

SUMMARY OF REGISTRY OPERATORS' PROPOSED MEASURES TO AVOID CONFUSION WITH THE CORRESPONDING COUNTRY CODE

Since February 2015, ICANN has received input from registry operators regarding measures to avoid confusion between letter/letter two-character ASCII labels and the corresponding country codes. This document is a summary of registries' proposed measures to avoid confusion with corresponding country codes.

OBJECTIVE

The summary of proposed measures to avoid confusion with the corresponding country code 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) open for public comments. This supplementary document aims to inform the community of confusion avoidance measures proposed by registries and provide context for the Proposed Measures.

The summary provides a title by which the measure may be referred, a detailed description of the measure and information regarding by whom the measure is proposed.

- **Title:** Succinct description that can be used to refer to the proposed measure
- **Description:** Detailed description of proposed measure
- **Proposed By:** Informs which category of TLD proposed the measure. If at least one TLD from the category included the measure in its proposal, the corresponding TLD category is included in the list of proposers. The categories of TLDs are the following:
 - **TLD(s) with Specification 12:** TLD with an executed Specification 12 to the Registry Agreement, also known as Community TLD; contains restrictions in its registration policy
 - **TLD(s) with Specification 13:** TLD with an executed Specification 13 to the Registry Agreement, also known as .BRAND TLD; may only register domains to the Registry Operator, its Affiliates or its Trademark Licensees
 - **TLD(s) with an Exemption from Specification 9 – Code of Conduct:** TLD with a Code of Conduct Exemption; may only register domains to the Registry Operator or its Affiliates
 - **TLD(s) on list of Governmental Advisory Committee (GAC) Category 1 Strings¹:** TLD on GAC Category 1 Strings list must adhere to safeguards as identified in Annex 2 of ICANN New gTLD Program Committee (NGPC) Resolution No. 2014.02.05.NG01
 - **Other TLD(s):** All other gTLDs

Additionally, the summary groups proposed measures into three categories: 1) Registrant Eligibility, 2) Pre-Registration and 3) Post-Registration.

¹ <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>

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. Registry operators were asked to submit proposed measures to avoid confusion with the corresponding country code to be used as input for ICANN to develop the list of measures to avoid confusion. This document summarizes registry operator-proposed measures to avoid confusion between letter/letter two-character ASCII labels and the corresponding country codes.

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

The table below is a summary of registry operator-proposed measures to avoid confusion with the corresponding country code. For ICANN's list of proposed measures, click [here](#).

REGISTRY OPERATOR-PROPOSED MEASURES: REGISTRANT ELIGIBILITY		
Title	Description	Proposed By
Registry, Affiliate, or Trademark Licensee is Registrant	Registry Operator clearly publishes a closed registration policy that requires all domain names in the TLD be registered, renewed and used only by the Registry Operator, its Affiliates and, if applicable, its Trademark Licensees. Compliance with the policy clearly designates to the public that all second-level domains in the TLD are not related to any government entities or country code operators.	<ul style="list-style-type: none"> • TLD(s) with Specification 13 • TLD(s) with Code of Conduct Exemption • Other TLD(s)
Restricted Registration Policy	<p>Registry Operator clearly publishes a restricted registration policy that requires all domain names in the TLD to meet registrant eligibility criteria, such as a nexus to the community or the possession of any necessary authorizations, charters, licenses and/or other related credentials for participation in the sector associated.</p> <p>Registry Operator performs controls of its domain registrations and renewals, and ensures verification of registrants' eligibility. Non-compliance of the registration policy may result in take down, deactivation, cancellation or suspension of the relevant domain name, at the discretion of the Registry Operator.</p>	<ul style="list-style-type: none"> • TLD(s) with Specification 12 • TLD(s) on list of GAC Category 1 Strings • Other TLD(s)

The table below is a summary of registry operator-proposed measures to avoid confusion with the corresponding country code. For ICANN's list of proposed measures, click [here](#).

