ICANN
Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5
(Geographic Names at the top-level)
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Unidentified Participant: Operator, would you mind starting the recording for us and let us know once you're done? Thank you.

Operator: The recording is started. Please proceed.

Unidentified Participant: All right. Thanks, Ashley. Well welcome, everyone. Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Sub Team Track 5 Geographic Names at the top Level call on the 5th of September, 2018. In the interest of time today, there will be no roll call. We have quite a few participants online. Attendance will be taken via the Adobe Connect room. So if you are only on the audio bridge would you please let yourself be known now?

Thank you. As a reminder to all participants, please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will hand the meeting back over to Martin Sutton. Please begin.

Martin Sutton: Thank you very much. So this is Martin. Welcome, everybody, to the Work Track 5 call. And good morning, good evening, good afternoon. And we circulated the agenda yesterday. It's up on the Adobe Connect there, what we'll be running through today. There's the focusing back on the non-AGB terms, to continue that discussion. We will also be referring back to the work plan and some of the changes that have been incorporated following feedback from the group, and then open it up to any other business at the end of our call.

So it's a fairly focused call. I would appreciate thus making sure that we keep on topic throughout the hour and a half that we have this morning. So first of all, if I could just check with anybody if they have any changes to advise in terms of their statements of interest, please come forward now.

Okay, hearing none, so if we could move the slides on, please, to reference the agenda. Okay. So you have control, by the looks of it, of the agenda. So if we move to slide 4 in Adobe, you will see that what we're focusing on today is to revisit the non-AGB terms. They were discussed on the last call. So we need to consider what has already been discussed. We don't need to probably regurgitate everything that we've covered so far. But really the emphasis here is to try and convert what those discussions have been and any further discussions today into meaningful conclusions wherever we can. If that means that we come up with some recommendations that would be wonderful. That would be a great objective. Whether that is to-- policy changes or to improvements in the process, I think would be a way forward for us today in terms of the non-AGB terms. And whether that actually culminates in a number of options or questions that we want to pose within the initial report to seek community feedback, so that's the main emphasis here.

What we are conscious of is that there's been many months of discussions even prior to Work Track 5. This is not an easy topic. There's no clear path to go through on this. It is difficult to formulate the actual problem issues that we're trying to resolve in the non-AGB terms. And I think also just to flag that there hasn't been an awful lot of experience in this space. It's fairly new, so we haven't got significant case numbers and case types to guide us with our policy development work. There's also a diverse set of opinions for imposing (inaudible) detection elements or to the other side to make sure that it remains fairly open for the community to apply. I think overall though, what I would like to say is that there are obviously good intentions behind all of this to improve the processes and offer better predictability within the application process. So in that spirit, I hope that we can continue our discussions today and focus on where we can try to come to some conclusions, recommendations, questions and options that we want to forward to the community.

Do move to the next slide, slide 5. For those that weren't able to join the last call, I will briefly just run through some of the elements that we were talking about. So the non-AGB terms emphasizing the point here that there was nothing that was related to non-AGB terms within the last round. So we've already been through a number of specific items and categories that were listed within the AGB. What we want to understand now is if there is anything else that we need to consider, the geographic terms beyond those already in the guidebook.

When we met at the last ICANN meeting, there was a number of discussions about principles that we should apply to this and the key areas were to allow for the introduction of new gTLDs. Predictability should be enhanced for all parties, and the likelihood of conflict should be reduced, and solutions should be simple. You could even reverse that last one a bit and just say, solutions should not be complicated or complex.

So what we had was trying to capture what are the real issues and problems that have been borne or that we want to consider and solve with policy and implementation processes. If we move onto the next slide, slide 6, so as I say some of the questions that we've posing; should additional types of strings have special treatment or rules in the applicant guidebook? And if so, which ones and

why? So let's emphasize what the problem is and what we're trying to solve and how we can solve it. Also to consider that (inaudible) preventative restrictions with only changes to objections, post allegation mechanisms, contractual requirements, et cetera; help mitigate those issues. So it's not just a principle of preventative restrictions. It's also how do we use the other controls that are available if they are not already effective.

So the categories that we've had previously mentioned are geographical features, mountains and rivers, for instance; sub national and regional terms that weren't covered in the AGB, and non-ASCII geographic terms, again not included in the AGB. I don't think we've added to that list at all, but happy to open that up again for further discussion today. And if we move onto to slide 8, I think we will then start to open up for discussion shortly. But this is just-- the next few slides cover some of the suggestions or proposals to help in the future. Bearing in mind that some of the discussions are or points of view are that there is no change required in this area. But on top of that, there are areas that have been proposed, such as introducing an advisory panel for the applicant to be able to consider whether their string is going to be contentious or needs further assessment before they apply and commit. There could be also a GAC member input on geographic sensitivities to help make sure that whatever their concerns may be, those are elevated and more transparent to applicants. A repository of geographic names so that there is a list maintained to reflect terms that governments consider sensitive, again, so that potential applicants can consider the risks against applying for a particular string.

Other ones that we've considered or have been suggested is the applicant research requirement. So this is a kind of a requirement then for the applicant to show that they've actually gone into index research about the applied for string and whether it has any geographic meaning or representation. An application contact requirement, so if the applied for string is a geo term, the applicant is required to contact or consult with the relevant government or authority. Support non-objection requirements for non-AGB terms where this could be a requirement for (inaudible) traditional types of terms. Mediation related to support non-objection letters, so if governments provide-- so there could be a mediation service between governments and applicants if there is a disagreement with the response received. And setting practical deadlines for letters of support and non-objections to receive them from the relevant government authorities. And lastly on slide 3, the notice and opportunity to object, and this was a process whereby the applicant for a string, if it was a geo term, would need to provide notice to each relevant government public authority that the string was being applied for. The applicant could go forward, but each of those authorities would have a defined opportunity to object, based on standards that could be defined in part through one of the existing objection processes or a variation on an existing process. And that right to object would expire after a set period of time.

