
ICANN Transcription

New gTLD Subsequent Procedures Sub-Team - Track 5 - Geographic Names at the Top Level

Wednesday 24, July 2019 at 0500 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedure Sub-Team Track 5: Geographic Names at the Top-Level, taking place on the 24th of July, 2019.

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In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge, could you please identify yourselves now?

Hearing no one, I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I'll turn it back over to our Co-Chair, Javier Rua. Please begin.

JAVIER RUA-JOVET:

Thank you, Terri. Welcome, all, to this call. It's 1:00 A.M., and it's difficult hours for many, many of you also, so thanks for being here. I see that attendance is getting slowly better. Great.

Quickly, the agenda is on screen but I'll generally read it to see if anybody has any objections or comments. Of course, we'll do the welcome, the agenda review, and SOI updates. We're later going to go into some pending languages/translation issues. We're going to try also to go again into non-AGB terms in the 2012 guidebook. If time allows, also we'll try to go into substantive review of comments in response to the initial report questions, and Any Other Business.

Anybody have any comment on the agenda? Any objections?

Hearing none, we'll go forward. Please, if anybody has any updates to SOIs that they want to mention now ...

I hear no updates. Very good. Let's jump right in. I see that Martin Sutton, the Co-Chair from GNSO, is also on the call – the co-leader from GNSO is also on the call. Welcome, Martin. Welcome to all, again.

This call risks turning into Groundhog Day, if you get the reference because last call we touched upon these same subjects. Initially, we were trying to go back, go into some proposals regarding the all-languages concept within the AGB guidebook, particularly as you can see on your screen, if you have a screen, the concept that, under the 2012 AGB, in case of countries of territories, a string is considered unavailable if it was a translation in any language and it will be reserved. It will be unavailable. In the case of capital cities, this concept of any language – that broad concept – would require a letter of support or non-objection.

On the last call, I think, halfway through, if we remember, we were having a great discussion. It was great discussions all around, but toward the beginning, towards the middle maybe, we were, I think, on track – or it seemed to me like we were on track – for some sort of I dare not say agreement but maybe movement and process on this concept of making this all or any language concept a bit more manageable. Then I think we got a bit lost, maybe because of me. But it was still a good conversation.

Going back to this topic. As we remember, the proposal that's on the table has a main core proposal and then some additions. But in general, the proposal in the table – I wish to have some more discussion on this from all sides – is that, instead of any language, we somehow limit this in any language – the current formulation in the AGB – as, remember, U.N. official languages. In other words,

U.N. official languages but also including the official language of a country or territory, and if there is no official language, per se, legally speaking, the so-called de facto official languages. We will have to find some sort of listing or authoritative guide for this, but generally that would be the proposal: that, instead of the any language formulation, translations will be in U.N. languages and official languages or so-called de facto languages. This is in countries and territories.

In this document that you have in front of you, hopefully – it was sent by e-mail as a PDF – just to drive down on the concept we’re in, there’s some examples. If staff can scroll towards the end, I want you all to – I’m going to read it through – generally understand exactly what we’re talking about (the examples). I’m going to read the translation proposal as it applies to country and territory names, using the example of the country of Singapore (the Republic of Singapore). What would be the effect of this core proposal on the table if it were agreed upon by this work track? For the country of Singapore, the name in Singapore’s official languages and also in U.N. languages would be reserved an unavailable for delegation. But what that means also is that, if the name of the country Singapore – a string that represents that is not in any of these language categories ... In other words, if Singapore translated in a language that is neither English nor Malay nor Tamil, not Chinese, which are Singapore’s official languages, and Singapore in a language other than U.N. official languages as listed here – English, French, Spanish, Russian, Chinese, and Arabic – if it’s not listed there, if it’s not among U.N. official languages, and if that string translation is not in Singapore’s national official language and/or de facto languages,

if there were no official languages – but the word somehow “de facto” official languages – then that string in another language would be actually open for delegation. So that’s what we have before us.

With that example stated, if there’s hands, any debate over this, first if we understand it clearly and whether we degree or not.

I see a hand by Heather. Heather, go ahead.

HEATHER FORREST: Thank you, Javier, very much. Javier, my question is this. On what basis is this proposal being made. Why are we proposing to change the 2012 AGB? When I say “on what basis,” what I mean is, why are we including U.N. languages to the extent that these had no relevance to the actual country in question? It’s certainly the case with your Singapore example, that some of the U.N. languages are relevant to Singapore, as we can see from the national official language list. There’s an overlap between English and Chinese. But why include the others? Thank you.

JAVIER RUA-JOVET: Thank you for that, Heather. Welcome to the call. I will answer that generally, but anybody that wants to jump in also can. As I see it, and from what I remember from work here, generally the main thrust of this general proposal is to somehow make the current situation, which is the 2012 AGB, which basically reserves all languages – all country or territory names in all languages, if they’re reserved or unavailable for delegation – concept more manageable. Then, as we have been discussing on the mailing list

and on our calls, several proposals have come up. I don't remember who made this exact proposal, but this seemed like a manageable concept: the fact that there's an official list of U.N. languages and to somehow make it more open with, of course, the official languages of a country or de factor languages of a country.

If anybody wants to supplement by deficient, probably, response, please to go ahead.

I see a hand my Martin. Go ahead, Martin.

MARTIN SUTTON:

Thanks, Javier. Good morning, everyone. Yeah, if I could just add onto that, Javier, the group did not have any preliminary recommendation for languages. So whilst we had discussed it, the initial report – just let me [bring] it up as a question, essentially, to seek input. That input highlighted a number of suggestions that this current requirement in the Applicant Guidebook that were excessive and not particularly practical.

