
ICANN Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic Names at the top-level)
Wednesday, 11 September 2019 at 14:00 UTC

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MICHELLE DESMYTER: I'd like welcome everyone. Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Sub Team, Work Track 5, Geographic Names at the Top Level call on the 11th of September, 2019. In the interest of time today, there will be no roll call, as we have quite a few participants online today, so attendance will be taken via the Zoom Room. If you are only dialed in on the audio branch, would you please let yourself be known now?

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

ANNEBETH LANGE: Thank you Michelle, and welcome, everyone. You have all received the agenda, and it's on the screen now. We will discuss the items one after another, giving each issue a timeslot today, so

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we perhaps manage to get through everything. But before we start, are there any updates on statement of interest? Hearing none.

On today's call, we once again hope to reach a conclusion on the two topics that have been discussed extensively, additional categories of terms not included in the 2012 AGB, and non-capital city names. Based on comments on the e-mail list, I know that many meant that these issues were put to rest in the meeting a week ago. However, since the co-chairs' experience is that the conclusions shift from meeting to meeting, dependent who the attendants are, we concluded that it was fair to give it one more go, to be sure that all voices were heard. This is also the reason why we decided to send out the straw poll on non-AGB terms, which we will come back to under agenda two.

There is some background noise. Please mute your line. I don't know where it comes from. Before we start the discussion, I would like remind all of us that Work Track 5 consists of very different people, with different agenda, not all of us having English as our mother tongue, not all comfortable with taking the floor, and different daytime jobs, not always allowing time to attend every call. I think that Marita Moll said this very well in her e-mail to the group yesterday, in connection with the discussion on whether a poll was appropriate tool.

It was to the point, as to what we are doing here, and she wrote, "In this very distributed discussion, which takes part on various platforms—online meetings, lists, and sometime face-to-face—and in keeping with the multistakeholder model, includes many people of varying language proficiencies, be it the second-

language issues, different cultural backgrounds, and ways of engaging, and varying professional backgrounds—technical, legal, community, etc. ...”

She believes a straw poll like this is entirely appropriate, especially to bring out some of the voices that are listening but not finding an easy way into the discussion. So, let us have this in mind when we, in good faith, try to conclude these issues today.

Can you shift the slides, please, and let us start with additional categories of terms not included in the 2012 AGB? We have set aside approximately 25 minutes for this issue, and the staff will tell us when the slot is over. As I have already conveyed, following extensive discussions on recent calls regarding additional categories, the work track co-leaders felt that it could be helpful to gather some additional input from the work track on one remaining proposal, and the consideration.

The proposal focuses on an early reveal process for adjectival forms of country names. The purpose of the straw poll was to gauge whether there was interest amongst the whole Work Track 5 to pursue this any further, and allow those that had not been able to join last week’s meeting and other recent calls to have a say, and to allow those who many not feel comfortable speaking directly on the calls—to provide their perspective. Remember that the straw poll is an additional data point, and it’s not intended to give any definitive answer on this issue. It has to be seen in conjunction with all the other material we have. Next slide please.

Before we go through the results of the poll, a short reminder of the proposal. The question was, can you accept the following as a

recommendation from Work Track 5? Proposal ... There should be an early reveal process, which is an opportunity for national governments to receive early notification about particular applications, so that they can take whatever steps they wish to take.

Affected strings ... Exact matches of adjectival forms of country names, as set out in the ISO 3166-1 list, in the official language of the country in question, shall be subject to the early reveal process described below. The adjectival forms of country names should be found on the World Bank Country Name and Adjectives list—World Bank List.

Purpose ... The purpose of the early reveal process is to provide early notice to relevant national governments, regarding new gTLD applications for exact matches to adjectival forms or country names found on the World Bank List.

Notification by national governments ... interested national governments must provide relevant contact details to ICANN at least three months in advance of the opening of each application window. Next slide, please.

Notification to national governments ... As soon as possible after, but never before, the close of each application window, but no later than one month after the close, ICANN Org should reveal relevant applied-for terms and applicant contact information to those national governments who provided contact information.

Notice by ICANN ... ICANN Org will provide notice of the affected strings to national governments who timely submit their contact

information. There is no obligation for applicants arising from this early process to seek a letter of consent/non-objection from the relevant public authority.

No legal effect ... Nothing in this section may be construed against and applicant or ICANN Org as an admission that the applicant or ICANN Org believes that the affected string is geographical in nature, is protected under law, or that the relevant government has any particular right to take action against an application for the TLD consisting of the affected string. Next slide, please.

So, this slide shows the results of the poll. 30 responses to the poll we received. 22 responses indicated acceptance of the proposal on adjectival forms. Eight responses indicated that the respondents could not accept the recommendation. Respondents were members of a range of the stakeholder groups, but most responded in their individual capacity.

