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ICANN BOARD PAPER NO. 2015.02.11.2a

TITLE: Two-character Domain Names in the New gTLD Namespace – 26 January 2015 Letter from the GAC

PROPOSED ACTION: For Consideration and Action

EXECUTIVE SUMMARY:

The Board is being asked to take action to respond to the 26 January 2015 [letter](#) from the Governmental Advisory Committee (GAC) regarding concerns with the use of two-character labels at the second level. Specifically, on 16 October 2014, the Board adopted a [resolution](#) directing staff to develop and implement an efficient procedure for the release of two-character domains currently required to be reserved in the New gTLD Registry Agreement, taking into account the GAC's [advice](#) in the [Los Angeles Communiqué](#) on the matter.

On 12 November 2014 ICANN issued a [blog](#) explaining the new process to release the two-character domains, which it also provided to the GAC. The process became effective on 1 December 2014. The general process is as follows:

- For all number/number, letter/number, and number/letter two-character ASCII labels – ICANN authorized the release of all these labels for all new gTLD registries. (The GAC confirmed that it was only concerned with letter/letter combinations. See: <https://www.icann.org/en/system/files/correspondence/crocker-to-dryden-2-02sep14-en.pdf> and <https://www.icann.org/en/system/files/correspondence/dryden-to-crocker-10sep14-en.pdf>)
- For all letter/letter two-character ASCII labels – Registry operator submits a request to ICANN to release one or more letter/letter two-character labels. ICANN reviews the request, and posts it for comment for 30 days. ICANN notifies the GAC of the request and the comment period. If there are no relevant and reasoned objections to the request, ICANN will authorize the requested

letter/letter two-character labels to be released within 7-10 days. If relevant and reasoned objections are received, only the non-objected letter/letter two-character labels will be released within 7-10 days.

The GAC's January 26th letter notes that "[c]oncerns have been raised by GAC members who feel that the new process has been implemented very quickly and without any formal consultation with affected/interested members of the GAC, just notification via ICANN support staff. The new process appears to depart from the new gTLD Registry Agreement, which supported national sovereignty, and GAC Principles regarding new gTLDs...." On behalf of some GAC members, the GAC Chair requests that the Board "ask ICANN staff to take these concerns into consideration before adopting any of these Registry requests, at least until we can together work out an appropriate way forward." The GAC provides a list of possible solutions, which includes: (1) making relevant information easier to search and access, (2) notifying governments outside of the GAC membership about the requests, (3) extending the public comment period beyond 30 days, and (4) allowing governments to oppose registration of domains corresponding to a ccTLD at the second level, and to dispute existing registrations if there are reasons to claim that the name is being used to the prejudice of its national interests including geographic significance. The Reference Materials provide additional discussion of the possible solutions in the GAC's letter.

As of 26 January 2015, ICANN has received requests from 301 registries to release letter/letter two-character ASCII labels that have gone through the 30-day comment period, and that are awaiting authorization from ICANN. There are 48 additional requests that have been received, but have not fully completed the 30-day comment period as of the drafting of this paper.

STAFF RECOMMENDATION:

Staff has provided two optional versions of a resolution to the respond to the GAC's letter:

OPTION 1: The Board affirms the existing process developed to release two-character second level domains, with a few modifications suggested in the GAC's January 26th

letter. Specifically, the comment period would be extended from 30 days to 42 days, and modifications would be made to the website as soon as possible to make relevant information easier to search and access. If this Option is selected, requests from registry operators made on or before the publication date of the resolutions will continue through the existing process (i.e. 30-day comment period), and ICANN will authorize the requested letter/letter two-character labels to be released if there are no relevant and reasoned objections to the request. Requests submitted after the publication date of the resolutions will be subject to the 42-day comment period.

OPTION 2: The Board directs staff to publish an amended version of the process (taking into account some suggestions from the GAC in its 26 January 2015 letter) for 42 days. The consultation period will provide transparency about the process, and will also provide the GAC an opportunity to submit any additional comments not already presented in its 26 January 2015 letter, and interested community members to comment on the amended process. At the conclusion of the 42-day period, staff will revise the process as appropriate to take into account additional comments from the community, and publish and implement the final version of the process. If this Option is selected, requests from registry operators made on or before the publication date of the resolutions will continue through the existing process (i.e. 30-day comment period), and ICANN will authorize the requested letter/letter two-character labels to be released if there are no relevant and reasoned objections to the request. Requests submitted after the publication date of the resolutions will be placed on hold, pending the publication of the final version of the process.

PROPOSED RESOLUTION:

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PROPOSED RATIONALE:

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Signature Block:

Submitted by: Krista Papac

Position: Director, Registry Services

Date Noted: 28 January 2015

Email: krista.papac@icann.org

REFERENCE MATERIALS – BOARD PAPER NO. 2015.02.11.2a

TITLE: **Two-character Domain Names in the New gTLD Namespace – 26 January 2015 Letter from the GAC**

The following chart outlines a list of possible solutions identified in the GAC’s 26 January 2015 letter expressing concerns about the process to release two-character labels at the second level, which are currently required to be reserved by the New gTLD Registry Agreement. The chart also provides proposed responses to the GAC’s suggestions.