In terms of extreme positions, some still want to have that blanket protection – all languages – whereas others feel that that's not necessary at all. I think what we're seeing here is a compromise of this to try and stimulate ideas that would be acceptable by all, whereby distinct sets of languages – here we rely as U.N. languages as a suggestion, plus, as Javier says, the official local language. On that basis, it would seem more practical to apply a reasonable approach and reasonable compromise, I think, all around.

I hope that helps, but do flag any further questions that you may have.

JAVIER RUA-JOVET: Heather, go ahead. You have a follow up?

HEATHER FORREST: Thanks, very much, Javier, and, Martin, thank you as well for your additional explanation. I apologize if my question came off as wanting to know, let's say, the origin of this. It wasn't my intention at all. I fully accept that there's a proposal put on the table as a basis for discussion. I think I was more provoking us into the substance. I take Martin's point on board that we need to find a compromise. I'm just wondering if, let's say, in the spirit of compromise, if we're able to have a discussion around the limitation to the national official languages insofar as those include U.N. official languages. But again, the relevance of another of Spanish or Russian, to the Singaporean example? I just don't see it. So I put that on the table for discussion. Thanks very much.

JAVIER RUA-JOVET: Thank you, Heather. Does anybody have a comment on Heather's comment?

Yrjo, please go ahead.

YRJO LANSIPURO: Thank you. I think that, at a couple of meeting back, I raised a question: did this [Band-Aid] protection – all languages – cause

any problems in the 2012 round, and, if not, is this a non-existent problem that we're trying to solve? Thank you.

JAVIER RUA-JOVET: Thank you, Yrjo. Yes, you've been very consistent and always very helpful with your comments. That approach has also been reflected by other work track members, but at the same time, we also have other work track members that have positions regarding perhaps more openness and, I dare I say, liberalism in terms of delegations, etc. But in general, the thrust has been the fact that just official languages is such a broad concept that it could cause trouble. But I take your point that I don't think we've seen evidence of actual trouble. I think we've asked for that.

Martin, did we ever get any facts on problematics or issues that came up? I think we asked for that. Do you remember?

MARTIN SUTTON: I don't recall any particular incidents that this would currently effect, but I think we have had plentiful conversations on the fact that it may have prevented some from even bothering to apply because they felt it may have impeded on an obscure language variation of the string that they were applying for. So it's like we don't know.

My question back probably to the group is, do you think it's practical to have a blanket regime of blocking or restricting applications on the basis of seven-and-a-half thousand languages, something which I'm not sure that we could probably police effectively? So do we want to improve it or not?

As Work Track 5, it's not up to Javier and I and the other co-leads to decide on this. We've encouraged the conversation. We're at this stage where we are putting forward suggestions based on input from the group and what we heard from the community in response to the initial report. So in practical terms, is this something we could improve and easily improve with the examples that are presented with you today? Or does the group feel that there's no way that we will come to any agreement, in which case we can just let it go back to the 2012 guidebook requirement?

JAVIER RUA-JOVET:

Thank you, Martin. The ideally, truly, in the interest of time – we've had several calls on this very specific one on – I think [inaudible] as co-leads should maybe have a final conversation over this to see if there's possible consensual ways forward, and, also, just stepping back on Martin's point, if people want to move forward or want to stay in the 2012. So that's the idea.

Before opening the floor for any comments, I'll read some comments in the chat. Justine supported Yrjo's comment on lack of issues in 2012. Heather posted, "A proposal: Countries could be asked to nominate their national languages just as" – I lost it – "the Red Cross was recently asked to identify the various names of its worldwide national societies." Katrin says to Heather, "I remember we discussed this proposal a few calls back and came to a conclusion that not all countries will provide feedback on such a request. So it will likely lead to an incomplete list." Jim Prendergast: "ICANN refused" – this is on the problems issue, I think – "refused to provide applicants/operators a definitive list of

country and territory names covered by Spec 5. I cannot see how they would agree to provide a list of the 7,000 official languages.” Heather strongly supports limitation here to narrow the AGB.

If anybody wants to speak on the floor beside the chat. I see some clear support from Heather to move forward with some path forward to make the current formulation in the AGB more manageable. But I also I see some important Work Track 5 members – we’re all important – that are taking the position that there’s nothing to fix.

Heather, please go ahead.

HEATHER FORREST: Apologies, Javier. I put up my hand because, let’s say, there weren’t hands up. I don’t want to speak over someone else’s turn. One of the objectives here in Subsequent Procedures is to make this process more workable for applicants for ICANN org and evaluators and for users. It seems to me that more certainty in this space is going to get us out of the problems that we’ve had in Round 1. So that’s my rationale for saying I think that there’s good work to be done here in terms of limiting this. It’s just the rationale for whatever we come up with is the limitation that I was poking at from the beginning. Thanks, Javier.

JAVIER RUA-JOVET: Thanks, Heather. Heather, to your initial general idea of only sticking to the official languages of countries, would you be willing (and others in your position) to accept a more expanded version of that that would include U.N. official languages, even if that

addition is arbitrary and convenient for us but it comes out of nowhere but is maybe just a tad bit more universal than just the official languages of a country? Or would you be closed to that idea? Thanks.

Heather, go ahead.

HEATHER FORREST: Thanks, Javier. My concern with this is, as you've just admitted, this is random. To the extent that we started [needing] randomness into decision-making like this, it's a pretty slippery slope. So I'm seeking a justification, is all. I'm not necessarily arguing against the justification. It's just I haven't quite heard one, other than, "Well, this is convenient." So that's all. If we can rally behind a rationale that makes good sense – what we're hearing is that this needs to work for the people of that country. If a particular language is not relevant for the people of that country, it's not clear to me why we're going to land on that. I'm not suggesting I might not ultimately agree with the six U.N. languages. I'd like us to have a [check to] flesh that out. Thanks.