Some of those responding has been vocal participants in recent meetings, while others appear to be providing their opinion on this issue for the first time. Those who accepted the proposal and provided comments indicated that they did so in the spirit of compromise—that they wanted to see some form of meaningful output from Work Track 5, and that, while a relatively small measure, this appeared to be a possible common denominator.

Those who did not accept the proposal, and provided comments, indicated that this appears to be a solution without a clear problem—that there is not sufficient rationale for why this particular category would be singled out for this specific treatment,

that it is not possible to respond to the poll in a vacuum, and that this new requirement may open the door to future expansion of rules.

One response flagged that the proposal focuses on adjectival forms of country names in the country's official language, and that the adjectival forms of country names shall be found in the World Bank Country Names and Adjective List—World Bank List. However, the World Bank List is in English, so this last bullet might deserve some discussion. The spreadsheet with all the responses will be posted on the wiki.

Before I open the floor ... Before I go to the next step, let me read what Paul McGrady says on the chat, "Note, as one of the authors of the proposal, I want it on the record that the proposal was never meant to be voted on in straw poll, in a vacuum, but was meant as a means to try to find consensus on something we could all get behind, not as means to establish a new baseline for others to tack things onto later. So, the proposal in the straw poll should be considered one put forward by the three co-chairs—" the four co-chairs perhaps—"and not one put forward by Susan, as refined by me. It isn't the same thing at all."

Noted, Paul. But as I said earlier, it's only one thing in all the things we have on the chats. We have it on the e-mail list. We have it on the calls. So, it's a lot of input here. This is just one of all the things. Emily has posted this straw poll here, so we can read it later.

The next step, now, is to decide whether to close the discussion. The co-chairs and staff will analyze the different input on this

issue, based on online meetings, e-mail lists, face-to-face meetings, and the results of the poll, and see if there is possible to recommend a change of status quo.

If the work track is able to come to an agreement to put forward this recommendation, this is the only recommendation Work Track 5 will make on the topic of additional categories of terms not included in the 2012 Applicant Guidebook. If the work track is not able to come to an agreement to put forward this recommendation, the work track will not make a recommendation on this topic to the full working group.

Now, we have approximately 20 minutes left to discuss this issue, and the floor is open. Please raise your hand, and come with your comments. Anyone wants to start? Yes. Paul McGrady, please.

PAUL MCGRADY: Thank you. Can you hear me?

ANNEBETH LANGE: Yes, we hear you [loud and] clear.

PAUL MCGRADY: Great. Thank you. Again, I think that the straw poll—unique. I've not encountered too many ... I shouldn't say unique, but unusual. Not encountered too many of these in a working group environment. Again, somewhat confusing, because I thought that we had closed this conversation on the last call, when it became

clear that there was no agreement to adopt this proposal. But now, we have in front of us.

My concern about this, again—and I raised this on the list. I’m trying to raise it now—was this was never meant to be a proposal in a vacuum. I think that if the straw poll had been ... If the question had been asked differently, that might have been interesting.

For example, if the straw poll had said, “Here is a proposal. Are you prepared to get behind this proposal, and will you consider this to be an appropriate compromise, and will you agree to support this when it goes back to the working group, and will you confirm that you are going to continue to ask for more things on top of this, and this really will be what Work Track 5 comes up with, and we’ll all stand behind it?” That would have been an interesting question, but that’s not the question that was asked, and not the question that was answered, either.

What we have here is an idea in a vacuum, but no sense of whether or not people are for this, because they think they can tack other things onto it later--certainly, the desire to tack other things onto it was very obvious in our last phone call, which is one of the reasons why this did not get traction—or whether people were saying, “Yeah, I can live with just this,” and if they could live with just this, that would be an interesting question. But unfortunately, the poll did not ask that question. So, I don’t think this particular poll has much value one way or the other. It was asked in a vacuum. Thanks.

ANNEBETH LANGE: Thank you, Paul. It's noted, and written down, and listened to. I think it's a good input. But as I said, it is still ... It's been a lot of calls, and even if last call, as you said, was more in the direction that we couldn't agree, the call before that was the opposite. For us, what we tried to aim at, as to gather as much information as possible, and then in the end, we had to find out what had happened with all this time on the chats, and in the calls, and in the face-to-face, etc. We'll see what we end up with in the end. Martin, you have your hand up go ahead.

MARTIN SUTTON: Hi, Annebeth. Hi, everyone. What Paul has said, I can appreciate, wasn't explicit in the question posted out for the poll. It is remarked here on the topic closure point, bullet two, that it was intended that this would be the only item to go forward if there as support for it. I'm just wondering if we could take the opportunity to ask Paul, and perhaps others that were concerned with the way that it was put forward on the poll, whether in terms of what he just stated, and the bullet two here on the screen—whether that could be a comfortable amount for him and others to support, that were not inclined to do so on the poll. I'd appreciate a response to that. That would be great. Thank you.

