GNSO – ICANN Sydney Meeting
GNSO Open Working session
Geographical Names at the First and Second Level
20 June at 15:45 local time

Note: The following is the output of transcribing at the Geographical Names at the First and Second Level Meeting held in Sydney on Saturday 20 June 2009 at 15:45 Local time. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

>>CHUCK GOMES: The next session is on geographic names. For those that aren't aware of the issue, the GAC recommendations with regard to geographic names was different than the GNSO recommendations that were sent to the board for new gTLDs.

 So if you can please stop the conversations, I would appreciate that, okay?

 As I previously stated, this next session is on geographic names. And there are two applications of geographic names, at least two ways to break it down. One of them is geographic names at the top level, and we certainly need to find out whether we're all on the same page now of the people that are here with regard to the top level, but also there's the second level and there's been some recent correspondence between the GAC and the GNSO, in fact, the letter that the GNSO Council sent in response to the GAC request was the one that some controversy was discussed just a few minutes ago so that's the topic we're going to talk about, I'm going to turn it over to Kurt Pritz who will be --
first of all, be giving us a quick presentation on the GAC's position, hopefully most of us know our own position but we can talk about that as well and Kurt, I'll turn it over to you.

 >>KURT PRITZ: So I think the theme of this presentation is the smaller the font on the slide the more important the material is. So pay attention to the indented stuff, as I work through the slide.

 So you might remember in Mexico City that the board discussed and then resolved to take some action regarding geographic names. And the resolution essentially said that the board was essentially in agreement with the treatment of geographic names at the top level, meaning -- meaning that the treatment -- meaning what was in the guidebook, the second version of the applicant guidebook.

 But then it did give some very specific direction. It asked the staff to tighten up the definition of what was a country name or a territory name in the guidebook, i.e., what name should be afforded protection, be required to get a priori approval from our government. Tighten up that definition. There was also a sense in the guidebook

about regional names, such as names of continents. And the board asked for greater specificity in defining what support was required from the countries in those regions in order to get, say, a continent name or regional name. And then, finally, the board said you know, we haven't really straightened around the protection of geographic names at the second level that the GAC advice, in the form of the GAC principles on new gTLDs discussed, you know, a broad scope of protections at the second level. And the guidebook was silent and had no protections at the second level -- so asked ICANN to write a letter to the GAC and say, essentially, what I've just told you, that we're in agreement with treatment at the top level but not at the second level. And write a letter to the GAC, see what they want. And then they asked the GAC to report preliminarily and finally back in April and May. So that was the board resolution. So that's -- the work that's been done and the work we're going to talk about here is what's been accomplished in that time.

So where were we in Mexico City? That's good. No, you're at the right place. I was going to say 6500 feet.

So in version 2 of the guidebook, country or territory names required approval of the relevant government along with the application if geographic names required that a priori approval if it was a meaningful representation of a country or territory name, it was a subregion name listed on the ISO 3166-2 list, it was a capital city, or if it was a city name where the applicant said this is the name of a city and we're representing that city. So those four things.

And it also said regional names such as continent names required the approval of a substantial number of relevant governments. So to reiterate, the board said, you know, the definition you have of meaningful representation is kind of vague. And it -- and the idea that the approval be by a substantial number of relevant governments is vague, too. So could you please tighten up on those things?

And I don't remember the -- that's fine, Margie.

I don't remember the definition of -- the definition of meaningful representation off the top of my head. But I do remember one part of it was, you know, if it was part of a country name listed in the ISO list. So there wasn't a lot of specificity there.

Thanks, Carla.

So we've -- so the definition of what a country or territory name is has been considerably tightened, and the vagueness has been taken out to a large extent.

So what does it say? It says, if you look at the ISO 3166-1 part 1 list, it is found in there. It's either the long form or the short form of the name. And it would be the translations of those names. It

would be the alpha-3 code which is on the 3166-1 list. There's also a list of exceptionally reserved names, and I forget how many there are of those. I think it's in the teens. Is Kim here? Yeah, it's in the teens. And then, if you look at the list, I got the document here. There's also a column of remarks. And the remarks often start with -- "often referred to as" or "principal islands:"

So it has another -- another list of geographical names there that are very specific. So that's in that list.

And then finally, if you look at -- if you go through that whole list and all those long and short form names, you'll see some -- well, we call them separable names. So, for example, there are several like Bosnia and Herzegovina, several island groups where there's two -- Saint Kitts and Nevis is an example of those. So we took those and created a list of 26 separate names. There's also Russian federation, so we took that and made Russia. But, like I said, that is a list of 26 names. So anybody should be able to look on that 3166-1 part 1 list and find long form and short form names, alpha-3 code, another list of exceptionally reserved names and the names in the remarks column under some of them largely island groups.

>>CHUCK GOMES: Can I ask a clarification question? Let's not make this a comment period. But, if there's a clarification question for Kurt, we'll take those as he goes through the slides. Mike?

>>MIKE RODENBAUGH: What do you mean by "permutations of the names above"?

>>KURT PRITZ: So, instead of Russian Federation, Federation Russian. Instead of United States of America, America United States.

>>MIKE RODENBAUGH: What about in espanol?

>>KURT PRITZ: Or translations short form and long form name.

>>CHUCK GOMES: And is that translations in any script, any language?

>>KURT PRITZ: Yes. Eric?

>>ERIC BRUNNER-WILLIAMS: Thank you, Kurt. Eric Brunner-Williams, CORE.

In 3166 there are code points which are colored purple in the ISO 3166 decoding cable. These are code elements which are not used at the present stage. Are they excluded from the list of reserved -- we've got the exceptionally reserved list included in addition to the officially assigned code elements.

I guess my question is, Kurt, the -- there's more in 3166 than that subset, which has been delegated to territories or nations. Have we

clarified that the unoccupied portions of 3166 are excluded from assignment?

 >>KURT PRITZ: So the two-letter codes are all reserved. And the three-letter codes, I think, are not.

 >>ERIC BRUNNER-WILLIAMS: The -- a lot of the two-letter codes that are not assigned to territories -- for instance, let me take one.

 >>AMADEU ABRIL i ABRIL: I be for international world.

 >>ERIC BRUNNER-WILLIAMS: Union of Countries Under the European Country Patent Convention. That's the long form for EF. Are we taking that portion which is also in 3166 and -- there's a dozen of these.
The patent --

 >>CHUCK GOMES: Can you continue to speak into the mike, please.

 >>ERIC BRUNNER-WILLIAMS: I'm sorry. There's a dozen of these, the intellectual property organizations who have longer names than just the two-letter code points in 3166 alpha-2.

 >>CHUCK GOMES: Are you looking at a page?

 >>ERIC BRUNNER-WILLIAMS: Yes, I am.

 >>CHUCK GOMES: Which page are you looking at? Oh, you're looking at -- it's a pdf, right?

 >>ERIC BRUNNER-WILLIAMS: No, it's actually the ISO's decoding table that I'm looking at. If you had a Skype window up, I could send it to you.

 >>KURT PRITZ: So that's not in the part 1 list, right? It's in ISO-3166-1 --

 >>ERIC BRUNNER-WILLIAMS: Yes.

 >>KURT PRITZ: -- publication.

 >>CHUCK GOMES: So does that answer your question? It's just the part 1 list that's a subset of the whole thing. Does that answer it?
Thank you. And keep in mind for those that may not recall this, that right now all two-character top level domain names are not allowed. So that part is covered in kind of a broader requirement, even though this duplicates it a little bit.

 >>KURT PRITZ: Margie, let's go on. Regional names is the -- I don't have the link here. But it's the U.N. list of 49 regions. So there's, you know, continents are part of that. There's the Americas.
There's northern Europe, I think, is a region. So the definition has

been tightened to require documented support from at least 60% of the countries or territories identified as being in that region in the U.N. list. And, in order to be accepted as a TLD, no more than one objection. And you might guess that the idea there is not to give one country veto power over an application.

So that's it for the -- that's it for the top level. Amadeu, did you have a question?

>>AMADEU ABRIL i ABRIL: Yes, one short question. Why alpha-3 now?

>>KURT PRITZ: It's a list of three-letter codes in the country list.

>>AMADEU ABRIL i ABRIL: No, no, I know. But why have you added this now?

>>KURT PRITZ: I think that in the IDN discussion and the country name discussions that we've seen about applications that countries -- some TLDs representing countries are going to be applying for three-letter codes. So to distinguish those three-letter abbreviations as country codes.

>>AMADEU ABRIL i ABRIL: Will this be applied retroactively? For instance, VeriSign will need to get a letter from the DNSSEC Islands for the --

>>KURT PRITZ: No.

>>AMADEU ABRIL i ABRIL: Why?

