San Juan ICANN Meetings
New gTLDs discussion
GNSO Working Group: Reserved Names working group
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10:30 A.M.
(Chuck Gomes –RN wg chair presentation)

http://gnso.icann.org/correspondence/rn-wg-final-recommendations-23-jun-2007.ppt

>>AVRI DORIA: So I suggest we follow the same sort of process. Chuck will go through his

presentation and then we will bring up his specific issues that people want to get stated

before people go into general discussions later this afternoon.
 >>CHUCK GOMES: Thank you, Kristina, for the hard work you did there. It was a tough job.

I think I had an easier job than you did on my chair responsibilities and a great number of

people that participated and really did a lot of hard work. I know they did in yours, too,

but it was a more challenging process in some cases.
 Here's the way I want to cover this. It is a huge report. I think you have two copies of

it in front of you. One of them a separate copy and one of them in the binder. A real brief

introduction, and I'm going to focus mainly on the recommendations, not other elements of the

report. There's lots of more information in the report, but the real focus, I think, needs

to be on the recommendations.
 Unfortunately, in an hour time period we've got to cover 30 of those. So that's going to be

a challenge. And I think they're all important to the new TLD process. And I organized them

a little differently than you will see in your report.
 First of all, we will talk about what I am referring to as top-level recommendations. In

other words, they are recommendations that will have direct impact on the introduction of new

gTLDs. Then I grouped -- the next group is recommendations regarding contractual conditions,

in other words, those would be recommendations of the second or in a few cases if there are

any third-level where it's not -- doesn't impact the introduction of a new TLD as far as the

new TLD string but would impact the contractual conditions that would be a part of the

registry agreement for those new gTLDs.
 Fourth, there is a category of recommendations for additional work regarding reserved names

that I will also cover. So the recommendations -- the order I am going to present them will

not be in the same order that they are in the report but in the order that you see here.
 Avri has already said we will restrict questions to those for clarification and not get into

debate or discussion -- you know, detailed discussion in terms of the recommendations

themselves at this time. And so I just remind everybody of that.
 Now, brief introduction. You have got a copy of the report -- the final reports there, and

I put an URL there as well. And the report does cover a lot more detail. It includes

subgroup -- all the subgroup reports in detail, and that's one of the reasons why it's as

long as it is.
 As I'm going through this, you will see that I put some numbers in brackets, those are

actually the recommendation that's from the report -- the number of the recommendations so.

If you want to refer to the report, that should make it easier.
 Real quickly, as far as participation in the working group, there were 22 community members,

14 of those very active in the preparation and the accomplishment of this work. Four ICANN

staff members were very active, there were others that also did contribute some. All GNSO

constituencies and two number come represents participated, two liaison from the IDN working

group and the ccNSO.
 I already mentioned that we used subgroups to accomplish the work and the recommendations

then start with this one. Recommendation number one -- just to keep in mind to set the stage

for those who are not familiar with our work, our recommendations related to both ASCII names

and IDN names. Now, this first group of recommendations I am covering, as I already stated,

involve top level, so we are talking about top-level recommendations right now. So

recommendation number one with regard to ASCII top-level domains is to reserve ICANN and IANA

names until further work is completed. Some examples of that are .iana, .ietq, .ICANN. With

regards to IDNs -- by the way, one of those IANA strings is example, okay? So with regard to

IDNs, for all but "example," reservations are not required for Unicode versions in various

scripts or ACE versions of such translations or transliterations if they exist. That's

recommendation number two.
 With regard to example, all possible Unicode versions of "example" must be reserved. That

particular one we still think could benefit from final validation by IDN experts, although we

did involve IDN experts in that recommendation.
 Now, with regard to the use of symbols in names, we recommend that the current practice be

maintained so that no symbols other than the hyphen be considered for use unless technology

at some time permits the use of symbols.
 The next one is recommendation number five regarding single and two-character IDNs. So this

one only relates to IDN top-level domains. Single and two-character U-labels on the top

level should not be restricted in general. At the top level, requested strings should be

analyzed on a case-by-case basis in the new gTLD process depending on the script and language

used in order to determine whether the string should be granted for allocation in the DNS.

And there are some examples there for you.
 Just a brief comment here. Notice, we say "in general" and there has to be some

case-by-case analysis. There may not be any way to avoid that. I know we would like it to

be more objective, more clear. It varies so much by script within IDNs that we didn't see

any way around it. It can be done. It is not an unrealistic process depending on the script

that's involved. So we think that's achievable, even though the language is a little bit

vague there.
 Recommendation number 6 then, this is single letters so we are talking ASCII now because

letters don't exist in the same way in some scripts. So for single-letter ASCII top-level

domains, we recommend reservation of single letters at the top level based on technical

questions raised.
 What happened here was there was a lot of great debate within the working group and within

the subgroup in particular on this one and in the final analysis in working with some

technical experts, we discovered there really were some technical issues that need to be

dealt with before this could be considered. Now, if sufficient research at a later date

demonstrates that the technical issues and concerns are addressed, the topic of releasing

reservation status can be reconsidered. Our recommendation is single letters at the top

level not be allowed in the first round. We probably don't think that enough work can be

done on this to change that position. If it did, that would be fine. So going out the door

on the first round, these would not be allowed according to the recommendation of the

reserved name working group. Going on to recommendation eight, single digit and two-digit

names at the top level, we recommend digits be reserved at the top level in order to avoid

pot!
ential confusion with I.P. addresses within software applications. So again, this primarily

came from consultation with technical experts, but you can see some examples there, dot 3 or

dot 99. And just to let -- you see the confusion with I.P. addresses. On awful these, if

you want more detail in terms of the rationale and so forth, please look at the detail of the

report.
 Recommendation number nine regarding two-character combinations of a digit and letter,

again, we are talking about ASCII here, so it is two-character combinations of a digit and

letter, applications may be considered for single letter, single digit combinations at the

top level in accordance with the terms set forth in the new gTLD process. Some examples are,

