

Akram Atallah  
President, Global Domains Division  
Internet Corporation for Assigned Names and Numbers  
12024 Waterfront Drive, Suite 300  
Los Angeles, CA 90004-2536

Dear Akram

The [Process for Requesting Authorisation for Release of Letter/Letter Two Character Labels](#) was developed to provide an efficient process for registry operators to request the release of letter/letter two character ASCII labels at the second level of their TLD.

This process has resulted in many registry operators being authorized to use letter/letter combinations at the second level. However, there are concerns about the process as it relates to the review of comments received from individual governments. ICANN has stated that they will not authorize the release of letter/letter combinations that receive comments from a government, which suggest that ICANN is not following their own process, which states, in part "...that comments will be reviewed and considered by ICANN", and further that "if there are no relevant or reasoned objections to the request, ICANN will authorize the requested letter/letter two character labels to be released."

ICANN published the following as instructions for prospective commenters:

***Process as it relates to: Submitting Comments on Letter/Letter Requests***

*To post a comment to a request, click the "Submit Comments" hyperlink located next to the request in the table below. Only those comments submitted while the public comment period is open will be considered. If a comment is submitted for a letter/letter two-character label that has already been authorized for the TLD, the comment will not be considered.*

*When submitting a comment, please include the two-character label reference #, the first name of the commenter, the last name of the commenter, the title/position of the commenter, the commenters respective government (if applicable), and the comments on the request. ICANN may use the email address of the commenter to further communicate with the requestor and/or to substantiate or clarify the request. This may also be provided to the Registry Operator, if requested.*

*Comments will be reviewed and considered by ICANN in determining whether to authorize the release of requested Letter/Letter Two-Character ASCII Labels.*

In addition, in a blog posted on [12 November 2014](#), and an announcement of [1 December 2014](#), ICANN also noted that:

If there are no relevant or reasoned objections to the request, ICANN will authorize the requested letter/letter two character labels to be released.

As such, it would also appear that Process intended the following:

- Only comments submitted while the public comment period is open will be considered.
- Individual comments are to be submitted for every request, i.e. blanket objections are not allowable.
- Comments will be reviewed and considered by ICANN in determining whether to authorize the release of the requested letter/letter combination.
- Irrelevant or unreasonable objections will not be sufficient to block a registry operator's request.

An analysis has been conducted of the comments received to date by the RySG and while it is acknowledged that there are some comments that have been provided in good faith and that due consideration has been given to the intent of the Process, there are many comments which we consider to be inconsistent with the intent of the Process as defined by ICANN:

- Some comments are not relevant, for example the Indian Government's objection to the use of 'LN' at the second level of any TLD. 'LN' is not the country code for India and is actually not a country code.
- Some comments are not reasoned, for example the comments for Israel simply stated: "IL is the country code for Israel, and I'm writing to submit an objection to the release of the IL as the second level name, in conjunction with any new gTLD."
- Some comments are blanket objections across all TLDs or a category of TLDs, such as Category 1 Safeguards, for example China, Hong Kong, and Singapore.
- Some comments have provided a reasoned comment, for example the Malaysian Government has identified why they have concerns about 'my' at the second level of .porn, .adult, and .sex.
- Some of the comments have requested a moratorium on responding until they have been able to discuss domestically, notably Korea and Namibia.
- As a general observation, most of the comments are not reasoned and are simply claiming a concern that there might be confusion and are absent any evidence to that effect.

We believe that the process would benefit from translating the various elements of the process into a set of Principles and Recommended Guidelines to assist individual governments in developing their comments and enable ICANN to better evaluate and consider previously submitted comments.

In addition, it should be made clear that the reason for submitting comments must be related to potential confusion with a country code at the second level. In order to provide commenters with more information, ICANN could consider asking registry operators for an explanation of the purpose of the TLD and how they intend to address the issue of confusion with a country code at the second level.

As such, we have developed a set of Principles for the Process which we believe are consistent with the current process provided by ICANN, along with Guidelines for Evaluating Comments.

We believe this will address inconsistencies in the approach for submitting comments and also ensure compliance with the process as outlined.

#### **Principles of the Process:**

- Blanket comments across all, or across a sector of TLDs such as Category 1 safeguards, are not acceptable.
- Separate comments must be submitted for each Authorisation Request within the corresponding 60 day comment period.
- Individual governments can only comment on their respective ccTLD and ccTLDs that fall within the jurisdiction the individual government.
- Comments must address the issue of confusion of the letter/letter combination that corresponds with government's country jurisdiction. The comments should include an explanation from the government as to why the letter/letter combination would create confusion at the second level of the TLD in question, not just a statement that it might, and cite to evidence of a history of confusion in other TLDs or provide legal justification as to the claims.
- Where a letter/letter combination is a word with a dictionary meaning in any language and also a country code, any comment must address this and clearly state why there would be confusion at the second level with the country code, rather than read by a user in conjunction with the TLD (for example, "an.bayern" or "in.vegas").
- The Government must provide contact details to enable the Registry Operator to initiate contact on this issue.
- Comments must come from government or ccTLD operator; other comments from interested parties should be ignored from processing.

Accordingly, we propose the following guidelines to aid ICANN in its determination of whether to authorize the release of specific requested Letter/Letter Two-Character ASCII Labels. We consider these to be wholly consistent with the goals as stated by ICANN-staff, including that this would be a simple process that needs no external evaluation.

#### **Guidelines for evaluating comments:**

- Is the two-character label reference #, the first name of the commenter, the last name of the commenter, the title/position of the commenter, the commenter's respective government (if applicable), and an email address that can be used to contact the commenter?
  - If any of these are missing, the comment will not be considered and will not delay the approval of the request.
- Does the comment address letter/letter combination that corresponds with the individual government's respective ccTLD or a ccTLD that falls within the jurisdiction of the individual government?
  - If not, the comment will not be considered and will not delay the approval of the request.
- Was the comment submitted while the public comment period was open?
  - If not, the comment will not be considered and will not delay the approval of the request.

- Is the comment a blanket comment that includes multiple TLDs?
  - If so, the comment will not be considered and will not delay the approval of the request.
- Does the comment address the issue of confusion of the letter/letter combination and the government's respective ccTLD or a ccTLD that falls within the jurisdiction of the individual government?
  - If so, does the comment include an explanation from the government as to why the letter/letter combination would create confusion at the second level of the TLD in question, including citation to evidence of a history of confusion in other TLDs OR provide legal justification as to the claims?
  - If not, the comment will not be considered and will not delay the approval of the request.
- If the letter/letter combination is a word with a dictionary meaning, does the comment clearly state why there would be confusion at the second level with the country code, rather than read by a user in conjunction with the TLD?
  - If not, the comment will not be considered and will not delay the approval of the request.
- Were different comments about the same TLD, including implicit mentions that excluded TLDs other than ones in a list, received from the same government?
  - If there were, was the government that made such comments contacted to clarify which one should be considered?

We note that it should be possible to implement these principles without making a subjective evaluation as to the quality of the claim. We are suggesting that ICANN verifies that all of the required information is present in the objection filed by the relevant government, not that it evaluates the merits of the claims. In the event that the comment results in a delay or denial of the request, the results of these objective conditions will be provided to the registry operator along with the commenter's email for discussion.

A registry operator, whose request to use a particular letter/letter combination at the second level is blocked by government objection, may resubmit their request after one year, or at any time if they secure the support of the objecting government

We look forward to discussing our suggestions with you in Buenos Aires.

Yours sincerely

*D Austin*

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Registry Stakeholder Group