>>KURT PRITZ: Yes. Jim Baskin. On the three-letter codes, for the longer names, full names and the short names, you said that the translations through other scripts are all covered. Now the three-letter names, is there anything similar?

>>KURT PRITZ: No. It's just those three-letter codes in English, in ASCII and Latin.

>>WERNER STAUB: What about the three-letter codes that people really see? Nobody knows about the three-letter code that is the ISO three-letter codes. But they know the three-letter codes of the sports federations, which are different. And the -- you know, does it really make sense to exclude strings that nobody knows about and people don't use them? They have no confusability problem.

>>KURT PRITZ: Well, does it make sense? So there's -- so there's confusability probably with some of them and not all of them. And in some regions they may use those three letter codes and they may not. But it provides a bright line rule that is, you know, is -- can be put out there for applicants that's easy to follow and makes protections in places where that might be warranted and really decreases the number of

available names just slightly.

>>WERNER STAUB: It's not a question of the number of available names, I believe. It is we shouldn't think quantitatively but qualitatively. And it might be the right name for a given community, which happens to be have assigned by an unknown committee that some people didn't know they've been assigned that name.

>>KURT PRITZ: Right. I think that's an excellent point. And, as you know, in ICANN we're continually casting about for rules that are clear and also rules developed by others that are independent of ICANN and in a position of authority. So, you know, I think your point is a good one. And in balancing that, we thought that using the name published by a different authority would be the best.

>>DAN HALLORAN: Just to follow up on that briefly, if I can. That's an excellent comment. We can add, like, another bullet in that list -- -- the list of FIFA country codes. It's an externally developed list.   I don't know much about the list. But, if you've got a comment like that, please submit it. We were scratching looking all around for lists compiled by others.

>>JIM BASKIN: Jim Baskin. I'm not sure which way those comments were going, whether it was a matter of somebody -- let's say the NFL, the National Football League in the U.S. It's a three-letter abbreviation. But, if the letters NFL happen to fall in that three-character list, even if it's -- I don't know what, that means that the NFL couldn't do anything. But then I think I just heard that the possibility of adding three-letter abbreviations into -- or having another list to protect organizations that have three-letter abbreviations -- and I'm not sure whether they meant to be different things or whether they were actually different things.

>>KURT PRITZ: Dan, did you want to comment on that specifically?

>>DAN HALLORAN: Just to clarify what I was saying. What I understand Werner's comment was, if you look at ISO 3166 alpha-3 code for Switzerland, it's SHE. But, if you watch World Cup soccer matches, it's always SUI, I think. So he's saying, if we're trying to prevent confusion, we might want to look for lists that correspond to things people are actually familiar with. So, if we're trying to reserve a country code for Switzerland, we might want to reserve SUI instead of SHE or in addition to CHE.

>>CHUCK GOMES: Okay. Jeff?

>>JEFF NEUMAN: Also, just to follow up. The IRT had recommended that anyone who is reserved, you'd always give an opportunity for the person that's applying or anyone that's applying to show why they're not confusingly similar to that. So, for example, I noticed in the three letters, you have GEO for Georgia. Well, it's dot.geo. And I

know there's been proposals before for dot.geo. And, if they came forward and had the same proposal, which is a geographic-based TLD, I don't think anyone in their right mind would think there's any kind of confusion with the nation of Georgia. So is there anything built in the process or is the GAC silent on it as to whether there should be some review process where maybe it's initially kicked out this reconsideration, just like the IRT said with the globally-protected marks list that there's some process where the applicant can come forward and say, "Yeah, I know it's on the list, but come on. There's no confusion here." Is there any thought to that?

>>KURT PRITZ: Did you want to say something?

>>DAN HALLORAN: I think the answer is right now the draft that's written is too bad, so sad. Geo is Georgia. You need the permission of the country of Georgia is how I understood what we have written now. I took that as a comment to change it.

>>CHUCK GOMES: So it could be -- they could request an exception. And, if they got approval from the country of Georgia, that would be acceptable? Is that what you just said?

>>TIM RUIZ: No.

>>DAN HALLORAN: Not exactly. I think what Jeff is proposing if you wanted to run dot.geo, you could come to ICANN and say: "I don't even want to ask the country of Georgia. I want to run dot.geo because it's, like, about the earth and maps and stuff. So please except me from the requirement to get the support of the Georgian government. You could, following these rules, go to the governor of Georgia and say, "I want to run dot.geo for earth domains." The only requirement here is that you need the approval of this country. Doesn't have to be necessarily for Georgian Internet uses. >>CHUCK GOMES: Now I'm confused, because I thought that's what I asked. So there is a process whereby a bidder could go to the country and get approval and that's acceptable. Okay. So you threw me off when you said "no" to my question. Okay. That's fine.

>>JEFF NEUMAN: My proposal is that, if someone could come forward and show there's absolutely no likelihood of confusion between the proposed use of that TLD and the three-letter code, that you let -- ICANN let that go through.

>>CHUCK GOMES: Okay. Tim? I'm sorry. I forgot my queue here. I had Mike Rodenbaugh next. Tim, you're in there. And --

>>MIKE RODENBAUGH: Go ahead, Tim. Jeff asked my question precisely.

>>CHUCK GOMES: All right. Edmon?

>>EDMON CHUNG: It's sort of similar to Jeff's question but on a

different breath, I think. I'll take Asia as an example. Continents. There are situations where -- I mean, there are countries or territories that are not very participating -- you know, not really participating a lot in the ICANN situation.

And, if we take dot Asia, for example, since our operations started, because of the structure, we've been able to reach out to areas like dot.kz, Kazakhstan, tj, Tajikistan. But before which it was very hard for us to get their attention and get their participation in the process.

So, if you're talking about 60% -- let's take Asia as an example where there are 73 ccTLD regions or given that, 60% would be a very large number. And, also, you know, I would probably question whether 60% is participating in the GAC or ccNSO for that matter. In that sort of situation wouldn't it be beneficial, given, of course, the structure to take a look into the application itself and the applicant and what it intends to do in terms of outreach even post the delegation to give sort of consideration there?

>>CHUCK GOMES: Kurt, just a process question. I had suggested that we hold off on comments and just ask for clarifying questions right now. But are you okay with what we're doing right now? Would you rather wait on the comments?

>>KURT PRITZ: Yeah. So we've just finished the discussion on the top level, so I think this isn't a bad time to answer questions.

And so the balancing there is really trying to create a bright line rule. And perhaps the bright line rule is a different number for each region.

You know, there's 49 of the regions. And some of them have very few countries and territories, and some of them have a lot. And there's balancing about, you know, some regions it looked like you needed -- you'd rather have 100% or a higher percentage and some regions where it's a low number maybe less. But even that becomes somewhat arbitrary. So we're trying to create a bright line rule. And also I think about -- you know, as we talk about this process, processing applications and trying to put metrics around, you know, the promise of outreach. So dot Asia is a good example, right? If you -- I think, you followed through on that -- and that's what's going to make the TLD more successful is now that you've got your place on the stage as a TLD, that's what you're saying is that's given me another arrow in my quiver to get people interested in what we're doing. It's sort of a chicken and egg thing. But for an evaluator to look at applications and try to base their merit on, you know, statements like that are tough. So I think, as part of the comments to this, you know, if there's a way to propose an objective -- more objective manner about evaluating the applications for regional names, that would be good. That's hard.

>>CHUCK GOMES: Tim. You're taken care of. Good. Dirk? >>DIRK KRISCHENOWSKI: Dirk Krischenowski, dot.Berlin and dot.zone.

 I think with a quick view on the alpha-3 code list, I think Apple will not be very amused to ask the state of Macau if they want to apply for dot.mac, for example. And I found out in a quick look that a couple of German companies with three letters will also be not amused if some other countries using their codes or reserving their codes. So this looks like a, more or less land grab, which is done here by geographical names, whoever did this. And for this, if we discuss the three-letter codes reserved, then we should remind on Hewlett Packard, which filed a comment requesting for dot hp, which is not used in the two-letter code. So, if the countries go to the three letters, why shouldn't -- if countries go to the three letters, why shouldn't companies go to the two letters? And there are a couple of two-letter interested companies like 3M, for example.

 >>CHUCK GOMES: Kurt, did the GAC specifically request the alpha-3 codes, or was that a staff suggestion in that regard?

 >>KURT PRITZ: I don't know.

 >>CHUCK GOMES: That would be good to know. As we're talking about this. I have in the queue right now Richard, Kristina and Marilyn. Is there anyone else that wants in the queue? Okay, Mike, I have you as well. Let's go ahead with Richard. If you're in the back there, if you would please go to the mic and be ready when you're coming up, I'd appreciate that.

 >>RICHARD TINDAL: So we're generally okay with this top level stuff. But the piece that we think has got -- creates a lot of unpredictability is the "in any language" provision.

