ICANN
Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic Names at the top-level)
Wednesday, 10 July 2019 at 14:00 UTC

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MICHELLE DESYMTER:	I would like to officially welcome everyone. Good morning, good afternoon, and good evening to all. Welcome to the new gTLD Subsequent Procedures Sub-Team Track 5: Geographic Names at the Top-Level call, on the 10th of July, 2019. In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room. If you're only dialed-in on the phone bridge, would you please let yourself be known now? We do have Kristina. Alright. Thank you. As a reminder, all participants, if you would please state your name before speaking for transcription purposes, and 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. This is Annebeth Lange. Welcome to the first meeting after the face-to-face in Marrakech. Before we start, are there any comments to the agenda or updates on statements of interest?

Hearing none, just to remind you of the current status before we start further discussion, the supplemental initial report was published for public comment on the [5th] or December, 2018, with the extended period closing on the 1st of February, 2019. A total of 42 comments were received, and the comments were compiled into the public comment review tool, attempting to provide an initial assessment of agreement, concerns, new ideas, and divergence in relation to Work Track 5's report.

Through the months behind us now, Work Track 5 has categorized every comment and asked questions to the commenters where it may not be clear. What we are trying to do is to undertake substantive deliberations to determine if change is needed from the baseline, namely the preliminary recommendations in the supplemental initial report and/or the 2012 implementation and Applicant Guidebook. To repeat, change from that baseline requires consensus.

Are there any comments before we continue?

I see no hands, so then a short update from ICANN 65 for those who were not there. We have two sections in Marrakech with fruitful discussions. We went through the preliminary recommendations and the tracking document, where Recommendations 2 through 7 were considered completed and not discussed further. Likewise, Recommendations 9, 10, 12, and 13 were parked for now. We then concentrated the discussion on Recommendation 8 on permutations and transpositions and agreed on clarifying the definition. We continued discussion on intended use in connection with non-capital cities, non-AGB terms, translations, and more operational issues to improve the process.

There was also raised a new item during the discussions: changes to the contention resolution for geographic names. We will come back to that if time's allowed. We went through the process itself when Work Track 5 has completed the discussion on the remaining issues and hopefully agreed on recommendations. A report will be sent to the full group of Subsequent Procedures for consensus calls.

We experienced in Marrakech that the use on the remaining issues still differ. For moving away from the default in the AGB, if we really want to change, compromise is needed. As mentioned earlier, we have to agree on a change and find something that can bridge the differences. It is worth mentioning that the caveat about support for Recommendations 1 through 13 being contingent in some cases based on no additional protections being introduced. This is especially relevant in connection with non-AGB terms.

Any comments before we continue to discuss the open issues? As a reminder, please keep to the issue on the agenda when raising hands.

I see no hands so far, so then we go to the first open issue: non-AGB terms and possible subset of intended use extension for non-AGB terms. There were no preliminary recommendations put forth in the initial report from non-AGB terms. In the Applicant Guidebook, you may recall that all applied-for gTLD strings would be reviewed according to the requirements in Section 2214, regardless of whether the application indicated that it was for a geographic name.

There were two high-level categories of geographic names: country and territory names, which were unavailable under the New gTLD Program, and geographic names requiring governmental support; capital city names – we find them in Preliminary Recommendation 10 – city names where the applicant declares that it intends to use the gTLD for purposes associated with a city name – that is Preliminary Recommendation 11 – sub-national place name – Preliminary Recommendation 12 – and UNESCO region or appearing on the composition of micro-geographical continental regions, geographical sub-regions, and selected economic and other groupings list – Preliminary Recommendation 13.

Geographic names within the New gTLD Program were limited to these four categories just mentioned about here, and there have been no provisions for potential geographic names that were not defined as such in the Applicant Guidebook.

So the general perspectives on protecting additional types of term: we had support from some, opposition from some, and support for some of it from others. What we see is that the governments – it's the full list of what governments are included here; you can find [it] on the public comments summary for the full list. The Swiss Federal Institute of Intellectual Property, [Switch], Origin, European Broadcasting Union, the Association of European Regions for Origin Products, [inaudible], some members of At-Large and some members of the Registry Stakeholder Group: it was support for protecting more types of terms than we had in the AGB. Opposition to protecting additional types of terms: BRG, BC, Registrars Stakeholder Group, IPC, [inaudible] in the United States, group of registries, some members of the Registries Stakeholder Group, some members of At-Large. In some circumstances, as I mentioned about, support from Preliminary Recommendations 1 to13 from some of these parties was contingent upon no additional terms being granted protections. Then we had support on only protecting additional terms in non-ASCII scripts from dotBERLIN GmbH [Co., KJ, Hamburg Top-Level Domain GmbH, geo-TLD group and DOTZON GmbH.]

