

Report of Public Comments

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| Title: | Introduction of Two-Character Domain Names in the New gTLD Namespace | | |
| Publication Date: | 5 September 2014 | | |
| Prepared By: | Fabien Betremieux | | |
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| Staff Contact: | Krista Papac | Email: | krista.papac@icann.org |
| Section I: General Overview and Next Steps | | | |
| General Overview | | | |
| <p>ICANN received six (6) Registry Services Evaluation Policy (RSEP) requests from the six (6) Registry Operators noted below to allow for the introduction of two-character domain names in the New gTLD namespace.</p> | | | |
| Proposal | TLD | Registry Name | Documents |
| 2014011 | Multiple TLDs | Donuts, Inc.; submitted by Binky Lake, LLC* | Binky Lake, LLC Request 09 May 2014 [PDF, 19 KB] |
| 2014010 | kred | KredTLD Pty Ltd | KredTLD Pty Ltd Request 11 March 2014 [PDF, 18 KB] |
| 2014009 | best | BestTLD Pty Ltd | BestTLD Pty Ltd Request 11 March 2014 [PDF, 18 KB] |
| 2014008 | ceo | CEOTLD Pty Ltd | CeotLD Pty Ltd Request 11 March 2014 [PDF, 18 KB] |
| 2014007 | wiki | Top Level Design, LLC | Top Level Design LLC Request 11 March 2014 [PDF, 196 KB] |
| 2014006 | globo | Globo Comunicação e Participações S.A | Globo Comunicação e Participações SA Request 05 February 2014 [PDF, 18 KB] |
| <p>*Note: Binky Lake, LLC has submitted a RSEP request on behalf of Donuts, Inc. for 143 gTLDs.</p> | | | |

These RSEP requests concerns a total of 148 New gTLDs and were posted for public information on the RSEP webpage, available at <https://www.icann.org/resources/pages/rsep-2014-02-19-en>.

In accordance to Section 2.4 of the [RSEP](#), ICANN conducted its preliminary determination to conclude that the proposed Registry Service did not raise significant Security or Stability or competition issues (as defined in Section 1.3 and 1.4 of the RSEP), with each of the respective RSEP requests above.

On 12 June 2014, ICANN posted each proposed RA amendments for public comment as the implementation of the Registry Service requires a material change to each respective Exhibit A of the Registry Agreement.

On 1 August 2014, the public comment forum closed for community input to the proposed RA amendments, resulting in a total of 13 comments. One of these comments was received after the close of the public comment forum. However, since it could practically be processed, it is included in the following analysis.

Next steps

Given the necessary consideration and balancing of the interests of all affected parties, including Countries, Registries, Registrants, and End-users, and while being mindful of other public comment periods on this topic, ICANN will carefully consider all the contributions it received as well as the work ongoing within the GAC who intends to consider the matter at the ICANN 51 meeting in Los Angeles (please refer to the [Singapore Communiqué](#) as well as the recent correspondence between the GAC and the ICANN Board on this topic

<https://www.icann.org/resources/correspondence/dryden-to-crocker-2014-08-08-en> and <https://www.icann.org/resources/correspondence/crocker-to-dryden-2-2014-09-02-en>).

In accordance with Section 2.4 D of the [Registry Services Evaluation Policy \(RSEP\)](#), because the services proposed by Registry Operators require a material change to their respective Registry Agreement, preliminary determination will be referred to the ICANN Board. The ICANN Board will therefore receive a summary of all public comments submitted for consideration, and decision.

Until the Board provides further guidance, the ICANN community is invited to continue engagement on this topic through further Public Comment periods which are open in relation to numerous other Registry requests for the release of two-character domain names. Please refer to the respective public comments forums:

- <https://www.icann.org/public-comments/two-char-new-gtld-2014-07-08-en>
- <https://www.icann.org/public-comments/two-char-new-gtld-2014-07-23-en>
- <https://www.icann.org/public-comments/two-char-new-gtld-2014-08-19-en>

In the meantime, ICANN will consider the scalability of the process for handling these requests as it is anticipated that more of them will be submitted and additional Public Comment periods will be opened.

ICANN also anticipates a Public Comment period to open on the related topic of the release of Country and Territory Names defined in Specification 5, section 4 of the Registry Agreement, as requested by a recent RSEP request by NeuStar Inc. for the .NEUSTAR new gTLD (see the RSEP request here: <https://www.icann.org/resources/pages/rsep-2014-02-19-en>).