So these have been raised before. What I would like to do now is to suggest that we either look at any individual items listed there where there is a strong element of support to do this and other further input or if there is any other suggestions that we should be considering; to present that as well. I would ask though that in anything new that we're trying to raise, please try and emphasize what is the problem we're trying to solve. I think that that's become a complicated area and

we need-- the purposes of the initial report clearly articulate the reasons for any changes that we would be proposing. So that would be extremely helpful.

So I'm going to stop talking. I'm going to open up the line here for you, the group, to discuss further the non-AGB types. As I say, with an emphasis of trying to draw some conclusions, recommendations, options or questions that we could start to facilitate drawing up in the initial report. Is there anybody in the queue?

Unidentified Participant: Kavouss is in the queue.

Martin Sutton: Kavouss? Please go ahead.

Kavouss Arasteh: Yes. Good morning. Do you hear me, please?

Martin Sutton: Yes, clearly. Thank you.

Kavouss Arasteh: Yeah, thank you. Thank you. Good morning, good afternoon, good evening. On the slide 8 on the support non-objection deadline, this is an issue that many countries in every area including ICANN or outside ICANN have the difficulty that due to the manpower resources sometimes they miss the deadline. And missing deadline that means the rights are not preserved. What is the argument that you put this type of implicit agreement? We have raised this many, many times. And also in the GAC currently discussed several times, why you need this tacit agreement, deadline of 60 days, or 30 days, or whatever days; and then no reply means agreement. Why this is the case? You want to use the lack of opportunity of some of the countries that if they miss the train, no other place and they are behind the situations under traveling. Why you put this tacit agreement? In case there are some people, they push for this tacit agreement, we would like to put an element that are elsewhere, sending a reminder 15 days before the deadline that if by one or other occasion a country missed to respond to the first enquiry, it will be reminded that should you not respond, it is construed that you are agreed. Is it not possible first to not have tacit agreement, have explicit agreement? And if some people insist for that, we inject a reminder procedure 15 days before the deadline? Thank you.

Martin Sutton: Thanks, Kavouss. I'm happy if anybody has got a response to that where this was suggested previously. My memory may not serve me well, but I think it was on one of the GAC members that had suggested to help with predictability that it might be sensible to impose a deadline for responses. I've kind of been thinking through what you're suggesting there, reminders along the way would be a helpful addition to something like that. But I think the intent was to do a predictability. But if anybody has got a response for Kavouss from the group that raised this previously, please feel free to join the queue. And I'll go to Olga next.

Olga: Thank you, Martin. And thank you, Kavouss. And good morning, everyone. This is Olga from Argentina. I think Kavouss makes a fair point. We could think about adding some kind of reminder. What I think that we should also add and we have discussed this several times ago, is the lack of knowledge in some governments and awareness of this process. Even if they do participate in ICANN, sometimes the complexity of the language and the terminology and so many different things that are being reviewed within ICANN makes it sometimes difficult to be really

aware of the timing, of the issue and the consequences, if a response is late or has not been paid attention. So I think we could also maybe add not only a reminder, but also we could add some more actions from the ICANN side.

What I recall from the first round was it's not always the same body in the government, the one that follows these issues. And sometimes it is difficult to understand who should respond, should evaluate, which is quite new for I would say many, many governments. It's something that it's not happening very often, by the way. It's the first time it happened five years ago, or these years ago. So something also should be added in relation with the outreach and awareness from ICANN to different governmental bodies and make them understand the complexity and the importance of being aware and responding on time. Thank you.

Martin Sutton: Thank you, Olga.

Olga: I think Kavouss has his hand up, Martin.

Martin Sutton: Excellent. Thank you. Kavouss, yes, I note your hand and I'll let you go first and then I think we've got a (inaudible) in the chat to cover.

Kavouss Arasteh: I am sorry to comment again. But the issue raised by Olga, I have been dealing with this issue since 1974, 1974 that there are different department entities in the government and whom or who should be contacted. I think that I have resolved that elsewhere, but not in ICANN. And that was the following (ph). For particular purpose, for this purpose for instance or for any other things; the entity responsible for the management of the issue, let us say ICANN here, asks the governments to identify a focal point with which communication will be made with respect to this specific issue.

Then this is the responsibility of that government to arrange the matter. So this has been worked and we have a focal point in the government for other issues, not ICANN issues, for spectrum and orbital usage, which is much more delicate (ph) and important. And it has worked almost well. So among those things, that would be an idea that this focal point is designated and that is the responsibility of the government to arrange that. The focal point distributes the issue to any concerned entities and the answer will be taken from the focal point. So that is something that could work. At least has worked elsewhere, but not in ICANN. Thank you.

Martin Sutton: Thank you, Kavouss. So that kind of sounds to me very much like a sort of good practice that you've created and developed locally, and something that from an awareness and suggesting good practices for other governments to consider might be something that we could add onto that then. So I like the idea. I think it's a good one in terms of making sure that the process for any requirements from an applicant to engage with the government has a clearer understanding of who to engage with. And from the government side, they perhaps then have a more dedicated focal point to understand more of these types of issues or know where to go, for instance, seeking advice or membership of the GAC to further enhance their knowledge. So okay, good points there.