JAVIER RUA-JOVET: Don't go. Question. What would you say (and anybody in the work track) if a country or territory nominated a set of languages that it considered important or de facto official or very relevant and specifically excluded others that some considerable populations found important and were in the U.N. list but were not in the ... I don't know if that's even possible in the world or if it's too hypothetical. But this idea of only the country deciding exactly

what is relevant – does that exclude other populations that might be important in that country? What do you think about that, Heather?

HEATHER FORREST: You know what, Javier? I'm just concerned that I don't want to dominate the discussion. You got hands up from Cheryl and Martin, so why don't we turn to them? I'm not avoiding your question, but let's turn to them.

JAVIER RUA-JOVET: All right. Very good. Cheryl, go ahead.

CHERYL LANGDON-ORR: Thanks, Javier. I'm in no way promoting what I'm about to say as a belief set, but I'm bringing forward, at least from my understanding, what has been said in previous meetings by the proponents of a wider list than just the national official languages as listed by a third-party authority or self-declared, where Heather is drawing her rough line in the sand.

I believe the reason that some proponents of the use of the U.N. official list and, indeed, the U.N. official list plus Portuguese – we also had from Annebeth the pointing out of that, in her country, there is a large components of the population that are German speakers, so German would be a good addition for protection of the names for her country's interest. What they were aiming for was a predictably identifiable and readily accessible list. So I think that was the rationale, Heather. I'm not sure that that's going to

change your mind, but I believe that was the basis for why this came into the debate. Thanks.

JAVIER RUA-JOVET: Thank you, Cheryl. Martin, go ahead, please.

MARTIN SUTTON: Thanks, Javier. In terms of rationale, I think we're close to it there, but perhaps it doesn't get reflected fully in picking on the U.N. list. Thinking about the most commonly used languages by users is, I think, a good way to explore this a bit further.

Now, if we look to, say, the Top 10 widely spoken languages, I think the U.N. languages, bar French, appear in the Top 10. Now, that may be another way of having a look at this so that, if there widely spoken languages and they exist in this Top 10, for instance – I'm just suggesting that; I'm not saying that's the limitation – then at least any string that's used is going to be recognized outside of that location by the fact that those widely spoken languages can more visible and understood or blocked anyway so that there's no confusion.

I think, if we look at it that way, there may be a sense of where we could add in other languages. That would then introduce Portuguese and a couple of others, I think, within the Top 10 list as a suggestion.

JAVIER RUA-JOVET: Thank you very much, Martin. I think it's a very interesting suggestion to the group by Martin: instead of the group or the AGB sticking to a U.N. list, a list of the Top 10 or maybe the Top 20 – we can decide on a number – of widely spoken languages in the world besides the official languages of a country or de facto official languages.

Does anybody support this idea by Martin? The rationale seems pretty self-evident. It will be a list that will be easy to find. We could decide whether it's the Top 10, the Top 20, or the Top 30. It would be quite definite. It could change historically somewhat, but generally I don't think it'll be that dynamic. Anybody have any comments on Martin's proposal that's on the table?

I see some comments in the chat.

JAVIER RUA-JOVET: Javier, Cheryl here.

JAVIER RUA-JOVET: Go ahead, Cheryl.

CHERYL LANGDON-ORR: It's not actually a comment on the proposal. It's a comment on polling for the proposal at this call, at this time, recognizing that we do have the list and the usual number of active participants in today's call and that we had a healthy discussion for a couple of meeting now on the benefits or otherwise of having a list of 7,000+ blanket ban and a more manageable-sized listing in addition to the

national official and widely spoken (therefore de facto) language is in any particular country. Perhaps this is an ideal time to take an alternative suggestion, such as Martin just raised, to your e-mail traffic for the next week and see. You could perhaps set up almost a poll of preferences to different types of listings. I'm just very aware that we do try and not take a decisional point at any one meeting. This particular meeting is relatively lowly attended. So I encourage you use your intercessional time. Thanks.

JAVIER RUA-JOVET:

Point taken. Thank you for that. In your vast experience, Cheryl, it's very important to do to be legitimate in our proceedings. So the proposal is out there. I think we can definitely put it in the mail to see how the work track reacts to it. I think it would be probably an alternative proposal to the U.N. languages list. It's a listing of widely spoken languages. Could be ten, could be 20. So that's that.

Any other comments on this point before we move on?

Hearing none, let's move on. Geographic names not in the 2012 AGB. I see that the screen is moving around. Generally, remember, in the last call, I brought a proposal – it was more like a test proposal – on trying to be very specific on some definite category of potential geographic names not in the 2012 AGB that could be beneficiaries of some level of process or protection. The idea was a bit elusive. It's the idea of basically autonomous areas in countries or territories and whether the names of autonomous of countries or territories, if we were able to define what "autonomous" as, could be the beneficiaries of a similar protection

maybe to the treatment of capital cities and letters of support or non-objection.

Even that less indefinite category of non-AGB geo-terms was very hard to pin down. There were very divergent views in the meeting and also in the mail list. At this point, I guess the sense from the co-leads is just to ask the work track – Martin, help me out here, and anybody else – in terms of if anybody can propose any definite concept, any definite or more definite listing or reference document or instrument in which we could pin down some concrete category of non-2012-AGB geo-terms that were needing a protective process or some sort of process.

Anybody want to speak on this right now? Any proposals? Any ideas? Because, if not, I think we might have to move on.

I see a hand by Martin. Go ahead, Martin.

MARTIN SUTTON:

Thanks, Javier. Just thinking this through from all of the comments that we had in, I think it is worthwhile noting here that we didn't have any preliminary recommendations. We struggled within Work Track 5 to come up with anybody that the group as a whole could support. When we look at the comments as well, it's clear that there is a portion of the community that reluctantly accepted certain parts of the 2012 guidebook and were willing to continue those. But I think they drew the line at some point. Certainly, with regards to adding in ad hoc type of restrictions in this non-AGN [term space] could unravel a lot of the preliminary [inaudible] that were already formed. So just as a [inaudible] comments – I think

we've got an open line. Heavy breathing going on. So if you could mute the lines, please, if you're not speaking.

