

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

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UPDATE ON TRADEMARK-RELATED ASPECTS OF THE EXPANSION OF THE DOMAIN NAME SYSTEM

Document prepared by the Secretariat

INTRODUCTION

1. At the twenty-seventh session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), the Summary by the Chair (document SCT/27/11, paragraph 221) stated that the Chair concluded that the SCT had taken note of document SCT/27/8 and that the Secretariat was requested to keep Member States informed on developments in the Domain Name System. The requested information update is set out below.

2. Two policy developments in relation to ICANN (Internet Corporation for Assigned Names and Numbers) present both opportunities and challenges for owners and users of intellectual property rights. One is the introduction of up to 1,400 new generic top-level domains (gTLDs). ICANN have announced delegation of the first of these during the first half of 2013. Such new generic top-level domains may be of an “open” nature (similar to .com), or may take on more specific or restrictive characteristics, for example taking the form of .[city], .[community], .[brand], .[language], .[culture], or .[industry]. A second development concerns the introduction of internationalized domain names (IDNs) at the top level. Also, ICANN’s envisaged expansion of the DNS raises rights protection questions in connection with the Second WIPO Internet Domain Name Process.

A. NEW GENERIC TOP-LEVEL DOMAINS

3. ICANN implementation of its New gTLD Program was formally approved in a Board vote at ICANN's Meeting in Singapore on June 20, 2011¹. Information has been published in ICANN's much-revised "Applicant Guidebook"². Delegation of the first new gTLDs in 2013 is expected to be followed, where applicable, by registrations of individual domain names (further application rounds are expected in due course).

4. By way of background on ICANN's New gTLD Program, ICANN's policy-making body, the Generic Names Supporting Organization (GNSO) in September 2007 issued a set of recommendations (approved by ICANN's Board in June 2008) to implement a process to allow for the introduction of further new gTLDs. These include *inter alia* a recommendation that new gTLD strings must not infringe existing legal rights of others that are recognized or enforceable under internationally recognized principles of law, *e.g.*, trademark and freedom of expression rights³. ICANN's Governmental Advisory Committee (GAC) also issued in 2007 a set of "GAC Principles regarding New gTLDs" which state *inter alia* that "[the] process for introducing new gTLDs must make proper allowance for prior third-party rights, in particular trademark rights as well as rights in the names and acronyms of inter-governmental organizations (IGOs)⁴".

5. Subsequent discussions of ICANN's New gTLD Program, and within that, trademark Rights Protection Mechanisms (RPMs), have been contentious. The WIPO Arbitration and Mediation Center (the Center) has been actively monitoring the development of the various RPMs resulting from such ICANN discussions⁵, consistently providing targeted input to ICANN in an attempt to help it develop workable solutions to the issue of trademark protection in new gTLDs⁶. Such contributions take account of the fact that the current design of ICANN's new gTLD RPMs substantially reflects the input of ICANN's own contractual partners, namely registries and registrars.

6. While the Center remains committed to working with stakeholders to attempt to safeguard the observance of general principles of IP protection in any new gTLDs ultimately approved by ICANN, the RPMs which have emerged from a series of ICANN committees and processes for new gTLDs are seen to have been diluted in their intended effectiveness, both in operational and substantive terms⁷. Set out below is a broad description of the RPMs adapted and adopted by ICANN, in relation to the top level and the second level respectively.

(i) Top Level Rights Protection Mechanisms

– Pre- (TLD) Delegation Dispute Resolution Procedure

7. The Center replied to ICANN's December 2007 request for "Expressions of Interest from Potential Dispute Resolution Service Providers for New gTLD Program" in relation to a number of RPMs, including a pre-delegation procedure for "Legal Rights Objections" (LRO) (other objection grounds recognized by ICANN are: "String Confusion Objections", "Community Objections", and "Limited Public Interest Objections⁸"). The substantive criteria for this LRO procedure are rooted in the "WIPO Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet⁹" (Joint Recommendation) adopted by the WIPO General Assembly in September 2001.

8. In addition to the adoption of these criteria, the Center has also assisted ICANN in its development of procedural rules for LRO cases as integrated in ICANN's Applicant Guidebook¹⁰. Consistent with the Joint Recommendation, the prime focus of the LRO procedure concerns trademarks. The pre-delegation proposal has met with broad support, and, with the LRO Objection window having closed in March 2013, processing by the Center of the 69 LRO Objections found to be procedurally compliant is currently underway¹¹.