.3 F, .A1, .u7 and so forth. We think those are okay based on the technical consultation

that we did.
 Recommendation number ten, then, two-letter names, again at the top level, we recommend that

the practice of allowing two-letter names at the top level only for ccTLDs remain at this

time. There was one minority statement in that regard, but large majority of the reserve

name working group supports continuing this restriction.
 Top-level recommendations for tag names. Now, for those that aren't familiar with IDNs tag

names, you can look at the examples down at the bottom are in the DNS. Keep in mind, in IDN

registrations that what goes into the DNS into the zone file is actually an ASCII

registration that has a four-character tag at the beginning. So our recommendation here is

in the absence of standardization activity and appropriate IANA registration, all labels with

hyphens in both the third and fourth-character positions must be reserved in ASCII at the top

level.
 So BQ-- would not be allowed. XN-- would not be allowed. By the way, XN--, that's the

current Punycode prefix used to identify IDN registrations. That's recommendation number 12.
 With regard to IDN names, this is recommendation number 13, for each IDN gTLD proposal -- by

the way, I should qualify this. This one is a little -- a recommendation of a little bit

different nature than most of the ones than you've seen so far. This is kind of a general

recommendation for the application process itself when someone is applying for an IDN

top-level domain. What we're recommending is that for each IDN gTLD proposed, the applicant

must provide both the ASCII compatible encoding, which is the A label, and the Unicode

display form, the U-label. An example is helpful here. If the Chinese word for Beijing is

proposed as the new gTLD, the applicant would be required to show the A-label which is the

XN, which you can see, and the U-label and you can see the Chinese label there.
 If the jab niece word for Tokyo is proposed as a new gTLD, the applicant would be required

to provide the A-label and the U-label. This particular recommendation came out of some

detailed consultation with IDN experts.

The next category of top-level domains that we covered is NIC, WHOIS and WWW. Those are the

registration requirements that NIC now and we recommend continuing the reservation

requirement at the top level for NIC, WHOIS and WWW. For IDNs, do not try to translate NIC,

WHOIS and WW into Unicode versions for various scripts or to reserve any ACE versions of such

translations or transliterations, if they exist. That primarily came from consultations with

experts.
 With regard to geographical names, you can see in this category as well as another one we

will get to in a minute, we are not recommending any reservations of geographical names, but

we are recommending some things that we believe will be helpful in the finalization of the

new gTLD challenge processes in that regard. So here's we are not recommending any reserve

names but we do think we came up with some considerations that will be helpful for the new

gTLD committee and the council in finalizing the processes with regard to geographical names.
 Note that this recommendation 20 and both of these bullets relate to that. We're

recommending there should be no geographical reserved names, no exclusionary lists, no

presumptive right of registration, no separate administrative registration procedure.
 The proposed challenge mechanisms currently being proposed would allow national or local

governments to initiate a challenge. Therefore, no additional protection mechanisms are

needed. Potential applicants for a new TLD need to represent that the use of the proposed

string is not in violation of the national laws in which the applicant is incorporated.
 And the second part of that recommendation is, however, new gTLD applicants interested in

applying for a TLD that incorporates a country, territory or a place name should be advised

of the GAC principles and the advisory role vested to it under the ICANN bylaws.

Additionally, a summary overview of the obstacles encountered by previous applicants

involving similar gTLDs should be provided to allow an applicant to make an informed

decision. Potential applicants should also be advised that the failure of the GAC or an

individual GAC member to file a challenge during the TLD application process does not

constitute a waiver of the authority vested to the GAC under the ICANN bylaws.
 Now, I think this is consistent with what the new gTLD committee has been talking about in

terms of challenge mechanisms, and we hope that this approach is at least helpful as we

finalize those challenge processes, especially with regard to geographical names and in light

of the GAC principles in this regard.
 Now, the way the current gTLD registry agreements with regard to reserved names, at least

with those that contain this particular category, and it is just a minority of them that do,

there is something called -- it says geographic and geopolitical names. And what we found is

that there's no good definition of geopolitical. We couldn't find it anywhere. It is used

in a couple places, and so what we're recommending in terms of the contractual conditions for

-- well, you will see that later when I talk about the second-level and third-level

recommendations, but also at the top-level, we don't think that the geopolitical term has any

usefulness unless somebody can come up with a useful definition there.
 And so that's basically what we're saying in recommendation 21. We think that term should

go away. We should just talk about geographic names. By the way, the previous slide and

this one are recommendations relating both to ASCII and IDN, as you probably saw.

Controversial names. Same category as geographic in the sense that we're not recommending any reservations here, but we did do some considerable work and I really compliment the subgroup in this case for the thought that they put into this to try and contribute something that will be helpful to the new gTLD committee and to the council with regard to process regarding controversial names.

So the first recommendation in this regard, number 24, there should not be a new reserved names category for controversial names. Number 25 says there should be a list of disputed names created as a result of the dispute process that happens in the process itself. Now, please don't confuse this one with number 24. Even if you create a dispute -- a list of disputed names, we're not at all suggesting that that list should then become reserved very important to understand that. But we do think that list would be helpful for future applicants in terms of their consideration and so forth.

Then recommendation 26 with regard to controversial names gets a little more detailed. In the event of the initiation of a CN, controversial names, dispute resolution process is what that stands for -- and we define that in the full report. Applications for that level will be placed in a hold status that would allow for the dispute to be further examined. If the dispute is dismissed or otherwise resolved favorably, the applications will reenter the processing queue. The period of time allowed for dispute should be finite and should be relegated to the CN-DRP process.

The external dispute process should be defined to be objective, neutral and transparent.

The outcome of any dispute shall not result in the development of new categories of reserved names.

And then 27 goes on to recommend that the new gTLD controversial names dispute resolution panel should be established as a standing mechanism that is convened at the time a dispute is initiated. Further work is needed in this area.

Obviously, that whole process, and staff is doing a great job in trying to stay with us on all of the implementation details, but this one obviously, including the objective and neutral criteria referred to in number 26, all need a lot of work. And so we're very aware of that.