So just to bear that in mind. We need to have specifics, I think, that can be appreciated by the group and dissected further but a strong rationale as to why to support additional restriction. I think we need to articulate that rather than a wish list. We need to understand the rationale behind any suggestions put forward based on the fact that we've struggled with this within Work Track 5 and also the fact that, if we're not careful, we'll unravel what already got done as preliminary recommendations [from] the initial report. Thanks, Javier.

Javier? We lost you.

JAVIER RUA-JOVET:

Sorry. I was muted, evidently. Thank you for that. I see a hand by Christopher, but let me read some of the comments in the chat before we go to Christopher. Justine says she doesn't have anything in writing but something that would prevent .amazon from happening again. Well, that's what we all want, but that's exactly the issue. This is very hard to pin down, Justine. .amazon-like concepts are even more elusive than my test case, I think. Heather [inaudible] for Martin. Katrin just checked the UNESCO world heritage list, but this list seems to be overly broad. Heather: "The final report should also provide a clearly articulated rationale for any changes or new recommendations so there is no misunderstanding or confusion as to the intention behind the recommendation change."

Christopher, please go ahead.

CHRISTOPHER WILKINSON: Good morning. Javier, I just asked for the floor because I have to leave the call in a few minutes for another appointment. I've thought about this problem. I've reluctantly come to the conclusion that it's insoluble on the basis of the parameters which we've been discussing today.

I proposed in a previous meeting and granted a rather different approach, which is to reverse the burden of proof completely that all geographical names should be reserved until they are approved.

JAVIER RUA-JOVET: Thank you, Christopher—

CHRISTOPHER WILKINSON: Yeah, that's the main point. You reverse the burden of proof. You say that geographical names can be applied for when they are approved, including appropriate letters. You prevent any speculation or accumulation of geographical names which are not protected and which are proposed as non-geographical use – prevented. Thank you.

JAVIER RUA-JOVET: Yes. Thank you, Christopher. I think you've been quite consistent in your statements throughout the work track. Martin, is that an old hand or is that a new hand?

MARTIN SUTTON: It's a new hand.

JAVIER RUA-JOVET: Go ahead.

MARTIN SUTTON: I was just seeing Katrin's note here, and, referencing an earlier comment, I think, from Justine – I haven't read that – it says on here, as Justine pointed out, the debate was about the .amazon case and if we were able to come up with a list to avoid this scenario. I just question what people mean by voiding the scenario. To some that could mean that there should have been no objection in the first place, so therefore it could have been delegated. The other side is that it should be not available to apply for, although it would have need to have sought from a relevant authority or authorities.

So even on that point, there's going to be diverse opinions, and we still have not seen that case resolved at this particular point in time. So I just wanted to flag that up at this stage, that I'm unclear as to what Katrin and Justine think would be how to avoid the scenario again as to whether we're coming from. It'd be interesting to hear. Thank you.

JAVIER RUA-JOVET: Thank you, Martin. If Katrin or Justine want to get onto the floor. Generally, as Martin says, what we've heard and seen is great convictions on very divergent sides of this particular issue. It's hard to create a consensual narrative here.

Cheryl, please go ahead.

CHERYL LANGDON-ORR: Thank you, Javier. Again, I'm only offering this as material for consideration in your debates and deliberations. However, in Australia some years back, we released geographic names, including non-city and non-town names. We also released geographic names that referred to areas and regions within country. There's a whole bunch of rules associated with it. You don't need to know about it. But trust me, there was some long debates about it.

So I'm very familiar with the use of our definitive listing, which was from our Australian Geographic Names Board. Very nice of you to have such a thing, of course. I just looked at the map to see what referencing they may have to internationalized listings and searches for place names. Note that. So, for example, Arnhem Land is not a post-[codeable], addressable place in Australia but it is a block of land. But I would suggest the inhabitants would be equally riled up about if someone tried to have that name for use other than with their interests at heart just as some of the other people in other legal issues at the moment are riled up about.

There are a bunch of searchable databased and things available. I'll stick at least what's off the Australian Geographic Names Board's website into the chat, just for nothing more than reference because it's always much better if you can use a third-party authority. Of course, unfortunately, some of these databases are barely third-party authorities. They're glorified web searchers, which doesn't fill me with hope. Thank you.

You might be muted, Javier.

JAVIER RUA-JOVET: Again? The same thing? Oh, my God. It's just that I have a mute button in my hand and I – okay. Thanks for that, Cheryl. Any other comments? Any other ideas on these non-2012-AGB geo-terms, which we seem not able to find any or the opposite (everything is)?

I'd like to remind. I think Heather makes a very good comment in the chat. It has to do also with what Martin says in regards to specificity and rationale. The final report should also provide a clearly articulated rationale for any changes or new recommendations so there is no misunderstanding or confusion. I mentioned this before because, as we have said – there has been some discussion around this, but in general, I think, as a Work Track, we understand that any change from the baseline of the 2012 AGB really requires a consensual way forward that is really clear and understood by all. In this particular world of non-AGB geo-terms, it seems that there is a good deal of divergence.

I see Cheryl's entry here in the chat. With that said, anybody want to say anything else on this? I see a comment by Justine. "Martin, there is bound to be opposing opinions in answer to your question. But on the basis that amazon has been a problem, I think it raises a question that begs for solution." Katrin: "Martin, discussion around this topic has been articulated by many community members also in the public comments."

Yeah, I think we definitely all have our view on this, but there are many, many, many views. I wonder if there's anything to do. Cheryl, Martin, any work track member, what to do at this point on this topic?

There's a pause. I see a hand by Yrjo. Please go ahead, Yrjo.