– Post- (TLD) Delegation Dispute Resolution Procedure

9. From early 2008, the Center has raised with ICANN the potential usefulness of a permanent administrative option, additional to the pre-delegation procedure described in the preceding paragraph, that would allow for the filing of a complaint with respect to an approved new gTLD registry operator whose manner of operation or use of its registry is alleged to cause or materially contribute to trademark abuse. In early 2009, the Center communicated to ICANN a concrete substantive proposal for such a trademark-based post-delegation dispute resolution procedure. The proposal also seeks to reduce burdens associated with anticipated levels of trademark infringement by facilitating additional registry-adopted enforcement options¹². The intent behind this proposal was to offer standardized assistance to ICANN's own compliance oversight responsibilities, by providing an administrative alternative to court litigation, encouraging responsible conduct by relevant actors. This includes the provision of safe harbors for *bona fide* registry operators in a *quasi* public-private partnership¹³.

10. Following various ICANN committee processes and consultations with registry operators, the effectiveness of this Post-Delegation Dispute Resolution Procedure (PDDRP) in the form adopted by ICANN remains uncertain, in particular given the addition of overlapping procedural layers, and issues concerning the intended substantive scope of this mechanism.

(ii) Second Level Rights Protection Mechanisms

– Trademark Clearinghouse

11. ICANN's New gTLD Program includes a "Trademark Clearinghouse" as a centralized repository of authenticated trademark data which could be invoked as the basis for filing under new gTLD RPMs¹⁴. The adoption of this concept involved extensive ICANN discussions *inter alia* concerning the relation to trademark office determinations. The Center has commented that any such Clearinghouse should not unfairly burden rights holders in the treatment of trademark registrations legitimately obtained through examination and registration systems as applied in many global jurisdictions, and that, if and where appropriate, practical measures may be envisaged to identify any allegedly inappropriate invocation of rights in specific contexts.

12. ICANN designated an operator for the Clearinghouse in June 2012¹⁵, and the Clearinghouse has been open for trademark submission and validation since March 2013. The Clearinghouse allows for inclusion of nationally or regionally registered word marks, any word marks protected by statute or treaty or validated by court, and "[o]ther marks that constitute intellectual property" (the latter being undefined). With respect to RPMs utilizing Clearinghouse data, the availability of "Sunrise" services (*i.e.*, an opportunity for a trademark owner, for a fee, to preemptively register an exact match of its mark as a domain name) is presently limited to those trademarks for which current use can be demonstrated. Whether or not substantiated by demonstration of current use, trademark owners would also be eligible to participate in a time-limited "Claims" service (*i.e.*, notice to a potential domain name registrant of the existence of a potentially conflicting trademark right, and notice to the relevant trademark owner(s) in the event that the registrant nevertheless proceeds with domain name registration). While the Sunrise services presently include exact matches, the Claims services go beyond this to also include the possibility of notices being issued for up to 50 additionally confusingly similar strings,

provided such additional strings have been the subject of a successful UDRP Complaint on confusing similarity. The availability of the Claims service is presently limited to a maximum duration of 90 days after a new gTLD is opened for general public registration. It is anticipated that such limitations may give rise to gaming, with attendant financial and enforcement burdens for trademark owners and increased potential for consumer confusion. The demonstration of use required for Sunrise services similarly applies to the invocation of trademarks as a basis for a complaint filed under the “Uniform Rapid Suspension” RPM described below.

– Uniform Rapid Suspension System

13. While importantly the UDRP remains available as a curative tool for new gTLD disputes involving the considered transfer of a disputed domain name to the trademark owner, ICANN has introduced what is intended to be a lighter second-level RPM for appropriate cases. The Center for its part communicated to ICANN in April 2009 a discussion draft of an “Expedited (Domain Name) Suspension Mechanism”¹⁶, and has made subsequent proposals for a streamlined mechanism based on this model at the ICANN Prague and Toronto meetings in 2012¹⁷. Such proposals took account of the need to strike a reasonable balance between the protection of trademark rights recognized by law, the practical interests of good-faith registration authorities to minimize operational burdens, and the legitimate expectations of *bona fide* domain name registrants.

