

ICANN Organization Report of Public Comment Proceeding Template (v4.0)

TITLE: Release of Country and Territory Names within the .IKANO, .SAXO, .SCOR, .SANDVIK, .WALTER, .SANDVIKCOROMANT, .VISTA, .VISTAPRINT, .BARCLAYS, .BARCLAYCARD and .HERMES TLDs

Publication Date:	24 March 2017																		
Prepared By:	Cyrus Namazi																		
<table border="1"> <tr> <th colspan="2">Public Comment Proceeding</th> </tr> <tr> <td>Open Date:</td> <td>12 January 2017</td> </tr> <tr> <td>Close Date:</td> <td>10 March 2017</td> </tr> <tr> <td>ICANN Organization Report Due Date:</td> <td>25 March 2017</td> </tr> </table>		Public Comment Proceeding		Open Date:	12 January 2017	Close Date:	10 March 2017	ICANN Organization Report Due Date:	25 March 2017	<table border="1"> <tr> <th colspan="2">Important Information Links</th> </tr> <tr> <td colspan="2" style="text-align: center;">Announcement</td> </tr> <tr> <td colspan="2" style="text-align: center;">Public Comment Proceeding</td> </tr> <tr> <td colspan="2" style="text-align: center;">View Comments Submitted</td> </tr> </table>		Important Information Links		Announcement		Public Comment Proceeding		View Comments Submitted	
Public Comment Proceeding																			
Open Date:	12 January 2017																		
Close Date:	10 March 2017																		
ICANN Organization Report Due Date:	25 March 2017																		
Important Information Links																			
Announcement																			
Public Comment Proceeding																			
View Comments Submitted																			
ICANN Organization Contact:	Cyrus Namazi	Email:	cyrus.namazi@icann.org																

Section I: General Overview and Next Steps

General Overview:

Eleven (11) [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 11 New gTLDs.

Proposal	TLD	Registry Name	Documents
2016051	hermes	HERMES INTERNATIONAL	HERMES INTERNATIONAL Request 12 October 2016
2016050	barclaycard	Barclays Bank PLC	Barclays Bank PLC Request 12 October 2016
2016049	barclays	Barclays Bank PLC	Barclays Bank PLC Request 12 October 2016
2016048	vistaprint	Vistaprint Limited	Vistaprint Limited Request 12 October 2016
2016047	vista	Vistaprint Limited	Vistaprint Limited Request 12 October 2016
2016046	sandvikcoromant	Sandvik AB	Sandvik AB Request 12 October 2016
2016045	walter	Sandvik AB	Sandvik AB Request 12 October 2016
2016044	sandvik	Sandvik AB	Sandvik AB Request 12 October 2016

2016043	scor	SCOR SE	SCOR SE Request 12 October 2016
2016042	saxo	Saxo Bank A/S	Saxo Bank A/S Request 12 October 2016
2016039	ikano	Ikano S.A.	Ikano S.A. Request 28 July 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 12 January 2017 – 10 March 2017, ICANN posted the proposed RA amendments for public comment, which resulted in eight 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 eight 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
Telecommunications Regulatory Authority - Oman	Aisha Al-Mamari	TRA
Registry Stakeholder Group	Stéphane Van Gelder	RySG
GAC Representative - Singapore	Ser Pheng Queh	SG
Vietnam Internet Network Information Center	Ph. Quan ly tai nguyen Internet	VNNIC
Intellectual Property Constituency	Gregory S. Shatan	IPC
Business Constituency	Steve DelBianco	BC
GAC Representative – India	T.Santhosh	IN
Asia Pacific Top Level Domain Association	Patrick Myles	APTLTD

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).

Eight comments have been posted to the public comment forum during the public comment period. While few of the comments support the release of country and territory names within .IKANO, .SAXO, .SCOR, .SANDVIK, .WALTER, .SANDVIKCOROMANT, .VISTA, .VISTAPRINT, .BARCLAYS, .BARCLAYCARD and .HERMES TLDs, more generally .BRAND TLDs, some comments either expressed their opposition to

the release of country and territory names within all new gTLDs, including .IKANO, .SAXO, .SCOR, .SANDVIK, .WALTER, .SANDVIKCOROMANT, .VISTA, .VISTAPRINT, .BARCLAYS, .BARCLAYCARD and .HERMES TLDs or expressed conditional support on the release of such names. On the other hand, one commenter expressed their concern over the utilization of RSEP and amendment process to release country and territory names and also ICANN Organization's repeated requests for community input on the release of country and territory names.