GAC Proposed Solutions from 26 January 2015 Letter	ICANN Response (proposed)
<p>Making the relevant information much easier to search and access. It would be highly appreciated to have a list in .xls where it is possible to customize the order in which different strings appear. Requesting TLDs should be presented in alphabetical order but with the possibility of altering that order to take into account the date the public comment periods ends or begins, their adscription to category 1 or 2 of the GAC Safeguard Advice, their characterization as brand TLDs or their being a new gTLD in IDN characters. That list should be provided to the GAC each time it is updated. A list with Brand TLDs that have requested authorization to register two-letter second level domains would be useful, as per an earlier request to ICANN staff. The current process is particularly onerous and resource-consuming, especially for small and developing nations.</p>	<p>ICANN will make modifications to its website as soon as possible to make relevant information easier to search and access.</p> <p>ICANN will also provide the list of newly posted requests in an Excel worksheet. This will allow GAC members to manipulate the data and view it in their individually desired order.</p> <p>ICANN will add an additional column to the posted list indicating whether a registry has been granted Specification 13 for .BRAND TLD Provisions.</p>
<p>Improving the alert process, for example to notify also governments outside the GAC membership of relevant requests, or maintaining the reservation of ccTLDs belonging to countries or territories that are not currently represented</p>	<p>Any party, including governments, can subscribe through www.icann.org to request a daily or weekly notification when updates to the list of posted requests has occurred. To subscribe, users of www.icann.org can log into their account</p>

GAC Proposed Solutions from 26 January 2015 Letter	ICANN Response (proposed)
at the GAC.	and update their Two Character Label Request Settings on the “Settings” tab.
Enabling governments to file their positions regarding use of their ccTLD labels on the second level in a single repository. Some governments may wish to prevent the use of their ccTLD label altogether; some may allow such use only in specific circumstances; others may have no concerns about such use at all.	The current process and comment forum allows governments to file their positions regarding the use of two-character, letter/letter second level domain name labels in a single repository. Governments may submit comments regarding use of a label in specific new gTLDs, or all new gTLDs.
Extending the public comment period beyond 30 days.	ICANN proposes to update the process to modify the comment window from 30 calendar days to 42 calendar days, the standard Public Comment window. Requests submitted after the 11 February 2015 ICANN Board Resolution on this topic will be subject to the 42 day comment period. All requests submitted before the 11 February 2015 ICANN Board Resolution on this topic will be subject to the existing 30 day comment period and will be authorized by ICANN following the close of the comment period.
Accepting objections to release the use of two-character labels at the second level which are the same or similar or deceptively similar as the ccTLD/s expressed by the respective government during the public comment periods. That is, the decision to allow the use of the label or not rests with the government, not with ICANN.	ICANN’s posted Authorization Process for Release of Two-Character ASCII Labels states: “Following the comment period, the non-objected Letter/Letter two-character ASCII labels will be released via an Authorization that will be provided by ICANN to the Registry Operator.”
Informing the GAC about each Registry’s plans to open registrations for two-letter names at the second level so that Governments can also apply to register them if they so wish.	The Registry’s overall registration plans are not coordinated with ICANN. However, each Registry’s Startup Plans are posted on ICANN’s website and can be found at: https://newgtlds.icann.org/en/program-status/sunrise-claims-periods . A Registry’s Startup Plan indicates when It Registry will begin selling domain names. The Startup Plan is

GAC Proposed Solutions from 26 January 2015 Letter	ICANN Response (proposed)
	not an indication of whether the Registry will, or will not be selling two-letter names at the second level.
Allowing Governments to oppose an application to register the corresponding ccTLD as second level domain, if they are apprised of that application before it materializes, and to dispute registrations already done (in keeping with principle 2.7 b) of GAC Principles regarding new gTLDs) if there are reasons to claim that the name is being used to the prejudice of its national interests including geographic significance.	There is not a process or Dispute Resolution Procedure available for a government to oppose an application to register a two-letter second level domain. To create such a procedure, ICANN may need to undertake a community driven activity, such as the Policy Development Process.
ccTLDs may submit a tentative list of two character labels which are objectionable and ICANN may consider withholding such two character labels in the second level, ab initio.	All requests, previously posted for a 42-day Public Comment period, to release two-letter second level domains from reservation were forwarded to the ccNSO between May and November, 2014. No comments were submitted by the ccNSO.



Proposed Board Resolutions
11 February 2015
Regular Meeting of the ICANN Board

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Pages 14/20 thru 18/20 Redacted

Resolution Text Superseded
Rationale Text Superseded

Directors and Liaisons,

Attached below please find Notice of date and time for a Regular Meeting of the ICANN Board of Directors:

11 February 2015 – Regular Meeting of the ICANN Board of Directors - at 06:00 UTC (2:00pm – 3:00pm in Singapore). This Board meeting is estimated to last approximately 60 minutes (if needed).

<http://www.timeanddate.com/worldclock/fixetime.html?msg=Regular+Meeting+of+the+ICANN+Board&iso=20150211T14&p1=236&ah=1&am=30>

Some other time zones:

10 February 2015 – 10:00pm PST Los Angeles, CA

11 February 2015 – 1:00am EST Washington, D.C.

11 February 2015 – 6:00am London BST

11 February 2015 – 7:00am Brussels CEST

Consent Agenda:

- TBD – if needed

Main Agenda (non-confidential):

- Item Removed From Agenda

Main Agenda – Confidential Session

- President and CEO FY15 SR1 At-Risk Compensation
- Board Officer Appointment

MATERIALS – [Link to BoardVantage Materials](#)

If you have trouble with access, please let us know and we will work with you to assure that you can use the BoardVantage Portal for this meeting.

If call information is required, it will be distributed separately

If you have any questions, or we can be of assistance to you, please let us know.

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