14. The Uniform Rapid Suspension System (URS) adopted by ICANN has evolved from a sequence of ICANN processes and committees, and is viewed by many as having become an overburdened procedure for a limited remedy. To the extent this view is correct, questions remain as to how effective the URS will be as an efficient and enforceable complement to the court-alternative UDRP, and a range of issues remain to be addressed, including its relationship with the UDRP¹⁸. ICANN invited tenders in late 2012 from prospective URS providers. Following careful consideration of the ICANN URS model and related resource questions, the Center has not applied¹⁹. The Center continues to closely monitor developments.

B. ICANN’S PLANNED FUTURE REVISION OF THE WIPO-INITIATED UDRP AND THE UDRP LOCK WORKING GROUP

15. Accommodating the dynamic development of the DNS, the UDRP has been offering an effective alternative to court litigation for trademark owners, domain name registrants, and registration authorities. Nevertheless, following discussions at which the clear majority of participants were of the opinion that more harm than good could result from any review of the UDRP by ICANN²⁰, a decision was taken by ICANN’s GNSO to review the UDRP through a process envisaged to commence within some 18 months following the delegation of the first new gTLDs²¹.

16. The UDRP functions today as the remarkable result of care invested by many stakeholders over a dozen years, for public and private benefit. By accommodating evolving norms and practices, the UDRP has proven to be a flexible and fair dispute resolution system. Given ICANN’s institutional structure, where IP holds a mere minority vote, it appears likely that any wide-ranging review could end up weakening the foundation and functioning of the UDRP. In the meantime, ICANN’s GNSO has commenced a “Policy Development Process” (PDP) with a more limited technical mandate of examining the mechanism for locking domain names subject to UDRP proceedings. The Center has been an active participant in this GNSO lock working group process, with the goal of clarifying the existence of a clear lock obligation under the UDRP (importantly, although there are many problematic aspects of the ICANN URS, such lock obligation does clearly exist under this new RPM). This lock working group appears to be

making steady progress towards achieving a technical end result consistent with stakeholder needs. The Center will continue to actively follow ICANN stakeholders' intentions with regard to the UDRP.

C. INTERNATIONALIZED DOMAIN NAMES (IDNs)

17. As noted in paragraph 2, another significant policy development in the DNS is the introduction of IDNs (non-Latin script) at the top level. Because of the high priority drawn by IDN applications in the ICANN New gTLD approval process, it is expected that a number of these would be among the first of any new gTLDs announced by ICANN for delegation in the DNS root zone.

18. Separately, and prior to new gTLD development, ICANN's Final Implementation Plan for IDN ccTLD Fast Track Process was published on November 16, 2009²². Since then, this has allowed for the introduction of several IDN ccTLDs, associated with the two-letter codes in the ISO 3166-1 standard²³. Approved requests continue to be delegated into the DNS root zone²⁴.

D. OTHER IDENTIFIERS

19. In addition to and in connection with the above, there are further developments taking place at ICANN in relation to the protection of non-trademark identifiers.

20. It is recalled that the First WIPO Internet Domain Name Process addressed the relationship between domain names and trademarks. The Second WIPO Internet Domain Name Process concerned the relationship between domain names and five other types of identifiers that had not been addressed, including country names and the names and acronyms of IGOs.

21. At its meeting from September 23 to October 1, 2002, the WIPO General Assembly recommended amending the UDRP in order to provide protection for country names and for the names and acronyms of IGOs²⁵. The WIPO Secretariat transmitted these recommendations (WIPO-2 Recommendations) to ICANN in February 2003²⁶.

22. Following further WIPO communications, in a letter of March 2006²⁷, the then President and CEO of ICANN informed the Secretariat that it had not been possible to achieve a consensus among the various constituencies of ICANN. However, while expressing doubts about the options for moving forward with the WIPO-2 Recommendations as a whole, the letter indicated that progress might be possible with regard to the protection of names and acronyms of IGOs for which an established basis exists in international law.

23. In June 2007, ICANN Staff produced an Issues Report on Dispute Handling for IGO Names and Abbreviations²⁸, recommending not to initiate a process on the issue of the protection of IGO names and acronyms, but rather, to consider a dispute resolution policy covering such identifiers at the second level in any new gTLDs. In June 2007, the GNSO requested ICANN Staff to provide a report on a draft IGO Domain Name Dispute Resolution Procedure, primarily foreseen for new gTLDs. Such Report was produced by ICANN Staff in September 2007²⁹, but has not been adopted by the GNSO.