We'll stop there for a moment and see if there's anyone wanting to raise their hands.

No hands up. Then we can go through the type of protection for additional terms that were mentioned and proposed.

MARTIN SUTTON: Sorry, Annebeth?

ANNEBETH LANGE: Yes?

MARTIN SUTTON: It's—

ANNEBETH LANGE: [inaudible] there. I see you and also Christopher. Go ahead.

MARTIN SUTTON: I was slow to put up my hand. Sorry.

ANNEBETH LANGE: Yeah, it was a little late, but come on.

MARTIN SUTTON: I was just trying to clarify on the last point raised by support of only protecting additional terms in non-ASCII scripts. In my mind, that tends to relate to the translations, which we've got to come onto anyway. But I just wanted to clarify for anybody that was a party to that comment. In that accurate in terms of reflecting it as a translation element that we'll cover later, or is there something else that we need to be aware for this comment?

ANNEBETH LANGE:	Unfortunately, Katrine is not here. She could say something about this. In my memory, it was about the IDNs. It's not necessarily translations but IDNs. But we can try to clarify that. Perhaps someone else knows more about that.
	Christopher, you had your hand up?
	Christopher, can you hear me?
CHRISTOPHER WILKINSON:	Yeah. Good afternoon. I just have one or two comments at this stage because I doubt if I can stay until the end of this call because this quite an inconvenient time. It's not the moment to discuss the incredible schedule of conference calls this week.
	Regarding Martin's comment/question, my understanding is this is definitely IDNs. It's a very interesting point because the vast majority of geographical names worldwide are in non-ASCII scripts. What you do with translations subsequently is moot, but I certainly would not agree that the comment as written refers only to IDN translations of ASCII names. Most of the geographical terms worldwide are in primary language in non-ASCII scripts.
	The work to date goes around in circles because it is absolutely inconceivable that Work Track 5 will just recommend returning to the 2012 AGB. That's just stirring up trouble for ICANN for years to come.
	Look, Amazon was not a protected name in the AGB. Reading the recommendations to date and some of the comments, as I said somewhere else, you could be landing the board with hundreds-plus

mini-Amazons worldwide. This is not wise. My position has been throughout: let all geographical names require prior authorization. Period. [You] will not get away with non-authorized use of so-called non-geographical use. I think it's become quite transparent what that is aiming at, and the public interest would not contemplate it. Thank you, Annebeth. Thank you, Martin.

ANNEBETH LANGE: Thank you, Christopher. Katrin Ohlmer has verified that it's about IDNs. So now we have your view here, Christopher. What we are discussing now is to see if we can find some kind of compromise because we know that we have different views even if you are very clear on your view. Thank you for that.

If there is no more hands, should we go through to the type of protection for additional terms? That has been proposed or discussed. There is support from government and others for a framework in which governments must provide support/non-objection for additional types of strings. That's in your line, Christopher. Governments see the public comments summary for a full list. It's the same as I mentioned about. It's the Swiss Federal Institute of Intellectual Property. It's Switch [,] Origin, the European Broadcasting Union, and the Association of European Regions for Origin Products. Some governments feel that overarching implementation improvements in Proposals 1 through 5 are the appropriate measures to take to protect additional terms, although note that these proposals do not reference protection of additional terms. Governments of Argentina, Chile, and Colombia, and [inaudible].

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BRG would be willing to consider supporting a specific geographic public interest, the geo PICS, for TLDs that share the same terms as a geographic place, ensuring the applicant commits to avoiding any confusion with geographic terms. During Marrakech, there was raised a suggestion that the intended use provision in the AGB for non-capital city names could be extended to non-AGB terms.

Is this something worth discussing further? Any hands here?

Javier, please go ahead.