Going on, then, to the recommendation 28, within the dispute process, disputes would be initiated by the -- this is -- Let me pause a second.

This is an idea that I think deserves consideration by the new gTLD committee and ultimately by the council.

One of the questions that comes up, who can file a dispute? A challenge to a gTLD string? And this particular idea, like I said, I think deserves some thought. Because there was a tremendous amount of debate in the subgroup and in the committee with regard to, okay, does somebody have to have some particular standing or can just anybody file a dispute with regard to controversial names. All of us can envision that there probably wouldn't be a name under the sun that somebody wouldn't challenge in some regard.

So what the suggestion is here is, is that within the dispute process, disputes would be initiated by the ICANN advisory committees, or Supporting Organizations.

Now, as these organizations don't have formal processes for receiving and deciding on such activities, obviously there would be some work on their parts to define those processes. But

the idea here is, is that the advisory committees or Supporting Organizations would use their

own processes within their structure to define the procedures. And any consensus or other

formally supported position from an ICANN advisory or ICANN supporting organization must

document the position of each member within that committee or organization -- support,

opposition, abstention -- in compliance with both the spirit and letter of ICANN bylaws

regarding openness and transparency.
 Let me clarify here and anybody on the controversial name subgroup can correct me if I do

this inadequately, but the intent here is not to require a consensus position by a supporting

organization or an advisory group. And there was specific thought that went into that.
 The GAC is probably the best example here. Very unlikely that the GAC could ever get a

consensus position on something like this. But they could come up with a very strongly

supported position and they could provide the data from their members, as suggested in this

recommendation, that would be able to be evaluated in the challenge process.
 Okay.
 The last recommendation with regard to controversial names -- and all of these relate to

ASCII and IDN.
 In any dispute resolution process or sequence of issue resolution processes, the

controversial name category should be the last category considered.
 And should we have time later in the day, we can talk about why that is, and we have people

from that subgroup that could elaborate on that, if that's helpful.
 That was recommendation 30.
 And the last recommendation on top-level domains.
 Now let's go to the second and third level. Now, for those who may not have been involved

in this process very much, let me just clarify.
 If you look at existing gTLDs, there are only two gTLDs that have third-level registrations.

 But there is the possibility in the future that someone else might decide to propose a gTLD

where they offer registrations of the third level. We don't know whether that will happen or

not, but we tried to be thorough and include that possibility.
 So that's why the third level is there. So third level only applies for a gTLD where they

offer registration services at the third level. Okay? It's important to understand that

when you see that.
 Most of these are going to apply at the second level.
 With regard to ASCII names, ASCII versions of ICANN and IANA names. And let me back up

again.
 Where this -- Where these recommendations come into play with regard to new gTLDs would be

in the contractual conditions, what names are required to be reserved and so forth. Okay?

This has nothing to do with the top level right now, although you will see some connections

and similarity.
 So we're recommending that at the outset, unless further work happens in a timely manner, to

reserve ICANN and IANA names just like they are today until such further work is completed.

Some examples again, arin.org, AfriNIC.info, icann.law.pro. That is an example of a third

level. That's recommendation number one in our recommendations.
 Now, for IDNs, you will see just like we recommended for the top level, we are recommending

that for all of them except for "example," you don't try to translate or transliterate those

in various scripts. And we do recommend at the second and as applicable, the third level

that Unicode versions of the name example must be reserved.

Now, we think it's a good idea to get final validation with IDN experts on that. We did a

lot of consultation with them. Just one final check we think would be smart and that's

probably pretty easy to do.
Now, use of symbols. Same recommendation as at the top level. So I won't read that one.

That's recommendation number 4.
And then with regard to single and two-character IDNs, here's where we are now making some

recommendations that -- this one in particular is new, and then when we get the ASCII

version, you will see that we are actually diverging from what has been happening in the past

as far as our recommendations go.
With regard to single and two-character IDNs, we are recommending that single and

two-character U-labels should not be restricted in general at the second or third level.

Again, notice the word "general." There is reason for that.
Single and two-character labels at the second and third level if applicable should be

available for registration provided they are consistent with the IDN guidelines. And you can

see some examples there. So we are not recommending any reservation of U-labels at the

single and two character U-labels. Now the reason we say "general," again scripts vary so

much, there could be some instances that need to be dealt with differently.
Going on to recommendation number 7, single letters or digits at the second or third level,

now keep in mind that in existing registry agreements, those are presently reserved. Okay?
In future gTLDs, we recommend that single letters and single digits be released at the

second and third level if applicable, and that those currently reserved in existing gTLDs

should be released. So here we actually go a step further and a little bit beyond our scope,

maybe, and actually recommend that the same thing be applied to existing gTLDs.
This release should be contingent upon the use of appropriate allocation frameworks, and

more work may be needed. So we'll come back to that in the last set of recommendations that

I'm going to talk about.
So examples here, a.com, i.info, and so forth.
Going on. The two-character combinations after a digit and letter, and we're recommending

that registries may propose release provided that measures to avoid confusion with any

corresponding country codes are implemented. So you see some examples there. And again,

those were not allowed -- they are not allowed in existing gTLDs.
The tag names at the second level were -- other than some rewording to make it appropriate

here, were basically maintaining the same recommendation. The rewording is, "In the absence

of standardization activity and appropriate IANA registration."
I won't go into the rationale behind that is correct because it gets a little bit

complicated, but some very serious discussion was done in crafting that. So we're

recommending, until such standardization activity happens, that all levels with hyphens in

both the third and fourth character positions must be reserved in ASCII.
Again, this only applies to ASCII. There's no IDN meaning to this particular reserved name

category.
So no names -- as it stands right now, no names with xn dash dash -- or, excuse me.
Names with -- starting with xn dash dash may be used right now and in the future only if the

IDN guidelines are followed by the gTLD registry. So this is a reserve name category where

there is an exception allowed. And the exception applies to the current prefix, which is xn

dash dash for Punycode, and the condition on registries being able to use that one is that

they commit with ICANN to follow the IDN guidelines.
 Moving quickly along. Tag names at the third level. Basically the same recommendation.