Section II: Contributors

At the time this report was prepared, a total of thirteen (13) 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 |
|---|--------------------|-------------|
| Reckitt Benckiser Group | Reckitt Benckiser | RB |
| DOTZON GmbH on behalf of 13 European companies representing 15 TLDs | Katrin Ohlmer | Dotzon |
| Uniregistry, Corp | Bret Fausett | Uniregistry |
| Hewlett-Packard Company | Francis Toldi | HP |
| FairWinds Partners | Michelle Sara King | FairWinds |
| Google Inc. | Sarah Falvey | Google |
| Top Level Design, LLC ¹ | Andrew Merriam | TLDesign |
| At-Large Advisory Committee (ALAC) ² | Ariel Liang | ALAC |

Individuals:

| Name | Affiliation (if provided) | Initials |
|------------------------------|---|----------|
| Peter Cerny | | PC |
| Robert Delaware ³ | | RD |
| Dev Anand Teelucksingh | At-Large Advisory Committee (ALAC) ⁴ | DAT |

¹ Top Level Design is one of the Registries whose request and RA amendment are the object of this Public Comment Period.

² The statement submitted on behalf of ALAC was subject to a vote which results are : 13 in favor, 0 against and 2 abstentions.

³ Robert Delaware submitted two separate comments. They are both taken into account in this report although not referenced separately.

⁴ Despite his stated affiliation with ALAC, Dev Anand Teelucksingh has submitted his comments "purely in [his] own capacity"

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff 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).

Out of the thirteen (13) comments received, nine (9) of them are supporting the introducing of two-character domain names in the new gTLD namespace. Of the four (4) opposing comments, while two (2) of them are generally opposed to the release of two-character domain names, the other two (2) are opposing specific proposals submitted by Registries while finding proposals by other registries acceptable.

1) Regarding the proposed introduction of two-character domains in general

Two arguments are made in opposition to such an introduction: two-character names can have a generally recognized meaning and associated use, such as EN for English content, and their use as a domain label could lead to user confusion or abuse (RD) two-letter names should be reserved because ccTLD names should be protected (PC) and new countries and territories are formed from time to time and should be afforded protection (PC, RD, DAT), including an example provided for Kurdistan (RD).

ALAC submitted a comment which recognizes the fact that country codes lists can be augmented, as demonstrated by the addition of BQ, CW and SX to the ISO 3166-1 alpha-2 standard list in 2010. However, “absent any DNS security or stability issues”, ALAC comments that all restrictions on two-character labels at the 2nd level should be removed.

The arguments made in favor of introducing two-character domains in the new gTLD Namespace are the following:

- *Some type of two-character names may not cause concern* and may be considered for release, such as all names apart from two-letter names (PC) that is two-character names including at least one digit or number (DAT); or all two-character domain names “where and when they do not conflict with a country code or government operator” (HP)
- *The release of countries codes and names is allowed by the Applicant Guidebook* (DOTZON)
- *Such introduction would increase competition* (Google) since the current restrictions hinder competition (DOTZON), in particular for New gTLDs which are competing with legacy TLDs who are allowed to offer such registrations (Uniregistry, Google). The current restrictions create a discriminatory situation (TLDesign) which is contrary to the ICANN Bylaws Article II, Section 3 which provides for Non-Discriminatory Treatment of ICANN stakeholders (Uniregistry)

- *The release of two-character domains would provide opportunities for companies and brands to have tailored segmented domain names to connect with their public (HP, FairWinds, Google), as well as provide localized content (Google), thus expanding consumer choice (Google) and ultimately driving economic growth (HP), in particular in developing countries (Google). It also has the potential to enhance consumer trust “with proper implementation” (Google)*
- *This introduction of two-character names poses a limited risk of confusion, or no risk at all, with country codes (HP, FairWinds, Google) as demonstrated by prior use of two-character domains in existing TLDs such as for the “hp” name (HP) or such as the “bn” and “pw” names used by corporations although they represent a country code listed in the ISO 3166 list (Google), and as demonstrated by the simultaneous worldwide use of two intersecting abbreviation systems for language – ISO 639-1 – and country codes – ISO 3166-1 – without significant or demonstrable user confusion (TLDesign). The risk of confusion would also be limited if the TLD or the proposed usage of the SLD is distinctive rather than generic in nature (Google). Most of the Generic, Brand or Geographic TLDs meet the standard of the 2007 GNSO Reserved Names Working Group recommendation on avoidance of confusion with country codes (Google)*
- *This would not conflict with the RPM requirements document (FairWinds)*
- *There is uniform precedent regarding the release of two-character domain name in the history of relevant RSEP requests (Google)*

2) Implementation concerns and proposals

A few concerns were expressed with respect to implementation of the introduction of two-character domain names: priority rights should be afforded to trademark owners to claim their matching name in sunrise period, with no premium registration or renewal fees for these names (PC); Implementation of such release should be made available to all New gTLDs upon request irrespective of the type of TLD – Brand, Geographic, Community or Generic TLD (DOTZON).