YRJO LANSIPURO:

I think that this is a case where one size does not fit all. That is to say, in different countries and across various cultures, there are just so different approaches to this question of geographic names of the type of mountains and rivers and so and so forth. In other words, one way to go about it would be of course to give the interested governments a say, either through GAC or through other means. That is to say, there would be an opportunity for governments to declare whether they think that any geographic features within their areas would deserve protection. I'm sure that there are many, many governments that actually don't care, but then we have a few that might. This would be a way of creating a list. I realize it's complicated and so on and so forth, but at least it would be one way forward. Thank you.

JAVIER RUA-JOVET:

Thank you, Yrjo. Anybody have a reply to Yrjo's comment or an independent comment?

I think Yrjo's suggestion is something that maybe he himself has mentioned before. Maybe others also. But at some other times we have heard positions completely opposing that.

I see a hand by Cheryl. Go ahead, Cheryl.

CHERYL LANGDON-ORR: Again, I did put it in the chat, and it's saying something that has been said before, not a reflection of my own view. We also need to remember that, as attractive as asking a particular jurisdictional government what they would like to or not care about, there are some place names and regional issues – landmarks, etc. – that in themselves cover a number of different countries and governmental jurisdictions. So that's got to be considered as well.

JAVIER RUA-JOVET: Thank you, Cheryl. And also what happens to the same geo-name present in different countries. It's problematic also. What to do? Any other comments?

I think we're reaching the end of the discussion of non-AGB geo-terms. It seems there is no progress in this. I see some hands. I see Cheryl and Martin. Martin, please go first and then Cheryl.

MARTIN SUTTON: Sorry, I missed that. Did you say Martin first?

JAVIER RUA-JOVET: Yes. Go ahead, please.

MARTIN SUTTON: Okay. Thank you. Looking at the chat here with regards to a specific case, my concern here is that it's still unresolved. We haven't got a precedent yet that we can rely on. By making some assumptions now, we could go down the wrong path. So I think that the outcome of that will be obviously of importance and of interest to Work Track 5.

I'll just resubmit that what I put in the chat as well is that there are many different opinions, including within Work Track 5, as to what would be a way to resolve this. I don't see yet any clear offering of options put forward by Work Track 5 members that we could use to consult with the members. It'd be nice if those that aren't on the call if we could put something out as suggestion for the group that we can agree on. That would be helpful.

But other than that, all we're going to be doing is regurgitating Work Track 5 discussions from a year-and-a-half ago. So that's my concern as a co-lead. Thanks.

JAVIER RUA-JOVET: Thank you, Martin. Cheryl, is that new?

CHERYL LANGDON-ORR: Yeah, I'm jumping in. Thank you very much. I'm delighted that I'm going after Martin. He covered a couple of the things almost verbatim as to what I wanted to say.

I think you've got a couple of options here. I would discourage you from spending too much more time on it at this stage at the cost of going on to the next parts of your agenda and next parts of our

workplan, but you can park it or you can temporarily park it and suggest to the list that, in the absence of any definitive proposals to try and gain consensus around, the issue has been parked at this time but that you welcome anyone on the list to come up with a definitive proposal for consideration on the list over the next couple of weeks and see if you can shake out some thinking from some of the others. There might be some [inaudible] out there. Who knows?

JAVIER RUA-JOVET:

Well, thank you. You just said it. That's the next step. Before we move on, anybody that hasn't spoken yet that wishes to say something?

I see no hands, so let's keep on moving. My screen is blank. I don't see – okay. So maybe we can go to the next agenda item. Martin, want to take this one?

MARTIN SUTTON:

Yeah, sure. Just before we do, I just pointed to the chat. I think it's -- yeah, it's [inaudible] comment. Heather's pointing out there, "In the spirit of moving forward and reaching agreeable compromise on the early point of languages, some concerns would be alleviated if we could just justify this on the basis that this gives an applicants and evaluators certainty." I think it's again, trying to emphasize that anything that, for we do with the languages, it's important that we consider the rationale that supports that when we put it forward. I think that's probably important to be aware of when thinking about anything that goes to the plenary so that we

don't have to keep reexplaining things. Obviously, that then passes through the GNSO Council. So the clearer we are about the rationale for any changes that we recommend, the much better chance of getting through to the stage that GNSO can review that and hopefully approve.

Remind me where we are on the agenda.

JAVIER RUA-JOVET: We're going into the—

MARTIN SUTTON: Oh, [inaudible]. So we had a number of open questions to seek feedback from the community. I think we had five questions. We'll try and go through as many as we can in the remaining time today. Just to tease out any further points that we think as a group need to be considered based on the responses that we received, I think E1 was a fairly open question, which was related to experiences of that round, related to geographic terms.

In summary, the 2012 rules generally worked well, so that was a consideration from a number of governments and organizations listed in there. Some of the exceptions noted include that there was opposition to intended use provisions for non-capital city names – again, there's references there. You've got this material so I'm not going to read verbatim – and cases that were applications for strings that matched a geographic term and applications for strings that resembled the geographic term. Again, there was a few who cited that as an exception. There were two examples where applicants experienced significant uncertainty

that were raised by the Business Constituency, and there's the one that we've already talked about, .amazon. Another one was .indians. I think, if I remember them rightly, that was to do with the ... was it ... it was a sport, and I can't remember which sports. Cricket or something else. They were intending to apply this in support of their particular sport team but did not proceed because it was just unclear as to how to navigate through any objections, although I [don't know] if that received any GAC advice.

Another one from ALAC here was that there should be more predictability for terms which may be geographic names or of geographic significance but are not listed in the AGB. Also, governments were concerned with difficulties in filing objections. So that was strings that governments considered geographically significant that were not in the 2012 AGB.