REGISTRY OPERATOR-PROPOSED MEASURES: PRE-REGISTRATION		
Title	Description	Proposed By
Phased Allocation	<p>Registry Operator will provide an exclusive thirty (30) day period in which registration of objected-to letter/letter combinations will be made solely available to the applicable country code TLD managers as listed at: http://www.iana.org/domains/root/db/</p> <p>Registry Operator commits to affirmatively reaching out to those country code TLD managers who have objected to the release of their corresponding labels to provide notice of the phased allocation program, including dates and registration process.</p>	<ul style="list-style-type: none"> • TLD(s) on list of GAC Category 1 Strings • Other TLD(s)
Prohibition of Third Level Domains to Third Parties	<p>Registry Operator commits to prohibit registrants of ISO-3166 alpha-2 labels from providing or selling third level domains under those labels to third parties. If the Registry Operator is made aware that a registrant in its TLD is selling third level domains under the ISO-3166 alpha-2 label, it will first work indirectly with the sponsoring registrar and/or directly with the registrant to halt this practice. Where the registrant fails to halt this practice, the registry may, in its sole discretion, undertake enforcement action up to and including suspension of the domain name.</p>	<ul style="list-style-type: none"> • TLD(s) on list of GAC Category 1 Strings • Other TLD(s)

REGISTRY OPERATOR-PROPOSED MEASURES: PRE-REGISTRATION		
Title	Description	Proposed By
Registration/ Anti-abuse / Acceptable Use and Take Down Policy	<p>Registry Operator ensures that all Registrants in the TLDs are bound by the policy and have the obligation to avoid confusion with the corresponding country codes.</p> <p>Some registries additionally proposed the registrant’s obligation to ensure the use of a two-character letter-letter combination does not imply or represent that it is, or has the approval of, any government.</p> <p>Some registries additionally proposed that the publicly available policy set forth clear penalties and registry action for any failure to comply. Some registries proposed the takedown or deletion of domains for failure to comply.</p> <p>Registries mentioned varying policies where this provision would be included, such as the registration policy, the anti-abuse policy, the acceptable use or the take down policy.</p>	<ul style="list-style-type: none"> • TLD(s) with Specification 12 • TLD(s) with Specification 13 • TLD(s) on list of GAC Category 1 Strings • Other TLD(s)
Registry-Registrar Agreement (RRA)	<p>RRA requires all contracted Registrars to include in registration agreement with each Registrant, provisions stating that, where a second level domain corresponds to a two-character country code, Registrants of such domains have an obligation to take necessary measures to avoid confusion with the two-character country codes, and Registrant must comply with all registry policies.</p> <p>The Registry Operator reserves the right at its sole discretion to deny, cancel or transfer any registration or transaction, or place any domain name on registry lock, hold or similar status, that the registry deems necessary in order to enforce registry policies.</p>	<ul style="list-style-type: none"> • TLD(s) with Specification 12 • TLD(s) on list of GAC Category 1 Strings • Other TLD(s)
Request for Proposal Process	<p>Registry Operator only releases certain two-letter names in the TLDs via a Request for Proposal (RFP) process, which requires applicants to detail their proposed use of the domain name. This will allow the Registry Operator to proactively identify any potential confusing use of the domain name with a corresponding country code.</p>	<ul style="list-style-type: none"> • TLD(s) on list of GAC Category 1 Strings

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REGISTRY OPERATOR-PROPOSED MEASURES: POST-REGISTRATION		
Title	Description	Proposed By
Complaint Investigation	<p>Registry Operator commits to investigate in a timely manner reports of misuse, including misleading or deceptive conduct that creates confusion with a country code. Registry Operator will provide a written response; one or more registries additionally committed to provide a written response within a commercially reasonable time period.</p> <p>Some registries proposed that where, in Registry Operator’s sole opinion, misuse has occurred, Registry Operator, will work indirectly with the sponsoring registrar and/or directly with the registrant to address the misuse.</p> <p>Some registries proposed that in the event that misuse continues to occur, the Registry Operator may, in its sole discretion, undertake direct action including suspension or deletion of the domain name.</p> <p>One or more registries additionally provided the criteria of investigation:</p> <ol style="list-style-type: none"> a. the use in any of the TLDs of a domain name consisting of a two-character letter-letter combination; and b. corresponds to that government’s country code; and c. implies or represents that it is, or has the approval of, such government. 	<ul style="list-style-type: none"> • TLD(s) with Specification 12 • TLD(s) on list of GAC Category 1 Strings • Other TLD(s)