

# Staff Report of Public Comment Proceeding

## Release of Country and Territory Names within the .PIONEER, .FUJITSU, .OBI, .SHARP, .TOYOTA, and .LEXUS TLDs

**Publication Date:** 11 July 2017

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### Public Comment Proceeding

Open Date: 8 May 2017

Close Date: 20 June 2017

Staff Report Due Date: 11 July 2017

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### Section I: General Overview and Next Steps

Five (5) [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 six (6) new gTLDs.

Proposal	TLD	Registry Name	Documents
2017008	.PIONEER	Pioneer Corporation	<a href="#">Pioneer Corporation Requested 03 March 2017</a>
2017007	.FUJITSU	Fujitsu Limited	<a href="#">Fujitsu Limited Requested 03 March 2017</a>
2017004	.OBI	OBI Group Holding SE & Co. KGaA	<a href="#">OBI Group Holding SE &amp; Co. KGaA Requested 17 February 2017</a>
2016022	.SHARP	Sharp Corporation	<a href="#">Sharp Corporation Requested 29 April 2016</a>
2016021	.TOYOTA and .LEXUS	TOYOTA MOTOR CORPORATION	<a href="#">TOYOTA MOTOR CORPORATION Requested 29 April 2016</a>

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 8 May 2017 – 20 June 2017, ICANN posted the proposed Registry Agreement (RA) amendments for public comment, which resulted in six comments.

### Next steps

Following the 18 May 2017 [ICANN Board Resolution](#), the Board instructed ICANN organization "to take all steps necessary to grant ICANN approvals for the release of country and territory names at the second-level to the extent the relevant government has indicated its approval in the [GAC's database](#)."

As a result of the Board Resolution, ICANN organization has updated the guidelines on ICANN's

[Country and Territory Names webpage](#) and communicated this information to registry operators. Registry operators must continue to reserve country and territory names identified by the Registry Agreement pending either (1) the registry operator reaching an agreement with the government or (2) the government updating the GAC database with its approval.

ICANN organization will continue to engage with the GAC to collaborate on possible enhancements to the GAC database, periodically remind GAC members to update or offer their determination within the GAC database, as well as report back to the ICANN Board if there is support for a different approach to generally release the second-level country and territory names.

## Section II: Contributors

*At the time this report was prepared, a total of six (6) 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
Malaysian Communications & Multimedia Commission	Nur Yushan Yusof	MCMC
GAC Representative – India	T.Santhosh	IN
GAC Representative – Palestine	Eng. Allan Ghazi	PS
GAC Representative – Singapore	Ser Pheng Queh	SG
Business Constituency	Steve DeBianco	BC
Intellectual Property Constituency	Gregory S. Shatan	IPC

## 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).*

Six comments have been posted to the public comment forum during the public comment period. Comments from BC and IPC support the release of country and territory names within the .PIONEER, .FUJITSU, .OBI, .SHARP, .TOYOTA, and .LEXUS TLDs as well as .BRAND TLDs or all gTLDs. Other comments expressed opposition to the release of country and territory names within all new gTLDs or reiterated the requirement of notification for the release of such names.

### **Comments supporting the release of country and territory names within the .PIONEER, .FUJITSU, .OBI, .SHARP, .TOYOTA, and .LEXUS TLDs:**

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

The BC “fully supports these requests submitted by .BRAND registries” and “believes 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.” The BC further states:

“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 IPC notes that it “maintains its historic position supporting the release of country and territory names within .BRAND TLDs” and adds “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.” In the conclusion of this comment, the IPC adds that “moreover, the IPC also supports the general ability of generic TLDs to freely register country and territory names at all levels of the DNS.”

While the IPC notes concern over the time spent by ICANN staff and the larger community “repeatedly duplicating efforts by putting further such country and territory name requests out for public comment,” the IPC also refers to the recent Resolution by the ICANN Board on 18 May 2017:

“Since this request for public comment was published, we are pleased to note that the ICANN Board has given some consideration to this matter at the Board meeting of 18 May 2017<sup>6</sup> and has issued some directions for ICANN Staff. [...] Whilst this is a welcome move in the right direction, for the reasons [indicated in this comment] we believe that more can and should be done to address those names for which GAC approval has not been indicated in the GAC database.” (IPC)

**Comments opposing the release of country and territory names at the second-level unless written approval is granted or additional safeguards are put into place:**

IN, SG, and MCMC expressed concern over the release of country and territory names at the second-level and indicated that either written approval is required for the release of their respective country or territory name or additional measures should be put into place.