 So the way we understand it, let's say Canberra is the capital of Australia. And that's reserved. But it's also reserved in any language. And so, according to Google, there are some 7,000 languages. And I'm sure Eric will tell me that's wrong and there's probably 20,000. So --

 >>ERIC BRUNNER-WILLIAMS: Let me Google for it.

 >>RICHARD TINDAL: An applicant has no idea, really, how Canberra is represented in those 7,000 languages. So, for example, in one language the word for Canberra could be car, c-a-r, for all we know. We think that creates a lot of unpredictability in that, if I apply for car and that happens and the geographic names panel finds that the Finnish word for Canberra is car, not only am I rejected, but I think I lost 30% of my application fee at that point. So we're going to provide some written comments in this. But our thinking is that perhaps there's a solution here where, if the language association with

the country in question or the city or whatever, is so peripheral --
let's say it's Finnish and it's the Australian capital -- that there be
some mechanism where the applicant can sort of make a case like, you
know, I know car is Canberra in Finnish. But nobody in Australia cares
about that, and I don't think the Finns care.

 >>[SPEAKER OFF MIC] We do care.

 >>RICHARD TINDAL: All right. They do care. The Finns care.
Someone take that down.

 So, nevertheless, I think there needs to be a mechanism in the event
that some sort of waiver can be sought if the parties are okay with it
being such an obscure relationship between the applied string.

 >>KURT PRITZ: So you're saying that if there's -- well, let's just
start with the capital cities but like capital cities and subregional
names and languages that are -- I'm trying to figure out how to word
the -- well, we started with the languages recognized by the U.N. but
there's six languages. And so there are country names that are very
commonly known that's not a U.N. language. And so for country names,
you know, and then for the subregions and regions, we went with their --
every language. But then what Richard is saying is, you know, you can
have a language that would never, you know, a language geographically
and culturally removed from Australia that might have a word for
Canberra that --

 >>RICHARD TINDAL: Yeah, it could be phone for all we know. I
think limiting the languages is problematic because it's just so hard
which languages are relevant to which countries. Rather, we're
thinking perhaps there's some mechanism we can say this is a common
generic word in English, let's say. And it happens to be in your 9,000-
mile-away language, this can be -- can we work something around that?
But having to go do that government and get their approval to do it,
that's going to be tough.

 >>KURT PRITZ: Yeah, so I understand your point. I also think it's
limited because, you know, all these different languages are in
different scripts other than Latin. So it's not going to be that -- it
might not be that big of a problem. But I also understand there might
be a way to carve -- to make sure we don't have 7,000 times the
hundreds of names we're talking about here.

 >>CHUCK GOMES: Adrian has a follow-up on that.

 >>ADRIAN KINDERIS: Actually, your last statement was exactly where
I was going. It adds a third dimension when you start using scripts.
Because not only Canberra be car in ASCII in someone else's language.
But now, because you get all the pre-reserved scripts of Canberra
anyways, it now starts multiplying and multiplying.

>>CHUCK GOMES: Now, Richard reminded me of an important point. Please submit your written comments on these points that you're making. They're documented in the transcript here. But it would be very useful, I think, for staff, as they look at these issues, that they be documented. So please put those -- put those in as you have opportunity.

>>MIKE RODENBAUGH: When are they due? Is there a public comment period open on this?

>>KURT PRITZ: We're open and transparent. Yeah. So this is in the excerpts. I'll talk that about that in the next publication, but excerpts of the guidebook as a strawman for how this would work.

>>CHUCK GOMES: They're adding excerpts on an ongoing basis. So you have to keep your eyes on that and watch for that. Each of those has a specific comment period. So that's important. Margie, could you move that back up to the top level, please, so that we don't get confused? Especially that's the one that has the categories there. I'm going to ask a general question in that regard in a little bit. Kristina, you're next.

>>KRISTINA ROSETTE: I just wanted to clarify that at the second level that you are in fact talking about at least what we referred to in IRT land as identical matches and that you're not talking about typos, you're not talking about phonetic equivalents or permutations et cetera, et cetera. Is that right?

>>CHUCK GOMES: Let's wait on the second level. We're on the top level right now. We're going to get to the second level as quickly as we can. Okay? Marilyn?

>>MARILYN CADE: Thank you, Chuck. I spend a good deal of my time working with sovereign states in a variety of international organizations. And I am very familiar with the concerns that national governments have about their identity and the confusion that can happen when citizens suspect or when citizens expect an online site to be, in fact, operated by a government and may ascribe the content on that site to be a statement from the government. So I actually think, from my experience and hearing from many sovereign states who have a fairly strong opinion about their responsibility to their citizens, that this looks like a really significant compromise. There are some states, as we talked about before in this range of meetings, that are very liberal about the use of their name. The United States of America might be one of those. But there are other states that are very, very clear and even have laws that prescribe, if you get a business license in that country, whether or not you can call yourself the X business with the province name versus X business using the country name. So this looks to me, Kurt, like we've seen, actually -- we've made a lot of progress. And there's a lot of moderation reflected here.

Do you have preliminary feedback from the GAC? I heard your presentation. But, since the GNSO Council will be going into a dialogue with the GAC, do you have preliminary feedback from the GAC? I also notice that we have two new members of the GAC who do have national laws related to the use of their country names.

>>KURT PRITZ: So without speaking for them, the board gave the sense that they were -- they were recognizing that there was more or less consensus about our approach at the top level. This represents somewhat of a narrowing at the top level because we've -- we're not using the IDN fast track sort of broad definition of country name and made it more narrow. But still I think the -- well, while you'll hear from them directly tomorrow, there is a sense that the combination of this and the discussion of second level names, we have, as soon as we get done here, might represent a compromise, but, you know, that's not -- not for me to say.

>>CHUCK GOMES: Mike?

>>MIKE RODENBAUGH: Pass.

>>CHUCK GOMES: Philip?

>>PHILIP SHEPARD: Just going back on the languages issue. It's my recollection, I may be wrong, it was so long ago, that when we discussed languages on this issue in the GNSO development work, we discussed an agreed -- and agreed upon the official languages of the country which could be one or many in the case of India. And I thought also early discussion in the GAC was that same group of languages. So I'm surprised of this extension to all languages going beyond indeed the UN set which is a sort of a subsidiary argument, don't recall exactly when it went up. Is that where the GAC request is now because I wasn't aware they had gone to all languages and precisely the -- I think the difficulty with that is exactly what we heard earlier is that we're moving from the certainty of lists, which is good, to complete uncertainty, which is bad.

>>KURT PRITZ: So, again, this is my -- this is my understanding. The previous definition of meaningful representation of a country name included the ISO list or part of that name and some other categories. And then also, in the official language of that country, which meant it's either part of an official language list or it was -- or the applicant in the fast track process say it was used in that -- you know, it was used in that country so it's a self-certification by that country that that was an official list. An official language, I'm sorry.

>>CHUCK GOMES: We're going to have to move along.

>>PHILIP SHEPARD: Which is fine now but why are you not talking about this concept of all languages?

>>KURT PRITZ: Well, because in the previous version of the guidebook or the suggestion here, it was limited to the six U.N. languages and the official language of that country, and there are a lot of comments that there are several -- there are many names that were commonly used by countries or well-known translation of country names that wouldn't be protected there.

>>PHILIP SHEPARD: Oh, you're trying to capture that.

>>KURT PRITZ: Yeah.

>>PHILIP SHEPARD: Okay.

>>CHUCK GOMES: Okay. Going on, then, to Jeff.

>>JEFF NEUMAN: Yeah, so I'll just expand on the last question, I asked -- circled around. So I tried to write down what I would -- kind of a standard, I mean, it sounds like -- coming up with a list is just an impossible task. Which languages. And it seems ridiculous in a number of situations. So with the standard I kind of came up with is look, by the nature of the application a reasonable person would not make the association between the geographic name and the TLD string, the application should be allowed to proceed. I think it's that simple.

>>KURT PRITZ: So send that in but a person situated where.

>>JEFF NEUMAN: No, if by the nature of the application a reasonable person -- oh, where that reasonable person is.

>>KURT PRITZ: Yeah.

>>JEFF NEUMAN: Anywhere. In other words, if I have an application for dot car and I pay you $185,000 and I put forth a 1,000--page proposal on cars and everything about cars and this is what I'm going to do with it then it's hard -- if an evaluator looks at it what evaluator is going to go you know what, I don't know that looks like.

>>KURT PRITZ: You know, I was thinking like in Carland or wherever that place is they're not using Latin character, they're using something else so, you know, you don't get to exclude a name because it's the Latin translation of their language into some, anyway, I understand what you're getting at, and so I think that concept needs to be developed a little bit more.

>>JEFF NEUMAN: Right.