JAVIER RUA-JOVET: Thanks for the great intro, Annebeth. One thing that we see in our documents, in the way we've codified what the community has been expressing, in this context we talk about protection. I wonder – this is just a thought – whether or not, given the fact of the great distance between some points of view in different communities and also individuals here, [we should] maybe change the narrative a little bit. We're talking about protection. I wonder if protection as a concept is just too binary – yes or no, black and white, protected versus non-protected. I wonder if the possible consensus discussions that could happen would be more along the lines of advisory types of processes regarding non-AGB terms and not something so dispositive and also an a priori binary as a protection.

So I wonder if that's something that the community wants to comment on, anybody on the call: whether something closer to … I think in the record we find things like the advisory processes in a geographic names panel. Maybe it has to do also with intended use of a potential string. So

just to put this out there: whether or not the way we're framing things might make conversations more difficult, given the binary nature of something such as protection. Just a thought. Thanks.

ANNEBETH LANGE: Thank you, Javier. It's good to have new ideas there. It has been discussed both [at] the geo panel and also the repository. But in the end, we have to decide what are all these names. It's very difficult to say geographical names and where we put the limit for what is a geographical name. We meet these problems every time we discuss. To be able to go away from what we have today, we have to as a group try to bridge the differences and try to find a way that we can meet in the middle if at all possible.

With terms to include, the Portuguese government suggests geographic names should include toponyms, such as mountains and rivers, that by their notoriety and relevance, are commonly known and are of national significance as well as geographical indications. The government of Brazil suggests names with geographical and cultural significance. Some support within At-Large to include protections for currency codes listed under ISO 4217. Again, the .berlin, GMBH, and the rest suggested additional protection for terms in non-ASCII scripts – that is, IDNs.

We see here that it's a lot of different geographical names, and it's difficult – we don't have a list, and where should we put the limit for what is what? Anyone want to come with some comments here? Comments to what Javier said?

I don't see any hands. Javier again. Thank you.

JAVIER RUA-JOVET: I don't want to be redundant, but the point that I'm trying to make has to do with that maybe it's impossible to define what a non-AGB term is. But maybe – these are just thoughts for the group – it is through some sort of advisory process that you know it when you see it, case-by-case situations, because I think it's very difficult to arrive at a definition at this stage, given the distance. But maybe that struggle to arrive at a definition could be wasted energy. I wonder. And maybe the focus could be on some sort of procedural advisory process in which maybe a party thinks they might not be geographic or – and see what happens. It could be a case by case, but maybe with some sort of guidance. I know this is asking a lot, but maybe a cross-community type of group in there that could help applicants. But, yeah, defining the terms seems very difficult. Thanks.

ANNEBETH LANGE: Thank you, Javier. Before I give the floor to Christopher, there is a comment from Alexander Schubert. "Christopher is right about the need to have consent regardless of what the intention of the applicant/entity is. Applicants have usually no specific intentions at all. They want to make their shareholders happy. The question is, how will the perspective registrant use the gTLD?" Katrin Ohlmer, "As mentioned in our comment, we would be okay with a small addition to handle non-ASCII terms if identical to ASCII terms."

Christopher, please. The floor is yours.

Christopher?

CHRISTOPHER WILKINSON: I'm a very good boy at muting myself.

ANNEBETH LANGE: I know. We'll wait for you. That's okay.

CHRISTOPHER WILKINSON: Occasionally I can't find the unmute button. In response to Javier's suggestion and perplexity, I think we're describing the situation upside-down. We have several approximations to definitions of geographical terms, and there quite a few of them on my bookshelves here. And they're the gazetteers of atlases. I think we should be working on the question of which geographical terms defined are not protected. I think there are very few. But I agree with Javier. You can't define the non-AGB terms. That is the universe. You can try and define the terms that you don't want to protect and eventually will get approval for that. Thank you.

ANNEBETH LANGE: Thank you, Christopher. Before we go on, there's a comment from Susan Payne to Alexander. She disagrees. "That ignores the control that brands have over their allocation[al] names."

CHRISTOPHER WILKINSON: No. I keep my hand up.

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ANNEBETH LANGE: Okay.

CHRISTOPHER WILKINSON: Susan, there is nothing in trademark law that authorizes acquiring a global monopoly for a term, whether it's trademarked elsewhere or not. This is a very serious problem, which the trademark lobby in this group has not yet agreed to address. To be blunt, you can't get away with it. We're talking about granting monopoly use globally of terms. There's nothing in trademark law that authorizes that.

ANNEBETH LANGE: Susan, you're here?

SUSAN PAYNE: Yeah. Hi. Thanks.

ANNEBETH LANGE: Hi, Susan.