I'm just going to go back to a question in the chat from Heather Forrest. Heather is asking that on the principles discussed that we mentioned on slide 6 that were a topic at the last ICANN meeting, whether or not this included compliance with international law. Heather, casting my mind back to the sessions at ICANN, I can't recall that being emphasized as a principle. So happy to open that up as a conversation if you need something to add or post something back in the chat to further enlighten us with the comment and question. Thank you.

Okay, just to make sure everybody's aware that the last three slides, so from slide 8 to 10, there are a number of proposals that have been merged from the group. Happy to again discuss any of those items where people feel that they merit further attention or ideas, just as we've just discussed that support non-objection deadline. The other items, very happy to discuss those or any additional items that you'd like to cover.

It's all very quiet.

Olga: Martin?

Martin Sutton: Yes? Fire away.

Olga: Thank you. I would like to respond somehow to Kavouss' comment and make a different comment after. In the meantime, other colleagues can think about other comments and questions. About your comment, Kavouss, regarding the representative for, for example spectrum issues, the big difference for that is that the processes for example ITU are well-established for a long time with the national policies that take of the spectrum. That has been happening for decades, as you rightly pointed out. And this is a kind very governmental issue within a body from the United Nations, which is ITU. What happens with ICANN is that it's a new-- it's for example, (inaudible) is a new issue, even within ICANN. And also it is not clear which body in the government is following this issue. If you check in the GAC, some of us are from foreign affairs. There are other colleagues that are from communications. Other colleagues are from other ministries. So it's not so clear as for, for example, spectrum management as you rightly mentioned is very important and delicate issue. So this is my first comment. In any way I'm not saying that you're right. I think you're right. And that's a good idea. But the circumstances are slightly different. So we have to be, perhaps, more creative with outreach and reaching out to governments.

Also there are governments which are not represented in the GAC. So that's another issue to consider. So about-- I would like to comment about the repository of geographic names, which is an idea that has been around for I would say like five years. The first time we talked about that was in 2013 in the ICANN meeting here in Buenos Aires within the GAC and it has been going back and forth. It is always this idea that the repository could be extremely expensive to maintain and difficult to build. But at the same time, other colleagues think that it could be useful to have a reference where to check, for example, for the applicant to check if the string that they want to apply for is already being considered a geographic term or a community relevant issue, a name for a community or for a country.

So perhaps it is a way-- we should be creative in finding a way to think about how this repository could be developed or created and it is really-- if it's really very expensive or impossible or make, or it could be a good idea. So perhaps some colleagues could make comments about that idea of the repository. And if you'll recall, we had two webinars and this idea was also presented by some colleagues in those webinars last year.

Martin Sutton: Thank you, Olga. There's an invitation to provide some comments then. So this is a specific item on page 8, slide 8. And the repository of geographic names. So happy-- let's focus on that for a moment. Anybody have any strong feelings to introduce the repository of geographic names or likes the idea, or dislikes the idea? It would be interesting to get a feel for those that have a-- okay, Christopher.

Christopher Wilkinson: Hi, good morning. Can you hear me?

Martin Sutton: Loud and clear.

Christopher Wilkinson: Yeah? Thank you. I've been reading the latest version of the working document. It's quite clear here in many respects we are far from full consensus. And particularly on this point, if you'd focus it in a historical perspective over the next-- over the past 20 years and the next 20 years; frankly, we don't know and this group is not competent in the legal sense to decide which categories of geographical terms should be protected and which should not. So in the first instance, I would definitely support a large repository of names and the process of a future time, a process whereby groups, categories or sizes could be released. But the idea that we should determine a small number of names which are reserved and have open season for all the other names in the whole of the world, that I think is not so plausible and would not be accepted outside the-- beyond the immediate ICANN community.

I have a number of other comments. But I'll make them later in the meeting if the need arises. Otherwise, I'll comment in writing on the latest version of the document which contains much text, some of it very interesting, which we have not seen before. Thank you.

Martin Sutton: Okay. Rahul and then Greg. Rahul?

Rahul Gosain: Yeah, can you hear me? Yes, Raul Gosain for the record. I just wanted to also support the comments made by Olga and by Christopher and I also feel the need for a repository of geographic terms in terms of cultural significance. It has been an established position of the government of India where the government of India has been supportive of the creation and maintenance of such a repository. And we feel that such a repository would serve as a useful basis for moving forward and then possibly at a later date when we can decide about broad categories of names which could then be released, and reach and reach an agreement regarding those. Then we can take a decision in an informed manner. Thank you.

Martin Sutton: And Greg. Thank you, Rahul. Greg?

Greg Shatan: Thank you. It's Greg Shatan. Can you hear me?

Martin Sutton: (Inaudible)

Greg Shatan: Okay, I'll back off a little bit. I'll back off. Just brief-- I think the suggestion of a repository assumes far too much. If the idea is just to collect geographic names, but not with any intent to protect them, we could just go have an atlas and people could check off name in that. If the idea is to protect names, this assumes way too much. First, the idea that governments would essentially self-nominate by any standard they see fit or that the standard is sensitive or important is an appropriate standard. Indeed, we still haven't gotten past the question of whether any additional geographic names deserve any of kind of protection, and if so, what that protection would be.

So it seems we need to decide what names would be protected, and then a list of those could be made and we could give a grand name like a repository or call it the library at Alexandria for all I care. But the bottom line issue is what are we trying to protect. In creating a grandma's attic of geographic names, kind of waiting to be protected seems kind of a like a bizarre exercise. I suppose it might please some people. But then the problem is, people would have to try to find a way to use it. And that is dangerous. Thank you.

Martin Sutton: Okay, Greg. I've got some hands still up here. Is that a new hand Christopher? It might be an old one. Okay, thanks. So I have got Kavouss and then Olga. Kavouss?