>>KURT PRITZ: Because we sit around and we think of that and we can poke holes.

>>JEFF NEUMAN: The car one is made up. But dot GO is -- someone

applied for. And if someone looked at that application back in 2000, you can go back as a record of it, I don't think anyone in their right mind would say, wow, that looks like they're going to take advantage of the country of Georgia.

>>CHUCK GOMES: Kurt has limited time and we need to cover second level. I have two more people on the queue on this and then one general comment before we move to the second level. So --

>> (From the Telephone) Minutes remaining, if you would like to continue this conference, please press star one now.

>>CHUCK GOMES: So let's go to Adrian now.

>>ADRIAN KINDERIS: I'd like to continue the conference, so please --

[Laughter]

Can I start by asking a leading question? And I'm going to go somewhere with it. Why can't we register two-letter TLDs? Please answer and I'll come back to you with something. Let me do it, let me answer the question then for you it's because a new country may one day be one? Hatched? Whatever, and you may need to utilize those two characters, correct?

>>KURT PRITZ: Or they're interpreted as ccTLDs or they've been reserved and it's been decided they've been reserved.

>>ADRIAN KINDERIS: Right. So why -- I think it's a slippery slope that when you go to three letters, so now they want to look to reserve three letters that are meaningful, so what happens when a new country gets born, hatched, whatever it is, now, you know, past -- post-delegation and someone's infringing on this new country? Number one. And number two, I hope that this isn't retrospectively applied to existing TLDs because, you know, I don't know whether Colombia represents themselves when they play soccer as dot com.

>>PHILIP SHEPARD: Comoros, actually.

>>ADRIAN KINDERIS: It was what?

>>PHILIP SHEPARD: Comoros.

>>ADRIAN KINDERIS: Comoros. Well, there you go.

>>PHILIP SHEPARD: (Speaker off microphone).

>>ADRIAN KINDERIS: Hopefully that has some substance and we'll certainly submit that as a comment, but, yeah, I'm struggling to see how three letters are going to give us any traction here.

>>CHUCK GOMES: Tim?

>>TIM RUIZ: There was a -- thought I had it on -- similar to my concern, too, just that, you know, and I think it might have been touched on already, but at several of these three-letter codes could be actually trademarked or they could be prior rights, you know, would that prior rights holder have an opportunity to apply for that? According to the way it's written right now they wouldn't. But the question that I have, though, is: if this goes through this way, can the country represented apply for that three-letter code as a TLD in -- through the process, and if they can, what kind of agreement is expected to be signed with them given their response to signing something for the IG -- the fast track IGNs? Are we looking at, you know, the possibility of additional ccTLD space now based on three-letter codes?

>>KURT PRITZ: So a country, the way it's written, a country or anyone could apply for one of these three-letter codes and provide the approval of the relevant government. So -- and then -- and then receive that as a gTLD and operate -- operate it, you know, using a registry agreement with ICANN. Under the fast track process, that has a different definition of country name, and country can apply for an IDN ccTLD but it's not an ASCII, right, so it's a three-letter code that would be in non-Latin -- a non-Latin -- non-Latin characters right now and they could get an IDN three-character TLD but it wouldn't be one of those three-letter codes. So this has to be a gTLD with a gTLD contract and it would have to have the approval of the government.

>>TIM RUIZ: Okay, well, that's what I would hope. I'm just concerned that there will be a movement, whatever you want to call it, the other way, that, you know, if we reserve these, and that there will be another attempt to kind of widen the ccTLD space under the kinds of terms that we're going to be doing the IDNs or the current ccTLDs are done under.

>>CHUCK GOMES: Now we're going to wrap up on top level, no, that's it on top level right now because we've got to get to second level and Kurt has a limited time. But I do want to ask all of you to be prepared for our lunch meeting tomorrow when we're -- we have an hour and a half scheduled, including lunch, to prepare for the meeting with the GAC. And one of the things that we need to try to get a good handle on before the meeting with the GAC at 5:00 is where we, in the GNSO, us on the council, stand with regard to the latest recommendations in the draft guidebook. Now, it seems very clear to me that there's huge concern or at least concern by a lot of people on the three-character areas. I would also throw out the question not to discuss now because we're out of time on this one, but are we okay with the rest of the restrictions with regard to top level, only top level's what I'm talking about right now, we need to discuss that tomorrow, Avri and I were in a breakfast meeting with Janis this morning and he really asked us "are you guys okay with the -- with what is on the

table for the top level?" I'm hearing that we're not with regard to
three-character. Are we okay with the rest of it? Think about that,
be prepared so that we can talk about that tomorrow. And at this point
I'll let Avri take back the chair position and let Kurt pick up on the
second level presentation.

 >>KURT PRITZ: So with that in mind that's more fonts, more
important, the first bullet is really largely a quote from the board
resolution except I've added the word "implementable" because in -- in
responding to the GAC principles ICANN wrote a letter to the GAC and
said these suggestions at the top level are very difficult to
implement, either they're subject to rules or ICANN doesn't have the
power or, you know, the we would be providing very vague input to
applicants. And so GAC members' input south on implementable options
to resolve the outstanding implementation issues, GAC principles, I'm
sure it's everybody in this room that read the GAC letters that came
out of that in May and April came back with a proposal that at the
second-level names be reserved and could -- the letter says "could
potentially be released using a method similar to the dot info process"
for names but this list of names is considerably shorter than that on
the dot info list and is pretty bright-line. So the list of names that
would be afforded protection are the 3166-1 short form names in English
only. Then the UNGEGN technical reference manual for names. And that
list is the name of the country in English and then the name of the
country in the official languages of that country and its specifically
on the -- it's specifically on the list and there's another one that
it's the United Nations member states in six official languages. So
the links to those things are in the posting that shows how this would
be implemented in the guidebook if we're accepted. So an example of
this, to try to get a handle on what the scope is -- Margie? You've
been resting for too long. So for Latvia, the list would be this list
of names and no others. So the ISO 3166 list is Latvia, the UNGEGN
list is those three names are on the last time vane list written
exactly like that and then the U.N. member states in six official
languages are those -- one, two, three, four, five, six, right -- in
those languages that it's sort of gray but you can see what the
languages are. So if you think about what the total reservation would
be, you know, it's 200 times that or something like that, one, two,
three, four, five, six, seven, eight, eight times 200, so 1600 so, you
know, 1500-2000 names, something like that. So anyway, the issue --
the -- what the proposal there is, is that those three bright-line
lists that, you know, can be -- you know, ICANN can probably publish
that list for all of the countries on the list. So that's the whole
second--level proposal. So if you want to go back -- and that's really
kind of the end of the presentation. Can you go back, Margie? Thanks.

 >>MIKE RODENBAUGH: So I think everybody has to realize that
basically we're talking about the most valuable domain names in any TLD
and taking those off the table in every new TLD forever. It seems to
me like it's an extraordinary outrageous land grab by the GAC. That
has no real basis whatsoever, in fact, I mean, I've never ever seen a

study that illustrates that consumers think that country name dot com or country name dot anything would be owned and operated by that country. It just -- you know, every time the issues come up under the UDRP the countries have lost. Every time the -- it's come up in court, the countries have lost so I just don't see it. Also, it really viscerates a lot of the new TLD business models that I'm aware of. So just take, for example, dot Ebay or dot yahoo that we've talked about a lot. One of the main reasons to do a TLD like that is to geographically segregate the TLD, which you just simply would not be able to do under this proposal. I think the same thing goes for any number of generic TLDs, just take dot travel as an obvious example, what if they couldn't have country names in dot travel? What's the point? So I just don't know how much thinking has really gone into this from the GAC and I'm wondering if they've had any evidence to support their request here.

 >>AVRI DORIA: Thanks. I have Dirk and then Eric and then Marilyn and then Kristina.

 >>DIRK KRISCHENOWSKI: Dirk Krischenowski on behalf of our (inaudible) business dot zone. As probably some people might know, we have run a road show on the dot brands topic together with the German Internet Association and the German Trademark Association in major cities in Germany the last weeks. And we talked a lot with big companies on various things. One thing was many of the German companies think that especially country names like U.S.A. dot Siemens or China dot Siemens are very valuable to structure their name spaces. So that's a problem for companies applying for their dot brand, if they wouldn't have the chance to register or their country subsidiaries with good names. So that's an important point. I suggested this to some GAC members as well. And I think -- I hope we'll have a good discussion on it, and in the end the country names are not reserved in the new TLDs especially for the brand TLDs, it's very important, and major companies will come up with this issue in the future.

 >>KURT PRITZ: So without taking sides, this, for example, reserves one form of a country name in English. So -- so I don't -- you know, I think there's many forms of country names in English. I don't know if -- I don't know if this prevents what you're trying to do as far as the geographical identifiers for a -- you know, for a TLD.

