

# GeoTLD – Internet vs. Community?

Kommentar [t1]: See two comments on page 3.

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In the light of an expected new round of gTLD introductions into the Internet root, the issue of so called GeoTLD have become the subject of a sometimes heated debate between supporters and critics. On the pro- as well as on the con-side, the discussion has already led to remarkable cross-constituency coalitions. Especially after the lively debate around the failed .xxx application, many observers believe that the GeoTLD challenge does have the potential to end up in landmark decisions for the ten year old ICANN framework. The GeoTLD concept touches many of the traditional core questions of Internet Governance: The relationship between an – often self-defined - Internet community and society at-large, between private and public stakeholders, and between local and international decision making bodies. Unfortunately, the discussion around the delegation and re-delegation of ccTLD have not been a sufficient training camp for the GeoTLD debate, due to the fact RFC 1591 and the reference to an already existing ISO 3166 list happened at a very early stage of the Information Society, and two letter codes usually don't touch people emotions the way full geographic and geopolitical names do.

Let's ignore for a moment the decreasing importance of domain names due to the widespread use of search engines and look at some simple facts and considerations:

1. Every single website can be accessed by all computers with unrestricted connection to the Internet. The online supply of content linked to geographic and geopolitical entities does therefore not depend on specific domain names.
2. Up to now, there are two main categories of TLD: Country Code Top Level Domains (ccTLD) and Generic Top Level Domains (gTLD). The ccTLD concept is limited to those two letter codes that are mentioned in the ISO 3166 list. All other TLD – regardless if “sponsored” or not - fall into the gTLD category; this does include the procedures for application, the introduction into the root, and the legal requirements regarding the relationship between the registry and ICANN. Non-cc TLD using geographic identifiers can therefore more precisely be categorized as Geo-gTLD.
3. Unfortunately, two completely different concepts are often being discussed under the Geo-gTLD headline, maybe for strategic reasons: a) the proposed string is fully identical with a geographic identifier (“full Geo-gTLD”), e. g. .berlin, .paris, .bavaria, and b) the string only represents a geographic entity without using its precise name (“semi Geo-gTLD”), for example .cat, .nyc. or .berlinfriends. The discussion on Geo-gTLD should be focussed on the first case, because the nearly unlimited variety of abbreviations and artificial combinations of letters doesn't raise serious public policy questions and therefore doesn't deserve special protection. Local and regional authorities as well as the GAC should remain silent on those proposals that do not use the precise name of a geographic entity. It's not the role of ICANN to base gTLD decisions on the expected content behind a particular string. Only the string itself should be the criterion for the evaluation; this is what makes the .xxx decision so problematic. Contrary to the sensitive trademark area, even those combinations of letters that

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<sup>1</sup> This is an individual Internet user statement and must not be mistaken as statement of any public or commercial entity.

are very similar to the name of the geographic entity (e.g. .berln or .baerlin) should be evaluated and approved in the same way as, for example, .biz or .info. As long as the general conditions for running a TLD like financial and technical stability of the operator are met, there is no reason to put such proposals into question.

4. The success of a TLD does not depend on the letters used, but a) on the meaning that users assign to the code, b) how the TLD is managed and c) how the TLD is marketed. There is no better proof for this than the success stories in the ccTLD area. With few exceptions like .uk, the two letter strings from the ISO 3166 list had been unknown to consumers before the Internet age. Mostly these codes are not even used as the national identifier on the car licence plate. Nevertheless, many ccTLD do receive a lot of attention today. Just take the case of Germany: In more than 11 Mio cases commercial as well as non-commercial users have obviously come to the conclusion that the strange .de code does offer the national Internet identity they are looking for. Taking into account registration figures of other ccTLD, it's hard to imagine that a .deutschland or .germany TLD would have attracted even more costumers than .de.
5. The by far most misleading argument for the introduction of Geo-gTLD is the one of increased competition. For technical reason, every TLD can only be assigned once. Once a registry has taken over responsibility for a gTLD, nobody else will be able to operate the same gTLD. And the registry usually also controls the conditions for reselling registrars. Without any doubt and well known in the Internet community, every additional TLD does therefore establish a new economic monopoly. This makes the introduction of new TLD a public policy issue, e. g. with regard to the economic pressures on small and medium sized companies to opt for defensive registration. But the problems grow even bigger if we think of gTLD strings using the full name of geographic entities which are, by nature, unique. At the second level, every geographic identifier can be placed under a three digit number of TLD; at the top level, there is no competition at all. Someone might consider .biz to be an alternative to .com, but no company or public institution from Hamburg will seriously consider a Domain Name under the Geo-gTLD .munich to be a second best option. It's one of the core lessons of economics that monopolies should be avoided wherever possible. And if the Geo-gTLD road is taken, the highest standards of external monitoring and control – regarding performance, not content! - need to be applied in the public interest.
6. One of the most discussed issues with regard to the “traditional” type of GeoTLD, the ccTLD, has always been the relationship between the local community and the relevant global decision making bodies. The core question continues to be the competence for the delegation and, even more delicate, the possible re-delegation of a ccTLD string. Though differently transferred into national institutional and legal frameworks, todays mainstream assumption is that ccTLD are embedded in a trilateral relationship between the registry, ICANN, and the relevant national community. The ICANN board should not decide who runs a particular ccTLD, but follow the decisions made at the national level. If a given registry does no longer have the support from the national community, than ICANN should follow a clearly formulated re-delegation request.