Just it's a little bit -- it's not as clearly spelled out on existing agreements so we

treated it separately here. Again, that's recommendation 15.
 And by the way, that's going to apply if there -- it applies whether they are offering IDN

registrations or not, but the actual applicability of them would depend on whether they are

using -- offering IDNs.
 With regard to NIC, WHOIS, www, for ASCII, we're recommending that that reservation

requirement continue.
 Now, this is a little bit different reservation requirement, just for those of you who

haven't been following this, and that is that registries can use those for their own use, but

that's the only use of those particular names that can be used. Okay?
 And that's the same as it is today.
 For IDNs, don't translate, you know, so there's nothing -- just like what we said before.

That's number 19.
 Going on to geographic names.
 Now, this is a little bit different than at the top level so you want to pay attention here;

okay?
 The consensus view of the working group is given the lack of any established international

law on the subject, conflicting legal opinions, and conflicting recommendations emerging from

various governmental fora, the current geographical reservation provision contained in the

sTLD contracts during the 2004 round should be removed. And harmonized with the more

recently executed dot com, dot net, dot org, dot biz and dot info registry contracts. None

of those have a geographical name requirement.
 The only exception to this consensus recommendation is those registries

incorporated/organized under countries -- incorporated or organized under countries that

require additional protection for geographical identifiers.
 In this instance, the registry would have to incorporate appropriate mechanisms to comply

with their national or local laws.
 That's recommendation number 22.
 The second part of that recommendation is for those registries incorporated or organized

under the laws of those countries that have expressly supported the guidelines of the WIPO

standing committee on the law of trademarks, industries designs and geographical indications

as adopted by the WIPO general assembly, it is strongly recommended, but not mandated, that's

our recommendation, okay, that these registries take appropriate action to promptly implement

protections that are in line with these WIPO guidelines and are in accordance with the

relevant national laws of the applicable member state.
 Geopolitical name, same thing. We think that term needs to go away because there's no good

definition of it.
 Number 23, gTLD reserved names.
 Now, this is one that doesn't apply at the top level so it's the first time you have seen it

today. Okay?
 But it is a requirement in existing registry agreements; okay?
 And we are recommending a change here, and there was quite a bit of debate within the

registry constituency on this one, and the actual -- there are quite a few registries,

actually, that thought the requirement should continue but that the subgroup and the -- the

subgroup that was chaired by a registry member, by the way, and the full working group

decided that there really wasn't strong justification for continuing that reservation

requirement.
 So absent any justification for user confusion, and there could be some cases that's covered

elsewhere in the new gTLD recommendations; right? Or at least at the top level it is, the

recommendation is that gTLD strings should no longer be reserved from registration for new

gTLDs at the second or, when applicable, the third level. Applicants for new gTLDs should

take into consideration possible abusive or confusing uses of existing gTLD strings at the

second level of their corresponding gTLD, based on the nature of their gTLD, when developing

the startup process for their gTLD.
 Some examples, com.abc, net.xyz, jobs.tld.
 At the second and third level for controversial names, our recommendation is there should

not be a new reserved names category for controversial names.
 Recommendations for further work. This category, it's real easy to put this category aside

because depending on what action this committee takes and the council takes on the other

recommendations, they are all going to have impact either on the top level, what's allowed,

or at the second and third level in contractual conditions with regard to reserved names.

But there is some additional work that I, as chair of the reserved name working group, and

members of the reserved name working group as well, would really like to strongly recommend

that the council not let fall by the way side.
 A lot of work has gone into this. I personally, as a council member, will be recommending

to the council that we take actions right away to get processes started in the work that's

needed in these other areas.
 But here are the areas where we recommended additional work.
 Section four of our report lists recommendations along this line, and in most cases,

actually provides some brief guidelines with regard to what that work might entail. Not in

anywhere -- I'm not implying that the guidelines are complete enough to start the work, but

to get it started.
 The -- Let me just go right on to the summary of those recommendations. I think I have

already commented on those other bullets.
 With regard to ICANN and IANA names, there was some debate on whether that reservation

requirement should be continued. And as you saw by the previous recommendations I showed you

from this category, we are recommending that it stay the same for now until additional work

is done.
 We do recommend that a more thorough evaluation, whether there is justification to continue

reserving ICANN and IANA ASCII names at all levels, as recommended in the report.
 And that's part of our recommendation number one.
 With regard to IDNs, you already saw that I said that we need to validate that all possible

Unicode versions of the name "example" must be reserved.
 And that, I think, is a pretty easy task. Probably staff can do that, even without our

involvement, just to make sure we've got that one right. One last confirmation of that.
 So a task for the council is going to be on 2.1.2 there, whether or not there is -- you

know, how to get that work started on ICANN and IANA names, ASCII names.
 With regard to single letter and single digit names, okay, this is recommendation 7, and we

are talking about ASCII here, and here I don't think I was clear on the slide, this has to do

with the second or third level. Determine whether an allocation method is needed before

release of single letter names at the second level.

So the first question that needs to be asked is, do we need an allocation method for those?

For those that aren't new to this particular debate, you are talking about huge value of

names here. And the only allocation method we have right now is first come, first served.
 So the first question is whether or not an allocation method is needed, and I won't discuss

other issues with that right now because that would lead us down the wrong path. Not -- A

path that we need to get to later.
 Secondly, if it is decided that an allocation method is needed, then implement a process for

developing an allocation method. So once we answer the first question, a process would need

to be developed for coming up with an allocation method.
 And then regardless of the allocation method, whether it's needed or not, obviously there

has to be some coordination with ICANN staff to modify contractual terms of registry

agreements regarding reservation of single letter names at the second level and so on.
 With regard to geographic names, this is pretty self-explanatory, I think, that we are also

recommending that the new gTLD committee take more consideration not only of what we

recommended but of this whole category and consider the recommendations 20 to 22 and possibly

include them in the selection process for the introduction of new gTLDs. Again, that's not a