 >>DIRK KRISCHENOWSKI: For sure, this really prevents a good use of country names within dot brand TLDs. So it would be excluded for many companies, then.

 >>AVRI DORIA: Okay, I've got Eric, Marilyn, Kathy and then Richard. Oh, you wanted -- hmm.

 >>KRISTINA ROSETTE: (Speaker off microphone) never mind. I had asked a question about second level when we were talking about first level.

>>AVRI DORIA: Oh, okay, sorry, so I'll put you on the list? And you wanted to add a response.

>>DAN HALLORAN: To clarify what Kurt was trying to say to Dirk which is it wouldn't reserve usa dot siemens or gbr dot siemens or fra dot siemens, it's just those -- the full name of the country in English, not the three-letter code, for example, or a nickname for the country.

>>DIRK KRISCHENOWSKI: Okay, U.S.A might be a bad example, but China or Australia or Brazil or whatever would be reserved in any language.

>>KURT PRITZ: No, not in any language.

>> What?

>>DAN HALLORAN: Right, but not bra or chn or other ways that Siemens to break up their name space. That's all Kurt was trying to say is there are other ways to divide it up besides using that exact name.

>>AVRI DORIA: Eric?

>>ERIC BRUNNER-WILLIAMS: Thank you, Avri. Eric Brunner-Williams from CORE. I just wanted to make a quick comment taking exception with Mike's unqualified comment about a value for all policy models. His statement apparently applied to every possible TLD operation. There exist policy models where there is no correlation between size and value, thank you.

>>AVRI DORIA: Thank you. Marilyn.

>>MARILYN CADE: Thanks, Avri. Marilyn Cade. I think maybe my comment has been overtaken by events. When a country has a national law that covers how its name can be used, most legitimate companies who want to do business in that country choose to abide by the national laws. So many government -- many companies, whether they're global companies or national companies, will want to abide by the national law. Many countries do not have a law that is specific about how their country name can be used, some do. My understanding at the time that dot info and dot travel were launched is that they both did agree to accept a list of country names. So certainly they're -- and that -- thereof a process by which countries put those names on the list. I also would just say that I think Dan's clarification is correct, as I understand it, that what you're proposing is the use of the standalone word that is the country name, not necessarily the use of the name of a country such as New Zealand sailboats might or might not be objectionable to the New Zealand government. But New Zealand might be objectionable to the New Zealand government if it were just that string that were being registered, right? So this is just the string. Not

the string as a modifier? Can you just clarify that?

>>KURT PRITZ: That's correct. As a second level label, the whole second level label.

>>AVRI DORIA: Thank you. Kathy?

>>KATHY KLEIMAN: I had a question for Kurt. In the future dot food, are we saying that turkey dot food is reserved for the country?

>>AVRI DORIA: Yes.

>>KURT PRITZ: Yes.

>>KATHY KLEIMAN: I object.

[Laughter]

>>AVRI DORIA: Thank you. Richard, did you want to -- okay.

>>RICHARD TINDAL: So I think we have to be realistic about the politics of this. I think what's on the table right now is a reasonable compromise and if we fight this I think it's going to drag this process out a long time. And I think that there are lots of derivatives that you can get that really achieve your objective so you can't have France dot travel but you can have French dot travel and you can have go to France dot travel and you can have a whole bunch of derivatives, it's just that word in the local and the six languages. I understand the Turkey-food example but the reality of this, in my opinion, is that we're not -- this is going to be a long, long battle if we fight this one.

>>AVRI DORIA: Thank you. Kristina?

>>KRISTINA ROSETTE: I think Richard and I finally agree on something. But I wanted to get clarification from Kurt that just so that there's absolutely no question that we are, in fact, talking about the true identical no phonetic equivalent, no typographical error, no adding an article, just straight-on identical?

>>KURT PRITZ: Right, that's true.

>>KRISTINA ROSETTE: Okay.

>>AVRI DORIA: That was the end of my queue. Anyone else? Okay. Back to you. You want to.

>>CHUCK GOMES: Yeah. Another thing, too, as I understand it, is, is that there is still the exception process where a name that's restricted in one of these ways could be used with the approval of the government. So there's also that option that's there. Am I correct on

that, Kurt?

 >>KURT PRITZ: That -- yes, mostly. I think it's up to the original
registry for developing a process for releasing the names that are
similar to the info -- info process.

 >>AVRI DORIA: Jeff?

 >>JEFF NEUMAN: Just a question. So we were talking about, you
know, nothing would stop you from using a two-letter or a three-letter
dot country, I'm sorry, dot TLD but you can't use a country name. Does
the GAC know this? I know they didn't ask for it in their letter but I
don't want this to be another example like dot info, where they didn't
ask for it and all of a sudden the TLD launches, and they realize, oh,
crap, we meant to protect that. I mean, has this been -- has the GAC
affirmatively said that we don't care about those two-or three letter --
or anything, or is this something we're hoping to keep from them and
they don't recognize it?

 [Laughter]

 Yeah, they're right over there. I don't mean that in kind of a
gaming way. My part is that if the GAC later finds out about something
--

 [Laughter]

 >>ROBERTO GAETANO: (Speaker off microphone).

 >>KURT PRITZ: So let's take Kristina's question as adding
complexity. So somebody asks -- somebody applies for a name that's
very close to a country name. And that gets put into the root. Then
if somebody's -- seeks to release that second level name, now it's the
country name, now it's confusingly similar to the one that -- no,
that's not -- this is second level, never mind, I'm going to take that
whole line of discussion back. No, so I think there's been a
circulation of this proposal was made without speaking for GAC members,
was made in an April -- you know, an April preliminary report and then
was made again in a subsequent report in May. And the gravamen behind
it was to create something that was implementable understanding that
implementability and bright-line rules were a difficulty with some of
the proposals in the past that it was limited to this.

 >>AVRI DORIA: You wanted to respond?

 >>JEFF NEUMAN: I would say, yeah, Kristina's -- that example's hard
to implement but a two-letter dot TLD is not, you know, I'm just
worried that all of a sudden things will go forward, people will fly
for it and then they'll go wait a minute, I meant to exclude that too
and I just want to make sure we're all on the same page.

>>AVRI DORIA: Thank you. Richard?

>>RICHARD TINDAL: I thought the two letters were all reserved at the second level. I think they are.

>>DAN HALLORAN: In the draft proposed base agreement you have to reserve all two level -- two letter -- all two-character labels, but it has the same language about you may propose release. Here (indicating).

>>MIKE RODENBAUGH: But to propose --

>>AVRI DORIA: I've got --

>>MIKE RODENBAUGH: Oh, just a question on this.

>>AVRI DORIA: Okay, you had a question.

>>MIKE RODENBAUGH: Yeah, it's right on this -- now, I've forgotten it, damn it.

>>AVRI DORIA: It will come back to you. Eric.

>>ERIC BRUNNER-WILLIAMS: Thank you, Avri. Eric Brunner-Williams from CORE. Yeah, I wanted to point out that A5 is not a country code and neither is K9 or 4U or -- you know. When we talk about two-character reservations we're talking about something significantly larger than I 3166, it would be helpful if we're talking about 3166 or we're talking about two-character sequences in the -- thank you.

>>AVRI DORIA: Anybody want to comment?

>> (Speaker off microphone).

>>KURT PRITZ: So the way it's written now is all two-character names are reserved but if you want to make that comment it would be a good one.

>>MIKE RODENBAUGH: So all two-character names are reserved at the second level but the TLD operator can make a proposal to release some or all of them and that's not going to require any government's approval, is that correct? It's just going to require ICANN's approval?

>>KURT PRITZ: Well, I can tell you how it's worked in previous applications that what we're -- and I don't know where this is written and Dan and Karen know, so they can clear up my ambiguity. But what we're seeking to avoid is confusion with country TLD -- country TLDs or country names and so the proposals have been written in a way that state this is how we're going to release these names so it's not confused with a country name and in most TLDs that's not going to happen so that's why the two-letter names have been released.

>>AVRI DORIA: Anyone else? I think you've exhausted the questions on that. Okay. So just, basically, again, this is part of the discussion we're having with GAC tomorrow where, you know, we go in. One of the things that we need to look at, which we looked at last time in terms of the top-level domain and so it applies also to the second level, is there's a difference, there's a bunch of views. This is something that there's a lot of views on, but is the GNSO interested in whether it be the council or the full GNSO, interested in taking an action on or where we're at on it. So that's something to, you know, think about to bring in tomorrow but to also talk on constituency day.

But there's two levels to this is do we -- are we in a position to make a GNSO statement on this? Or are we representation a variety of individual viewpoints of members of the GNSO but we have not necessarily achieved a coherent position on it?