SUSAN PAYNE: I think I would respond to you, Christopher, by saying there's also nothing that gives a particular country a global monopoly in a name. You are very much conflating the use of a name in a geographic context with the protection of it or the ownership of it. The fact that there are atlases, which demonstrate that a particular name is used in a particular context by a particular country doesn't equate to some kind of global protection, as you seem to believe.

Let's just pick a random example. There's a town in the U.S. called Golden. Does that mean that the U.S. owns that term in all of its context? Of course it doesn't. You are the one who doesn't appear to understand that or to recognize that there are multiple different uses, both in geographic context and in other contexts.

CHRISTOPHER WILKINSON: Yes, but in that case, none of the have a monopoly online. I think that that's an area which could usefully be discussed. They would be scoped for arbitration and negotiation over the usage of such terms. One solution is that, if there are so many generic and geographical uses of the same term, then they should not be top-level domains, ever.

ANNEBETH LANGE: Thank you, Christopher. It's a chat from Alexander, agreeing with Christopher on his remarks on the trademark lobby.

Any more hands now?

Let's go on. The justification for protection. A suggestion that protection of additional terms would reduce conflicts. Some governments – see public comments summary for full list – are the Swiss Federal Institute of Intellectual Property, Switch [,] Origin, the European Broadcasting Union, and the Association of European Regions for Origin Products.

What about end user protection, the use of geographical names as domain names, abuses, industrial property rights, and influencing consumer protection? Consumers may be misled into thinking a domain

is connected to the place when it's not, which directs a healthy market. A comment from the Portuguese government.

So where do we go from here? Is it possible to find a compromise, a solution that is both possible to carry through in practice and being predictable? Or do we have to go to what happens afterwards, to what Javier has mentioned? Something in the contention discussion/objection discussion? Any hands? Comments? Suggestions, please?

No more? Okay. Then we have what we have. To be able to go on to find an agreement, I'd just remind you again that the way Work Track 5 is built up is that, if we don't have an agreement or we can find a good solution that we can all work together on, we will end up with a default.

Christopher, is that a new hand?

CHRISTOPHER WILKINSON: That's a new hand. I've been involved with this from the beginning of Work Track 5. I've made it very clear from the very first meetings and discussions that this default idea is wrong. The supporting organizations and advisory committees who joined WT5 should not have accepted that as a baseline. It provides an incentive – sorry for using a strong word again – for certain parties to, in effect, filibuster and refuse to compromise and refuse to recognize the interests of the world at large and the public interest because they know, at least from the point of view of the next AGB, that, the longer they can go on denying the interests of third parties worldwide, they will get the default.

No. That default will never materialize in this area. I think that the particular situation is very clear, and it would be a good idea if GNSO would just do the sensible and just withdraw that default idea. Certainly I do not respect it. I think it's a gross abuse of power.

ANNEBETH LANGE: Christopher, thank you. We know, actually, what you mean about this. The problem we have [inaudible] is that the views here are different, very different, from different people and groups. As long as we can't find some good solution forward, where does it take us? Say that you are right or you are right. Who should decide that? We work together on this, and that's what we have been set out to do.

There is some comments up here. It's from Colin O'Brien. "I'm a little confused by this logic. Donuts owns .solar. There is a town in Northern Ireland called Solar. Are you saying that Donuts should not have been allowed to obtain the .solar gTLD?" To both, that is a question. From Marita: "Perhaps there should be a negotiation process, a panel or something, to that effect, to determine what happens with a name like Golden." Agreement from Abdulkarim Oloyede to everyone.

I think this in many ways goes back to the geographic panels. As Katrin Ohlmer says here, "Colin, the geographic names panel should have reached out to Donuts about .solar. So this is where we are. We have no more here to go through of suggestions. So, do you want to discuss this open issue further, or should we go on to the next? Javier, Martin? Any comments from anyone?

CHRISTOPHER WILKINSON: No hands.

ANNEBETH LANGE: No hands.

JAVIER RUA-JOVET: Looking at the chat, it looks like – and anybody, correct me if I'm wrong, or maybe I'll pose the question. Is anybody out there in principle radically opposed to some sort of advisory panel? Because I see some support. Of course, that would [be] something that would have to be very clearly defined and procedurally, I think the timeframes should be very clear and predictable for some process like that, but it seems that given that this stands between parties, it's the only space of some sort of conversation.