reserved -- If you accept our recommendation that there not be a geographic name reserved

name category, then here is where we are recommending that that topic be fitted in.
 And then regarding controversial names, again, we are recommending that recommendations 23

to 30 on controversial names be incorporated into the selection processes being considered by

this committee rather than in a reserved name category.
 Note -- again, I think I already commented on the note there that the working group is

recommending that in the challenge process, that challenges regarding controversial names be

considered last, because it could be that they, you know, maybe are eliminated in some other

challenges and so forth.
 Liz.
 >>LIZ WILLIAMS: Chuck, just a quick question. Would you mind going back to that previous

slide for me.
 >>CHUCK GOMES: Sure.
 >>LIZ WILLIAMS: Thank you. That point there that says recommendation 23 to 30 could be

incorporated into the selection process, you mean incorporated into the implementation plan

as selection criteria, that an applicant would it test -- would be tested against? Or are

you suggesting new recommendations beyond the 20 that are standing already in the existing

report?
 >>CHUCK GOMES: Let's make sure I understand your question. I think -- Okay. First of all,

again, let's be clear. We're not recommending any reservations at all in this category.
 >>LIZ WILLIAMS: Yep, um-hmm.
 >>CHUCK GOMES: Secondly, as the new gTLD committee works on the challenge processes, the

dispute processes, we've tried to provide some ideas that we think are helpful in that.
 And so what we're suggesting is is that, to the extent that the committee thinks that the

recommendations are sound and usable, that they be incorporated into the process that's still

to be worked and finalized.
 Did that answer your question?
 >>LIZ WILLIAMS: That's fine. I think that what I would like to do, Avri, if you don't mind

is this relates particularly to recommendation 6. And I think that if we can just hold that

--
 >>CHUCK GOMES: You are talking about recommendation 6 in the new TLD report.

>>LIZ WILLIAMS: And I'm sorry, we should have a separate way of naming these things and I'm sorry that we don't. The standing recommendation in 6 which dials with essentially the bucket of controversial names.

>>CHUCK GOMES: Right.

>>LIZ WILLIAMS: And it might -- that's the recommendation that requires further work in this meeting. And this might well be a way of satisfying the difficulties we have around the phrasing of that recommendation, where the phrasing might not be the problem, it's the implementation that's the issue.

>>CHUCK GOMES: Yeah.

>>LIZ WILLIAMS: So I would love it if we can keep that aside for a little bit later.

>>CHUCK GOMES: Sure.

>>LIZ WILLIAMS: But I think I am understanding you that you are not expecting the reserved name working group recommendation 23 to 30 be inserted into the bigger report as recommendations.

>>CHUCK GOMES: No.

>>LIZ WILLIAMS: You are using those as a test for resolving how an applicant would be assessed against number 6.

>>CHUCK GOMES: Correct.
Avri.

>>AVRI DORIA: This is one of the reason I wanted to wait for discussion until we had gotten the pieces of the puzzle from the implementation plan, from the RN, from the IDN conversation that we're going to have with CCNO next.

>>LIZ WILLIAMS: This is a particularly important one and I think it's going to help us seriously in the finishing 3 and 6 in the big recommendation. So if you can just hang on to the thought and we can come back to it.

>>CHUCK GOMES: Sure. And for those of you who are on the new gTLD list, and council members are all on that as well, that's probably why I got a little frustrated in some of the concerns about some of these categories, because in my view, we weren't done on any of this. We haven't even considered the recommendations of the reserved name working group and the pro working group and so forth. And numb we see what we're going to do and how we're going to implement that it's kind of hard to jump ahead to whether we should have that or not.
Next steps. You know, I think the new gTLD committee, and that's what Avri is saying we are going to do later, needs to consider the recommendations of this working group as well as the pro working group and side how we feel about them. And then of course ultimately the council is going to need to decide on a final package of recommendations in the board report.
But again, I want to emphasize, I hope we don't forget -- there aren't a lot of areas where additional work is needed. In the case of geographic and controversial, that's kind of a natural in what we're doing. So we probably don't need to take any special action except to consider the recommendations in the ongoing work of the committee.
But in the case of ICANN/IANA names and single character names at the second level and so forth, I would hope that we as a council will take action to get processes started right away on those so that, you know, a few months down the road we are still sitting where we are today because some good work has gone on in that.
Do we have time for any questions?

>>AVRI DORIA: Yeah. First of all, I want to apologize to everyone, there was a coffee break planned at 10:15 which I totally forgot about, and forgive me.
The coffee is out there, and anyone that really needs a cup before we take a break in a few minutes should go get one.

But please don't all go at once.
Basically, I'd like to give about ten minutes now to the general bringing up of questions,

bringing up of issues before we do take a 15-minute, and a real 15-minute coffee break.
And what I would like to ask Chuck to do at the time is basically if somebody wants to --

first of all, state your name and state which of the recommendations you are interested in so

it can be dismayed up front so everyone can see the context unless everyone has got it all

memorized.
So I saw Kristina, you had your hand up.
>>KRISTINA ROSETTE: I'm happy to wait until we talk about this in the context of the new

gTLD work. But I'm just raising it in the event you think it be better done here.
I think it would be better helpful to me if you could walk through the process itself for

disputing the controversial names. And again --
>>AVRI DORIA: I think that's going to come out in the implementation notes --
>>KRISTINA ROSETTE: That's fine.
>>AVRI DORIA: -- that's staff is going to have. They have been working on that quite

extensively and it may be something -- Do you want to.
>>DAN HALLORAN: I guess I want to follow-up on that.
>>AVRI DORIA: Please.
>>DAN HALLORAN: So I think -- I'm sorry, this is Dan Halloran, ICANN staff. So this

afternoon, one of the points we will talk about is the various grounds for objection and who

should have standing for those. And so I would like to, I guess, understand -- I don't know

if we want to go into it a lot more, and I don't want to question or debate it here, but I

wanted to understand what this report included for who should have standing.
And I guess the concern we had is we didn't want to operationallize the advisory committees

and the Supporting Organizations. You guys don't want to come to the meeting and have

lobbyists for various interest groups or applicants lobbying you guys saying, "Hey you have

to object to this one, it's offensive," or, "Hey, this represents our community" and you'll

have lobbyists going to each of the -- the ASO will have -- if you let the ASO have an

objector, they will get lobbyists at their meetings urging them to lobby and put objections

on them. So understand how it would work and then --
>>AVRI DORIA: I think that's probably what we should discuss.
>>CHUCK GOMES: That's mostly later but I would like to set your mind at ease, Dan. Liz and

