains associated with the TLD will significantly minimize the opportunity for confusion, intellectual property violations, and other potential abuse. Additionally, both commenters noted that legacy and sponsored gTLD already use these names required to be reserved by New gTLD registries.

On the other hand, the other comment, submitted by the GAC representative of Singapore, is opposed to release of both “.sg” and “.singapore” in all gTLDs because of the concern that such use would create public confusion. The comment further explained that they are open to considering the release of “.sg” and “.singapore” only if the registry operator has a robust framework in place to address the concerns of the government.

It should be noted that Specification 13 has been granted for .TORAY on 18 December 2014 and Specification 13 has been granted for .PICTET on 4 September 2014.

In response to these comments regarding the process for releasing reserved country and territory names, ICANN notes that similar comments emerged from the community with respect to the previously published public comments for similar RSEP requests. (See:

<https://www.icann.org/public-comments/ctn-release-neustar-2014-09-19-en>,
<https://www.icann.org/public-comments/bmw-mini-amendment-2014-12-11-en>,
<https://www.icann.org/public-comments/ctn-release-tlds-2015-01-06-en>,
<https://www.icann.org/public-comments/emerck-hamburg-berlin-amendment-2015-03-02-en>,
<https://www.icann.org/public-comments/ctn-release-tlds-2015-03-31-en>,
<https://www.icann.org/public-comments/ctn-release-tlds-2015-05-13-en>,
<https://www.icann.org/public-comments/ctn-release-tlds-2015-05-26-en>,
<https://www.icann.org/public-comments/ctn-release-tlds-2015-06-21-en>
<https://www.icann.org/public-comments/ctn-release-tlds-2015-09-01-en> and
<https://www.icann.org/public-comments/ctn-release-tlds-2015-12-15-en>.)

Also, on 11 February 2015, the GAC, in its [Singapore Communiqué](#), advised ICANN Board to “work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement”. Subsequent to the GAC’s Singapore Communiqué (11 February 2015), on 23 April 2015, the GAC Chair sent a [letter](#) to the Chairman of the ICANN Board, confirming its intent to work on a proposal for the development of such database for the process for release of country and territory names. The GAC indicated in its letter that “The GAC has started to work on a proposal for such a database and on related aspects of the process for release of country and territory names. This work has priority status for the GAC and a proposal will soon be shared with ICANN. In the meantime, it is the expectation of the GAC that a realistic timeline will be followed, and that existent RSEP requests will not be approved before an adequate process involving the GAC and individual governments in the release of country and territory names at the second level has been developed.”

And also it is stated in the [GAC’s Buenos Aires Communiqué](#) (24 June 2015) that “the GAC is continuing to develop a database of country requirements for notification of requests for release of country/territory names at the second level in new gTLDs (reserved according to the application rules for new gTLDs), with options for governments to state that they do not object to release and abstain from notifications for such requests”. [The list](#) was finalised and published on the GAC website on 30 July 2015.

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