ANNEBETH LANGE: Thank you, Martin. As we said, it's quite clear on the second bullet here that this is the only recommendation we will make on this topic of additional categories. Paul, do you have a comment to this, and could answer Martin?

PAUL MCGRADY: Yes. Martin, I guess I'm the exact wrong person to answer, because I was not to ask this question, because I was not one of the people on the last call who were saying, "Yeah, this isn't enough. We also want to have this other undefinable list that we also get to tack on. We want 30 more days, or extra time for governments to object." We weren't saying things like, "Oh, don't worry. Every proposal, no matter how little support it had, will make its way back up the working group, wink-wink."

I'm not that guy, so asking me this question isn't helpful. I think asking the rest of the working group the question of, "If it were just this, are you satisfied, and are we going to be done here?" That's the question to ask them, but that's not the question that was asked in the poll. What was put forward was one idea in a vacuum, and not really ... It was an up or down vote sort of thing, not really whether or not this is something that gives us a proper consensus that we can all get behind—that we can go to the working group and say, "We did it! This is what we think really would work."

Instead, it's, "Here's one thing that we got out of the initial negotiations, and let's keep going." That, to me, is not an appropriate outcome. That's not consensus. That's just taking one building block, and looking for the next bite at the apple. Thanks.

ANNEBETH LANGE: Thank you, Paul. I see that Nkem has his hand up as well. Go ahead.

NKEM NWEKE: Sure. Hello?

ANNEBETH LANGE: Hi, Nkem. Please. Yes, go ahead. We hear you.

NKEM NWEKE: Well, for me, I'm just wondering if we're ever going to get out of this [ditch]. I don't think we really agree. We have not come to consensus. We just had the poll, and the indication is that the proposal is supported. I don't ever think we'll ever get past this, because we'll always have people that will propose different. All the issues they are raising now have been addressed in previous calls. They're just taking us back to where we are coming from. My thinking is that we should just take [a stand] today. If it means taking a [inaudible], do that, so that we can move forward. Thank you.

ANNEBETH LANGE: Thank you, Nkem. As we said here in the second bullet, again, that our plan now is that this is the last time we discuss additional categories of terms not included in the 2012 Applicant Guidebook. So, we'll see what we end up with after this meeting. Is there anyone else that want to raise their hand and comment on this? We still have time to discuss this. I see no hands.

Okay, let's go on the next issue, then, a closure of discussion on non-capital city names. There has been two proposals discussed

by the group on recent calls. The first proposal seeks to provide clarification with respect to a particular type of strings—that is dot brands. The second proposal provides a list of city names for which a letter of support or non-objection is required, if the applicant intends to use the string primarily for purposes associated with the city name.

While there are a few members who have expressed strong views on these proposals, there does not appear to be broad support for making either proposal a recommendation. If the work track does not agree to any specific changes on this topic, it will recommend to the full working group that the 2012 GB status quo remain. Next slide, please.

So, before we open the floor, just a reminder of the two proposals. There is blue text here and red text here. The black text is the original AGB 2.2.1.4.2, part two. The blue text has been suggested. And then, after that was suggested, it was some new suggestions. Again, that is marked with red.

An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name ... City names present challenges, because city names may also be generic terms or brand names, and in many cases, city names are not unique. Unlike other types of geographic names, there are no established lists that can be used as objective references in the evaluation process.

So, in blue text, it's suggested a sentence that could help applicants, "However, applicants may find it useful to review the 2017 UN Democratic Yearbook Table Eight to find a list of city

names with more than 100,000 inhabitants as a reference point.” Thus, city names are not universally protected. However, the process does provide a means for cities and applicants to work together where desired.

Remember that the black text has been there originally in the AGB. An application for a city name will be subject to the geographic names requirements—that is, it will require documentation of support or non-objection from the relevant governments or public authorities. If, one, it is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name ...

Then, and addition that has been suggested, “For the avoidance of doubt, if an applicant declares in their application that they will, one, operate the TLD exclusively as a dot brand, and two, not use the TLD primarily for purposes associated with the city sharing the same name, then this is not a use of the TLD for purposes associated with the city name.” And two, the applied-for string is a city name as listed on official city documents ... And then, new suggestion, “Or set out in national legislation, designating the place as a city.”

Proposal two ... Amend the text of the AGB by adding ... The blue text is saying here ... A new suggestion in red is the same text as I read in the proposal two, but it is more shorter and concrete. “City names present challenges, because city names may also be generic terms and brand names, and in many cases, city names are not unique. However, established lists can be used as objective references in the evaluation process.” So, the blue text

here is more general, not referring to a special list, but that lists exist that can be used.

An application for a city name will be subject to the geographic names requirement, as I read in the last proposal. Here, it's stated that it needs the support of non-objection if, a, "It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name," suggested, and b, one, "The applied-for string is a city name as listed on official city documents," or b, two, "The applied-for string is a non-capital city name as defined pursuant to applicable national legislation or as listed."