I solved all of this by the pool yesterday.
>>DAN HALLORAN: Great.
[Laughter]
>>AVRI DORIA: I look forward to hearing that.
>>LIZ WILLIAMS: Thank you for that, Chuck.
>>AVRI DORIA: I have Annette, I have Marilyn, and (inaudible). Four I can remember at the

moment.
>>ANNETTE MUEHLBERG: Annette Muehlberg, ALAC.
Just a question of understanding. You said geographical TLDs. A registry of a country may

not run this TLD if the government -- if the laws of that country don't allow it. But a

registry which is not a registry of that very country, so which does not have to follow these

laws, they can do it?
>>CHUCK GOMES: First of all, are we talking about the second level or the top level? Or

both?
>>ANNETTE MUEHLBERG: Top level.
>>CHUCK GOMES: Okay.
All right.
It's our recommendation, first of all, that there are no geographical reserved names.
>>ANNETTE MUEHLBERG: Yeah.
>>CHUCK GOMES: Okay? But applicants rely on their local jurisdiction laws to determine

whether or not they would do it. In other words, they should comply with their local laws,

and in very simplistic terms, that's, in essence, what we're recommending.
 So yes, if there's an applicant from another jurisdiction that doesn't have any restrictions

about geographic names in their laws or hasn't, you know, subscribed to the WIPO agreement or

whatever, then they would be able to.
 But keep in mind that should the country -- We're not advocating that they register name

from another country that isn't related to theirs.
 The challenges processes in the new gTLD process would handle those kinds of problems.
 So, for example -- I see the puzzled look on your face.
 So if somebody from the United States decides to propose a gTLD dot China, okay? Now, as

far as I understand it, and there are people here that are a lot more experts on this than

me, I don't think the U.S. restricts the use of -- there's any restrictions there with regard

to the use of geographic names here. But China probably has a big concern.
 Now, if the registry is proposing this from the United States, our recommendations here

obviously doesn't restrict them in any way, because we don't have any reserved names. But

there's a challenge, separate challenge process that's being developed in the new TLD process

where China could object to that.
 So it's separate from what our recommendations are.
 Did that help at all?
 >>LIZ WILLIAMS: Chuck, I can help out a little bit there.
 There would be, Annette, no problem with a United States registry operator applying to run

dot China, if the Chinese government agreed, if it was a good thing, if it was agreeable to

people.
 It's a business opportunity.
 The GAC principles have been quite helpful in this, Section 2.1 I think, that refers to the

avoidance of geopolitical terms without the agreement of the relevant government or public or

authority.
 So it's not a prohibition on the fact that you might do it. It's do and go get the

agreement of those people who might be affected by it.
 So that puts a burden of work upon a potential applicant to make sure they have done their

homework.
 So the example that Chuck raised could well be something quite desirable, for example, for a

developing country. I am looking at Norbert, where is he? Cambodia. Cambodia might well

appreciate an application from a well-funded professional, technically competent registry

operator that would provide assistance to Cambodian -- a Cambodian business, and the business

may well be run from the United States. If the Cambodian government disagreed with the fact

of that happening for whatever purpose, one would imagine that a challenge process or an

objection would be raised by those who might be concerned about that.
 So just the GAC principle test is, comma, with the agreement of the relevant government or

public authority. And that gets us down into the detail of, for example, Champagne, the

region of Champagne in France.
 And there's a public authority that's associated with the region of Champagne as opposed to

a government body that we would think of as a national government.
 >>AVRI DORIA: We can probably get into more discussion of this later. I saw two other

hands go up, and first of all I was wondering whether it was to bring up another issue or

just get into a discussion on this, in which case I would like to ask for later.
 And then I had some other.
 But was this in relation to this? And not discussion.
 >>ALAN GREENBERG: It's another issue.

>>AVRI DORIA: I have you on the list. And Norbert you are on the list.

>>NORBERT KLEIN: I just want to say thank you for bringing the Cambodia example. Actually,

government which is bringing the national registration for dot KH is doing it in such a way

that it hardly works.

>>LIZ WILLIAMS: There's an opportunity.

>>AVRI DORIA: Okay. I had Marilyn next.

>>MARILYN CADE: I just wanted to ask, actually, Chuck a question of clarification because I

think that's what you asked us to do, is not discuss but ask clarifying questions right now.

>>AVRI DORIA: And bring up issues that need to be dealt with later.

>>MARILYN CADE: Chuck -- and you mentioned this earlier, I think, when we were talking

about the report of the pro working group.

 It seems to me, and I was a member of the reserved name working group and a member of two

subgroups, but it seems to me that it is important to understand whether the recommendation

for new work -- it's actually in some cases a recommendation for more work, would be one

distinction I would just ask you to comment on. And in some cases, I don't believe it's

necessary -- you used an interesting phrase. What the council should seek to do is

potentially launch the processes to complete more work, so that the council could then make

decisions. Was that what you were suggesting? So it wouldn't necessarily have to be --

>>CHUCK GOMES: And I wasn't trying to imply how that should happen, whether it was the

council or staff. I probably made it sound like it's the council or -- I think the council

does need to take action, whichever way it's decided to do it, to get it going. Otherwise,

it will just hang there and nothing will ever happen.

>>AVRI DORIA: And I put the same note here that I put in pro that council needs to decide

which work needs to be completed before next round, and that's a discussion we have to go

into real soon.

>>CHUCK GOMES: And I would say that regardless of when we think it needs to be completed

that it's smart for us to get it started; otherwise, it will just languish and maybe never

get done.

