

Answer for No.22

22.1 Background

Recognizing the sensitivity of this issue, GED Domains LLC has worked in close partnership with its preferred partners that are subject matter experts in this area. The collective qualifications of these subject matter experts include:

- **Afilias, LTD** – a leading registry infrastructure provider that has been selected to provide backend registry service for his application. Afilias expertise in this subject matter is specifically referenced in the Applicant Guidebook. Over the last decade Afilias has worked in close coordination with the ICANN Government Advisory Committee (GAC) to ensure that .INFO domain names covered by ICANN Board Resolution 01-92 have been properly allocated to the respective national governments.
- **Pharos Global, Inc** - a leading DNS consulting company which has administered Afilias' .INFO country name process, and its President and CEO Michael Palage who served on ICANN's GNSO Reserved Names Working Group and chaired its subgroup on Geographical and Geopolitical Names.

To ensure a best in class response to this answer, these subject matter experts researched and reviewed the following relevant background material regarding the protection of geographic names in the DNS in briefing GED Domains LLC:

- ICANN Board Resolution 01-92 regarding the methodology developed for the reservation and release of country names in the .INFO top-level domain, see <http://www.icann.org/en/minutes/minutes-10sep01.htm>;
- ICANN's Proposed Action Plan on .INFO Country Names, see <http://www.icann.org/en/meetings/montevideo/action-plan-country-names-09oct01.htm>;
- Second WIPO Internet Domain Name Process – The Recognition and Rights and the Use of Names in the Internet Domain Name System, Section 6, Geographical Identifiers, see <http://www.wipo.int/amc/en/processes/process2/report/html/report.html>;
- The GAC Principles Regarding New gTLDs, see https://gacweb.icann.org/download/attachments/1540128/gTLD_principles_0.pdf?version=1&modificationDate=1312358178000
- ICANN's Generic Names Supporting Organization Reserved Names Working Group – Final Report, see <http://gnso.icann.org/issues/new-gtlds/final-report-rn-wg-23may07.htm>

22.2 Initial Reservation of Country and Territory Names

GED Domains LLC is committed to initially reserving the country and territory names contained in the internationally recognized lists described in article 5 of Specification 5 attached to New gTLD Applicant Guidebook at the second level and at all other levels within .GED gTLD. Specifically, GED Domains LLC will reserve:

1. the short form (in English) of all country and territory names contained on the ISO 3166- 1 list, as updated from time to time, including the European Union, which is exceptionally reserved on the ISO 3166-1 list, and its scope extended in August 1999 to any application needing to represent the name European Union
<http://www.iso.org/iso/support/country_codes/iso_3166_code_lists/iso-3166-1_decoding_table.htm#EU>;
2. the United Nations Group of Experts on Geographical Names, Technical Reference Manual for the Standardization of Geographical Names, Part III Names of Countries of the World; and
3. the list of United Nations member states in 6 official United Nations languages prepared by the Working Group on Country Names of the United Nations Conference on the Standardization of Geographical Names.

22.2 Fair & Non-Misleading Use of Geographical Identifiers

GED Domains LLC's parent company, GED Testing Service LLC currently has established relationships with an extensive network of public and private licensees and partners located around the global. Although the majority of the over 800,000 tests that are administered to Candidates annually take place within the United States and Canada, GED Testing Service has a number of licensees and partners that administer the GED internationally and at US military installations.

GED Domains LLC in designing a hierarchical and intuitive .GED namespace would like to make extensive use of geographic identifiers at the second level to facilitate increased consumer navigation, e.g. NEWYORK.GED, FLORIDA.GED, PHILADELPHIA.GED, SFO.GED, NYC.GED., etc. GED Domains LLC believes that use of these geographical identifiers in a domain name constitute a fair and non-misleading use.

22.3 The Legal Protection of Geographical Identifiers

One of the more authoritative resources on the current state of the law in connection with the protection of geographical identifiers was authored by the

World Intellectual Property Organization in its 2001 Second WIPO Internet Domain Name Process, The Recognition of Rights and the Use of Names in the Internet Domain Name System. Chapter six of this report was devoted exclusively to the protection of Geographical Identifiers.

In analyzing the well-established framework against the misuse of geographical identifiers at the international, regional and national levels, WIPO identified the following two elements for the protection of geographical identifiers: (i) a prohibition of false descriptions of the geographical source of goods; and (ii) a more extensive set of rules prohibiting the misuse of one class of geographical source indicators, known as geographical indications. See Second WIPO Internet Domain Name Process (Paragraphs 206 and 210). Neither of these elements is present in GED Domains, LLC's proposed use of geographical identifiers.

Notwithstanding WIPO's recommendation that the protection of geographical identifiers is "a difficult area on which views are not only divided, but also ardently held" (Paragraph 237) national governments within the ICANN Government Advisory Committee (GAC) and other international forums have continued to advocate for increased safeguards to protect against the misuse of geographical identifiers within the domain name system.