These are the proposals that we so far feel that it's not a broad support. My question for you there, before we actually go back to some comments on the last issue we discussed, do we need more discussion on this issue? Is it possible to recommend the changes made on one of those two proposals? Do you prefer only the blue, or blue and red? This is the last opportunity to voice a view. As for the other issues, the co-chairs and staff will analyze the different input based on online meetings, e-mail lists, face-to-face, etc.

I've been asked to go back to the previous agenda item when we finish this current item, and we will do that. But before we do that, are there any hands, or any wish to discuss this further? I see no hands. Then, I suggest that we put this down, and do not discuss it anymore, and then we go back again to the first issues we discussed about the non-AGB terms. Let us see where we go back. We have some comments on this. Let me go back here. Martin, perhaps you can fill me in here, because I was into this issue. Yeah, please.

MARTIN SUTTON:

Just to try and see whether we can close this off on the call, because I do feel that we have tried to do numerous calls, measure and adjust things on e-mails, and again, take lots of comments on e-mails on this specific topic. Together with the poll, I think we need the members to work out if there is any what that this can be maneuvered through to some kind of recommendation, or whether it is dropped.

We have an indication from the poll that was completed by 30 people out of a 197 group, which did give us a reflection that there was some positive acceptance. There were others in there that were willing to proceed on a compromise basis. I think together with Paul's comments that perhaps it wasn't strong enough in the actual wording of the poll itself, but I thought we captured it in the covering e-mail text, that this would be an isolated item, and therefore there's no maneuvering further from this.

It would be much more to do with refining some elements that were perhaps unclear, like what languages. I think we've covered that now with the proposal in there, that it is the local official language that it covers for adjectival forms.

I'm hoping that we could actually, between members on the call today, figure out if that is sufficient indications, together with all of the other conversations that we've had on this, that we could either do something, or whether it reemerges with even more objections. I think it worth us just spending another 5 to 10 minutes on this to close it off on the call. Otherwise, it will just be carried over for another call.

As Paul suggests, what are the co-leads going to do with all this information that we've got? It's actually not for us, necessarily, to pick and choose out of all of this. It is from the work track members to come to an agreement, if there is one, on what can go forward, and that they're happy to recommend goes forward, to the plenary, so that we can have stronger confidence that that will be pushed through the plenary, along with any other recommendations that come from the full working group.

I'll stop there. I tend to rabbit on too much. I would be interested to hear from those on the call—perhaps those that haven't spoken up before—just to see what their opinion is, now that they see results of a poll. In balance with all of the other conversations that we've had, is there a way forward that we can close off and do something on this topic? Thank you, Annebeth.

ANNEBETH LANGE:

Thank you, Martin. I agree that it would be really good if we could close this up in this call. The only problem I have is that it's different people attending each call. As I've tried to explain today, it's not all participants that has the possibility to attend every call. So then, I feel that what Work Track 5 has to do is to try to take all the things we have discussed for all these months, or a lot of weeks, both in e-mail lists and in the calls—not only one call, but different calls—and then add on the information we got on the poll now.

I'm afraid that if we should, during one call, decide whether we should recommend it or not ... Is that what you really mean we should do? Or should we try to extract the different meanings from

all the material we have? It will be sent out, the draft report, afterwards, that people can look at. It's difficult for people to remember everything that has been said during all these meetings. Please come with input, and especially as Martin said, those that haven't commented before. That would be extremely interesting for us to hear. Thank you. Up with your hands.

MARTIN SUTTON:

Sorry. I just wanted to ... I know it can be somewhat frustrating for us to try and see how conversations progress when there is different audiences on some of the calls. I think we've got to also assume that most of the interested people that have wanted to discuss this have been in some or many of the calls that we've had, and certainly, everybody's had the opportunity to follow it through the e-mail exchanges.

I think that one of the things that we've got to be cautious of is that out of a large working group, there is only a small percentage that are active and want to engage on these topics. So, I think that it is something that we don't need to regurgitate and create a long report for people to read through the try and digest. I think memory should suffice, and for all the information that's provided by staff every time we start the meeting.

We, I think, have exhausted all the things that we can do on here. I would suggest, if it's okay, that we look to seek input from those in the group. Particularly as Paul was indicating there, perhaps it is those that are accepting this in the poll. Are you assured there that it's not to then seek further add-ons, and that you're happy that this compromise is sufficient for us to manage through, and to

back without any other deviations, as we push a report through to the plenary? I think that would be interesting.

And certainly, for others that may have been inclined to reject the proposal, perhaps, again, if any of those have a change of mind, in view of the fact that this is supposed to be restrictive just to this particular item, that would be helpful, just in case that helps to sway some of the selections in the poll. Thanks, Annebeth.

ANNEBETH LANGE:

Thank you, Martin. I think that is a good point. I would like to mention here some comments from people on the chat. I see that John Rodriguez writes, “Thank you for confirming in the first bullet point that all input—e-mails, chat room, etc.—not just the straw poll result will be analyzed, reviewed, and considered.”