>>AVRI DORIA: Next -- where did I put my list?

 Next I had Edmon.

>>EDMON CHUNG: I wanted to ask a clarification on the item for second/third level for

IANA/ICANN names on the particular word example.

>>CHUCK GOMES: You want clarification on that?

>>EDMON CHUNG: Because I sort of missed it when you....

>>CHUCK GOMES: We're recommending that all possible Unicode versions of the name "example"

must be reserved. Are you talking about the IDN level?

>>EDMON CHUNG: Right, right. And I think you -- because when we were discussing Mike on

this, it's a different recommendation for the second/third versus the top level? And in the

report it's actually correct. To say that, not try to translate the example into the Unicode

versions. I'm referring back to the report itself. It has a slightly different --

>>CHUCK GOMES: Why don't you read that for me. Did I cut and paste incorrectly?

>>EDMON CHUNG: Could be. Do not try to translate example into Unicode versions for various

scripts or to reserve any ACE versions of such translations or transliterations if they exist

except on a case-by-case basis as proposed by the registries.

>>CHUCK GOMES: So I left out the case-by-case basis by the registries. Is that what you

are communicating?

>>EDMON CHUNG: Actually, the recommends for the second and third was different than for the

top one. This was for the top one. And the second and third actually says do not try to

translate it.

Because one of the concerns is to have to -- you know, because once you try to translate,

there are many possible ways to translate example.
And the thinking there was that it should be left for the registry to consider on the second

and third level.
>>CHUCK GOMES: Thank you. Good clarification.
>>AVRI DORIA: Next on the list, I had -- I should keep that in front of me -- I had Philip.
>>PHILIP SHEPPARD: Chuck, just a clarification question. You mentioned, and I can probably

understand why, that you had a problem in finding a definition of geopolitical. It's the

sort of thing that's probably easier to understand by example rather than by definition.

Examples possibly being things like African Union, Asia, (saying names), those kind of

things. Who did we ask to help with the definition of that?
>>CHUCK GOMES: Well, let me -- Mike, can you help me out there as the chair of the subgroup

on that one?
>>MICHAEL PALAGE: Basically what we did, Philip, is we looked for that term through all the

WIPO documentation. And the only appearance of that particular term geopolitical was in the

preamble of I believe -- it was either the WIPO 2 recommendation. And what basically

happened is when the GAC issued their GAC -- one of their first GAC communiques in the

Montevideo meeting, they were lifting some text from the WIPO report, and that was the only,

if you will, documentation as to how geopolitical got referenced in the GAC communique and

then got referenced into the contractual provisions.
But we were not able to find -- again, looking at the WIPO report, there was only one

reference in that preamble.
>>CHUCK GOMES: And no definition; right?
>>MICHAEL PALAGE: There was no definition.
>>PHILIP SHEPPARD: My only concern is it's a remarkably charged area, and I thought perhaps

asking GAC, WIPO, U.N., whatever, directly if they have definitions and they come back and

say, no, we don't, we have had 17 conferences on the subject, would be a useful thing for us

to have under our -- in our file, if we are going to say well, it's basically too hard so

we're not going to talk about it.
>>MICHAEL PALAGE: It's not that it's too hard.
Liz, do you want to comment?
>>LIZ WILLIAMS: I would suggest if everyone is online, just Google geopolitical term and

you will see how difficult it is from a definition --
>>PHILIP SHEPPARD: I have been Googling. I agree.
>>LIZ WILLIAMS: It's really tough. I hesitate. From a policy perspective and also from an

implementation perspective. For instance, if you imagine what we would do if we received an

application that is proposing, (a) an undefined geopolitical term, the test for analyzing

whether it is actually correct is almost impossible.
So I would suggest that when the committee is going through this, they think seriously about

what they actually mean.
Geographic term is rather easier, because geographic you can define it and you can provide

instructions to applicants. And geopolitical terms -- for example, one of the examples is

balkanization. Is a geopolitical term.
>>AVRI DORIA: This is a great conversation topic for later. I prefer to postpone this.
>>MARILYN CADE:Madam Chairman, I have a point of order.
>>AVRI DORIA: A point of order.
>>MARILYN CADE: I have a point of order. Might I suggest that actually the term is

"search," and we should say we want to search a particular phrase so that we're not --
>>LIZ WILLIAMS: Promoting one particular search engine over another.
>>AVRI DORIA: Thank you.

Yes.
On the same topic?
>>MICHAEL PALAGE: Just a point of clarification. In reaching the decision, we also looked

at the ICANN contracts because each new gTLD registrant has been able to propose their own

list. That is what has happened in connection with that particular terminology.
And to date, most of them have -- the lists that have been proposed by the new applicants

have been geographical in nature.
>>AVRI DORIA: Thanks. And I'm sure we will have more discussions on this, especially when

we report to the GAC where we are on various things and we mention the word and they may come

back with some interesting definitions.
Okay. I had Alan, Dan, Robin, and then we're going to take -- on this topic?
>>RAY FASSETT: No.
>>AVRI DORIA: And Ray, and then I am cutting the list. We will get back to all these

discussions later.
Alan.
>>ALAN GREENBERG: Chuck, language is a confusing thing. You are saying that the geographic

areas where laws allow can dispute names. What happens in the case of China or champagne

when we're talking about people who are starting a domain about collecting dishes and plates

or collect bubbly liquids?
>>CHUCK GOMES: Again, we are not seeing that as a reserved names issue. It's important to

understand that. What you are really asking a question about is our challenge process. In

the new TLD process, unless I am missing something.
>>AVRI DORIA: And that will get more discussion this afternoon.
>>ALAN GREENBERG: The point I am raising is someone is attempting to register a name that

has nothing to do with geographic names but it happens to overlap with geographic names.
>>CHUCK GOMES: Are you talking second level or top?
>>ALAN GREENBERG: Top level.
>>CHUCK GOMES: Top level, okay.
>>ALAN GREENBERG: I want to start a domain about collecting dishes and plates, I call it

