

## **SUMMARY OF COMMENTS SUBMITTED BY GOVERNMENTS REGARDING REQUESTS FOR RELEASE OF TWO-LETTER SECOND-LEVEL DOMAINS IN GTLDS**

(July 2016)

Since December 2014, ICANN has received comments from governments regarding letter/letter two-character ASCII labels. This document summarizes concerns raised by governments pertaining to confusion with the corresponding country code. This summary is intended to serve as a supplementary document to the [Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#) currently (July 2016) published for public comment.

### **BACKGROUND**

As part of the [Two-Character Letter/Letter Comments Consideration Process](#), ICANN evaluated comments submitted by governments regarding the release of letter/letter two-character ASCII labels in light of the standard in the registry agreement, which states, “The Registry Operator may also propose the release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes, subject to approval by ICANN.” Labels with comments not pertaining to confusion with the corresponding country code were released for authorization, and those commenters were directed to other recourse mechanisms, such as the Abuse Contact if abuse was suspected. Labels with comments pertaining to confusion were withheld from authorization for the time being per the Comments Consideration Process, and those comments pertaining to confusion were used as input for ICANN to develop the list of proposed measures to avoid confusion.

Additional information can be found on the [Public Comment page](#).

The table below summarizes concerns raised by governments pertaining to confusion with the corresponding country code.

<b>TYPES OF CONFUSION WITH CORRESPONDING COUNTRY CODES<sup>1</sup></b>
Confusion with country code that may result in effect on government, including: <ul style="list-style-type: none"><li>- perception of subordination</li><li>- diminishing of national dignity</li><li>- association with country/territory to the country/territory's disadvantage</li><li>- association with products or services in or related to country/territory</li><li>- perception the domain belongs to country/territory</li><li>- association with country/territory's military forces</li></ul>
Confusion with country code that may result in effect on consumers of products or services associated with TLD, including: <ul style="list-style-type: none"><li>- misleading association with products or services in or related to country/territory</li><li>- likelihood of Governmental Advisory Committee (GAC) Category 1 strings<sup>2</sup> to invoke level of implied trust from consumers</li><li>- likelihood of GAC Category 1 strings to carry high levels of risk associated with consumer harm</li><li>- association with market sectors which have clear and/or regulated entry requirements</li></ul>
Confusion with country code that may result in effect on domestic enterprise, including: <ul style="list-style-type: none"><li>- negative effect on rights of domestic enterprises</li><li>- interference or violation of rights of domestic business and organizations</li></ul>
Confusion with country code that may result in effect on domestic or global Internet community, including: <ul style="list-style-type: none"><li>- misleading of Internet users</li><li>- use by third parties that could have negative effect country/territory's internet community</li></ul>

<sup>1</sup> A number of governments cited confusion but did not provide a more detailed explanation.

<sup>2</sup> GAC Category 1 strings identified in <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>

### **Detailed Summary of Government Comments Pertaining to Confusion with Corresponding Country Code**

This summary provides an overview of concerns raised by governments in comments pertaining to confusion. Comments not pertaining to confusion with the corresponding country code are not included in this summary, as only comments pertaining to confusion were used in the development of the [Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#). Where a government submits multiple comments, the summary aggregates the concerns raised across the various comments.

Comment(s) for **BH** raised concerns that release of such label might lead to confusion with the corresponding country code.

Comment(s) for **CI** raised concerns that release of such label might lead to confusion with the corresponding country code.

Comment(s) for **CN** raised concerns that release of such label might lead to confusion with the corresponding country code.

Comment(s) for **DO** raised concerns that release of such label might lead to confusion with the corresponding country code.

Comment(s) for **EG** raised concerns that release of such label might lead to association with entities that are approved by the government.

Comment(s) for **ES** raised concerns that release of such label in a targeted list of TLDs, including TLDs on the list of GAC Category 1 Strings: Regulated Sector/Open Entry Requirements in Multiple Jurisdictions and Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions, might lead to confusion with corresponding country code and would lead to consumer protection concerns.

Comment(s) for **EU** raised concerns that release of such label in a targeted list of TLDs might lead to confusion and abusive registrations. Additionally, due to regulated markets in the EU, release of such names would have a negative impact on the .eu profile, consumers and on the EU reputation. The label "eu" is additionally reserved pursuant to Specification 5 Section 6 of the Registry Agreement and is not available for release under the Authorization Process for Release of Two-Character ASCII Labels.