Paul McGrady asks what we are intending to do with this, and in one of his comments, asks for folk to speak, but no one did, so it really does go back to the Work Track 5 leadership to decide what value the poll has. Then, “Can we at least have a clue what the work track leadership intends to do here? It won’t be fun to find out in a draft report that there is alleged consensus on the proposal put in a vacuum for a poll vote.”

As I have tried to explain, is that this is just an additional thing that we tried. The main thing is all the discussions that’s been going on in e-mails, in the calls. The reason why we had the poll is that it’s been different opinions in the different calls. Therefore, it’s been difficult to us to really know what people are feeling. So, Greg, you have your hand up. Will you [pull] in here?

GREG SHATAN: Thanks. A couple of observations ... First, in looking at the poll results, I note that Robin Gross, who voted—although I guess we're not voting—no, indicated that her group, NCSG, would need to get together and decide who was representing them and what the position was, but that her no vote was consistent with past positions of NCSG. Then, I noticed that there are a number of other people in NCSG and in its constituency, NCUC, who are voting yes. That raises the question of whether we are looking at groups or just individuals. And if those who are voting yes, but are in NCSG would, in fact ... I guess they could vote their conscience, but the official position of NCSG could be no. That needs to be worked out, as to what any of that means.

Secondly, it's probably too late for this suggestion, but I think the idea of adding the adjectival list, and adding the notice provision should have been unbundled and dealt with separately. The adjectival list is a small change. The notice provision is actually a huge change, and I think it's been snuck in under the idea that there's only this one small list. Then, when you look at the list, the proposal says that it's going to be in the official languages, but the list itself is only in English. This just exposes this as a half-baked proposal. Thank you.

ANNEBETH LANGE: Thank you, Greg. Cheryl?

CHERYL LANGDON-ORR: Thanks, Annebeth. I just wanted to respond to a question that Nkem posed in the chat. When suddenly we've all gone down the—people are starting to go down the rabbit hole of the full size of anyone and everyone who ever signed up to be a member of Work Track 5, so that they could have the right to not only observe what is going on, but actually attend a work track call, should they ever have the urge to do so. I'll just remind you that that is a GNSO requirement. To actually get into either, in the original time, Adobe Connect room, or the current time, the Zoom Room, you do have to be a member. Anyway, that is perhaps a motivation for many people to join as a capital M member.

But on average, the number of people who attend a Work Track 5 call does hover around the 30 to 35 mark. There's been a couple of occasions when it's been as high as 42 or 44 briefly in a call, and we have frequently had calls as low as 21, and occasionally up to around 27. I would remind you all that there is at least four, very really three, and occasionally 5 staff in that number. So, 30 is actually about the number of active participants. We can't say that they are the same participants, but it is about the number of active participants we get in any given call.

Thanks. I just wanted to make sure that everyone's clear on that. I know that the leadership did look at this, and amongst various other things that they've considered quite deeply and seriously. That was taken into account. Thanks.

ANNEBETH LANGE: Thank you, Cheryl. Any more hands appear? I can't see anyone, but we have some comments from Marita Moll, "It seems to me

that one opponent is seeking add-ons. No one else is doing this.” Nkem has been answered by Cheryl. And Paul, “One problem is that two of those who are pushing hardest for even more, Christopher and Jorge, aren’t on this call, so we cannot ask them Martin’s question, and the poll didn’t ask it.” We see that [Stefan] is representing the Swiss government as well. Would you like to talk for [inaudible], [Stefan]? You can think about that while I go on with the chat.

Paul is not suggesting add-ons. The 22 people who voted for what was in the question, not for add-ons. Paul answers Marita, “Hopefully, but the add-ons crowd isn’t on this call, so we have zero assurance that adding on isn’t the plan. That’s the downside of these straw polls put out in a vacuum.”

Marita to everyone, but she answers Greg, “We were asked for affiliation, and asked whether we were responding personally. I think we have to take people at their word.” That’s what we have so far. Anyone want to raise their voice? Nothing? Okay, this is still at the point where we have to go back and analyze the different input on this issue. Greg has his hand up again. Okay, Greg. Go ahead, please.

GREG SHATAN:

Thanks. I just wanted to respond to the chat, because what I put into the chat somehow got sent only to Marita. My chat window seems to be acting oddly in that way. I did post it to everyone, just to say I was not questioning anybody’s word. The issue was how to interpret the results, particularly where there is a statement that a stakeholder group or other structure may have an official

position, but there are individuals from that group who are voting differently from that position, and that in any event that the official position has not been finalized. That's all that I was getting at. I don't think I questioned anybody's word. That seems a little odd to have even been brought up, but maybe that's just a failure of communication.