Regarding gTLD including Geo-gTLD, the situation is a completely different one. The gTLD concept is based on a bilateral legal relationship between ICANN and the relevant registry. The contractual link between these two actors does not recognize the role of a local or regional Internet community. By its very nature, the gTLD concept is not tailored to respond to local or regional needs including the early termination and re-delegation of a Geo-gTLD. In other words: If your local Geo-gTLD operator goes nuts, even letters send to ICANN by

every single citizen would not help to change the situation. What is sold by some as a strategy to strengthen the local Internet community will, regarding that particular Geo-gTLD, generally result in a significant dependency of the local users from the registry operator. This is especially the case in those countries where the regulatory framework on telecommunications does not include legislation regarding the Internet addressing system and therefore wouldn't allow legal action on behalf of the local community. As in other sectors of industry, consumer protection can never be done satisfactory from inside commercial entities alone. None of the potential applicants for a Geo-gTLD has so far offered an opt-in for an analogous application of the GAC ccTLD principles regarding the management and re-delegation of a locally focussed TLD. Finally, looking at experiences made with the traditional gTLD, even re-delegations after the gTLD contract with ICANN terminates often do not end to the satisfaction of the Internet community.

**Kommentar [t2]:** While some GAC members most certainly have gone "nuts" – how many wars and how many children are starving – Mr. Liebrandt does raise a good point. And perhaps there is a solution and we should search for "recourse" methods. But even if it's not possible to come up with an ironclad solution, local control will provide more timely resolution than can be assured from the "states gone nuts" solution.

**Kommentar [t3]:** Seems a valid concern. But a bottom-up is basis of Internet governance. And there will be other TLDs people can use: .de, .us, .com... But certainly something to address at the governance conference.

All what has been said above doesn't necessarily mean that there shouldn't be Geo-gTLD. But a local or regional decision to support a possible introduction should always be an educated one, taking into account all aspects of the complex global Internet Governance regime. If, after thoughtful consideration, taking into account the opinion of the Internet Community as well as other important local/regional stakeholders, the relevant authorities come to the conclusion that it's the right time and the right setting to move forward, than it's also the right moment to start thinking about who should be the one running the registry. "First come, first served" might be the right solution for registration policy, but not for choosing those people who take over important parts of the responsibility regarding how a city or region is going to be presented to the world. As with other important elements of public infrastructure, an open and transparent public bidding process would therefore be the method of choice.

**Kommentar [t4]:** This misses: the fact that, for example, New York City has not responded to the need for names. ...That there's no process for awarding city-TLDs. ...That this puts the city into the drivers seat, which it might not want to be in. ...That ICANN will have criteria for qualified applicants...

If at the relevant local or regional level the answer is "no" regarding the use of a particular geographical identifier as full Geo-gTLD, this doesn't mean that presenting local or regional content by using an attractive virtual platform is out of reach. The Internet domain name system is an extremely flexible tool that offers billions of options to cover specific demands of individual user groups, including those at the local and regional level. A wide range of semi Geo-gTLD is always available for every geographic entity. As long as there isn't full consensus within the relevant community, it is therefore not a bad idea to keep unique and history-loaded geographical identifiers out of the Internet root. Even in the information age, for many people the names of cities and regions continue to have a very special meaning much beyond economic rationality.

But again obviously a touchy issue that would be the subject of our governance conference. BTW, I sent out another grant request Friday and will get more out before I head to San Juan Saturday.