

**Subject:** Business Constituency (BC) comment on proposed amendments to .SONY, .ARCHI, .BIO and .SAARLAND registry agreements

**Date:** Sunday, June 14, 2015 at 4:17:19 PM Eastern Daylight Time

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**To:** comments-ctn-release-tlds-13may15@icann.org

The Business Constituency (BC) appreciates the opportunity to provide comments regarding the proposed amendments to the .SONY, .ARCHI, .BIO and .SAARLAND registry agreements submitted through the Registry Services Evaluation Policy (RSEP) on 16-Mar-2015, 06-April-2015, 06-April-2015, and 16-April-2015 respectively, and posted for public comment on 13-May-2015 ([link](#))

Our comment is show below and also in the attached PDF.

### The .SONY Request

In its RSEP request, Registry Operator Sony Corporation seeks the release of all country and territory names, as defined in Section 4 of Specification 5 of the Registry Agreement, at all levels of the .SONY TLD. The BC fully supports this request submitted by a .BRAND registry.

The BC has consistently supported the release of country and territory names at all levels in .BRAND TLDs; this comment aligns with those prior comments. See Business Constituency, [Comment on Neustar's Proposal for Country and Territory Names](#) (Nov. 8, 2014); [Comment on the Release of Country and Territory Names in the .BMW and .MINI TLDs](#) (Jan. 24, 2015); [Comment on Release of Country and Territory Names for the .EMERCK, .BERLIN, and .HAMBURG TLDs](#) (April 1, 2015); [Comment on Release of Country and Territory Names for the .HONDA, .AXA, .EPSON, .HSBC, .XYZ and .COLLEGE TLDs](#) (April 28, 2015).

As set forth in our previous comments supporting similar RSEP requests, the BC believes that the use of country and territory names will allow .BRAND registries to create customized and relevant localized content for consumers in various countries and regions across the world, especially in developing nations with predominantly non-English-speaking populations. This geographic segmentation will not only bring greater efficacy to .BRAND TLDs, but it will benefit businesses and consumers alike by fueling economic development in regions which currently have limited choice with respect to linguistically and culturally tailored 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.

Finally, the BC considers that use of country and territory names within a .BRAND registry will always avoid confusion with an official government web property. Indeed, the very basis of the .BRAND TLD model is for the brand to serve a unique source identifying function at the top-level, and for geographic names to serve a purely descriptive function at the second level. Thus, especially given the context of the underlying commercial sites, consumers directed to country.brand domain names will always be aware that they are engaging with a geographically-targeted version of a company's official web site as opposed to a government property. The BC also notes the historical availability of country and territory names at all levels in all legacy TLDs. .BRAND TLDs should be afforded the same opportunity to allocate such names, given that the risk of abuse or confusion by the use of such names in a .BRAND registry is low.

### The .SAARLAND Request

In its RSEP request, Registry Operator dotSaarland GmbH seeks the release of all country and territory names, as defined in Section 4 of Specification 5 of the Registry Agreement, at all levels of the .SAARLAND TLD. The BC fully supports this request as well.

Geographic TLDs such as .SAARLAND, which by definition have the backing and support of the official governments of their respective regions, represent secure, stable, and safe spaces where the likelihood of abuse or misconduct in the use of country and territory names is low. Further, because of the geographical nature of these TLDs, use of country and territory names at other levels of the TLDs is not likely to confuse the public as to any official affiliation between the domain and the country or territory.

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. For example, ITALY.SAARLAND could facilitate the development of a trusted online space for the Saarland-based Italian community, or the development of a trusted online space to enhance Saarland residents' access to travel, tourism, and trade with Italy. These opportunities for enriched competition, choice, and innovation serve the goals of the new gTLD program.

Finally, the BC notes the historical availability of country and territory names at the second level in all legacy TLDs. Geographic TLDs such as .SAARLAND should be afforded the same freedom to allocate such names, given that the risk of abuse or confusion by the use of such names in these registries is no higher than their use in legacy TLDs.

### The .ARCHI and .BIO Requests

In its RSEP request, Registry Operator Starting Dot Limited seeks the release of all country and territory names, as defined in Section 4 of Specification 5 of the Registry Agreement, at all levels of the .ARCHI and .BIO TLDs, respectively.

The .ARCHI and .BIO requests are distinct from the RSEP requests discussed above because they relate to open TLDs, as opposed to .BRAND TLDs or geographic TLDs. In our view, the historical availability of country and territory names at all levels in all legacy TLDs still militates in favor of a presumptive approval of the request for the release of country and territory names.

However, in recognition of the fact that the geographic segmentation and non-confusion arguments set forth in the previous sections are less persuasive for open TLDs than for .BRANDS or geographic TLDs, we believe that the presumption of approval may be overcome by a particular government's objection to the release of its country or territory name. In contrast, for .BRAND and .GEO TLDs, the BC strongly believes that the presumption of approval should only be able to be rebutted upon a showing of a *justified and well-supported* objection that convincingly demonstrates *probable harm and/or confusion* due to the use of its country or territory name at the second level. Thus, given the above rationale, to the BC the central question is one of degree, whereby restricted-access TLDs, such as .BRANDS and geographic TLDs, should enjoy the strongest presumption of approval (rebutted only upon justified and well-supported governmental objections), whereas purely open TLDs should enjoy a lesser presumption of approval (rebutted upon any governmental objection).

In the future, in order to make the requested delineation more clear, the BC would support bifurcating similar public comment periods on country and territory names into buckets corresponding to restricted access TLDs, such as .Brands or geographic TLDs, versus purely open TLDs.

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These comments were drafted by Andy Abrams and approved in accordance with our charter.