So again, is anybody radically opposed to some sort of process in which people can sit and talk about these things, given that the process would start in a predictable way? Thanks.

ANNEBETH LANGE: Thank you, Javier. There's a hand from Susan Payne, but before I give you the floor, Susan, just wanted to read the comments from John Rodriguez. "I continue to have concerns with overly broad claims of ownership, exclusivity to supposed geo terms, especially when there is no association with the alleged place identified." And Susan [supported Javier] with the panel with much better processes. Yes. And Justine, "Javier, geo names panel with sufficient expertise and research resources, etc."

Susan, you have asked for the floor, so I'll give that to you.

SUSAN PAYNE: Thank you. Hi. I was just responding to Javier's question, and I guess I do oppose an advisory panel, because I think unless we're going to be very clear about what we're asking them to advise on, we're basically just punting a completely open-ended question to an unknown group of unknown composition and size. What are we asking them to advise on? Are we going to give them some criteria, or are we basically saying that the terms set out in the AGB 2012 terms – arguably – and then every other name that might potentially be geographic, some sort of panel of supposed experts – and frankly, I don't know who that would be – is going to investigate and opine on every single new application, work out whether it's geographic, and sit in judgment.

I think that's ludicrous. So unless we're going to be giving very clear criteria about what they're opining on, we're just punting this question, as I said, to a group. I'd also question really how you would staff that, and who is picking up the cost for that?

ANNEBETH LANGE: Thank you, Susan. It's also from Kristina Rosette here "How would the proposed advisory panel be any different from the geo names panel envisioned in the AGB?" And from Katrin to Kristina, "I remember that the proposal was to have GAC representatives being part of this panel."

This is difficult. We see that from both the hands and the discussion, and all the chat. So Martin, do you have anything to solve this problem for us?

MARTIN SUTTON: I wish. Hi. Just to flag that I think we're repeating a lot of comments that have been discussed within Work Track 5 and also were reflected in the comments that we've had back. So it is a difficult [inaudible]. I think some of the items flagged here is sort of prior right or monopoly situation is perhaps a misrepresentation when you look at the comments and those discussions that were had within Work Track 5.

[I don't know that] there was ever a time where there was as precedent of a particular stance going forward on these non-AGB terms. It was the fact that there should be rights for people to apply, and that would help support their application, whether it be for a geographic term or a term that matched the geographic term but was used completely differently.

So I think that needs to be clarified, and I think Susan spoke to that already. The fact of what are we then lumping off to a panel to do, unless we're more specific in terms of what it is we want them to do and check and review, and come up with an opinion or a decision, we've got to be really careful, I suppose, in how that is constructed, what information they're provided, how that works, because I think a lot of the comments that we've seen always are concerned with why does this give prior rights to any particular group or authorities?

So really just to reflect on the fact that Work Track five we've had these discussion, comments reflected the same thing, so it is difficult. But if

there is something that we can be more specific on and focus in on, perhaps that is an opportunity for us to pinpoint any other terms that we feel should be treated in a particular way. Thanks, Annebeth.

ANNEBETH LANGE: Thank you, Martin. What we discussed in Barcelona, and what we agreed on there was that what we end up with should be as predictable as possible and as practical as possible, and also to avoid as many complications and problems afterwards. And that's what we are trying to find if we change anything. But this discussion shows how difficult it is. And it's not only legal, we are discussing politics in many ways, and that's what kind of bites us as well. It's policy, politics, it's a lot of things here, and feelings from many.

A few comments here. It's from Marita Moll. "Maybe as Christopher has suggested, all names should be assumed as geographic unless they can be proven otherwise. That is, change the assumption."

From Colin O'Brien, "There is a dot-charity. A Wikipedia search indicates that there are six geographical places called Charity. How is it possible to decide who gets to give permission? Does the gTLD applicant have to get permission from each region?"

And Susan asks Marita, "Why are we according the geographic use primacy over other uses? There is no justification for that at law. Plus one for Colin."

And to Marita from Kristina Rosette, "Setting aside the lack of legal basis, how does that work in practice? The applicant has to submit global atlases that don't show the name?"

Marita Moll, "The justification is avoiding problems like dot-amazon." Bonnie Mtengwa, "Plus one to Chris. I also support geo names panel with GAC members. it must not be just advisory in nature, but whatever it says must be able to stand. Remember, all names, especially of places, have geo significance, and someone to claim they choose the name not for its geo significance is rather not true."