Comment(s) for **FR** raised concerns that release of such label and "gp", "wf", "re", "pm", "mf", "pf", "nc", "mq", "yt", "tf", "gf", "bl" in a targeted list of TLDs, including TLDs on the list of GAC Category 1 Strings Regulated Sector/Open Entry Requirements in Multiple Jurisdictions, Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions and Inherently Governmental Functions, might lead to confusion with the corresponding country codes and could harm or deceive consumers.

Comment(s) for **HK** raised concerns that release of such label in a targeted list of TLDs, including (1) New gTLDs associated with Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions and Inherently Governmental Functions as set out in ICANN NGPC Resolution No. 2014.02.05.NG01; and (2) New gTLDs falling within the category of Geographic gTLDs referred to in ICANN's New gTLD Program, might lead to confusion with the corresponding country code for Hong Kong and would give the perception that the domain names in question belong to or are related to Hong Kong and the Hong Kong community.

Comment(s) for **IL** initially raised concerns that release of such label in a targeted list of TLDs, including TLDs on list of GAC Category 1 Strings: Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions and Inherently Governmental Functions, so that these domains may be assigned to person, entity or corporation proposed or accepted by the Israeli Registry for ".il" to avoid third parties using the name "il"

for the wrong reasons and in a way that could affect the Israeli surfers. Later comment(s) for **IL** raised concerns that release of such label might lead to misleading association with the State of Israel, improper or offensive utilization in conjunction with ".il" and interference, or violation of the rights of domestic businesses and organizations.

Comment(s) for **IN** raised concerns that release of such label might lead to confusion with the corresponding country code. The comment included concerns regarding labels that did not correspond with a country code.

Comment(s) for **IT** raised concerns that release of such label might lead to confusion with the corresponding country code, and takes into account the national and international legal framework (e.g. IPR) and opportunity considerations (e.g. it.sucks).

Comment(s) for **KR** raised concerns over release of such label due to pending criteria by Republic of Korean government to address release of "kr" label at the second level.

Comment(s) for **ME** raised concerns that release of such label might lead to confusion with the corresponding country code.

Comment(s) for **MY** raised concerns over release of such label in a targeted list of TLDs, including TLDs on list of GAC Category 1 Strings: Highly-regulated Sectors/Closed Entry Requirements and Potential for Cyber Bullying/Harassment, as it might lead to confusion with the corresponding country code. Comment(s) also emphasized on the obligations for Registry Operators to implement measures to avoid confusion and misleading use.

Comment(s) for **NG** raised concerns that release of such label might lead to confusion with the corresponding country code as it is against Nigerian law and it is strictly prohibited to use the code representing Nigeria without proper authorization by the Government. The comment included concerns regarding a country or territory name label that is not within the purview of the Authorization Process for Release of Two-Character ASCII Labels.

Comment(s) for **NZ** raised concerns that release of such label in a targeted list of TLDs, which are on list of GAC Category 1 Strings: Inherently Governmental Functions, might lead to confusion with the corresponding country code and also might lead to reputational harm (association with New Zealand Defense Force).

Comment(s) for **PT** raised concerns over release of such label since it might lead to consumer protection concerns and confusion and some gTLDs correspond to a regulated market in EU countries, thus release of such label under these names might generate possible abuses and confusion at the end-users level. Additionally, comments for PT also indicated that release of such label within other names should also remain reserved so that they can only be assigned to a person, entity or corporation proposed or accepted by the Portuguese Government.

Comment(s) for **RU** raised concerns that release of such label and "su" might lead to confusion with the corresponding country code. The comment included concerns regarding a non-ASCII two-character label that is not required to be reserved under Specification 5 Section 2 of the Registry Agreement.

Comment(s) for **SG** raised concerns that release of such label might lead to confusion with the corresponding country code, possible reputational harm if domain is associated with illegal or objectionable content and/or manner-of-use, and direct harm if domain content or manner-of-use targets Singapore as a nation or Singapore entities (e.g., websites could masquerade as Singapore Government agencies).

Comment(s) for **SN** raised concerns that release of such label might lead to confusion with the corresponding country code.

Comment(s) for **UK** raised concerns that release of such label and “gb”, “ac”, “bm”, “gi”, “io”, “ky”, “ms”, “sh”, “tc”, “uk” might lead to confusion and unintended consequences.

Comment(s) for **TW** raised concerns that release of such label might lead to confusion with the corresponding country code including, but not limited to, dwarfing national dignity, violation of public order or good social custom, affecting the rights of domestic enterprises, and being prone to produce perplexity.

Comment(s) for **VN** raised concerns that release of such label might lead to confusion with the corresponding country code. Additionally, the government is currently working on setting up the accurate criteria for releasing this two character at the second level domain names under new gTLDs.