One proposal was made for implementation, which should be informed by the existing methodology developed for the release of country name in .INFO (DOTZON).

3) Specific comments on individual registry proposals

Requests for Multiple TLDs operated by Donuts Inc.

These requests received opposition based on concerns: that trademarks could be abused, that consultation with relevant ICANN constituencies such as IPC should have been conducted, and that unnecessary burden was placed on the trademark owners in terms of cost of registration or protection (RB); that the release of two-character names would not be “in keeping with the principle” of Specification 5 of the RA (DAT).

Request for .BEST, .CEO and .KRED

The release of two-character names for these requests would not be “in keeping with the principle” of Specification 5 of the RA to protect country codes (DAT).

Request for .WIKI

Comments argue that there should be no risk of confusion under .WIKI since the use of the ISO 639-1 two-character language codes is well-defined and distinct from country codes (Google) and since it has received no objection from government authorities (TLDesign).

A comment submitted on the question of whether this proposal meets the standard of non confusion set in Specification 5 of the Registry Agreement is ambiguous and difficult to interpret positively (refer to comment by DAT).

Request for .GLOBO

One comment expressed support for proposal by .GLOBO for the use of two-character labels composed of at least one number, which are not eligible for protection under the ISO 3166-1 alpha-2 standard (DAT)

4) Comments on the RSEP and Public Comment processes

The following four comments were made by Top Level Design LLC, the Registry Operator of .WIKI : despite the fact that no contract amendments or special technical or competition barriers exist to the implementation of the .WIKI request, it has been posted for public comment, which does not seem to follow defined ICANN processes; the Registry Agreement and Public Comment Period were not needed; a streamlined process could and should be created to allow 2-character names to be released without this public comment period; no comments from government authorities have been received.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

This public comment period generated substantial discussion of the general topic of Introducing Two-Character Domain Names in the New gTLD Namespace. The comments received articulated a series of arguments in favor of, or in opposition to, the release of all or certain two-character names in the new gTLD namespace in general. In particular, a number of contributions discussed the following topics:

- **The scope of the two-character names to be released:** distinctions are made between letter-letter (aa), letter-number (a2), number-number (22) and number-letter (2a);
- **The desirability of affording preemptive protection for future allocations of two-character country codes** to newly formed countries under the ISO-3166 alpha-2 standard;
- **The competition concerns related to the different protections standards existing for two-character names under new gTLDs and legacy gTLDs** (delegated prior to the 2012 New gTLD application round);
- **The opportunity to expand consumer choice** by relaxing the current restrictions in new gTLDs;
- **The risk of user confusion, or lack thereof.**

Comments were also received on specific proposals submitted by Registries under the RSEP process, which are the foundation of the proposed amendments to their respective Registry Agreement.

These comments reflected the varying nature of the plans proposed by Registries for the release of two-character names :

- .BEST, .CEO, .KRED and the 143 TLDs Operated by Donuts request the release for registration of all two-character domain name either not included on the ISO 3166-1 list or not corresponding with a ccTLD, opposed by commenters supporting the preemptive protection of future country code names, or concerned with Trademark abuse or user confusion.
- .WIKI requests the release of 179 language codes listed in the ISO 639-1 standard, which despite its intersection with the ISO-3166 alpha-2 list is supported by several commenters given the limited risk this would cause to end-user thanks to the intended use of the potential intersecting codes in the .WIKI namespace.
- .GLOBO requests the release of two-character names including at least 1 number (or digit) which is supported for no creating any confusion concern with currently protected country codes.

Given the necessary consideration and balancing of the interests of all affected parties, including Countries, Registries, Registrants, and End-users, and while being mindful of other public comment periods on this topic, ICANN will carefully consider all the contributions it received as well as the work ongoing within the GAC who intends to consider the matter at the ICANN 51 meeting in Los

Angeles (please refer to the [Singapore Communiqué](#) as well as the recent correspondence between the GAC and the ICANN Board on this topic <https://www.icann.org/resources/correspondence/dryden-to-crocker-2014-08-08-en> and <https://www.icann.org/resources/correspondence/crocker-to-dryden-2-2014-09-02-en>).

In accordance with Section 2.4 D of the [Registry Services Evaluation Policy \(RSEP\)](#), because the services proposed by Registry Operators require an amendment to Exhibit A of their respective Registry Agreement, and as such constitute a material change to the Registry Agreement, preliminary determination will be referred to the ICANN Board.

Until the Board provides further guidance, the ICANN community is invited to continue engagement on this topic through further Public Comment periods which are open in relation to numerous other Registry requests for the release of two-character domain names. Please refer to the respective public comments forums:

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