

# Report of Public Comments

<b>Title:</b>		<b>Release of Country and Territory Names within the .EMERCK, .HAMBURG and .BERLIN TLDs</b>																	
<b>Publication Date:</b>	30 April 2015																		
<b>Prepared By:</b>	Krista Papac																		
<table border="1"> <tr> <td colspan="2"><b>Comment Period:</b></td> </tr> <tr> <td>Comment Open Date:</td> <td>2 March 2015</td> </tr> <tr> <td>Comment Close Date:</td> <td>14 April 2015</td> </tr> </table>		<b>Comment Period:</b>		Comment Open Date:	2 March 2015	Comment Close Date:	14 April 2015	<table border="1"> <tr> <td colspan="2"><b>Important Information Links</b></td> </tr> <tr> <td colspan="2">Announcement</td> </tr> <tr> <td colspan="2">Public Comment Box</td> </tr> <tr> <td colspan="2">View Comments Submitted</td> </tr> </table>		<b>Important Information Links</b>		Announcement		Public Comment Box		View Comments Submitted			
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<b>Section I: General Overview and Next Steps</b>																			
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<p>Three (3) <a href="#">Registry Services Evaluation Policy (RSEP)</a> 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 3 New gTLDs.</p>																			
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<p>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.</p>																			
<p>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.</p>																			
<p>From 2 March 2015 – 14 April 2015, ICANN posted the proposed RA amendments for public comment, which resulted in two comments.</p>																			
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<p>As provided in Section 4 of Specification 5 of the Registry Agreement, a registry operator may propose the release of reserved country and territory names “subject to review by ICANN’s Governmental Advisory Committee and approval by ICANN”. In its <a href="#">Singapore Communiqué</a> (11</p>																			

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

## Section II: Contributors

*At the time this report was prepared, a total of two (2) community submission 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
Business Constituency	Steve DelBianco	BC
Intellectual Property Constituency	Gregory S. Shatan	IPC

## 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).*

### Regarding the proposed introduction of country and territory names within .EMERCK and .BRAND TLDs:

The two comments submitted supports the release of country and territory domain names within the .EMERCK TLD and also more generally within .BRAND TLDs.

“The use of country and territory names will allow such a .BRAND registry to segment its TLD in a way that is meaningful to Internet users around the globe. Geographic segmentation will bring greater efficacy to .BRAND TLDs, ultimately benefitting businesses and consumers by

helping the registry operator target content to audiences in specific geographic regions, using linguistically appropriate 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.” (BC)

“The ability to use country and territory names at the second level in .EMERCK, 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” (IPC)

One of the comments also proposed a process for .BRANDs to release country and territory names:

“It seems unnecessary to rigidly apply current blanket restrictions against all second-level country codes and country names within restricted dot.brand registries....It would be inefficient to force .brands to individually reach agreement with ICANN and each respective government and country-code manager. As an alternative to ICANN recognizing an exemption to Registry Agreement §2.6 and Specification 5, ICANN should define a clear and timely path forward for .brands to release geographic names at the second level.” (IPC)

**Regarding the proposed introduction of country and territory names within .HAMBURG and .BERLIN and Geographic (Geo) TLDs:**

Both comments submitted support the release of country and territory domain names within the .HAMBURG and .BERLIN TLDs, and also more generally within Geo TLDs.

“Geographic TLDs such as .BERLIN and .HAMBURG, which by definition have the backing and support of the official governments of their respective municipalities, represent secure, stable, and safe spaces where the likelihood of abuse or misconduct in the use of country and territory names is low.....In addition, the ability to use country and territory names at all levels in geographic TLDs would allow enhanced community-building for Internet users in those geographic areas, as well as enable businesses in those geographic areas to provide targeted service to those communities.” (BC)

“As both Registry Operators have the backing and support of the municipalities of Berlin and Hamburg, respectively, there will likely be greater security, stability, and safety measures implemented to avoid abuse of country and territory names at the second level in these TLDs. Further, given the geographic nature of these TLDs, 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” (IPC)

The IPC also expressed some concern on a potential confusion with the release of such names within geo TLDs, limited to certain cases.

“The IPC recognizes that certain country and territory names with a nexus to the geographic area reflected in the TLD could potentially cause confusion, such as GERMANY.BERLIN. In such

limited cases, the IPC would approve of a limited ability of these governments to object to such use (in the event the name was not already registered to that government).” (IPC)

#### 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.*

The two comments received are in favor of the release of country and territory names within .EMERCK, .HAMBURG and .BERLIN TLDs and more generally in favor of such release within .BRAND TLDs and Geo TLDs.

In sum, both the BC and IPC expressed that geographic segmentation will bring greater efficacy to .BRAND TLDs and that allowance of such names within .BRAND TLDs will enhance security and trust in online commerce. For Geo TLDs, the BC stated in their comment that due to the geographical nature of these TLDs, use of country and territory names at other levels of the TLD is not likely to confuse public and that it would enable businesses in those geographic areas to provide targeted services to those communities. Also, the IPC commented that since both .HAMBURG and .BERLIN are supported by their municipalities, greater security, stability and safety measures are likely to be applied. On the other hand, the IPC also expressed their concern that the release of certain country and territory names with a nexus to the geographic area reflected in the TLD could potentially cause confusion, by giving the example of GERMANY.BERLIN.

It should be noted that as of 13 November 2014, Specification 13 was granted for .EMERCK TLD and that .HAMBURG and .BERLIN are Geo TLDs.

In response to these 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: <https://www.icann.org/public-comments/ctn-release-neustar-2014-09-19-en>, <https://www.icann.org/public-comments/bmw-mini-amendment-2014-12-11-en> and <https://www.icann.org/public-comments/ctn-release-tlds-2015-01-06-en>).

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

ICANN will consider these comments along with the advice from the GAC as it considers whether or not to approve the requested amendments.