So, as I say, this is the topic of the discussion tomorrow, but we need to be aware of what strength that has within the GNSO. Any other last comments on this? Okay. If not, then we take a short --

>>KURT PRITZ: Can't we just go on to the next thing?

>>AVRI DORIA: Sure, what's the next thing? Okay, yes. We just go on. Sorry. Just open the doors. It was freezing this morning.

>>AVRI DORIA: It started out cold this morning. I knew it would warm up. I knew we could do it. Okay. So yes. We just go on to the next thing. Sorry. Thank you for reminding me.

[Off microphone]

>>KURT PRITZ: So I have a set of about 14 or 15 slides that describe the work that's occurred since Mexico City and then very briefly what the next steps are.

So I thought I'd go through that. I'm feeling cooler already. Thank you, Kim.

And what happened? We went on to the next slide already. And so you know, what have we done since Mexico City? We posted the public comment analysis where we took and we've taken the public comment made and repeated the exercise that we did between Cairo and Mexico City. We posted applicant guidebook excerpts, not a full version of the applicant guidebook. And I'll talk more about what that is and why that is. Some additional papers to explain the analysis and the guidebook excerpts in the form of explanatory memoranda and some independent papers. And so then how do we get home from here at the end? Thanks, Margie.

So here's what we posted. We posted the comment analysis. And -- which was, you know, we separated out by category and subcategory. The

guidebook excerpts -- I'm going to talk more about those two things. These explanatory memoranda. One about three-character strings and whether that restriction should be relaxed for certain scripts that have a lot of words in less than three characters. We published a description of the research we did with regard to morality and public order standards and standing that was asked for some time ago. We talked about a potential post-delegation enforcement mechanism for community TLDs. A paper that discussed whether there should be a requirement for registries to maintain a thick WHOIS database and then a better description of the predelegation testing that will occur after an application is approved but just before it's delegated into the root.

And we already talked quite a bit today about some of the other things. IRT, preliminary and final reports were published, preliminary and final report from the GAC.

And geographical place names was published. An economic analysis was published.

We have -- on potential malicious conduct, we have reports from the anti-phishing working group, and the gTLD registry security group. So --

>>AVRI DORIA: Can I interrupt you one second? Something that came up earlier when we had gone through all the other overarching issues were questions about the fourth one that we didn't cover, the economic analysis. So do you have something on that in here in?

>>KURT PRITZ: Not really. The economic analysis is posted for comment and --

>>AVRI DORIA: And that's that? Okay, fine. Kristina, you brought it up. I didn't know whether you had any further questions or comments that you wanted?

>>KRISTINA ROSETTE: No. I wanted to make sure that there wasn't anything else kind of looming around out there about that one.

>>KURT PRITZ: Marilyn, do you want to ask a question now about that?

>>MARILYN CADE: I do, Kurt. Thank you. I'm quite interested to see in your list of comments, since there were a number of comments received on the economic report, that you've singled out one particular comment to provide a detailed response to. Should we expect a detailed response to all of the comments that you received on the economic -- on the Carlton report?

>>KURT PRITZ: No.

>>MARILYN CADE: So should I then interpret that since there was a specific detailed response to one of the comments, that there should be further dialogue and discussion?

>>KURT PRITZ: Yeah, of course you should. And I think that, you know, the response to the -- to that other report, you know, that was a very detailed in-depth report and where, you know, where all the other comments were, you know, briefer.

So I don't think that's incongruous or doesn't make sense that that report was taken seriously and there was a separate -- you know, a separate comment to it.

>>AVRI DORIA: Thank you.

>>KURT PRITZ: Go back, Margie. I forgot where we were. Okay. So then let's go on.

So the guidebook excerpts, why did we publish that? First, it's thought that publishing the third version of the guidebook without addressing the -- what have been labeled overarching issues would not be appropriate. It would be sort of an indication or would be taken that the -- those issues weren't being addressed, that we're moving ahead without considering them and answering them.

But we did want to demonstrate that progress was made in many of the other areas where we had public comment. That comment was considered, and changes were made in the guidebook.

I also want to make the point that just because things are in the guidebook doesn't mean they're done.

You know, the whole guidebook is a proposal, right? But I think that it's a really effective way to point up the discussion is to put something in black and white in the guidebook as if it would be implemented. So, for example, the geographic names discussion, we've talked a lot about geographic names here today here and elsewhere. And I think, if we were left with the GAC report and other papers that have been written, everybody would have their own conception about how that would result in a guidebook writing. So the idea is put it in the guidebook. And that really brings up what it would be in black and white and sharpens the discussion. So, again, the guidebook is proposals. But it's intended to sharpen the discussion. So that's sort of a why we did the guidebook excerpts. Sort of a version 2.1 or something like that. But we wanted to be able to move the discussion forward in areas where we were prepared in time for this meeting to discuss that.

So those are the sections that have changed -- the technical string requirements, geographical names. There were changes to the evaluation criteria, dispute resolution processes a little bit, comparative

evaluation criteria, and some aspects of the registry agreement. So I'm going to talk about those in a minute. But those were the excerpts that were posted.

 The comment analysis is, again, trying to demonstrate that all of the comments were read very carefully. And they were categorized, you know, grouped according to category and then carefully considered. And, as a result, many changes to the guidebook were made. So it's really hard to make that sort of subtle point in this 200-page document that hits you over the head. But there you have it.   You know, it's meant -- you know, it was a ton of work done by a lot of people. But it's meant to indicate that the comments are taken very seriously.

 >>AVRI DORIA: Kurt, I just want to point out that in one of the working groups I was working with when it came time to respond to comments, I used this as a worthy example that they should follow.

 >>KURT PRITZ: Thank you.

 So what changes did we make in the guidebook? With regard to the technical requirements for which strings would be acceptable, that stayed essentially the same. It was reorganized and clarified, and we updated the IDN draft references. And there was a tiny bit more conservative, but, you know, you could have -- if it wasn't red-lined, it would be a tough contest to try to find that.

 I think an issue for the community that needs to be taken seriously and with alacrity is the three-character requirement. And that is -- there's serious comment from the Chinese, Japanese and Korean community that their TLDs, their availability of TLDs to them is somewhat hobbled by the three-character requirement. Balancing that is the -- you know, a history of standards and protocols that require three characters and opening the door to two characters can be sort of a slippery slope. So I think -- especially for, you know, the GNSO, that -- that represents that soon to be very large gTLD community, that's a discussion that needs to be had in the next several weeks and the technical experts associated with that should take part in it. Next? So --

 >>AVRI DORIA: Mike, you wanted to ask something?

 >>MIKE RODENBAUGH: Yes, I don't think I understood you correctly. You said that two-character labels are a problem now and that's why you don't do this? I mean, obviously, all the country codes are two-character labels.

 >>KURT PRITZ: Right. So the issue is -- and I'm, like, the worst person to be discussing this. I'm sort of a technical eunuch. But in Chinese, for example, many, many -- you know, there's one-character and two-character words that, if you require a three-character TLD, it's more than one word. And so whether there should be some way for those scripts to register, you know, less than three character names.

Understanding your point about the restrictions around country codes we just made 15 minutes ago in the other presentation.

>>MIKE RODENBAUGH: Right. Okay. But it just sounded to me like you're saying there's a technical reason why you can't have two character names.

>>KURT PRITZ: No, there's not.

>>MIKE RODENBAUGH: Yeah, obviously.

>>KURT PRITZ: We've added questions in the evaluation criteria and the applicant guidebook in response to the initial versions of an APWG in public comment to ask more questions about the background of the applicant and their backgrounds. And also not in the guidebook but for consideration is that there's going to be background checks associated with the application. And then, under security and DNSsec, the APWG report made those two suggestions about strings that might be vulnerable to a significant abuse or that, you know, to put people on notice that DNSsec might be -- may not be required now but it's going to be. Next.

And then other revised applicant questions, we've made the proof of legal establishment in good standing more flexible. We aligned the questions on community-based applications to align better with the comparative evaluation criteria to make it easier to evaluate. We defined with more specificity the requirement for a financial instrument to ensure ongoing registry operations in the event of failure. And something about geographic names at the bottom there.

Oh, so we asked -- you'll remember in the GAC letter, too, it was requested that registries could provide additional protections for geographic names. So, while it's not scored, there's a question asking applicants what protections they -- what other proposed measures they might have for protection of geographic names.

In dispute resolution, we've clarified the standing requirement for morality of public order. That's been -- that's been a debate for some time now. So that allows, essentially, anyone to file an objection for an objection for morality and public order purposes and that, as a cover to the objection and dispute resolution process, ICANN will create a filter to block frivolous objections at the outset to save cost and time.