Comments supporting the release of country and territory names within .IKANO, .SAXO, .SCOR, .SANDVIK, .WALTER, .SANDVIKCOROMANT, .VISTA, .VISTAPRINT, .BARCLAYS, .BARCLAYCARD and .HERMES TLDs and more generally .BRAND TLDs:

Both BC and IPC maintain their historic position supporting the release of country and territory names within .BRAND TLDs.

“The use of country and territory names will allow .BRAND registries to create customized and relevant localized content for consumers in various countries and regions across the world, especially in developing nations with predominantly non-English speaking populations. This geographic segmentation will not only bring greater efficacy to .BRAND TLDs, but it will benefit businesses and consumers alike by fueling economic development in regions which currently have limited choice with respect to linguistically and culturally tailored 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....the use of country and territory names within a .BRAND registry will always avoid confusion with an official government web property.” (BC)

“The ability to use country and territory names at the second level in these 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. Furthermore, nearly all legacy and sponsored TLDs, including .COM and .NET, are already permitted to freely register country and territory names at all available levels to any registrant for any purpose. New .BRAND TLDs, including the Applicable TLDs, which will own all domains associated with the TLD, will much more tightly and responsibly control the registration and use of such names and thereby significantly minimize the opportunity for confusion, intellectual property violations, and other potential abuse. These .BRAND TLDs should therefore be afforded the same privilege as legacy TLDs to freely register country and territory names in their respective .BRAND TLDs.” (IPC)

The IPC 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 .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)

Comments either opposing to the release of country and territory names in all gTLDs or expressing conditional support on the release of such names

While VNNIC expressed their objection to the proposed amendments which will allow the release of country and territory names currently reserved under Section 4 of Specification 5 of the Registry Agreement in .IKANO, .SAXO, .SCOR, .SANDVIK, .WALTER, .SANDVIKCOROMANT, .VISTA, .VISTAPRINT, .BARCLAYS, .BARCLAYCARD and .HERMES TLDs, both TRA and SG expressed their opposition to the release of both two-character country codes and country and territory names at the second level domain names. On the other hand, while SG 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, IN suggested that certain measures to be taken to allow release of such names and also APTLD expressed that they do not have any concerns regarding the release of such names only if the requirements under Specification 5 of the Registry Agreement are complied with.

- “The “.om” code is assigned to Oman as per ISO standard 3166, and thus Oman is identified widely in the internet and outside the internet by this code. Therefore, Sultanate of Oman government is deeply concerned that releasing the two characters of its country code, country name and any other related codes or names of any part of Oman at the second level will be misleading and confusing for internet users.” (TRA)
- “We recognise there are legitimate and valid reasons for such use. However, we are of the view that it is prudent for ICANN to first put in place a holistic and robust framework, much like how it was done for the release of 2-character country-codes, before approvals can be given. More thoughts need to be given to the evaluation process and in particular the remedies available should a registry operator use the approved names in an undesirable manner.” (SG)
- “a) Registry requesting Country and Territory Names at all-levels of domains in new gTLDs/IDN new gTLDs should requisite relevant Government or public authority. b) India should continue to be the part of Category R. Category R is comprised of countries/territories that are required to be notified of all requests (R) c) Application Guide book should be amended to stop the abuse of ‘Geo-graphic Names, Country and Territory Names’ at all levels. d) Following safety measures may be included to avoid abuse of country and territory names where domain name have strings at any level, representing Geo-graphic Names, Country and Territory Names: i. Identical or confusingly similar to Geographic Names, Country and Territory Names or its acronym. ii. Domains used for Cyber Squatting.” (IN)
- “In general, APTLD members have no concern for the 11 Brand Registries to release the country and territory names under the 2nd Level of the gTLD space, if the requirements under Specification 5 of the Registry Agreement are complied with. That is, BRs are to seek agreement from the governments who have notified the GAC of the requirement for Registry Operators (including Brand Registries) to notify them. Next, ICANN has to make known its criteria for approving the requests by Registry Operators for release of the country and territory names. Notwithstanding, ICANN has to look into a dispute resolution mechanism between governments and ccTLDs managers and Registry Operators (including Brand Registries).” (APTLD)

Other comments

One commenter expressed their concern on the utilization of RSEP mechanism and also contract amendment process to release of country and territory names at the second level. Additionally, the same commenter expressed their concern over ICANN Organization's repeated requests for community input on the release of country and territory names.