SG explained that they “are unable to agree to the release of ‘singapore’ at the second-level under gTLDs because of the concern that such use would create public confusion.” Furthermore, SG is concerned with “the possible reputational harm if “Singapore.gTLD” is associated with illegal or objectionable content and/or manner-of-use; and, the direct harm if “singapore.gTLD” content or manner-of-use targets Singapore as a nation or Singapore entities.” SG is 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:

“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)

IN expressed that country and territory names at all levels in new gTLDs should require relevant government or public authority support. IN also suggested that certain measures should be taken to allow the release of such names:

- “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) It is recommended to create a Rapid Relief Mechanism as a safety measures 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 an Geo-graphic Names, Country and Territory Names acronym or names and (ii) registered and used in situations where the registrant is pretending or likely to result in fraud or deception; and (iii) There is obvious risk of imminent harm from the claimed abuse of the domain.  
e) As given the geographic nature of a domain, on implementing recommendations (a),(b),(c) and (d), above, user confusion as to any connection between a government and a domain name incorporating the corresponding country or territory name is likely to be low.” (IN)

MCMC also indicated that written approval is required for the release of their respective country or territory name:

“Malaysia is not agreeable to the use of its country and territory names for [this] purpose unless and until the issuance of written approval obtained from the relevant authority that control, plan and administer the electronic addressing in Malaysia.” (MCMC)

#### **Other comments:**

A comment was submitted by the GAC Representative of Palestine pertaining to two-character ASCII labels.

### **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.*

Six comments have been posted to the public comment forum during the public comment period. Two comments support the release of country and territory names at the second-level for .BRAND TLDs for the .PIONEER, .FUJITSU, .OBI, .SHARP, .TOYOTA, and .LEXUS TLDs. Three comments oppose or only conditionally support the release of these names and one comment was out of scope.

Regarding the comment submitted by the GAC Representative of Palestine pertaining to two-character ASCII labels, ICANN notes that two-character labels are handled separately from country and territory names at the second-level. For additional information, please visit ICANN's [Two-Character ASCII Labels webpage](#).

In response to the 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:

1. <https://www.icann.org/public-comments/ctn-release-neustar-2014-09-19-en>
2. <https://www.icann.org/public-comments/bmw-mini-amendment-2014-12-11-en>
3. <https://www.icann.org/public-comments/ctn-release-tlds-2015-01-06-en>
4. <https://www.icann.org/public-comments/emerck-hamburg-berlin-amendment-2015-03-02-en>

5. <https://www.icann.org/public-comments/ctn-release-tlds-2015-03-31-en>
6. <https://www.icann.org/public-comments/ctn-release-tlds-2015-05-13-en>
7. <https://www.icann.org/public-comments/ctn-release-tlds-2015-05-26-en>
8. <https://www.icann.org/public-comments/ctn-release-tlds-2015-06-21-en>
9. <https://www.icann.org/public-comments/ctn-release-tlds-2015-09-01-en>
10. <https://www.icann.org/public-comments/ctn-release-tlds-2015-12-15-en>
11. <https://www.icann.org/public-comments/ctn-release-tlds-2016-03-28-en>
12. <https://www.icann.org/public-comments/ctn-release-tlds-2016-04-27-en>
13. <https://www.icann.org/public-comments/ctn-release-tlds-2016-07-19-en>
14. <https://www.icann.org/public-comments/ctn-release-tlds-2017-01-12-en>

On 11 February 2015, the GAC, in its [Singapore Communiqué](#), advised the 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, the GAC Chair sent a [letter](#) to the Chairman of the ICANN Board on 23 April 2015 confirming its intent to work on a proposal for the development of such database for the process for release of country and territory names. In its letter, the GAC indicated “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.”

Additionally, the [GAC’s Buenos Aires Communiqué](#) from 24 June 2015 states 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 finalized and published on the GAC website on 30 July 2015.

On 12 October 2015, ICANN published the Country and Territory Names webpage (view this archived webpage [here](#)) 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.

Following the 18 May 2017 [ICANN Board Resolution](#), which occurred before the close of this public comment proceeding, the Board instructed ICANN organization “to take all steps necessary to grant ICANN approvals for the release of country and territory names at the second-level to the extent the relevant government has indicated its approval in the [GAC’s database](#).”

As a result of the Board Resolution, ICANN organization has updated the guidelines on ICANN’s [Country and Territory Names webpage](#) and communicated this information to registry operators. Registry operators must continue to reserve country and territory names identified by the Registry Agreement pending either (1) the registry operator reaching an agreement with the government or (2) the government updating the [GAC database](#) with its approval. Following approval under the two options as described above and further detailed on the [Country and Territory Names webpage](#) under “Guidelines on Releasing Country and Territory Names,” further consideration by ICANN is not required and registry operators need not submit an RSEP request.

Prior to the Board Resolution, registry operators requested ICANN's approval and the GAC's review for the release of country and territory names through the RSEP, which resulted in proposed Registry Agreement amendments such as the subject of this public comment proceeding. For any proposed Registry Agreement amendments resulting from submitted RSEP requests prior to 18 May 2017, ICANN provided notice directly to the registry operators to resolve these requests in line with the Resolution.

Furthermore, ICANN organization will continue to engage with the GAC to collaborate on possible enhancements to the GAC database, periodically remind GAC members to update or offer their determination within the GAC database, as well as report back to the ICANN Board if there is support for a different approach to generally release the second-level country and territory names.

For additional information on the release of country and territory names at the second-level, please refer to the updated guidelines on ICANN's [Country and Territory Names webpage](#).