For a community objections and standards, we made the language more clear. And we also amended the complete defense to community objections somewhat in order to assert for those of you who have read up on your community objection criteria. And standing requirements. If you satisfy -- if the applicant satisfies the standing requirement to object, then the applicant has a complete defense to the community objection. And it wasn't stated but seems obvious that only a

community-based applicant could assert that defense. So we put that in the guidebook and that -- the applicant had to affirmatively prove up all the elements of that defense. So that was clarified. Quite a bit more material on the independent objector role and how that role is tailored and narrow and limited.

Comparative evaluation. So we've got a team that just tests names all the time. That's all they do. Not really. But every week they test a set of names. So we've resequenced the criteria to make them more logical, amended the scoring somewhat and made it more -- I think it's pretty darn objective. But, again, testing will continue to try to -- to try to hone that test. And the scoring has been changed so that 13 of 16 rather than 14 of 16 is required to pass. And that was just -- that's set up there as a trial balloon but was done after, like I said, a ton of testing. And by a ton of testing, I don't mean a lot, a lot. I mean hundreds of names. I mean to really run through that evaluation for each name takes quite a bit of time. So -- quite a bit of that was done.

And the registry agreement, there's the -- after public comment and a paper that discusses it, you can see how a requirement would look like to maintain a thick WHOIS database. So ICANN in its explanatory memo, indicates that -- well, indicates support that there should be a requirement for registries to maintain a thick WHOIS database and why. And we've already talked about geographical names. So I don't want to talk about that.

Or that. How did that get in there? And that's where that went. I was wondering why it wasn't in the other presentation when I sent it out. I put it in the wrong presentation.

So what's coming up? So to get home on the overarching issues, a series of consultations is set. And there's a primary focus on trademark protections and also malicious behavior because they overlap to a certain extent. And so it was anticipated from the start, before really the IRT was formed, that there would be a series of consultations to get to a set of solutions on trademark protection issues. And so it was thought we'd have three consultations -- one in Asia, one in the Americas, and one in Europe. And so that is -- those three consultations are this meeting in Sydney, the meeting on Wednesday, and then a consultation in New York and a consultation in London. And so earlier today you heard from the IRT and their proposals. And it's intended that, you know, this discussion has, you know, the IRT and that proposal as sort of a first among equals but would also consider other proposals and discussion of the proposals on the table with the idea that at the end of these consultations, we have for a guidebook draft a set of trademark protections to be adopted. And then approach to -- and an approach to helping ensure that there's not a multiplication of malicious conduct when there's a multiplication of TLDs.

And then, in addition to that, there's other outreach events scheduled that are going to discuss these issues, these -- these overarching issues. In Abu Dhabi in early August and also in Hong Kong. And we'll also discuss new gTLDs, IDNs and policy work by your policy support staff at ICANN. So, if I was clear at that -- about that, that's good.

And so what's the timing of -- what's the publication of materials going forward? That's not how you spell caveat, is it? So the caveat is, of course, that this is subject to public decision as is all of this. It's -- you know, the beauty and the hard part of the ICANN model.

So the root zone scaling study is a preliminary report is scheduled to be published in August of 2009. And you heard from Lyman today. In addition to that, we look towards our resolution of trademark issues and malicious behavior issues by that -- in that same time frame so that the third version of the guidebook could be published in September. That would incorporate the work on the overarching issues and also incorporate feedback from the work that's up to here and comes through here and the public comment periods for the guidebook excerpts and all the explanatory memo and everything else that's been posted is July 20th that public comment period closes.

So then we look forward to -- go back. Then we look forward to publishing a draft -- no, a final version of the guidebook, not a final draft version of the guidebook in December 2009 after we incorporate feedback through the Seoul meeting. So the draft version 3 of the guidebook, the comment period would end essentially shortly after the Seoul meeting, allowing the publication of the final guidebook in December. That's it.

>>AVRI DORIA: I'll take a queue. I have Adrian. I stuck myself on it. I have Tony, I have Kristina. Start with that.

>>ADRIAN KINDERIS: Thanks for the update, Kurt. I didn't see -- well, I didn't see you mention, but I saw a paper on predelegation testing come out the other day. And can I raise a point on that and a note that -- I don't think Kim's in the room, so he's probably a good guy to throw this out.

But can you speak briefly about the persistence of ICANN with the self-certification? Certainly, the requirement -- self-certification of your technical capabilities?

Just to me it seems that you get such a strict technical requirement to let, you know, at the last bit that you're actually going to self-certify that you're fulfilling these requirements seems to be a little loose. And I could strongly suggest that ICANN flex its technical muscle there.

>>KURT PRITZ: Yeah, I thought we got away with that some and so I'll take that comment and go look it up.

>>AVRI DORIA: Okay. My question was a quick one. In terms of the grading in the 13 out of 16 points, one of the questions I've had, is all this done in integers or when they're doing their gradings are there 13.5, you know, 'cause it was out of a scale, if I remember correctly, of four on each of the categories. Is it integer grading or is it someone could get a 2.3?

>>AVRI DORIA: So it could be an integer grading but multiple graders.

>>AVRI DORIA: I see. So you do end up with a whole number in the end?

>>KURT PRITZ: No, so you --

>>AVRI DORIA: A real number, I mean.

>>KURT PRITZ: Right, right.

>>AVRI DORIA: Okay, thank you. Okay, I've got, then, what do I have after -- oh, yeah, Tony and then Kristina and then Richard and then --

>>TONY HARRIS: Yes, I have two short questions for Kurt. When you say the final application guidebook will be published in December, and I'm crossing my fingers here, my heart's beating furiously.

[Laughter]

That means on that day, the 120-day warning period begins and at the end of 120 days I can show up at Admiralty Way with my proposal is that correctly understood?

>>KURT PRITZ: Or even sooner if, you know, if you think about a communications period being launched in the very near future. And so what we want to do is satisfy the GNSO requirement that this process be adequately communicated to all regions and I -- you know, I -- just to blurt it out, I think there's been feedback from this group that that four-month period can be started before the final guidebook is actually published.

>>TONY HARRIS: Great. And the second question is I had to step out of the room briefly, I don't know if there was any mention, has the question of the application fee been reviewed, is that set in cement or do you think there may be some consideration in reducing that? The application fee of $185,000.

>>KURT PRITZ: Right, so, the area of uncertainty left in the application fee are the costs of the panels. So, you know, we've put

quite a bit of effort into estimating what those will be. But we're in
the process of receiving real proposals to perform evaluation services
and so if those costs are markedly different from what we thought the --
you know, what we estimated, then, that would affect the application
fee. And it's a substantial portion of the application fee so it could.

 >>TONY HARRIS: Thanks.

 >>AVRI DORIA: I've got -- okay, so I now have Kristina, Richard,
Edmon, Marilyn. Kristina?

 >>KRISTINA ROSETTE: I have a very specific question. In the
analysis of public comment under registry-registrar separation there's
a note that ICANN is essentially adopting for discussion the delve
nation of affiliation recommended in the public comment and has opened
for discussion dah, dah, dah, dah, dah. I couldn't find that
definition of affiliates. Where is it?

 >>KURT PRITZ: I don't know. I don't know. I'll have to look. I
mean, I thought it was -- I thought it's there somewhere. Huh.

 >>KAREN LETZ: Somebody proposed it.

 >>KURT PRITZ: Yeah.

 >>JEFF NEUMAN: I think it wasn't in the contract, that's when I
supplied some language as a comment.

 >>KURT PRITZ: Right.

 >>JEFF NEUMAN: But I --

 >>KURT PRITZ: Which we encouraged and it's not in the agreement?

 >>KRISTINA ROSETTE: (Off microphone.) Jeff's definition or -- no,
nothing I'm seeing.

 >> Pretty much Jeff's definition, right?

 >>KURT PRITZ: Yeah, that's what I thought that's what it was. So
anyway, I thought it was Jeff's definition, and I thought it was in the
agreement, Dan's looking. But if you didn't see it, then it probably
wasn't there.

 >>DAN HALLORAN: Yeah, We didn't publish a new version of the
agreement so it wouldn't be in the agreement yet. So I don't know.
It's in the comments, I don't know if it's in -- you're saying it's not
in the analysis?

 >>KRISTINA ROSETTE: Well, it doesn't identify which definition that
was put forth in public comment was accepted. So without having that,

without having the agreement, it was kind of hard to figure out what the definition is.

>>KURT PRITZ: Okay, thank you.

>>AVRI DORIA: Thank you. Richard?

>>RICHARD TINDAL: So the issue of community and comparative evaluation is very complex, I think. So I think that there's going to be a large variety of interpretations with the way that the criteria and the scoring is currently is as to who would get community and who wouldn't. I think it's very, very complicated. I know a broad range already of people who have completely different views on the same scenario as to whether it would happen or not so if that's the way it stays, I think it would be very, very useful for all of us if the hypothetical example scenarios that the staff have developed and run were made available to people so that we can see what the staff are thinking about this issue.

