

Akram Atallah  
President, Global Domains Division  
Internet Corporation for Assigned Names and Numbers  
12024 Waterfront Drive, Suite 300  
Los Angeles, CA 90004-2536

**Re: Treatment of government comments on requests to release two character ASCII labels**

Dear Akram,

The RySG is writing to seek clarity on the process by which ICANN will consider and act on any comments received from individual governments as allowed under the Process for Requesting Authorization for Release of Letter/Letter Two-Character Labels.

The process documentation states that "... comments will be reviewed and considered by ICANN in determining whether to authorize the release of Letter/Letter Two-Character ASCII Labels", but is absent any criteria that will be used in this review process. Similarly, there is no information available about what would happen in the event that the review determined the comments to be acceptable. There was an earlier suggestion that ICANN Registry Operators may be required to negotiate directly with the Government to be able to use the Letter/Letter combination, but this has not been confirmed. Nor should this be required.

As the RySG has stated in previous correspondence on this issue to Dr. Crocker on 30 September 2014, and reiterated in follow-up correspondence dated 5 February 2015, neither country code managers, nor governments, own the rights to the letters which constitute a ccTLD; and the use of two-character labels that are also country codes at the second level of a TLD is not an issue of sovereignty. Therefore, any comments or objections from a government should be supported by specific reference to local or international law. There should not be attempts by governments to veto the use of a Letter/Letter combination without legal justification.

In accordance with the Specification 5, Section 2 of the Registry Agreement, Registry Operators may propose the release of two character ASCII labels based on the implementation of measures to avoid confusion with the corresponding country codes. This has been addressed in the process developed by ICANN by requiring the registry operator to confirm that they "... will implement measures to avoid confusion with corresponding country codes ..." It is our view that any suggestion by a government that the use of a Letter/Letter combination will create confusion should be supported by evidence of a history of confusion with the use of the respective ccTLD at the second level of any TLD.

We also note that the rationale for the Board's most recent decision recognized that no specific risk of user confusion has been identified and further that the release of two-character second level domains does not create a reasonable risk of a meaningful adverse effect on security and stability. We would also recall the GAC's Los Angeles Communique which stated that "... the GAC recognized that two-character second level domain names are in wide use across existing TLDs, and have not been the cause of any security, stability, technical or competition concerns."

Based on these acknowledgements by the Board and the GAC, and the arguments provided above, we would appreciate an early response to this letter in order to understand the process that ICANN will be adopting to review and consider any individual government's comments. In the interests of transparency, it would be appreciated if a response can be provided prior to the completion of the first 60 day comment period.