Also, in terms of the add-on issue, I think it's not just an issue of whether ... Since there was nothing in the poll about add-ons, we don't know what people are thinking anyway, but I think if this is closing the door on further add-ons, that would be good to know. Somehow, I have a feeling that this is just the first step, whether or not anybody quote unquote voted on add-ons or voted against add-ons, which they couldn't have done.

Whatever the temperature of the room or the sense of the group is ... I don't mean to use the word consensus in a work track, but I think they still obviously need to take this back and consider all of these things, including the issue of what actually might people be thinking, if this is an initial foray in a multi-layer campaign to more and more geo protections involved. Thanks.

ANNEBETH LANGE:

Thank you, Greg. Just one thing before I give the word to Nkem is, as Jeff says in the chat here, "Official consensus will be measured at the full working group stage. This was a straw poll on whether to move the proposals to the full group." One thing from me ... The impression I have, after all the discussions with those who want more and those who want less, is that I felt that we have rejected more or less everything that's been on table, but that it

boils down to if we could have a consensus of this rather small addition to what we had before.

I had hoped, and the co-chairs had hoped, that we could leave this to rest now, and not discuss any more add-ons or new elements to be included. As we say here, if the work track is able to come to an agreement to put forward this recommendation, this is the only recommendation we will make on the topic of additional categories of terms not included in the 2012 Applicant Guidebook.

Greg has another comment here, "Anything we move to the full group will be seen as a recommendation of Work Track 5." It's up to you to answer that, Jeff, and I'll give the word to Nkem. You still have your hand up, Nkem?

NKEM NWEKE: I didn't quite understand what Greg was trying to say. I would like to [inaudible] two more [items]. Actually, I think that [inaudible].

ANNEBETH LANGE: It's very difficult to hear you, Nkem. Could you possibly write it in the chat? Okay, Jeff, do you want to answer Greg, or should we leave it here? Yes. Jeff, please.

JEFF NEUMAN: Sorry. I'm in a noisy place, so I apologize for that. At the full group level, we're the ones ... Cheryl and I are going to be the ones that will weigh the thinking of consensus, and thinking to consideration, constituency views, stakeholder group views, individual views, etc.

I don't want us to get bogged down here with whether Robin was exercising her temperature, for lack of a better word, other than vote, as an individual or as the group. Cheryl and I will make sure that we understand what the views are of stakeholder groups, constituencies, as well as individuals, when we determine whether there's consensus or not. I urge us not to get bogged down with that at this point.

The other thing I want to point out is we seem to be stalled with policy making because we're always worried about what is coming next. If we accept this, this'll be a slippery slope. If we accept this, then people will just ask for more. This might be an exercise in drafting, just to make sure that, look, this is what the group agreed to, if there is something that the group agreed to. The group did not agree on anything in addition, and some members of the group, while they agree to this limited proposal, were concerned that others would use this as a starting point for expanding the protections further than what we agreed to.

We can draft things around that that hopefully address the concerns, but I'd really like people to consider this proposal in the context of the programs, and not in the context of what someone may at some point ask for in the future. Then, that's just dangerous for any policy making in any working group—not just with respect to new geographic names, but with respect to everything in SubPro, and frankly in WHOIS, RDAP, whatever we want to call it now. Thanks.

ANNEBETH LANGE: Thank you, Jeff. Paul writes in the chat, “Jeff, but people have been asking for even more. It isn’t theoretical.” He has his hand up, but before I give you the floor, Paul ... I agree. They have been asking for more, but as far as I see, in this Work Track 5 group, we have been discussing things that go further than the adjectival form, and that has been more or less rejected. We know that we cannot agree on a recommendation on that, so this is a small bit, in the end, of the discussion. And we hope to conclude everything now, and go on, and send it to the full group. Paul?

PAUL MCGRADY: Thanks. Just to reiterate what I put in the chat, Jeff, I respect you, but I think that casting it as some of us are paranoid about a slippery slope happening doesn’t really reflect the reality of these phone calls. The phone calls have not been, “Oh, yeah. We really like this proposal, and we’re all going to jump on board,” and then people are saying, “Oh, but gee whiz. This could be a slippery slope.” What it was is, “Yeah, we like that, and we like this, and we want that, and we want the other thing.”

We have been assured on some of these calls by leadership that, “Oh, don’t worry. The thing that didn’t get accepted will be put into the notes for the main working group to think up again.” So, this has not been an exercise where we have been driven towards a consensus—that this is something that every Work Track 5 member can get behind, or at least even a consensus around enough people—and that this is the recommendation, and that everybody can be confident in supporting it, because it won’t be a free for all when it gets back to the main working group.

In fact, it's been quite the opposite. We've been assured that it'll be a free-for-all when it gets back to the main working group. That's my concern, and that concern is not a theoretical one. People have been asking for more. The Christmas lists didn't go away, and we've been assured that they won't go away. So, we do have to deal with it on that basis of reality. It's not paranoia. It's a real thing. Thanks.

