

ICANN clears way for release of new gTLD two-character domain names International - Hogan Lovells LLP

gTLDs

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On October 16 2014 the [Internet Corporation for Assigned Names and Numbers \(ICANN\)](#) voted to "implement an efficient procedure" for the release of two-character domain names by new gTLD registries. These registries had previously been obliged to withhold such domain names pursuant to the New gTLD Registry Agreement in order to avoid potential security and stability issues, particularly where such domain names corresponded to country-code top-level domains. ICANN's vote to remove this restriction came in the wake of a perceived lack of opposition from governments and, notably, members of the Government Advisory Committee (GAC) during the 51st ICANN meeting in Los Angeles earlier in October.

The blanket prohibition on two-character domain names (any combination of letters or numbers) being sold to the public or activated in the DNS was set out in Specification 5 of the New gTLD Registry Agreement, which stated:

"All two-character ASCII labels shall be withheld from registration or allocated to Registry Operator at the second level within the TLD. Such labels may not be activated in the DNS, and may not be released for registration to any person or entity other than Registry Operator, provided that such two-character label strings may be released to the extent that Registry Operator reaches agreement with the related government and country-code manager of the string as specified in the ISO 3166-1 alpha-2 standard."

However, ICANN did leave open the possibility for registries to request the release of such domain names by stating in Specification 5 that:

"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".

From January 18 2014, such requests were possible via the official Registry Services Evaluation Process (RSEP) and a number of registries, for example those for '.jetzt', '.global', '.neustar', '.kiwi' and '.berlin', have gone down the RSEP route. As part of that process for the aforementioned TLDs, a [public comment forum](#) was set up by ICANN. The forum accrued a total of four comments, most of them in favour of the release and none of which originated from any government.

At ICANN 51, the Australian GAC representative, Peter Nettlefold, stated that:

"what we see at the moment is that ICANN is putting these RSEP requests out for public comment and it would be open to any government to use that public comment period if they did feel in some instances that there was a concern".

Thus, although governments and the GAC do not seem to have actively opposed the release of the two-character domain names, some GAC members have also effectively reaffirmed their support for the current RSEP system for releasing them. Hence, it is difficult to see how ICANN will be able to free up the release process without eliminating the very procedures that are currently providing comfort to concerned parties.

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