Kavouss Arasteh: Yes. I was about to almost agree to what Greg said, until the last part and he referred to something which is dangerous. I don't understand. What is dangerous? Repository just is a list. It's not necessarily names to be protected, but it is a list that according to the simple definitions or description of this repository or the names that government considers they are sensitive. So I don't see any difficulty that these names to be included in that. So governments are invited or requested or urged to provide names which in their view they consider to be sensitive. What is the problem? What is the danger of that? And what is not sufficient that would be a shopping list of all those names which are considered sensitive. So if that is the case, I think we should not perhaps spend a lot of time on this. Perhaps you give this topic, Martin, to one of your co-chairs or anyone that here is volunteering to look at this and to come up with suggestions with respect to the scope of this repository, and not converting this meeting to devote all the time to the repository which in my view is not more than a simple list. Thank you.

Martin Sutton: Thanks, Kavouss. Point taken. I'd just move onto the others in the queue and then perhaps we'll come back to that point. Olga and then Rahul.

Olga: Thank you, Martin. My comments are somehow similar to what Kavouss said. I would say that it should be a reference list, not a list of names that are prohibited. On the contrary, I think that it could be an opportunity for different parties to get together before making the application and perhaps preparing a broader and more interesting project for both parties. So I would see if from a positive side as an opportunity for agreement and for avoiding conflict. And in any way of prohibiting those things to be used, I don't see it's dangerous. It depends on how

you put the policy around it. It could be dangerous, but it should not be dangerous.

And also I think that if you don't have this reference, then you put all the burden on the other side, on the community or government that has to do the objection and all that. Why not sharing that somehow before and see if there is a term that could have some sensitivity or it's listed. And then try to promote an early contact in between both parties, and avoiding conflict in the end to one of the parties. And I will stop here. Thank you.

Martin Sutton: Thanks, Olga. Rahul?

Rahul Gosain: Yes, so just to add to what Olga and Kavouss have stated earlier, there would also be the question of compliance with the local and national laws and regulations. So respect what Greg has pointed out in terms of the basis for including terms in such a list and populating such a list, and the fact that it would possibly, as he has concluded, would involve making a lot of presumptions. However, I do flag here that there would be some elements in national legislation which would specifically prohibit registration of those kinds of domain names. For instance, in India we have a trademark law which specifically prohibits geographic terms from being listed as trademarks which would apply. Likewise, there would be, I'm sure, national legislation in other countries which would possibly form an objective basis for populating or for determining such a list and what would form a part of it. So that I think is an important aspect which we all need to be mindful of. Because ultimately we don't want to end up developing policy which will be in conflict or contravention of the local and national laws. Thank you.

Martin Sutton: Thanks, Rahul. I can't see anybody else in the queue. I see some comments in the chat. Does anybody else want to come in on this topic? If not then, just as a thought here from what I'm hearing and how to interpret some of this, there's an idea around this being a helpful-- the intent to be helpful in a way that applicants can refer to a list to see if there is additional risk in their application that they may or may not want to address at that time, I think is my interpretation of this. As we've often said on this topic, or what I've particularly heard is that once we go into this non-AGB area, these strings could have a multitude of meanings and purposes, as well as reference to a geographic place or thing. So that there may still be very good intent from an applicant to use a string, other than geographic related. But they could-- and I'm just trying to work this through as a process-- refer to this list just to understand, okay, I may have some issues or objections heading my way that I might need to address. And one of the ways that I might want to address that is to discuss my intent with a government authority, local authority. But I don't necessarily have to. That presumably is a risk that the applicant can take.

I just want to clarify that-- Rahul, Kavouss, Olga and it would be helpful just to understand that. Because to me, that sounds more like trying to produce something which is a practice rather than policy. So it might help the situation, but it's not necessarily something that an applicant has to follow. So I've got Rahul, Kavouss and Olga. Rahul?

Rahul Gosain: Yes, to some extent what you say is correct as I understand it. But nonetheless, I feel that such a list would indeed serve a useful reference point. And as you rightly said, it would serve as a kind of guidance for the possible risks which may be associated with going about trying to apply for or registering a possible name. I think in the interest of the applicant as well as in the interest of predictability, the applicant needs to be made aware of. So from that point of view, a repository will definitely be useful and I think I'll leave it at that for now. Thank you.

Martin Sutton: Thanks, Rahul. Kavouss?

Kavouss Arasteh: Yes, yes, I think we are more or less talking the same language. I don't think that this list which is simply a reference list would be dangerous in any way. It would be quite helpful for those who had not made any application during the first round. On 1,930 or 35, there were 35 only from one big continent. And that big continent now in the second round may wish to apply for many names. And it would be better at least having some reference list is not an obligation. It's not mandatory. It's not a limit. It helps. So people look at that one, if they like it they take it. If they don't like it, they do something else. But in any case, it would be helpful. Once again, the details of which Martin, you may wish to give it to a few people to look at that one and come back to you for any better way. But the essence of the notion, I think is useful. Thank you.

Martin Sutton: Thanks, Kavouss. Olga?

Olga: Thank you, Martin. I agree. It should be just a reference. And just when I was thinking about making the comment, I saw a comment made by Greg in the chat. Indian law can prohibit me from registering dot.delhi. Well, if someone wants to register dot.delhi I'm not a lawyer. I'm an engineer. I think that if there's a conflict in the near future with the government of India or Delhi, so why not acknowledge that this is a word or a string that it's important for a city, for a country or for a community.