If we could just scroll down, some additional comments suggest collecting input from end users and others closely involved in ICANN's process as there is not inherent governmental rights in geographic names or terms. It does not support – I'd say this is from the U.S. government, so it's a different perspective given the list there. So no inherent governmental rights in geographic names or terms does not support preventative measures. It notes that there is legitimate government interest when any gTLDs used in a false or deceptive manner, creating a false association or connection to the government or public authorities, favors curative measures. Lastly here from the IPC, curative mechanisms provide clear and definitive methods for resolving all disputes without vague channels of governmental intervention and protracted negotiations.

So a complete mix of comments in there. Does anybody have any particular areas that they would like to discuss further on here that they think is significant for Work Track 5 to consider?

JAVIER RUA-JOVET: I'd like to just point out some things that Emily is pointing out to remind us. She's pointed out in the chat that the purpose of this exercise is to determine if any of the comments impact the work track's overall thinking about its approach to preliminary recommendations. This is what we're trying to do here.

MARTIN SUTTON: Excellent reminder. Thank you, Javier and Emily. Yes, I wasn't clear at the start here. As these were questions posed out, there were not preliminary recommendations. But we do have already a set of preliminary recommendations, but does how any of this alter that you think is significant enough for Work Track 5 to consider? Indeed, is there anything else that needs to be added as a new recommendation based on these thoughts and comments?

JAVIER RUA-JOVET: In the chat, there's a comment by Heather. "To Emily's point, it's notable that some of these comments are in direct conflict with certain preliminary recommendations." That's by Heather.

MARTIN SUTTON: Indeed, and typical of the conversations that we had within Work Track 5 [inaudible] prior to the report being issued. So this was

really a set of questions in support of trying to gather any further information. Is there anything different or new that comes to mind from the comments that are received?

Okay. Well, I'll move on. If anybody has any thoughts, please put it into chat and we can come back to that if necessary. Let's—

JAVIER RUA-JOVET: There is hand from Emily.

MARTIN SUTTON: Emily?

EMILY BARABAS: Thanks, Martin. This is Emily Barabas from staff. As I look at this document, I realize that maybe a little bit of context for each of these topics is useful as we go through them. If it's helpful, I can just give a very brief overview of the question that went out for public comment before you start going through the specific comments. But only if that's helpful to do. Thanks.

MARTIN SUTTON: Thanks, Emily. I'm trying to find the correct sheet in file. In the meantime, yes please. Would you mind just covering E2 just as an outline of what that was as a reminder whilst I find the particular sheet with the questions on it?

EMILY BARABAS: Sure, Martin. I will also drop that into the chat as well. Question E2 was about how geographic names should be defined for the purposes of the AGB. And, as a connected issue, what does it actually mean for something to be defined as a geographic term, and what are the associated rules or implications of that? You'll see that there's quite a diversity of responses as there were for some of these other questions, reflecting some of the very different perspectives on that issue.

I'll pass it back to you now to go through the specific comments. I will drop that link in the chat of the full text of the comments.

JAVIER RUA-JOVET: You might be muted like me, Martin.

MARTIN SUTTON: Oh, oops. I just dropped the link in the chat as well. Thanks, Emily. I think it does make it easy because these are just flavors of the comments that came through. If you want to gain the full context of the responses and drill down any further, go to the document itself. I'm sure you've read through this a number of times, but it's quite right that we can't contain all this information in our head – me particularly – so it's useful just to remind us of the questions.

In terms of the definition, there was a number of groups that wanted to just keep the definitions as they were used in the 2012 guidebook. Some wanted some narrower definitions. From the Registrar Stakeholder Group, an [eternal] string that is exclusively associated with the geographic area and cannot be reasonably

confused with any other geographic area or term. BRG does not support restrictions where there is a matching trademark used as a brand and no conflict with national or international law. So that's to say that no restrictions are required and to keep it open. NCSG: applicable 2007 policy recommendations should be upheld. Geographical names do not deserve special treatment. It should be handled as in any other string.

[Some wanted to] broaden that out. There were some Registry Stakeholder Group members said that the Geographic Names Panel could use additional official U.N. resources to determine what strings should be considered as a geographic name. There's a link then following that for supply by different registries or groups.

The Portuguese is suggesting to include entries in the U.N. database and the manual national standardization of geographic names by the United Nations group of experts on geographical names, as well as toponyms such as mountains and rivers that, by their notoriety and relevance, as are commonly known, as well as geographical indications based on WIPO and [TRIPS].

Brazil. Develop specific protections for names with geographic significance. Should be flexible enough that it protects names clearly associated with identifiable places under the authority of countries. If countries have treaties to develop policy for specific geographic areas, names associated with the areas should be protected. Any definitions shall be without prejudice to the rights and interests of countries over names of geographical significance.

Then a variety of other governments: any term that was a geographical meaning or connotation according to a government or a community associated with that term.

Lastly here from ALAC, existing definitions should be Category 1: Geographic names, and then create Category 2 for geographic features – mountains, rivers. Guidelines for these strings would be created by a newly developed panel with appropriate competencies and sensitivities. Then use of the string matters. U.S. definitions should take into account a [complex] or proposed of a string. If not intended to be used in association with a place, it is not a geographic name.

INTA suggests use of the term “geographic name” for any name that requires reservation of the name or an obligation to obtain consent or non-objection irrespective of the proposed manner of use. Conversely, terms with geographic meaning could be used for terms like city names, where restrictions are dependent on the intended use.

Again, a mixture of comments. If anybody thinks there’s anything new in there to add or point out from our conversation within Work Track 5, please feel free to provide further explanation or suggestions.

There was a batch of additional comments about the definitions. IPC opposes special requirements or implications for terms which are geographic names and does not support further discussing whether geographic names is the appropriate term to use for terms that are to be considered entitles to requirements of government approval.

