

## **GNSO gTLD Registries Stakeholder Group Statement**

**Issue:** The protection of Geographic Names in the New gTLDs process

**Date:** December 31, 2014

**URL:** <https://gacweb.icann.org/display/gacweb/Community+Input+-+The+protection+of+Geographic+Names+in+the+New+gTLDs+process>

The Registries Stakeholder Group (RySG) appreciates the opportunity to comment on the Governmental Advisory Committee (GAC) proposal on The Protection of Geographic Names in the New gTLD Process (“GAC Geographic Names Proposal”) and applaud the GAC’s decision to open up a public comment period on the proposal.

The RySG first wishes to endorse the comments submitted by the Business and Commercial Users Constituency (BC). We agree with the BC that it is impractical and unreasonable to use the general categories contained in the GAC Geographic Names Proposal, rather than the definitive lists referenced in the 2012 New gTLD Applicant Guidebook, to determine whether or not a string is a geographic name. The categories proposed by the GAC are overly broad, have no basis in international law, and could be applied subjectively and unpredictably. That approach would give the GAC an effective right of approval over the use in the Domain Name System of terms within ill-defined and hard to apply categories, which could undermine legitimate commercial interests and free expression alike. Many such terms have multiple meanings and applications that would not go against the public interest. Further, expanding the list of geographic names beyond defined and internationally recognized lists severely complicates the task of identifying and seeking support or non-objection from a relevant authority; for many names that could be deemed to fall under the categories put forward, the existence or scope of authority for any “relevant authority” would be open to debate. Finally, the exclusive right of governments to use these broad categories of names within the DNS or to reject their use by third parties outside their national boundaries, is not provided for within international law.

The RySG is, additionally, concerned that the broad nature of the categories proposed and the lack of a clear basis provided for a “relevant authority” to reject a Generic Top Level Domain (gTLD) that is deemed to fall within the scope of the GAC Geographic Names Proposal creates the potential for disparate treatment of new gTLD applicants. While we respect the important role the GAC plays in the multi-stakeholder model, that role must not be exercised to compel ICANN Board and staff to take actions that violate ICANN’s governing documents. The absence of a clearly understood test, grounded in international law principles, could clear the way for such disparate and unfair treatment of new gTLD applications downstream, in contravention of the ICANN bylaws.

The RySG would also like to express additional concerns with respect to the process by which the GAC Geographic Names Proposal is being brought forward. Acceptance of the GAC Geographic Names Proposal would require significant changes to policies developed by the Generic Names Supporting Organization (GNSO), and yield significant and material impacts for prospective applicants for new gTLDs. In accordance with the ICANN Bylaws – and consistent

with the very foundation of the multistakeholder model – policies affecting the Generic Namespace must be developed through the GNSO Policy Development Process (PDP).<sup>1</sup> If the GAC wishes to further pursue the recommendations put forward in the GAC Geographic Names Proposal the requisite next step per the ICANN Bylaws is for the GAC to submit a request for an issues report to the GNSO Council.

We thank the GAC for the opportunity to comment on the GAC Geographic Names Proposal.

### **RySG Level of Support**

1. Level of Support – Active Members: N/A<sup>2</sup>
2. Minority Position(s): None
3. List of voting and non-voting members:
  1. Afilias, Ltd.
  2. Charleston Road Registry (non-voting member)
  3. .CLUB Domains LLC
  4. China Organization Name Administration Center (CONAC)
  5. CORE (non-voting member)
  6. DNS Belgium vzw
  7. Donuts Inc.
  8. DotAsia Organisation
  9. dotBERLIN GmbH & Co. KG
  10. dotCooperation (inactive)
  11. Dot Kiwi Ltd.
  12. Dot Latin, LLC
  13. DotShabaka Registry
  14. dotStrategy Co.
  15. Employ Media LLC
  16. European Broadcasting Union (EBU)
  17. Famous Four Media
  18. Foundation for Assistance for Internet Technologies and Infrastructure Development (FAITID) (non-voting member)
  19. fTLD Registries LLC
  20. Fundació puntCAT (inactive)
  21. GMO Registry, Inc. (non-voting member)
  22. ICM Registry LLC
  23. InterNetX Corp. (non-voting member)
  24. IRI Domain Management, LLC
  25. KNET (non-voting member)
  26. Minds + Machines
  27. Museum Domain Management Association – MuseDoma (inactive)
  28. National Association of Boards of Pharmacy (NABP)
  29. National Association of Real Estate Investment Trusts Inc.
  30. Neustar, Inc

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<sup>1</sup> The steps of the PDP that must be followed in order to develop policies for gTLDs are described in full in Annex A of the ICANN Bylaws.

<sup>2</sup> Level of Support of Active Members: No votes were taken to assess the level of support, however, no objections by RySG members were raised during consultation and all stakeholder group input was accounted for in the draft.

31. Nomiinet
32. Nucleo de Informacao e Coordenacao do Ponto BR (NIC.br)
33. OP3FT
34. Plan Bee LLC
35. Public Interest Registry - PIR
36. Punkt.wien GmbH
37. Punkt Tirol GmbH
38. Punto 2012 S.A. de C.V.
39. Radix FZC
40. Region D Alsace
41. Richemont DNS
42. Rightside Registry (non-voting member)
43. Societe Internationale de Telecommunication Aeronautiques – SITA
44. Sky IP International Ltd.
45. Starting Dot Limited
46. Telnic Limited
47. The Foundation for Network Initiatives “The Smart Internet”
48. Top Level Design LLC
49. Tralliance Registry Management Company (TRMC)
50. Uniregistry Corp. (non-voting member)
51. Universal Postal Union (UPU)
52. VeriSign
53. XYZ.COM LLC
54. Zodiac

- Names & email addresses for points of contact
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Regarding the issue(s) noted above, the following position(s) represent(s) the views of the ICANN GNSO gTLD Registry Constituency (RySG) as indicated. Unless stated otherwise, the RySG position(s) was (were) arrived at through a combination of RySG email list discussion and RySG meetings (including teleconference meetings).