It could be not only a government. It could be a community. And reach to them and tell that there is s project in mind and it could be interesting also for them and try to lower uncertainty. So it is extremely difficult for me. And again, I'm not talking from a law perspective, just from a common sense perspective, that if the company wants to request a string that it's well-known or it's listed in this repository which is a reference, it is important for a community or important for a country, government or whoever it is; city; why not reach out to them? Why just to go into the conflict or avoiding reaching out to them? Because honestly, for me it's very difficult. So I think this list could be useful.

And we have talked about many times that this could be extremely expensive and big. I think that a platform could be created, perhaps by ICANN. And those interested could input their names there on a specific format so it's homogeneous. And then I don't see it as extremely expensive or complicated, and use it as a reference. So I see value in that and in any way, I don't see it as restrictive. On the contrary, I see it as a way to avoid conflicts in the future.

Martin Sutton: Okay. Thanks, Olga. Greg, you're in the queue?

Greg Shatan: Thank you. Greg Shatan again for the record. I think Olga quite well summarized exactly why I think this list is dangerous. It's at least in part up to us to decide what risk there is in fact in perhaps registering a top level domain like Delhi or Saskatchewan. There is no inherent global right of places to impose their interest in their place names on a global basis. We may make a rule. We shouldn't, but we could, make a rule that for ICANN purposes, that is the way things work. I'm not sure there's a benefit of that. I know some people are very enamored of that idea, however. But if there is a list where every country puts on a list of all the things it considers to be of interest to it, with the idea that somehow that creates an obligation or at least the ability of a government to try to stop the applicant, I think that takes us way down a wrong path. It's making a lot of decisions without actually making them. And I think we need to discuss head on the idea of whether there are risks in registering geographic as top level domains and which cases those risks would exist and where those risks come from.

Again, I understand there may be unhappiness that I registered dot.delhi. Maybe that's the name of my town, where there is a Delhi, New York, as a matter of fact. Or maybe it's a trademark or maybe it's my last name or maybe I just like delicatessens but can't spell. The question is why would I not have that right? And under what basis would that right be taken away from me to register that top level domain? We've created certain lists and therefore certain rights. The idea of creating a nearly infinite list and somehow assuming that goes along with some sort of right or warning is to me again, dangerous. Thank you.

Martin Sutton: Okay. Greg, I'll go to Kavouss next in a few. But just before I go to Kavouss, perhaps-- because I'm hearing some components which people are regarding as good ideas and other not a good idea. But in essence, if there even was ever a list like this created, as long as there was no implication that an applicant had to do anything just because an item was listed on this particular one that would be-- I'm just trying to-- would that be okay? I mean again, the purpose it could be costly or whatever to create this list. And then why do that if there's no real impact? But what I'm hearing from perhaps Olga and Kavouss is that okay, an applicant has a list to go to if they want to check and if their strong appears on there, at least they've got a stronger awareness that there is something that it matches as a sensitive term from a particular government and they may want to do some engagement. They don't have to and it doesn't detract any way from the applicant's intent to apply for a legitimate TLD.

So if I could come back to you after Kavouss, and we'll just tease that one out a bit further. Kavouss?

Kavouss Arasteh: Yes. Thank you very much again. I don't believe that anyone goes to any individual to ask him for his or her last name to be included in that repository list. I don't think so. You ask the government and I think government would be cautious that would consider those which are not sensitive. I don't think that they make an exaggeration putting something that places an obstacle for others. Because others (inaudible) obstacle for them as well. So I don't think that that is an upset (ph). That is a theory totally. And I don't understand any dangerous idea on that. I don't think so. Everyone would be cautious that just sensitive, because

they might see that if they do more than sensitive, the others would seek the same and it would create something which is not manageable.

Still I believe it's useful as a good reference and it just not last name of a particular person. It is not the name of a particular city. It is sensitive name in the view of the government. We are talking of government. We are not talking of individuals. Thank you.

Martin Sutton: Okay. So again, I'd just emphasize here I'm just trying to visualize this. This is a list that's created and it's probably got a little health warning attached to say, look, if you're thinking about applying for this, just be aware. It's on the radar of governments as being particularly sensitive. So unless you've got a really good idea and use and purpose that's legitimate for applying for that term, you need to tread carefully and perhaps an option is to go an talk to these governments before you proceed with your application. But you're not obliged to.

So Greg, please let's see if there's anything else to add on that?

Greg Shatan: Thanks, Martin. It's Greg Shatan again. Yeah, I think that sound awful. The idea that there's some non-right or basically it's a threat. Why do I care if a government thinks a particular string is sensitive if there's no reason I can't apply for it? Because they're going to hold me up for six years? But on what basis? We're back to missing out on the very essential question of basis. And what does sensitive mean? And who decides what is sensitive? Frankly, there are almost no people in the world with the last name Shatan and I would be-- I consider that sensitive and if some absolute stranger registered, I would be very, very upset. Why doesn't that matter?

And conversely, why does it matter if a government is very, very upset if there is no cause of action? What cause of action are we creating? So far we haven't created a basis other than saying, you're going to have a lot of trouble if you try to register something on this list. But we can't tell you way and we can't tell you, you will. As a matter of fact, there's no real basis for that other than you have that trouble. So watch out. It's kind of void of policy. It just seems like a big fat threat sitting there that has no basis. There's certainly no common basis for existing. And it goes back to what I thought was dangerous in the first place, which is this list that has no real purpose is going to find a purpose. And it seems that even in this call, we've found a purpose for it, which is to generally tell people there's some government out there that thinks this string is sensitive and sensitivity is somehow a problem that you're going to get blocked by. I don't know where the law of sensitivity is in all of this or the policy of sensitivity. But we'd better identify it rather than just bowing down to this god of sensitivity as some sort of movement, domain names can't be applied for. Thanks.