24. ICANN's New gTLD Program Applicant Guidebook limited consideration of the protection of the names and acronyms of IGOs to providing potential recourse through the pre-delegation objection procedure concerning the top level (*i.e.*, an applied-for TLD), discussed in paragraphs 7 and 8 above³⁰. However, following an open letter from IGO legal counsels to ICANN in December 2011, and sustained IGO efforts, including at the ICANN Prague and Toronto

Meetings in 2012, the GAC issued advice to the ICANN Board that the names and acronyms of IGOs be granted protection against inappropriate third-party registration in the DNS prior to the delegation of any new gTLDs³¹. The GAC further advised the ICANN Board that, building on existing .int criteria for second level registrations in that space, it would collaborate with IGOs to develop a list of IGO names and acronyms that should be protected. The protection is envisaged as being at the second level for the current round of new gTLDs, and at both the second and top level in any future new gTLD rounds. The GAC also advised the Board that, pending work on further implementation, interim protection for IGO names and acronyms should be provided through a moratorium on third-party registration prior to the delegation of any new gTLDs.

25. The ICANN Board responded to the GAC indicating that it had adopted a resolution laying the groundwork for such interim protection at the second level based on the existing .int criteria, via an ICANN reserve list of identified IGO names and acronyms, to be withheld from third-party registration through the new gTLD registry agreement. ICANN specified a deadline for provision of relevant qualifying IGO names and acronyms of February 28, 2013, inviting qualifying IGOs to identify themselves to ICANN by that date, while also seeking provision by the GAC (with IGOs) of a consolidated IGO package comprising the criteria and list of IGO names and acronyms for which the GAC advises protection³². In response, working on the basis of the GAC Toronto advice, an IGO coalition developed .int-based criteria for IGO protection and an accompanying list of IGOs, which were forwarded by the IGO coalition to the ICANN Board on February 28, 2013. This was followed (after a brief extension of the February 28 deadline to enable further GAC deliberations) by a GAC communication to the ICANN Board of the GAC's preferred IGO protection eligibility criteria (comprising treaty-based IGOs with international legal personality, or which are UN Observers, or which are funds or programs of the UN), together with a list of IGO names and acronyms so protectable³³.

26. On April 1, 2013, the Board responded to the GAC with a letter raising certain issues regarding its advice. In particular, the Board sought further specifics on what a possible means for periodic review of the list might look like in practice, along with clarification of any additional languages in which protection of IGO names and acronyms is sought. The third issue, rather more fundamentally, raised certain concerns about how the protection of IGO acronyms would be reconciled with certain potentially legitimate third-party attempts to register domain names corresponding to a protected IGO acronym, and sought further particulars about the possible means (beyond consent of the relevant IGO) by which cases of potentially legitimate co-existent use could be managed in practice³⁴. On the issue of IGO protection, following further GAC discussions at the ICANN Beijing Meeting, the GAC issued the following additional advice to the ICANN Board as part of its Beijing Communiqué:

"The GAC stresses that the IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS.

"Such protection, which the GAC has previously advised, should be a priority. This recognizes that IGOs are in an objectively different category to other rights holders, warranting special protection by ICANN in the DNS, while also preserving sufficient flexibility for workable implementation.

"The GAC is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN Staff to find a workable and timely way forward.

“Pending the resolution of these implementation issues, the GAC reiterates its advice to the ICANN Board that:

“i. appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch.”

27. An ICANN Board response to this further GAC advice remains pending. Parallel to consideration by the GAC, the ICANN GNSO has launched a PDP on the issue of IGO protection. The Center is also participating along with certain other IGOs in this parallel GNSO process, in which the issue of possible means to address potential coexistence between any protected IGO acronyms in particular and potentially legitimate third-party users also features prominently. Prospects for positive consensus gains for IGOs within the GNSO process may be limited given the overall composition of the group, but continuing IGO engagement remains important for sharing any broader gains made on IGO protection within ICANN via GAC advice to the Board.

28. Concerning geographical terms, the GAC in particular has expressed concerns about their use and protection in the new gTLDs. In 2007 it issued the “GAC Principles regarding New gTLDs³⁵”, which states *inter alia* that ICANN should avoid delegation of new gTLDs concerning country, territory or place names, and regional language or people descriptions, unless in agreement with the relevant governments or public authorities. Those GAC Principles further stated that new registries should adopt procedures for blocking/challenge of names with national or geographical significance at the second level upon demand of governments.