ANNEBETH LANGE: Thank you, Paul. One last comment from Jeff in the chat, and then we stop this discussion, and go on to the next on the agenda. "Paul, this is true of all policy development."

JEFF NEUMAN: Sorry. Fair enough. I can weigh in. Sorry.

ANNEBETH LANGE: Okay. Explain yourself.

JEFF NEUMAN: I think, yeah, it is like what I said in there. Are policy development and all compromise ... You can't ever stop anyone for asking for more. We can only document the context in which this was agreed. It's true of all policy development, whether it's intellectual property protections or others. You settle on something, and then does that mean that you'll never ask the board for more than that? I don't know.

All we can say is, “This is what the group agreed to. Members are very concerned, however, that others will continue to ask for additional things, and those members are very clear that this was agreed to only in the context of no additional protections, and no additional whatever.” And then, if someone goes past this, and tries to circumvent, which might happen, then we point that out to the board. Cheryl, and I, and the four work track leads point that out to the board. That’s all we can do.

I’m not saying it’s theoretical. I know it’ll happen, just like it happens in every single working group, and every single ... Look, whether it’s the EPDP, and the EPDP agreed to something, and then people are still asking for more or less, depending on which side you’re on. It always happens. But if we can’t just document this, and we’re so afraid of agreeing to this because we’re worried about people asking for more, we’ll never get anywhere on any group. I understand. I’m not saying it’s theoretical. I know it’s not theoretical. I know it will happen, but you can’t stop it. We can’t stop people from making arguments. Thanks.

ANNEBETH LANGE: Thank you, Jeff. I think we stop here now with this topic, and go on to the next on the agenda. Could you move to the final review of public comments—proposals on change to scope, yeah. Let me see.

ALEXANDER SCHUBERT: Sorry, can I interrupt you?

ANNEBETH LANGE: Yes. Sure, Alexander.

ALEXANDER SCHUBERT: In my agenda, it says “closure of discussion on non-capital city names,” number three, would be the next point.

ANNEBETH LANGE: No, we have discussed that. Did you come in late?

ALEXANDER SCHUBERT: Yeah, I came late, because it was number three. So, you did this already?

ANNEBETH LANGE: Yeah, we went back again to the first.

ALEXANDER SCHUBERT: Is this finished, because I have two short questions or suggestions regarding non-capital city names. Has nothing to do with protection of city names. It’s just pertaining the [field] of city names.

ANNEBETH LANGE: Okay, just go ahead, so we get it on the record.

ALEXANDER SCHUBERT: It’s super short. First—and I said this several times, but there was never a response—we are talking about city names, but have

never defined what a city is. At some point, we will have to put some kind of definition out there, so that they're [inaudible]. That's number one.

Number two, the overwhelming amount of geo applications have been cities. If you go to a mayor of a city, and you ask for a support letter—and I have done that in the past—they will want to have something that is, if any possible, published by, for example, ICANN. But the only letter that we have in the applicant guidebook is not a letter of non-objection, but a support letter, which is completely different thing, and some city might not even be allowed to support a project, but can non-object. So, we need a letter that says non-objection, and it should be tailor-made for cities and not for all the other stuff.

It would be nice to have the same letter of support that we have in Applicant Guidebook, tailor-made for cities, and called letter of non-objection, so that you can point a city government to the Applicant Guidebook and say, "Here. That's the official version. Please sign it." That's it. Thank you.

ANNEBETH LANGE:

Thank you, Alexander. This last point of yours with the letter, I seem to remember that the letter for support or non-objection was made during the implementation discussion afterwards. I agree. That could be a good idea, but I don't think that this is the place to discuss it, to be honest. But we have it on tape now.

So, let us go to the final review of public comment proposals on change to scope of protections. The deliberations of the work

track members put forward proposals to either increase or decrease the scope of protections in the Applicant Guidebook. These were included in the initial report when it went out for public comment, along with a number of other proposals on other topics.

A summary of these comments on the proposals begins on page 32 of the public comment summary document, which is a link [here](#), so you can go in there. Elements of these proposals have been discussed in the context of revisiting the draft recommendations, as well as broader discussions in the work track. Public comments reflect that there is a mix of perspectives in the community on different proposals, some in favor, and some opposed to each, similar to what the co-leaders have observed in work track discussions.

At this stage, the co-leaders do not anticipate that rereviewing the proposals will lead to agreement in the work track on specific changes. Members have an opportunity to raise, if there are any points that they think need to be considered further, but none have been raised so far. Absent of any new facts or considerations that need to be discussed, this issue will be closed. Last chance today to comment.

While you think about that, let me see on the chat if it's something here that's come up since I last were there. Justine Chew said, "Alexander's second suggestion can be noted as something for implementation." Marita, "Yes, it's a good idea to have both letters, support and non-objection, available, wherever that needs to fit into this process."