dot China. Dot China says we object. We have laws that say you cannot use your name like

that. I am just wondering, how are we going to handle something like that?
>>AVRI DORIA: That's for the discussion this expert.
>>CHUCK GOMES: There will be an expert panel that will decide that right away.
[Laughter]
>>AVRI DORIA: Moving on. Actually, Dan, I had you next.
>>DAN HALLORAN: Chuck, I had a question on category 8. It says we recommend digits be

reserved, so I wasn't clear. What about three digits or eight digits? You said there was an

issue with I.P. addresses. Like dot one might be an issue? What about dot zero zero one?
>>CHUCK GOMES: The problem with digits -- and I'm not sure -- I don't know that we talked

about three digits, but, I think, the same technical problem exists in that the confusion

with I.P. addresses is going to be a problem and needs to be worked further. It could be

down the line after additional work, especially with some technical folks happens that could

be done. I don't think we were specific enough on that to talk about three digits, but the

recommendation, I think, applies to any string of digits. Somebody correct me if I

interpreted that correctly.
>>MARILYN CADE: I think you're right, Dan. We had some very helpful discussions with

Bellabun (phonetic) and Mark McFadden and others. We started out trying to examine whether

we could allow digit at the top level. We quickly encountered that digits already exist at

the second level and at the third level in some cases.
So what we were advised is you can't have any number of digits. We only ended up labeling

it as one and two, but I think the advice we got would lead me to say it's any number of

digits. We could quickly e-mail probably -- I think McFadden is here.
 >>CHUCK GOMES: The reason why, Dan, we only looked at one and two, we used as the

organization of our work the existing agreements and, of course, they're focused more on the

second level and so but a very good question.
 >>AVRI DORIA: Next I had Robin.
 >>ROBIN GROSS: I had a quick point of clarification. I wanted to follow up on Annette's

question about the dot China example. So if the Chinese government objected to a dot China,

we would go to a dispute. Would that apply for any translation of dot China? For example,

in French, it would be chinois and in German something else and Spanish something else. All

these different translations China would have a right to object to?
 >>CHUCK GOMES: We didn't try to decide who might have a right to as far as standing --

actually, we did in the sense that we -- the particular recommendation and Dan shared some

thoughts that need to also be taken into consideration that look at it differently.
 We looked at it from an advisory group or supporting organization. So we weren't looking at

individuals being able to do that or even individual countries. But that doesn't mean that

the committee won't decide to do it differently. So I don't know how that's going to go.

But our intent was that there would be some objective criteria, and we said that in one of

the recommendations there.
 Objective criteria establish that whatever panel decides that would use -- it's not our

vision, at least in our recommendations, that we should create these panels that just

subjectively make a decision on these issues. But it is obligated upon us and staff to be

able to put forward some measurable criteria that would be applied, and that's a key factor.
 >>AVRI DORIA: I think this is definitely an item for discussion this afternoon that will go

more into depth. Is it possible to hold on the comment until this afternoon?
 >>JEFF NEUMAN: It is just a clarification or question. How is this recommendation of

objection process different than the overall recommendation of when someone applies for a new

gTLD that anyone can file an objection? Is it the same thing? Is it just a part of that?
 >>AVRI DORIA: I think that should come out in the whole implementation discussion.
 >>JEFF NEUMAN: I think it is a clarification. Is there really a need to discuss it --
 >>AVRI DORIA: There were separate dispute resolutions and comments. There were various

different processes.
 >>JEFF NEUMAN: I understand that, but there is one overall general one. And it seems like

all of these questions fit into the overall general to determine who has standing in general.

 You know, it is not -- we're arguing over who's got standing, whether it's any foreign

translation. I think the process was so open-ended, anyone who feels like they were harmed

by a selection of a TLD had kind of standing to object.
 >>CHUCK GOMES: But, Jeff, I agree with Avri, the question you're asking is really a new

gTLD process issue, not a reserved names issue.
 >>AVRI DORIA: We will get to this discussion later. I mean --
 >>JEFF NEUMAN: That's what I am saying. I don't understand the time the reserved name

working group is spending on this issue being that it is an overall new TLD issue, I guess,

is my issue.
 >>CHUCK GOMES: It came about because in our initial statement of work, controversial names

and geographic names were part of our statement of work. We ended up punting and putting it

outside of reserved names. That's our recommendation, okay? But that's why that was in

there and why we spent the time on it.
>>AVRI DORIA: Ray, you had last question for this morning on this.
>>RAY FASSETT: Thank you, Avri. Ray Fassett. The group did not come up with a definition

of controversial names, I do not believe. At the same time, it is not recommending that --
>>CHUCK GOMES: They did in the report.
>>RAY FASSETT: There is a definition?
>>CHUCK GOMES: Yeah, it was anything that's not in any other category, I believe.
[Laughter]
>>AVRI DORIA: That somebody questions.
>>RAY FASSETT: Okay. The staff thus far has interpreted five grounds -- I won't read them

-- five grounds of standing and I just want to make clear that the reserved names working

group is not suggesting that controversial names should be a new prong like a sixth area. Is

that correct?
>>CHUCK GOMES: What do you mean by "a new prong"?
>>RAY FASSETT: Not to jump ahead, I know we will talk about this later, the staff thus far

from the committee's work has come up with five areas it considers as grounds on which an

objection may be filed. The work of the reserved names group is not suggesting -- this is

what I am asking -- is not suggesting that controversial names be one of those grounds.
>>CHUCK GOMES: I don't think we asked ourselves that question.
>>AVRI DORIA: That came after. The staff recommendation has come since then, so I think we

should save that until later and to try to resolve that and see how controversial names fits

in with what they're recommending or doesn't fit in, as the case may be after they've done

their talk this afternoon.
Okay. I would like to take the break now. Ten to 15 minutes, so basically come back as

soon as you can because we do have someone, we have Chris Disspain coming in to talk about

the ccNSO and GAC. Thanks. Again, apology for making you all wait an extra hour for your

break and then asking you to do it quickly.
(Break.)