INTA believes the rules included in the AGB are more important than the definition of geographic names, so it prefers the list. GAC reiterates previous GAC advice. That's available in the core document and links back. Geographic names should be defined in the Applicant Guidebook, from [.zorm]. [Honduras]: The authorization of the authority should be defined. We need to refer back to [NECS] on that one. Again, anything that we think needs to be teased out that could impact on any of the preliminary – I can't even say it – recommendations. Need more coffee.

JAVIER RUA-JOVET: No hands, no comments, in chat.

MARTIN SUTTON: Okay. I think we'll circulate this around anyways for those that can comment on the list during now and next week's meeting.

Let's go to E3. I think I've now got that here. This question was pointing out the work track has discussed different types of mechanisms that could be used to protect geographic names. These mechanisms fall broadly into two categories. These are not mutually exclusive, and measures from both categories can be used in combination. First, preventative. These are measures. This category includes reserving certain strings to make them unavailable or require support or non-objection from government or public authorities either in all cases or dependent on intended usage of the TLD. Secondly, curative. These measures include objection mechanisms, contractual provisions incorporated into

the registry agreement, enforcement of these provisions, and post-delegation dispute resolution mechanisms.

So we asked for their views as to what was the right balance. All combination of preventative and curative and those were fed back, so we got a whole host of responses again. You're find more detailed and context responses in the main document. From IPC, group of registries [inaudible] some Registry Stakeholder Group members: [inaudible] mechanisms continues to be appropriate in their view. In favor of curative approach. So this highlighted IPC and CSG's view that additional preventive measures should not be added. From BRG, [inaudible], and NCSG: Existing preventative measures create imbalance and are excessive. From a variety of the others: if any additional measures are added, they should be curative, not preventative. In here, a number of them support the application of contractual provisions, which can be incorporated into the registry agreement as a means of seeking to address objections. BRG discussed a specific geo public interest comment that could be used in these cases, ensuring that the applicant commits to avoiding any confusion. Curative mechanisms favored within BC, the U.S. government, registrars, and the Non-Commercial Stakeholder Group. Notice that governments and other parties can use automated processes for monitoring and checking TLD applications (from the Business Constituency). The U.S. specifically mentions use of curative rights to address potentially deceptive or fraudulent uses of a TLD.

Those in favor of more preventive aspects are some members of the Registry Stakeholder Groups, some governments, and some geographic registries and service providers. Then again there's a

list of other governments that support additional preventive measures to always require letter of support or non-objection, regardless of intended use for non-capital city names and require a letter of support or non-objection for non-AGB terms.

A few of the governments in ALAC favor a mix of preventative and curative measures. Additional comments we got here. GAC recalls previous advice that mechanisms be established for the resolution of post-delegation deviation from conditions for government approval or non-objection. An individual says the correct mix of curative and preventative measures depends on the goals that are trying to be accomplished.

JAVIER RUA-JOVET:

If I may, there's a comment by Katrin in the chat. She says, "The comment from the Geo-TLD Group supports preventative measures. This is not listed in the second bullet under Favor Preventative." Does that mean that the text as written is unclear, or did we read it incorrectly? What happened there?

MARTIN SUTTON:

Sorry, I missed that. So the comment from Geo Team supports preventative measures. That's in there, yeah. I said geo-TLDs. Is that clear enough? I think it's highlighted there that ... at least it's not listed in the second bullet ... oh, I see. You're saying you support additional preventative measures. Are you able to speak, Katrin, just to explain that? "The second has to be added to ..."

We can check back through the comments. So if we just take that a check, we can end up back in if we reconcile that with the comments listed.

JAVIER RUA-JOVET: Hands by Emily. Thanks, David. Hand by Emily.

MARTIN SUTTON: Oh, thanks. Emily?

EMILY BARABAS: Thanks, Martin. Katrin, apologies if maybe this summary is a little bit unclear in terms of the organization of the bullets. The second sub-bullet was about a specific set of preventive measures that were supported by certain governments, which was to always require a letter of support or non-objection, regardless of intended use for non-capital city names, and to always require a letter of support or non-objection for non-AGB terms.

So that was a specific proposal put forward by a group of comments and governments. I don't recall offhand if the Geo-TLD Group specifically spoke to both of those points in then proposal or if it just made a more general comment in support of preventative measures as listed in that first bullet. So we will go back and check as well. I'll just put a comment here and come back to it and make sure it's included if that's appropriate. Thanks for flagging that.

MARTIN SUTTON: Thanks, Emily. Thanks, Katrin.

JAVIER RUA-JOVET: Martin, there's a hand of Justine and then Heather.

MARTIN SUTTON: Justine, please go ahead.

JUSTINE CHEW: Thanks, Martin. Just along the lines of what Emily has explained, I also want to query, if I may, the third bullet where ALAC is mentioned because, as far as I remember, some members of ALAC or some members of At-Large, at least, favor the idea behind the second bullet point, which is to always have preventative measures, regardless of intention or regardless of intended uses. Some of us don't. But ALAC only appears in the third bullet, so I'm not quite sure what that refers to specifically. Thank you.

MARTIN SUTTON: I think we can go down and check. Or if you're able to surface the comments related to that and drill down quickly to pull that out, we can probably attend to that a lot quicker. I think we just got summaries within the document here. I'm just reading the ALAC response or the key elements of that. ALAC believes preventative and curative can co-exist. The ALAC suggests that preventative and curative measures can co-exist. In respect of city names, and although there wasn't consensus on extending preventative

protective measures to all city names, it was suggested that the number of people impacted – I’m reading that as Internet end users – could be a distinguishing factor – i.e., cities over one million inhabitants could be handled with preventative measures, while cities of 10,000 might be curative. So I think that’s an example of preventative and curative.

Are you saying that that should be interpreted differently to add into the additional preventative measures? I think then that’ll we need to just clarify that. If you’re able to pinpoint the ALAC text that drives that, we can update it. Is that okay?

Okay, thanks, Justine. Yeah, please come back to us. Heather, please go ahead.