>>KURT PRITZ: Ha!

>>AVRI DORIA: Did you want to comment more than giggle?

[Laughter]

>>KURT PRITZ: Well, no, I agree with everything Richard said about the complexity of it. And as we go forward we'll try to make the questions and the measurements more objective. Gee, the -- as we -- as we -- I'll share that, as we work through scenarios, you know, we build scenarios that are a couple paragraphs long. And we anticipate applications that are pages and pages long. And so when we run through those scenarios and we have differences among those who are participating in the testing, we have the ability to talk back and forth about, you know, what our assumption was. Well, you know, when I read this, I made these set of assumptions and that, you know, would theoretically be in the flesh (phonetic) dot application somewhere and somebody else wouldn't. So, you know, as you can imagine, you know, I'd be very concerned about publishing a scenario that says the application for a dot something or other, you know, as -- as analyzed by six of seven testers would be found not to meet the community-based standard where, you know, some unwritten change to the, you know, application would actually, you know, change -- change how the scoring would go. So it's -- you know, I'll see -- I'll ask, but, you know, I just see it as being, you know, sort of provocative to publish that.

>>AVRI DORIA: Okay. Edmon?

>>EDMON CHUNG: Yeah, yes, you anticipated my question about the three-character situation with the IDN TLDs. I guess it's good and there's progress that we have now a separate document talking specifically about it. From the excerpts that are posted, it doesn't

seem to have much thing addressing it except that, "as appropriate" was
added to the line, I realized. Does that mean that ICANN is perhaps
looking for something like another implementation recommendation group
of some sort to answer this question? What's -- you know, how do we --
how do we eventually address this issue, is the staff eventually going
to be doing it or what is ICANN --

 >>KURT PRITZ: Well, I think staff would -- staff will continue to
investigate this through others so I think you're right, I think it is
a panel of people who know what they're talking about and understand
the complexities of trying to make rules around this why, you know, why
one script would be allowed to register less than three-character names
and another not when, you know, many scripts have words that are less
than three characters and writing those rules in a way that clearly
identified, you know, how the door was opened and closed. So I think
there's a lot -- there's a lot of depth to this area that I don't
understand. So anyway, I think there needs to be a group convene to
study this and try to develop a solution for it that satisfies the
criteria for making a bright-line rule that doesn't open the door to
other exceptions as countries -- or as proponents would -- would
request so yes.

 >>EDMON CHUNG: How could I volunteer to be on that group?

 >>KURT PRITZ: You could. I don't understand exactly how it's
formed yet except even here in Sydney, we've had a discussion about it
among many -- many interested parties that discuss the formation of a
group and if there's one formed it will be formed in some public sort
of way, I'm sure.

 >>AVRI DORIA: It's hard to imagine him not being on such a group.
Marilyn?

 >>MARILYN CADE: Thanks. Kurt, I guess I was a little taken aback
but perhaps you could reassure me. As I understand it, looking hard at
the four overarching issues there are a number of studies that are not
complete. And in particular, the issues that have to do with the
implications of the simultaneous introduction of large numbers of
gTLDs, IDNs, IPv6 and DNSsec not just on the root zone but there is on
those entities that actually run the Internet, that those implications
are being studied and we don't yet have the output of those studies.
So, you know, while I think it may be optimistic to forecast that
everything can be done by a date certain, I think it's also very
responsible of all of us in this room to be appropriately cautious so
that people don't go out and misinterpret or think that they've been
given assurances. And I keep seeing the efforts of the ICANN staff to
be very responsible and point out that this is still work in progress,
things are not done yet, but I just think, you know, I'm -- I'm -- I've
been through the introduction of many products in my past history and
many services and I'm cautious about thinking we're done until, in
fact, we get the results of the additional work, particularly on the

technical side.

>>AVRI DORIA: Thank you. Okay, I've got Terry. Okay I've got Terry and then Mary. Anyone else. Terry, go ahead.

>>TERRY DAVIS: I just want to second what Marilyn said. I know a lot of us who are operating large DNS services have concerns.

>>AVRI DORIA: Okay, Mary.

>>MARY WONG: So on behalf of NCUC and the other members of the community, thanks to Kurt and the staff for providing the additional memorandum on the morality and public order research that was carried out. For now I just had one question, and I'm not sure if anyone here can answer it but with respect to the countries for which research was done on morality AND public order, can you give us some insight on why those particular countries were picked?

>>KURT PRITZ: Well, we wanted to put a country in every region, so that was done. There was availability of legal expertise in those countries so that -- that research was commissioned, those legal memos were commissioned by attorneys in those countries, and I don't -- you know, I don't know how -- you know, there were countries with essentially free speech rights. And the question was about, you know, how are those -- you know, in each area, how are those rights limited? So I think there was some common sense put to, you know, which countries -- you know, which areas of research would bear the most -- I don't know.

>>MARY WONG: Thanks, just an interesting list of countries for those who haven't seen it. So, for example, in Europe it's France and Switzerland. In Asia it's Hong Kong, Japan and Malaysia. So we could see the geographically diverse nature of the countries selected; we were just curious as to why particular ones within those regions. But we can probably talk more about that offline. Thanks.

>>AVRI DORIA: Thank you, any other questions?

>>CARLOS SOUZA: Carlos Souza from NCUC. Just a quick follow-up. Reading the new explanatory memorandum on morality and public order, just a suggestion. It is one of the requirements for objection, the incitement to a promotion of discrimination based upon race, color, gender, ethnicity, religion, national origin. As discrimination nowadays has a lot of debates regarding positive discrimination and that would not be a bad thing. That's a debate. But I know there's some countries that positive discrimination are not loud. And I know there's a huge debate about quotas and selective systems. Just a suggestion for us to think about maybe changing discrimination for prejudice or any other word that has a harmful connection to the word and not -- neutral word as discrimination, okay?

>>AVRI DORIA: Thank you. Any other comments, questions? Okay.
And that was it for, okay, because I didn't want to accidentally say we
were done, again, when that wasn't the case, having done so once
before. No questions? Thank you for the various number of
presentations and questions and answers.

 [Applause]

 Just about to finish this session. There will be another one at
6:00, which is the travel drafting team. But there were two things
that I wanted to cover first. For the AC/SO meeting on Monday, I still
do not have a person from -- I don't think I have one yet from the
commercial stakeholders' group or the prospective so I don't have one
from there I'm not sure I have one from the registrars, I may, but I
need to confirm that. I don't.

 >>JEFF NEUMAN: The problem is, is that it runs at the same time the
registrar-registry cross ownership issue and that you're going to have
registries and registrars out so it's going to be difficult for you to
get.

 >>AVRI DORIA: Anyone.

 >>JEFF NEUMAN: Probably.

 >>AVRI DORIA: In which case we do have one volunteer who was
available to -- I mean, basically I went looking for someone from every
one of the stakeholder groups.

 >>JEFF NEUMAN: I think actually Mike, who volunteered, actually
withdrew.

 >>AVRI DORIA: I understand. He hasn't -- what I'm talking about is
Olga did put her name on a list as being available to participate in
that, but I'm still trying to find three or four people. So at the
moment I do not have three or four people. And I do need, certainly,
one from -- I've got one from the noncommercial users. I do not have
one from the commercial users. And if we don't have enough people from
registrars and registries, perhaps we can put yet another one, either
from noncommercial or commercial.

 The other thing I wanted to bring up before closing this session is
tomorrow morning at 8:00, 8:00 to 9:30, there's an IRT PB PDP
brainstorming session that is basically looking for as many people that
are interested in the issues there as possible and they're actually
offering breakfast as an inducement to convince people to come and
brainstorm at the beginning of the morning. Yes, Richard.

 >>RICHARD TINDAL: (Speaker off microphone).

 >>AVRI DORIA: Right, it's the transfer policy, sorry. The

interregister transfer policy and the set of issues that are going to be in that BDP. So basically to talk about those issues. Sorry to use an acronym without explaining.

 >>ADRIAN KINDERIS: It would be in the GNSO glossary, tell him that.

 >>AVRI DORIA: Is it in the glossary? I'd have to check to see it's in the glossary before saying it's in the glossary, but yes, go to the glossary.

 If you happen to be awake and looking for a free breakfast and wish to contribute, especially if you wish to contribute, but do think about joining that so that there's enough brains in the room to actually have a storm. I'm going to shut up now.

 [Laughter]

 Thank you for the day. See you tomorrow. Those people that are here for the travel -- GNSO travel policy, et cetera, that meeting will start in about 20 minutes and I understand there will be a changeover of transcribers. Thank you for today.

 [Applause]

 And thank you for the technical that has been better than often so thank you very much for that and we're done.