

## **i2Coalition Comment on “The Protection of Geographic Names in the New gTLDs Process”**

The Internet Infrastructure Coalition (i2Coalition) welcomes this opportunity to comment on the proposals of the Governmental Advisory Committee (GAC) Sub-group on Geographic Names, as presented in the draft document, “The Protection of Geographic Names in the New gTLDs Process.”

The i2Coalition has several concerns with the GAC proposals for geographic names. First, the draft document is unclear on what the definition of “geographic name” is. Second, the proposed requirement for applicants of new gTLDs to perform a search to determine if a new string is any type of geographic name is unclear and overly broad. Third, the proposals set an unclear burden on applicants seeking to get approval from the relevant governments for a geographic string. Finally, the proposal gives no definition of “public interest,” and does not specify who determines the public interest in the case of a disagreement over a new gTLD.

### **The draft document is unclear about what a geographic name is.**

The GAC proposals on geographic names are broad and unclear in their attempts to define what a geographic name is, and this lack of clarity has the potential to create impossible burdens for applicants for new gTLDs. The opening section of the draft document references “national sensitivities regarding terms with national, cultural, geographic and religious significance.” This language includes extremely broad categories that could be interpreted to apply to almost any gTLD for which an applicant applies. Furthermore terms like “cultural...and religious significance” could be interpreted to apply to gTLDs that are not actually geographic in nature. Such broad language sets an unreasonably high burden on an applicant for a new gTLD.

Furthermore, a proposed paragraph to be included in the Applicant Guidebook references “country, territory or regional language or people descriptions.” “Regional language” and “people descriptions” are additional examples of unclear language that may be interpreted broadly to apply to many new gTLDs outside the category of geographic names. Proposals on how to address geographic names in new gTLDs must set a more precise definition of geographic names, or it will be impossible for gTLD applicants to know what new gTLDs ICANN will consider to be geographic names.

### **The proposed geographic search requirements for applicants of new gTLDs are unclear and overly broad.**

In the best practices section, the draft document proposes that an applicant for a new gTLD should conduct “a thorough search... to determine whether the string is a geographic name, including but not limited to cities, countries, regions, subregions or other geographic related spaces.” The proposal suggests that the applicant should search, “the Internet, embassies, regional organizations, international organizations, national, regional and city governments, among others.”

These specifications for the search that the gTLD applicant must perform seem unacceptably broad. The proposal does not give a definitive list of sources for the applicant to search, so it is impossible for the applicant to know when it has met the requirements of the search. Furthermore, the proposal gives an incomplete, yet still very broad, list of categories that the applicant should be considering in its search. It is impractical to expect gTLD applicants to satisfy such broad search requirements.

The draft document also says that the geographic names specified in the Applicant Guidebook “should be considered as a general reference for the applicant and not as a strict and only criteria to determine

whether a name is geographic or not.” If applicants cannot rely on the list of geographic names in the Applicant Guidebook to conduct their searches, then the purpose of such a list is unclear.

The draft document also proposes that the applicant consider “previous research and investigation about different meanings of the applied for string, considering also the notion of protection of a name even if it is being translated to another language.” If applicants must consider different meanings and translations of strings in their searches, then it seems almost any term could relate to something geographic. These search requirements are written too broadly to be practical for gTLD applicants.

**The draft document’s proposals set an unclear burden for applicants seeking approval of a geographic string from relevant governments.**

The draft document requires that when a string is related to a country, city, region, subregion, or other geographic related spaces, “the relevant authorities related with these denominations should be contacted.” But the draft document does not specify which governmental authorities it considers relevant, or how many levels of government the applicant is required to reach for approval. For example, if an applicant discovers that the gTLD for which it is applying shares the name of a city, the proposal is unclear whether the applicant would need to contact the city, the country in which the city is located, or both. This ambiguity in the language makes it impossible for an applicant to know when it has met the requirements for approval of its gTLD.

Furthermore, the draft document includes a suggested change to the Applicant Guidebook that states:

“Nevertheless, in the event of any doubt, it is in the applicant’s interest to consult with relevant governments and public authorities and enlist their support or non-objection prior to the application...”

The language “support or non-objection” creates an unacceptably ambiguous burden for the applicant to meet in obtaining approval from the relevant government for the new gTLD. It is impossible for the applicant to know from this section whether it needs the support from the relevant governments, or simply a lack of objection. This is in addition to previous language in the draft document that requires “agreement with the relevant governments.” The interchangeable use of the terms “agreement,” “support,” and “non-objection” in the draft document create an unacceptably unclear burden for applicants to meet when seeking approval of a new gTLD.

**The GAC proposals do not define “public interest,” and do not specify who determines the public interest in the case of a disagreement.**

In the event of a disagreement between the relevant governments and the gTLD applicant, the GAC proposals state that “the public interest should be priority.” However, the draft document gives no definition of public interest. Furthermore the GAC proposals do not indicate who will determine the public interest and through what process.

In the suggested changes to the Applicant Guidebook, the applicant is instructed to make efforts to “preclude possible objections,” but the GAC proposal does not explain what happens if there is an objection to the new gTLD. Leaving a broad term like “public interest” undefined, when it is integral to the GAC proposals creates a very uncertain process for new gTLD applicants.

Thank you for your consideration of these comments.