One of the drivers in GED Domains LLC pursuing this new gTLD opportunity was the desire to combat the online fraud to which Candidates are exposed. Therefore, GED Domains LLC strives to minimize any potential business practices that might mislead Candidates. However, at the same GED Domains LLC believes that it is important to be able to use geographical identifiers in a fair use and non-misleading manner, if such use can benefit Candidates in proposed .GED business model set forth in Answer #18.

22.4 Fair & Non-Misleading Use of Geographical Identifiers (Sampling)

In undertaking a thorough research of this subject matter prior to filing this application, GED Domains LLC's subject matter experts were able to uncover the following representative sampling of fair and non-misleading use of geographical identifiers used in the existing gTLD domain name space:

Fair Use of National Geographical Identifiers

<AUSTRALIA.COOP> – Is operated by Co-operatives Australia the national body for State Co-operative Federations and provides a valuable resource about cooperatives within Australia.

<UK.COOP> – Is operated by Co-operatives UK the national trade body that

campaigns for co-operation and works to promote, develop and unite co-operative enterprises within the United Kingdom.

<NZ.COOP> – Is operated by the New Zealand Cooperatives Association which brings together the country's cooperative mutual business in a not-for-profit incorporated society.

<USA.JOBS> - Is operated by DirectEmployers Association (DE). While Employ Media the registry operator of the .JOBS gTLD is currently in a dispute with ICANN regarding the allocation of this and other domain names. Direct Employers has a series of partnerships and programs with the United States Department of Labor, the National Association of State Workforce Agencies and Facebook to help unemployed workers find jobs.

<MALDIVIAN.AERO> - Is the dominant domestic air carrier in Maldives, and provides a range of commercial and leisure air transport services.

Fair Use Regional /Local

<TEXAS.JOBS> - Is operated a joint effort between DE, Texas Workforce Commission and the National Labor Exchange to connect job seekers with approximately 96,000 job openings. An additional domain name operated by this joint effort was <WORKINTEXAS-VETERANS.JOBS> a resource devoted to helping Texas veterans translate their military skills to jobs in the civil marketplace.

<BOISE.COOP> - Is operated by Boise Co-op a member owned cooperative, founded in 1973 by a few dozen individuals who shared a mutual interest in buying healthy and organic food at reasonable prices.

<BROOKLYN.COOP> - Is operated by Brooklyn Cooperative Federal Credit Union who began as a modest storefront business in 2001, but is now New York City's fastest growing credit union and a model for community development credit unions nationwide.

<HYDERABAD.AERO> - Is operated by the Hyderabad International Airport and provides a range of interactive services and information for both business and leisure travelers.

<SACRAMENTO.AERO> - Is portal website operated by Sacramento County to provide links to each of the airports serving the Sacramento area: Sacramento International Airport (SMF), Mather Airport (MHR), Executive Airport (SAC) and Franklin Field (F72).

22.5 Protection of Regional and Local Geographic Names for Misleading Use

Although GED Domains LLC has stated its intention to use non-reserved geographic identifiers as part of a hierarchical and intuitive framework in a fair and non-misleading use to help consumers navigate the .GED namespace, GED Domains LLC is committed to operating the .GED namespace in a manner that minimizes potential consumer confusion, and will with actively work with others in the ICANN community regarding any future policy development in this area.

22.6 Potential Future Release of Initially Reserved Names

Given that the GED® test is provided in a number of international locations, GED Domains LLC looks forward to working in connection with other new gTLD registry operators (especially .BRANDs) in potentially collaborating with ICANN's Government Advisory Committee to explore potential processes that could permit the release of initially reserved country names (including ISO-3166 two characters). Specifically, GED Domains LLC is interested in exploring other Registry Service Evaluation Process (RSEP) that have been filed by existing gTLD registry operators in releasing previously reserved domain names.

22.7 Dispute Resolution

GED Domains LLC does not envision any potential disputes from governments or public authorities in connection with the registration and use of geographic names within the .GED gTLD based upon its proposed use set forth in Answer 18 above.

However, GED Domains LLC is committed to working with governments, public authorities, or IGOs that may have a concern regarding the registration of names with national or geographic significance at the second level within .GED.

22.8 Creation and Updating the Policies

Should there arise some future need for the creation or updating of the policies regarding this class of domain names, GED Domains LLC will act in an open and transparent manner consistent with its prior practices to develop such a policy and/or recommendation.

GED Domains LLC is also committed to continually reviewing and updating these lists to prevent misleading use of geographical identifiers. Consistent with this commitment, GED Domains LLC intends to remain an active participant in any ongoing ICANN policy discussion regarding the protection of geographic names within the DNS.