Martin Sutton: So, thanks Greg. Just before I go onto Alexander, I'm just trying to piece this all together still in my mind to visualize it. I kind of heard there's a list an applicant can go and have a look at. And if a name corresponds to that, they are perhaps more alerted to the fact that absent of a decent business case and proposal for the applicant anyway, which every applicant should have a very strong case to put forward and have developed their ideas to the extent that they're confident to proceed with the application; would this be an alert area, which says to them,

okay, maybe I have to actually strengthen my business case or terminology or emphasize something that would be something like a pick, a geo pick; I think we've talked about before, to make sure that's built into their application up front to avoid potential objections coming through. Would that-- how do you think about that one? And we'll come back to that. But I'll go to Alexander and then--

Greg Shatan: Could I just answer that quickly, because it's way past my bedtime. Just briefly, the idea now that governments are going to be judging the quality of business cases and that applications should have better business cases if they happen to overlap with a geographic term, and are we talking about a business case that is a geo use or a non-geo use? And it gets to the whole point of an actual geo use in association with the community in question. I have much more sympathy for all the issues we're discussing here. But when we're talking about an issue where there is essentially a homonym or a homophone or whatever it is-- as I said, it's late-- something that sounds the same but means different; there is actually a province in China which can be spelled Shatan. Does that mean that I can't register dot.shatan because that province is there?

Again there's no-- we're not creating any firm bases here. We're not creating any policy. It's just some of sort of general dark cloud that this list exists. This list is going to be some just huge dark cloud that sits there with no defined power, no defined policy, but just the idea that if you get under this cloud, something bad could happen to you, but we're not really sure what it is. But if you have a really good business claim, then maybe you'll be okay? That's just-- I'm sorry. That's not even half-baked. I know you're coming up with it kind of on the fly. But again, we have to think about firm bases here for any claims that need to be made, and a list of full of self-nominated themes of all types without any filter or other than being sensitive or important in their own mind; it just seems to me to be a recipe for overreach. Thanks.

Martin Sutton: Greg, I've got Alexander, Kavouss, Rahul-- can I just before we go to Alexander, just anybody who hasn't spoken on this topic that's got an opinion, could you please go in the queue and then I think we'll close off the topic after this list ends on the repository. So Alexander, Kavouss, Rahul and then if there's anybody that hasn't spoken on this topic that wants to go in the queue, I'll happily add you in. Alexander?

Alexander Schubert: Yeah, so this is Alexander Schubert, for the record. I think Greg has a point here. And I also think that we are maybe conflating two topics. What Greg is talking about is a list where governments could add names that they choose. And I agree with Greg, this could lead us down the rabbit hole. But I think what Olga, for example, suggested is rather a different list. It is that we define which names can be on that list. For example, cities, capital cities, and whatnot. And then we create that list so that applicants can very easily check whether their application is matching an item on that list. So we would not broaden the amount of names that are somehow protected. It still remains the same. It's not just definitions where each applicant has to go to all kinds of sources to find out, is my application matching a certain string or not. They can simply go to that list. And that in my opinion makes a lot of sense. But I agree with Greg. It's probably a bad idea if we have a repository and a country like China could add 10 million place

	names and suddenly a lot of generic terms or three-letter codes that are taken or protected, where there is no (inaudible). Thanks.
Martin Sutton:	Thanks, Alexander. Kavouss?
Kavouss Arasteh:	Yeah. So it's about 25 minutes we are talking of this. And once again I come back to my initial suggestion that you need to look at this one to see how we could better formulate that. This is useful and I don't understand any (inaudible). I don't understand at all. It is an argument which is an abstract totally blocking the discussions, not useful. It's not constructive. It's counter-productive. I have another question about the advising panel if you allow me. Thank you.
Martin Sutton:	Happy to do that. Can we just hear from Rahul first then we'll go onto advisory panel? That would be great. Rahul?
Rahul Gosain:	Can you hear me? So Rahul for the record. I kind of find the assumption incomprehensible that somehow the governments adding names to the list would be without basis. So that is an assumption which I think can only come from someone who's never either worked in the government or been associated with the government (ph) anyway. That having been said, as regards to business case, I have nothing more to say about that. But if we are to refer to the ICANN bylaws under which all of us are operating in our respective constituencies, then I assume that they are to do with the coordination and maintenance of a secure and stable internet more rather than mere profit-making. Of course, there's no denying that the very existence of business is based upon profit and we are not adverse to that. And we realize that. However, I mean although business case in a new gTLD application process has to be the determining factor from the applicant point of view. However, the only point which I am alluding to is that as a constituency when we are to work together with each other, then it is important-- I mean some amount of empathy is also important. It is important that each constituency or each representative go beyond their own individual interest and try and acknowledge or at least take on board the concerns of other constituencies and other members' concerns. So that is something which I think we should all be mindful of.

As regards to the basis for population onto such a list, I am sure that whoever is allowed to add on to such a list, including governments, would have a reasonable and strong basis for doing so. And from my point of view, I think we would look at legal basis preferably. So I don't think that for whatever names are added onto the list would be without a basis. Thank you. |
| Martin Sutton: | Thanks, Rahul. Okay, we'll capture the conversations on this and work through some of that to add anything to the existing working document. Kavouss, I had comments then to point out some conversation on advisory panel. So hopefully let's shift and have a look at some of these other-- |
| Kavouss Arasteh: | Yes, I have a question about the advisory panel. Maybe I have missed some of the discussions and I apologize for that. What is the composition of that advisory panel? It is coming from the businesspeople only or it is coming from government? It is coming from mixture? How it is? How many there are? How |

they are selected or elected and so and so forth; and is there any information that (inaudible) this? Thank you.