- "The RSEP is intended to apply where a Registry operator or sponsoring organisation is wishful of changing the architecture or operation of an existing TLD registry service, or introducing a new TLD registry service. The release by a registry of domain names at the second level matching the names of countries and territories is no different to the release of any other domain names by that registry – there is no new registry service or change to the operation of an existing registry service. This is effectively acknowledged by the ICANN advisory on the Governmental Advisory Committee (GAC) Notification Requirements List: where Governments have stated that they do not require any notification, either for all TLDs or for the subset of Brand TLDs, ICANN authorises the release of the names in question by means of that advisory, without requiring Registry Operators to submit an RSEP. If the release of country and territory names were a new registry service, an RSEP would still be required, irrespective of government consent." (RySG)
- "The Registry Agreement does in fact allow for the release of these country and territory names 'subject to review by ICANN's Governmental Advisory Committee and approval by ICANN'. ICANN has the power, therefore, to approve the release of country and territory names without amending the Registry Agreement, if it so chooses, provided that it duly takes into account the advice of the GAC, in accordance with its Bylaws." (RySG)
- "The first of these requests for public comment was issued in September 2014, relating to the RSEP request submitted by Neustar Inc on 21 August 2014. Since then, a further 60 such requests have been published for public comment, including these current requests. It would appear that none of the Registries in question have been granted permission to release country and territory names. ICANN appears to have made no decision to approve their release, nor does it appear to have notified any of the Registries that approval is denied. Furthermore, in all this time, ICANN has taken no publicly-visible steps to facilitate a process by which Registries might obtain approval from governments...We would like to urge ICANN to discontinue this practice, and instead expend its resources in developing a solution – whether that be to formally reject the GAC advice on this issue and grant approval for release; or to facilitate a practical process for obtaining governmental consent." (RySG)

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.

Eight comments have been posted to the public comment forum during the public comment period. While few of the comments support the release of country and territory names within .IKANO, .SAXO,

.SCOR, .SANDVIK, .WALTER, .SANDVIKCOROMANT, .VISTA, .VISTAPRINT, .BARCLAYS, .BARCLAYCARD and .HERMES TLDs, more generally .BRAND TLDs, some comments either expressed their opposition to the release of country and territory names within all new gTLDs, including .IKANO, .SAXO, .SCOR, .SANDVIK, .WALTER, .SANDVIKCOROMANT, .VISTA, .VISTAPRINT, .BARCLAYS, .BARCLAYCARD and .HERMES TLDs or expressed conditional support on the release of such names.

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>
<https://www.icann.org/public-comments/ctn-release-tlds-2015-12-15-en>
<https://www.icann.org/public-comments/ctn-release-tlds-2016-03-28-en>
<https://www.icann.org/public-comments/ctn-release-tlds-2016-04-27-en>
<https://www.icann.org/public-comments/ctn-release-tlds-2016-07-19-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.

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>.

Additionally, the Registries Stakeholder Group (RySG) expressed their concern over the utilization of RSEP process to release country and territory names. Under the Registry Services Evaluation Policy, “Registry Services” are defined as:

- A. *those services that are both: (i) operations of the registry critical to the following tasks: the receipt of data from registrars concerning registrations of domain names and name servers; provision to registrars of status information relating to the zone servers for the TLD; dissemination of TLD zone files; operation of the registry zone servers; and dissemination of contact and other information concerning domain name server registrations in the TLD as required by the Registry Agreement; and (ii) provided by the Registry Operator as of the Effective Date of the Registry Agreement, as the case may be;*
- B. *other products or services that the Registry Operator is required to provide because of the establishment of a Consensus Policy (as defined above);*
- C. *any other products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator; and*
- D. *material changes to any Registry Service within the scope of (A), (B) or (C) above.*

Based on the definition of a registry service, registries submitted, and ICANN Organization evaluated the requests as outlined in the policy.

The Registry Agreement only allows for the release of country and territory names by one of two pathways: (1) the reserved names may be released to the extent that Registry Operator reaches agreement with the applicable government(s), or (2) the Registry Operator may release the reserved names subject to review by the GAC and approval by ICANN Organization. While the GAC published a [database](#) to facilitate notification of registry requests for the release of country and territory names, ICANN Organization acknowledges that this is still an open matter and is actively working on arriving at a resolution.

The RySG also suggested that an amendment is not required to release country and territory names. ICANN Organization appreciates this comment and refers to the path outlined in Section 2.1 of the Registry Agreement in which an “Additional Service” may require an amendment to the Registry Agreement.

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