29. Concerning the top level, ICANN’s Applicant Guidebook foresees that “applications for strings that are country or territory names will not be approved, as they are not available under the New gTLD Program in this application round³⁶.” Applied-for strings which are considered by ICANN to be certain other geographic names, *e.g.*, capital city names, would need to be accompanied by documentation of support or non-objection from the relevant governments or public authorities³⁷. Concerning second-level registrations, ICANN’s base registry agreement includes a “Schedule of Reserved Names at the Second Level in gTLD Registries” which makes provision for certain country and territory names³⁸.

30. In its wide-ranging ICANN Beijing Meeting Communiqué, the GAC expressed further reservations regarding a number of applied-for strings on grounds of correspondence to geographical terms, advising the ICANN Board not to proceed beyond initial evaluation for these, and seeking further clarification from the Board on scope for flexibility of applicants to modify applied for strings to address specific GAC concerns.

31. Concerning new gTLD applications more generally, the GAC’s Beijing Communiqué contained consensus advice to the Board against proceeding with two particular string applications, flagged sensitivities regarding two others, advised against proceeding beyond initial evaluation for a further twelve applied-for strings, and identified scores of additionally applied-for strings, divided into six broad categories, as warranting further consideration by the Board in terms of additional safeguards³⁹.

32. Overall, the Center has endeavored to apprise relevant sectors within the Secretariat on the above-mentioned matters, including in support of the work of the SCT⁴⁰. The agenda of the twenty-ninth session of the SCT includes an update on developments in the context of the expansion of the DNS planned by ICANN.

33. The Secretariat will continue to monitor these developments and provide input where possible.

34. *The SCT is invited to take note of the contents of this document.*

[End of document]

¹ See <http://www.icann.org/en/minutes/resolutions-20jun11-en.htm>. For further background including references, see document WO/GA/39/10, in particular paragraph 14.

² ICANN's current Applicant Guidebook is available at <http://newgtlds.icann.org/en/applicants/agb>.

³ See <http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>.

⁴ See

https://gacweb.icann.org/download/attachments/1540128/gTLD_principles_0.pdf?version=1&modificationDate=1312358178000.

⁵ See <http://www.wipo.int/amc/en/domains/newgtld/>.

⁶ A full record of the Center's public communications with ICANN in this regard is available at:

<http://www.wipo.int/amc/en/domains/resources/icann/>.

⁷ For further background including references, see document WO/GA/39/10, in particular paragraphs 23-30. It is noted here that ICANN summarily rejected a proposal for a "Globally Protected Marks List".

⁸ The Applicant Guidebook contains a number of other procedures which governments may avail themselves of following ICANN announcement of new gTLD applications. Notably, section 1.1.2.4 provides for "GAC Early Warning," and section 1.1.2.7 provides for "Receipt of GAC Advice on New gTLDs" for the ICANN Board's consideration.

⁹ See http://www.wipo.int/about-ip/en/development_iplaw/pub845-toc.htm.

¹⁰ See section 3.2 of the ICANN Applicant Guidebook.

¹¹ See WIPO Rules for New gTLD Dispute Resolution, and Schedule of Fees and Costs, respectively at <http://www.wipo.int/amc/en/docs/wipolorules.pdf>, and <http://www.wipo.int/amc/en/domains/lro/fees/>; see WIPO-registered LRO cases at <http://www.wipo.int/amc/en/domains/lro/cases/>.

¹² See <http://www.wipo.int/amc/en/docs/icann130309.pdf>.

¹³ Given the perceived convergence of registry, registrar, and registrant roles within the DNS, the Center has further recommended, *inter alia* taking account of its UDRP-based experiences, and ICANN's decision to allow for cross-ownership between registries and registrars (see <http://www.icann.org/en/minutes/resolutions-05nov10-en.htm>), that ICANN consider extending the PDDRP for registries also to registrar conduct (see, *inter alia*, <http://www.wipo.int/amc/en/docs/icann260310rap.pdf>).

¹⁴ In June 2012, ICANN announced its selection of Trademark Clearinghouse Service Providers, see <http://www.icann.org/en/news/announcements/announcement-3-01jun12-en.htm>.

¹⁵ Deloitte/IBM; see <http://newgtlds.icann.org/en/about/trademark-clearinghouse>.

¹⁶ See <http://www.wipo.int/amc/en/docs/icann030409.pdf>.

¹⁷ See <http://prague44.icann.org/node/31773> and <http://toronto45.icann.org/node/34325>.