And Paul McGrady answers Paul again about the process, “Jeff, you know that this isn’t how this works. The Work Track 5 members who want more—who aren’t on this call, by the way—will say that the compromise was only to get this one more building block, and they never agree to not ask for more. In other words, there was no compromise, only a concession by one side. That is not consensus, and I don’t think how the straw poll resurrection process was used to revive this dead topic is fair.”

Jeff to everyone, “And the working group co-chairs and leadership will represent to the Council, and then to the Board, what actually took place.” As Jeff said and Paul, we can never, never have a guarantee for not anyone from both sides will raise these questions again after the Work Track 5 has delivered their report to the full group, and the full group has delivered it to the Council, and the Council has decided. We know that from the last round, but still we do the best we can to try to find something that can be recommended from our side.

From Alexander to everyone, “Thanks, Justine. If Work Track 5 is not suggesting it, how should it find a way into the implementation? Is the community participating in the implementation? The overwhelming majority of geo applications will be for cities, so we need a letter of non-objection draft, tailor-made for cities.” Thank you, Alexander. Are there anyone that want to say something about the proposals to change the scope of protections, or can we close that off today? No hands? Then we go to the next slide, please.

So, what we have been discussing today, we hope that this is more or less the end of the discussion of the issues. We might

another call. Let's just have a little view on what will we do—how to present the Work Track 5 recommendations to the full working group. We are not in the process of concluding deliberations. Once the work track has finalized these recommendations—this being either suggest a change or no change to AHB 2012—these will be sent to the full working group for consideration and consensus call.

The leadership team has started the process of developing a draft document containing Work Track 5's output. The focus of the document will be on the recommendations, the rationale for the recommendations, and any issues that the work track would like the full working group to consider further. It will be more concise than the initial report. And drafts will be shared with the work track for input.

Please. We still have time left. We'd like to hear your view here, if there's something you want to suggest—some comments on how this is done. No hands? Jeff, in the chat, to everyone, "Paul, would you like to draft some language that would address your concerns going forward? We can take a stab to capture it, but it may be better for you to do so." Would you like to answer that, Paul? Yeah. "Happy to review your draft. Don't want to overpromise on what I can do. I have an India trip coming up next week." Okay, travel safely, Paul.

Anything here more? We have time. Nothing? Okay, Jeff and Cheryl, could you please chime in, or Martin? We have still 25 minutes of our 1 1/2 hours, so come on.

MARTIN SUTTON: I was just thinking about Alexander's comment regarding the practical implementation side of things, to create a template non-objection letter. I'm not sure whether we've got that identified from any previous e-mail or Work Track 5 discussion. I just think we should note that. If anybody's got any objections to it, please raise them, but I don't think it's particularly objectionable at all. It sounds quite helpful. I think we can put that down somewhere on the implementation side of Work Track 5 activities, to pick that up in our report as a suggestion. Again, happy for anybody to speak to that. Thanks.

ANNEBETH LANGE: Thanks, Martin. I see now on the chat that Jeff says, "I may be misremembering, but didn't ICANN have a template for the last round? We can do some research." Katrin answers that, "Yeah, there has been one." We can look into that. Anyway, Alexander, you can chime in and help with that. I'm sure you have some good input here.

ALEXANDER SCHUBERT: Yeah, of course. There was a draft letter of support in the Applicant Guidebook, version 2012. As I said, it said, "Letter of Support," and not "Letter of Non-Objection." There are some countries that will not allow a city government supporting something, but they can very well non-object. The letter was ... Maybe it was an all-purpose letter that would also function for those subregions from ISO 3166, but you would have to considerably change it to make it work for cities, and it looks just weird. So, a version that is tailor-made just for cities and non-

support, that would help immensely, because a lot of the applications—or the overwhelming majority of applications—will be for cities and not for some regions. Thank you.

ANNEBETH LANGE: Okay. Steve has now posted the template on the page 93 in 2012 AGB. We can look at that and see if we can do some changes, or some suggestions for making it more appropriate for cities. Let us have that on the agenda as well. Jeff, Cheryl, do you have anything to comment on? Any other business? Other issues you want to raise?

CHERYL LANGDON-ORR: No, nothing from me. Thank you, Annebeth.

ANNEBETH LANGE: Nothing for anyone here, so, okay. But then, actually, we can end this call 20 minutes before time, and you have 20 minutes that you didn't account that you had, so that's a good thing, isn't it? Well, here is a new thing from ... Jeff says, "Or just reference and make the recommendation for the implementation team. No further comments." Yes, I agree. Let's talk about that in the leadership calls. Thank you to everyone for all your interesting discussion. Next meeting is Wednesday the 18th at 05:00 UTC. Talk to you then. Bye-bye.

MICHELLE DESMYTER: Thank you so much, Annebeth. Meeting has been adjourned.
Have a great remainder of your day everyone. Goodbye.

[END OF TRANSCRIPTION]