Martin Sutton: I think it was you, Kavouss. We'll nominate you for that. No. No further discussion I don't think to the depth of how that composition would be made up. But it wouldn't be a singular group. I think from memory, and please others correct me if I'm wrong, it may have talked about leveraging those that had been associated with the geographic analysis or examination through the application process. So that might have been one of the comments. But that hasn't gone any further. I think we've still got to get some real strong buy-in to some of these to say, okay, is it worth pursuing. Does the group back that up? And therefore, do we start developing it even further?

So, just as we've heard with the repository, there's a number of open questions. If it was a good idea to proceed, how does it get structured? What can go in there? Similarly with the advisory panel, in principle is that a good idea? Does the group actually back that up so well that we can actually go next onto developing more detail around that and perhaps that would include the composition. But we're not at that stage.

Kavouss Arasteh: It's good we are not at that stage that we don't want to have the same principles that now we are using for the temporary certification that we have 29 people and three of them are government and 26 from outside that. There should be a balanced structure and a balanced composition representing everybody, but not representing those commercial people all together. Thank you.

Martin Sutton: So let's look at that. Does anybody have any other comments about the advisory panel or the idea about the concept of that? Do you like it or is there anything you don't like about it? Does anybody have any comments on that? I've got hands from Alexander and Rahul. I think they might be old ones. But tell me if I'm wrong. Okay. Okay, so nothing else on the advisory panel.

Now I haven't heard anything new to be added. Has anybody got anything else that we can reference back to problems from the 2012 round that relates to these or has any comments about the other proposals? So I've got Olga in the queue. Anybody else, especially who hasn't spoken? Okay. Now I'm going to-- Okay, Kavouss has spoken before. Okay, I'll go to Olga and then Kavouss. Thank you.

Olga: Thank you, Martin. And sorry for speaking. But I don't think I'm stopping anybody else from speaking. One thing that I remember from the first round was that in the application platform or form-- I don't remember exactly how it was established-- there was a question about if it was a geographic term or not. So this comes to the point of defining what is a geo name or not. So for some terms that were considered by some communities and governments as being a geographic term and they were not included in any list in the applicant guidebook. So for when the application was made, they were named as not a geographic name. So the panel didn't check, didn't review it, as a geographic term. I don't know if I'm being clear here. So the form when making the application, asked that question. But the definition was not exactly what everyone thought it was. So some terms, and I don't want to give examples because then people get angry with me. Some terms were not geographic for the applicant

guidebook perspective, but were geographic for communities and countries. So this was not considered by the panel, just because it was not mentioned as being geographic. So that is about definition.

It's about what's the scope of a geographic term is. So this is why a reference list could be useful, so the applicant could have this reference in knowing that the name or string has some relevance, even not being included in any of the formal lists of ISO lists or United Nations list or other lists. I just wanted to give that example from the first round.

Martin Sutton: Thanks, Olga. Just thinking about some of those then, I think that that does lead us back around this circular point of what is the intent of the application and is it to use it as a geographic reference or does it have multiple meanings and very legitimate reasons to use as an alternative for a top level domain. So this is-- I think we will continue to go back to this issue that says where is the priority. And I think what's emerged out of previous discussions is that there is already a community type application that can receive a priority against any others. So I think the definition, yes, is one thing. The other point there is that geographic terms can match other things at the same time is where we struggle.

I've got Kavouss in the queue. Kavouss?

Kavouss Arasteh: Yes, my question is about geographic indication, if you allow it.

Martin Sutton: All right.

Kavouss Arasteh: Yes, geographic indication and I read all these things. But I also read somewhere-- I don't find it (inaudible) in any case that this issue should be treated separately. We will separate it from the geographic names, separate it in another PDP what you mean by separate. Someone said that this is covered or protected by local law. I have some difficulties to see which local law protects geographic indicators. And someone says that no entities in the world protecting that or discussing that. I think the WIPO discussing (inaudible) rights and geographic indicators. So I would like to know first of all, why we keep them separately and how and when. Thank you.

Martin Sutton: Thanks, Kavouss. Yeah, that's moving onto the next slide. So I'm happy to move on then, conscious of time. So on slide 11 we've got reference to the geographical indications. I think we're going to have to carry that conversation on the email list, just to pick up on any further points. It is more for us that the Work Track 5 to look at separately to all these other non-AGB terms. So there is some aspects that have already been raised on these in terms of why it should have additional rules for GIs and equally some reasons why not. And those are listed on the slide 11. So I'm not going to go through those right now. But what I would encourage members to do is to have a review of that and the actual working document where there's a lot more detail and to have any comments you've got, suggestions, or converse on the email list so that we can put those conversations up.

So especially if there was any particular additional aspects or perspectives that you can introduce on that particular point other than that already has been noted down, that would be helpful.

Kavouss Arasteh: Yeah. As for the discussions in the GAC, when we discuss that one and that one (ph), and the people refer to geographic indications or geographic indicator and some said that this is not of the business of the ICANN. This is discussed elsewhere. That was on that aspect that I wanted. But I have no problem if you want to move it first to the mailing list and then at a later stage I have no problem with it. It's up to you and the other co-chair how to take that. But there was some discussion in GAC for several meetings when we discussed that one and that one. Thank you.

Martin Sutton: Thank you. So we've got some examples to draw from as well there. Thanks, Kavouss. Okay, so I'm conscious of the time. I did want to make sure that we had some time just to update you on the work plan for the group. And so I don't know if we've got it on a slide-- the screen is being updated. So we've got feedback from the previous work plan. It means that we've adjusted this now and updated it just for the next few weeks. Obviously it was not the right time, perhaps, to start thinking about consensus calls. So we've parked all of that until after the initial report. So we're really thinking about how can the group come up with inclusions from some of these discussions on the individual topics that we've covered.

