

# Registries Stakeholder Group Statement



## Proposed Procedure for Selecting a Top-Level Domain String for Private Use

Date statement submitted<sup>1</sup>: 28 February 2023

Reference url:

<https://www.icann.org/en/public-comment/proceeding/proposed-procedure-for-selecting-a-top-level-domain-string-for-private-use-13-01-2023> .

### Background<sup>2</sup>

[SAC113: SSAC Advisory on Private-Use TLDs](#) (Sept 2020) explains the problem of private-use TLDs and recommends that the ICANN Board ensure a string is identified and reserved at the top level of the DNS for private use, and that this particular string must never be delegated.

ICANN org has published an initial version of the procedure for how it will choose a string, **and invites input on whether that procedure fulfils the recommendation and the criteria given in SAC113.**

Note: this public comment proceeding is ONLY ON THE PROCEDURE, not on the criteria from SAC113, nor is ICANN seeking suggestions for possible strings that meet the criteria.

### Documents

- [Procedure for Selecting a Top-Level Domain String for Private Use \(pdf, 43.32 KB\)](#)

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## Registries Stakeholder Group Comment

The Registries Stakeholder Group (RySG) appreciates the opportunity to comment on the proposed procedure for selecting a top-level domain string for private use.

Perhaps most importantly, the RySG agrees on the importance of determining a top-level domain string for private use. The SSAC notes in SAC113 that “reserving a name for this purpose now may limit future incidents of name collisions at the top level and simplify policy for future new gTLD rounds” and the RySG agrees with this observation.

Further, the RySG believes that a process for determining a top-level domain string is important to help preserve the investment made by numerous stakeholders into currently delegated TLDs. That is, without a process for selecting a top-level domain string for private use, actors who seek such a string may face no barrier, implicit or explicit, from selecting a string which negatively impacts an already-delegated domain.

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<sup>1</sup> This is a copy of the text submitted via the ICANN Public comment platform.

<sup>2</sup> Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.

These positives notwithstanding, the RySG does not agree with the level to which ICANN proposes to delegate to IANA the responsibility for selecting the string, given the described string selection process.

The proposed approach contains two steps which are self-described as subjective. To the extent that the process of picking a name might be subjective, we would deem this to be something that is within ICANN's remit, whereas IANA's remit is in the administrative and objective realm.

The RySG notes that the proposed procedure does not cite any recommendation in SAC113 which indicates that IANA should be making any subjective decisions related to the topic. Further, SAC113 identifies that in the past, the IETF asked IANA to undertake the administrative task of creating a special use registry via RFC 6761 and then specified certain names to be contained in it. The IETF did *not* ask IANA to decide what names should be placed in the special use registry.

The RySG believes that burdening IANA with these subjective decisions will either expose IANA to reputational harm regarding its impartiality or lead to a suboptimal solution.

In addition to this overall issue related to delegating the core responsibility to IANA the RySG has identified additional shortcomings with the approach:

- Given that the approach contains two subjective steps, the mechanism described in the proposal has little predictability as there are relatively few constraints or guidelines regarding the subjective criteria;
- Since the choice of label “will be identified through deliberation within an internal evaluation team” there is limited transparency regarding both the process and the extent to which the defined process was followed;
- None of the four proposed criteria takes into account the possible impact on future expansion of the root zone and how a newly established private use TLD would necessarily prevent the future establishment of other TLDs whose strings would then be considered confusingly similar to the private use TLD; and
- The proposal regarding the Public Comment Proceeding does not give the opportunity to comment on the selected string. We view this restriction as unwarranted and not in keeping with the Public Comment process. If this were the case with all Public Comment Proceedings, then, for example, one could not comment on the policy changes determined by a PDP, but only on the process used by the PDP during deliberations.

**The RySG suggests the following changes:**

- The process should be executed by ICANN Org, with expert input from IANA (and others as described in the Introduction);
- The criteria should be expanded to include one that takes into account possible impact on future expansion of the root zone; and
- The Public Comment Proceeding must allow for comments about the selected string.

*Summary of Submission:*

*The RySG agrees on the importance of determining a top-level domain string for private use and provides comments on the proposed selection procedure.*