¹⁸ An extensive inventory of these issues is provided *inter alia* in the Center's letter of December 2, 2010, available at <http://www.wipo.int/amc/en/docs/icann021210.pdf>. A number of these have been on the agenda of ICANN's June 2012 Prague Meeting.

¹⁹ ICANN has announced the National Arbitration Forum and the Asian Domain Name Dispute Resolution Center as the first two URS providers in early 2013.

²⁰ See <https://community.icann.org/display/gnsoudrpd/Webinar+on+the+Current+State+of+the+UDRP>; see also more generally document WO/GA/39/10, paragraph 31.

²¹ See <http://gnso.icann.org/meetings/minutes-council-15dec11-en.htm>.

²² See <http://www.icann.org/en/topics/idn/fast-track/idn-cctld-implementation-plan-16nov09-en.pdf>.

²³ See http://www.iso.org/iso/english_country_names_and_code_elements.

²⁴ See <http://www.icann.org/en/topics/idn/fast-track/>.

²⁵ See http://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_28/wo_ga_28_3.pdf; see also documents SCT/9/8, paragraphs 6 to 11; and, SCT/9/9, paragraph 149.

²⁶ See <http://www.wipo.int/amc/en/docs/wipo.doc>.

²⁷ A similar letter was sent to the then Chairman of the GAC. It is posted on ICANN's web site at:

<http://www.icann.org/correspondence/twomey-to-tarmizi-13mar06.pdf>.

²⁸ GNSO Issues Report on Dispute Handling for IGO Names and Abbreviations is posted on ICANN's web site at: <http://gnso.icann.org/issues/igo-names/issues-report-igo-drp-15jun07.pdf>.

²⁹ See <http://gnso.icann.org/drafts/gnsso-igo-drp-report-v2-28sep07.pdf>.

³⁰ Following interventions *inter alia* by the GAC, ICANN has agreed, at least for the first application round, not to admit third-party applications for new gTLDs that would match certain terms associated with the International Federation of Red Cross and Red Crescent Societies (Red Cross) and the International Olympic Committee (IOC), in

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a number of languages. The stated basis appears to be a GAC view that these entities uniquely enjoy “two-tiered” protection both at treaty level (*i.e.*, the Geneva Conventions and the Nairobi Treaty respectively) and through national statutes in multiple jurisdictions. (As to protection against second-level registrations of these terms in new gTLDs, discussions are ongoing amongst the GAC and GNSO.) This asserted distinction has been the subject of two letters submitted by IGO legal counsels in December 2011 and May 2012 to the GAC, and has also been on the agenda at ICANN’s Prague Meeting in June 2012.

³¹ See https://gacweb.icann.org/download/attachments/27132070/FINAL_Toronto_Communique_20121017.pdf?version=1&modificationDate=1354149148000&api=v2

³² See <https://gacweb.icann.org/download/attachments/27132070/Board%20Response%20to%20GAC%20Toronto%20Communique.pdf?version=1&modificationDate=1361909146000&api=v2>.

³³ See <http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-22mar13-en>.

³⁴ See <http://www.icann.org/en/news/correspondence/crocker-to-dryden-01apr13-en>.

³⁵ See http://gac.icann.org/web/home/gTLD_principles.pdf.

³⁶ See <http://www.icann.org/en/topics/new-gtlds/rfp-redline-30may11-en.pdf>, from section 2.2.1.4.1 “Treatment of Country or Territory Names”.

³⁷ See <http://www.icann.org/en/topics/new-gtlds/rfp-redline-30may11-en.pdf>, from section 2.2.1.4.2 “Geographic Names Requiring Government Support”. For objections by governments more generally, see endnote 9, *supra*.

³⁸ See <http://www.icann.org/en/topics/new-gtlds/agreement-specs-redline-30may11-en.pdf>, at Specification 5.

³⁹ See https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf.

⁴⁰ See *e.g.*, documents SCT/24/4, SCT 25/3, SCT 26/6 and 27/8 available at

http://www.wipo.int/edocs/mdocs/sct/en/sct_24/sct_24_4.pdf,

http://www.wipo.int/edocs/mdocs/sct/en/sct_25/sct_25_3.pdf,

http://www.wipo.int/edocs/mdocs/sct/en/sct_26/sct_26_6.pdf and

http://www.wipo.int/edocs/mdocs/sct/en/sct_27/sct_27_8-annex1.doc respectively.