So for the next three meetings, you can see on the screen ahead of you here, we've got for a wrap-up discussion on non-AGB terms with the intention today we will obviously start feeding all of these elements into the work paper and you can have access to that. So we'll look to see if there's any recommendations we can tease out of there or whether it means that we've got some options or questions that we want to pose in the initial report outside the feedback.

On the next meeting, we'll look at wrapping up discussions on the geographic names, including in section 2.2.1.4.2. As you all know what that might be-- it was not included there. Can someone remind me what that section is rather than just the numbers please? And we can make sure everyone is aware. And then again, feeding that into the working document.

The target then is to be drafting the initial report. So from the working document that we have been taking comments, input, ideas; we've drafted it in a way that it matches the output for Work Track number 4 initial report. And so we'll be using some of that and translating that into or refining it into a draft initial report for discussion and feedback early October. The intention there is that we have the report finalized prior to the next ICANN meeting in-- later on in October.

So that is the plan. Whilst ambitious, we've adjusted it in terms of a feedback and removing the consensus calls to post the initial report. Does anybody have any comments or want to discuss the work plan?

Steve or Julia, if you can remind me what 2.2.1.4.2 relates to again, I'd appreciate that.

Steve: Hi, Martin.

(multiple speakers)

Unidentified Participant: I think he wrote it in the chat.

Martin Sutton: Oh, sorry. Thank you, Steve. Yeah, I've got it. So yeah, capital cities, city names, city names for geographic purpose. So okay, any questions?

Hearing none, okay. Does anybody have any strong objections to this work plan? We're happy to proceed otherwise. Okay. Thank you very much. Okay, well, I'll open up to any other business. Does anybody have anything to include on today's meeting?

It's awfully quiet. Everybody wants an early finish. (Inaudible) nodded off. Sorry about that. Well, unless there's anything else, you want to double-back on through the conversations today, if not, I think we've worn you out. We may as well close. Oh, Justine. Thank you, you've rescued us. Go ahead, please. You might be on mute.

Justine: Hi. This is Justine speaking. Sorry, I'm in a very noisy spot so I'll just make it quick. You were asking about double-backing. I raised a point on actual notice in the chat, so I just wanted it noted for (inaudible).

Martin Sutton: Thank you, Justine. Right, so you were very faint coming through. But I gather it was regarding some comments you made in the chat. We'll pick those up and it was I think relevant to-- I'm just trying to check back on it.

Unidentified Participant: I'm checking. I'm trying to find it (inaudible).

Martin Sutton: I think it was an add-on to one of the-- yeah, so it's making sure that the applicant evidence that they had--

Unidentified Participant: I can read it. I'm repeating my earlier comment on slides 9 and 10. Further clarity is needed to insert (inaudible) or the applicant provides every-- I don't know how it's spelt-- also notice or request RGBA (ph). That's what Justine said in the chat and then I think she added something else and we're getting my (inaudible). Further clarity is needed to insert for this so that applicants provide any of actual notice to the (inaudible).

Martin Sutton: We'll review that and add that in where applicable, Justine, to new ideas. So thanks for that. Okay, and just as a little bit of homework, obviously for everybody we've got quite a lot of work to do in the next month to prepare this initial report for discussion and feedback within the group before it gets published. So we have the working documents. As I say, we'll be refining the information we've gathered within that working document and transferring that into the draft initial report. So it is important at this stage rather than end of October to go through and see any particular areas that you're interested in. Have we captured relevant information, ideas, comments, so that we can feed that through to our initial report? If not, please have a look at comments or write to the list.

But the sooner we get this place to have a draft, the easier it will be for us all to review and make sure that we're happy to publish that before the ICANN63.

Unidentified Participant: I think Greg has his hand up.

Martin Sutton: Greg? I didn't see that, sorry. I thought you'd gone off to sleep (inaudible).

Greg Shatan: Thank you. Just briefly, I think it's important to announce when the working document will be shut down and transferred to the initial report, so that there's kind of a last warning and fair notice for people to go in and deal with the working documents. So it should just be generally understood what the deadline is, when that document is essentially going to be closed and archived and then the work transferred to the initial report and then I guess we need to understand how we'll work on the initial report. I assume it's not going to be quite in the same mass collaboration mode, or maybe it will be, as the working document. Thanks.

Martin Sutton: Excellent point, Greg. Thank you. Let us take that all as an action so that we send that out to the list more clarifying details so that everybody gets that information, even those that haven't been on the call today. And we'll just have a think about practical timelines so that could be achieved in the process where we're at. That's a great point. Thanks for that.

Kavouss Arasteh: Martin?

Martin Sutton: Hello?

Kavouss Arasteh: Yes, Martin, I think further to what Greg said, I think this is a matter that the co-chairs needs to discuss amongst themselves and then come up with some suggestion for the date to shut down the working document. I don't use that term. But it is a matter within you who are partisans to discuss to see what is the most suitable time to suggest to the group to decide. Thank you.

Martin Sutton: Yeah, Kavouss. That's what I hope I conveyed. We'll take that away as an action to then feed that out to the list with the instructions and timelines to work towards closing off that document and translating that over to the initial report. All right, so much appreciated, excellent.

So with that, we've managed to use virtually all of the time. So sorry if you were looking at an early get-away. But I do thank you for all your contributions today and please do go and have a look at that working document over the next few days so that we can feed that through and look forward to catching up again at our next meeting on the 19th of September. Bye for now.

Group: Good-byes.

Unidentified Participant: Thank you so much. Meeting has been adjourned. Have a great day, everyone.