HEATHER FORREST:

Thanks, Martin. I’m just now realizing the value of Emily’s comment when we first started out. She says, “As a reminder, the purpose of this exercise is to determine if any of comments impact the WT’s overall thinking about its approach to preliminary recommendations.” It strikes me that, on this preventative versus curative measures point, we really didn’t discuss curative measures in our earlier discussion on this call.

I wonder – I’ll put this forward as a proposal – is this the way forward? Is this where, when we find that we’re having trouble on agreeing on something like, for example, languages or whatever it is we’re discussing, we deal with some things preventatively and we deal with some things curatively? I am concerned that we haven’t touched on any curative mechanisms at all in the

discussion that we had prior to opening this up. I think this is a very good reminder of the fact that we've got a broad part of the community that's made a point that we've omitted here. Maybe this is our path forward to getting out of deadlock. Thanks, Martin.

MARTIN SUTTON:

Good observation, Heather. I think that does help us to tease out some of the comments that we asked for and to not ignore the fact that we did have these debates as preventative versus curative and how they can work together. That can always feed into any of the existing preliminary recommendation or tease out something that helps additional recommendations. So it doesn't necessarily have to be a preventative and restrictive measure. It could be applying curative measures where we see that that's more appropriate or can agree between Work Track 5 members that that can be facilitated.

MARTIN SUTTON:

Heather's added in, "For example, on languages, we could say that a defined set of languages – U.N., most used. Others is preventative and others are curative." So I think that has cropped up in the conversation. I apologize for missing last week's meeting, but I do get the sense that that's been raised within the languages discussions. So that can balance some of the concerns that we're shrinking down from seven-and-a-half thousand languages as restricted measures and preventative measures down to a set of a dozen or so.

The concerns that some have, although we're not quite sure what actual concerns arise from shrinking it down, are backed up then by curative measures. So there is still objection processes and post-delegation measures that can be effective in managing those spaces.

Yeah, Heather. Another point there is that that was just an example but we can apply it more broadly across any of the other conversations that we're having and preliminary recommendations. Good point.

David's saying, "Does it solve predictability issues?" Happy for anybody's views. Personally, and not as clearly, I feel that there can be a really good balance of this, which means that it does offer predictability in areas where we have nothing stated about certain aspects of geo-terms but can put in a mention on curative processes as a way and as a guide for those not only applying but for those that [want to] object.

Given the points there, I think it is worthwhile to bear that in mind as we go through. When we get to the point of finalizing the preliminary recommendations to put to the plenary group, this is a good check point: have we established any balance between preventative and curative or added any additional curative aspects that didn't exist before? That would be helpful.

Anybody have any other thoughts as to how this could be applied on any of the existing preliminary recommendations? Or should be just leave that open for consideration as we allow everybody to review the output?

Okay. I'll leave the chat to carry on. We'll move on to the next question, E4. This one was a series of principles that we came up with. I think this evolved from one of our working sessions at ICANN and was a useful exercise, I think. That ended up feeding into a question to the community. Work track members have considered a series of principles that may be used to guide the development of future policy on geographic names. The principles were discussed in the context of city names and terms not included in the guidebook that may be applicable more broadly.

Proposed principles include, along with Principle C from the 2007 GNSO recommendations on new gTLDs, that the program should allow for the introduction of new gTLDs. Again, in line with the 2007 recommendations, enhance the predictability for parties. Thirdly, reduce the likelihood of conflicts with the process, as well as after the process concludes and TLDs are delegated. Fourthly, policies and processes should be simple to the extent possible.

We asked, did the community support these principles? If not, why? If they did, why? And whether there are any additional principles that we should consider with appropriate explanations so we could look at that. There were a number that supported all the principles put forward from a variety of corners of the community. Others just reported some principles. Non-Commercial Stakeholder Group supports the principle of simplicity. Special cases should be eliminated to the extent possible. Some conflict will be inevitable. Therefore, policy should ensure that all voices are heard through curative processes.

Actually, we'll come back to that. I think that pulls out a certain aspect here, where I know it ... I'll say it now, actually. I'm just

thinking that through, that it would be extremely nice if nobody complained about anything because we've got the roles all set perfectly well. But I think in reality we're not going to avoid conflict but we should aim to reduce it and have the right processes in place to be able to facilitate those discussions.

Hang on. You're going down the list too fast.

JAVIER RUA-JOVET: Martin, we'll three minutes to the half-hour. Maybe ...

MARTIN SUTTON: Oh. Good time check. Thank you. So we've still got this to run through and I think E5 to go through. Please, if you've got any comments or, as you think about the conversations today during the course of the week and have anything to raise that you think would be worthwhile from the point of view if impacting our preliminary recommendations in any way, please put it to the list. We don't have to hold on until these meetings to wait and exchange those views.

Meanwhile, we've still got some work to complete in order to feed that through the overall working group as recommendations before that can be incorporated into the overall final report. The aim is that we continue this through August and can provide that in early September to the working group for consideration.

So that's why it's important, I think. If we can spend some time during the course of the week, in between meetings, exchanging any particular ideas on that list, that would be very helpful.

Otherwise, we'll carry on from here at our next call next week, which is on Wednesday at – can somebody remind me? Is it 14:00 UTC or 15:00 UTC? I'll ask Emily.

JAVIER RUA-JOVET: I never know these things.

MARTIN SUTTON: Yeah, I'm always lost with times.

JAVIER RUA-JOVET: Yeah. 14:00.

MARTIN SUTTON: Oh, wow. 14:00. There you go. I should have been more confident in that. Thanks very much, everybody, for your participation today. That was very helpful. I look forward to hearing from you during the course of the week and catching up next Wednesday. Thanks, everybody.

JAVIER RUA-JOVET: Thanks to all. Bye-bye.

[END OF TRANSCRIPTION]