From Katrin Ohlmer at Susan, "There are countries with national law which gives rights to geos over other entities."

Colin O'Brien, "dot-mobile has been granted. There are three towns in America called Mobile."

I think we have to move on to the next issue on the agenda. So we have a lot of things put into the process now. We have the recording, we have the transcripts, and then we'll see what happens afterwards.

Translations, I see here on the screen, it's not about translations. Okay, translations. As a reminder, in the 2012 applicant guidebook, a string was considered unavailable if it was a translation in any language of the following categories of country and territory names.

Longform name listed in ISO 3166-1 standard, short [full] name listed in the ISO 3166 standard, separable component of the country name designated on the separable country names list.

The question was if this protection remained, which languages should be protected? And the language discussion is also relevant for capital city names, which in the AGB needed support nonobjection from the relevant public authority.

Some Work Track members raised points in support of maintaining [in any] language standard.

Some believe that this provision should remain in place unless there is a factual basis for limiting the languages covered [in] this provision. Many languages may be spoken by and relevant to communities within a given country, and the list should therefore not be limited.

To reduce uncertainty, ICANN could produce an exhaustive list of all translations in all languages. We know that there are more than 7000 languages in the world, and all the names included translated in all these languages will give a very long list and possibly not be exhaustive.

Some Work Track members raised points against maintaining an any language standard. Some believe that the provision is overbroad and results in a very large number of reserved strings and does not provide a clear, objective and definitive list that can be used as reference.

Not predictable or transparent, it contradicts the overarching policy concept that reserving strings should be done conservatively and must be based on an underlying policy justification.

Some languages are spoken by very few people, therefore reserving representations in all languages may not be appropriate.

The question is, again, if we can agree on a common ground. Several options have been suggested, but so far, we have not agreed. In the discussion we have had, the most relevant options if we were to move away from what we have in AGB, [all] languages have been reserved as unavailable translations in UN languages, reserve as unavailable translations in UN languages plus Portuguese as a language spoken by many, reserved as unavailable translation in UN languages plus Portuguese and the official language of the country.

And here we have had discussions around the word "official" as many countries do not have an official language. Commonly spoken language could be an alternative, likewise principal language.

Recent feedback when we discussed this in Marrakech, suggestion to add to the [inaudible] transliterations into ASCII and conversion into DNS labels. However, there is no standard for transliteration.

Suggestion to include curative processes, such as an objection procedure for commonly used languages in the country in question. Suggestion to use official and relevant national, regional and community languages since not all countries have official languages as mentioned above. Commonly spoken languages can then be [inaudible] an alternative. Likewise, principal languages. But it's still difficult to define.

There was a lot of input here, but I don't think that we used the time to go through all these different, because it's more or less summarized in what I said now, and the things we have discussed, the options that were suggested in the initial report, [this,] what I mentioned now are

those who had more positive response from all the others in the discussions we have had.

So, could we agree on any of these options to move away from what we have? The discussion can start now, the floor is open. Please come with your comments. It's awfully quiet. Hello.

JAVIER RUA-JOVET: Yrjö.

ANNEBETH LANGE: Anyone? Yrjö? Good, Yrjö, welcome.

YRJÖ LANSIPURO: Yes. We have been trying to solve this problem for a long time. I'd like to ask, was there actually a problem in the first round, 2012, with the provision of protecting all languages? Thank you.

ANNEBETH LANGE: Thank you, Yrjö. This question was also raised in Marrakech, and if I remember correctly, the answer then was that they didn't find many problems with it, but that the reason for that might be that it was in the AGB that any languages were covered. So they didn't apply, because they knew that it would not have been accepted. But if anyone can say more about that, that could be good. Can staff support something here? Martin, please.

MARTIN SUTTON: Just as a [retrack] on some of this, I think it was the previous ICANN meeting – if I recollect – that we were studying this particular question and suggestion for amending the provision, because there's something like, I don't know, 6500 languages that are used around the world, which may change as well, so maybe more. Some spoken by fewer than 1000 people, perhaps.

But generally speaking, how to police that and how to check that a term that you're using may translate into one of those 6500 languages is probably impractical. And what is the benefit? Why prevent something like that if there is a reasonable use case for setting up an applicant TLD on the basis of a broad stroke provision for encapsulating all languages? And what does that mean in the future as languages may be introduced? We have some very weird and wonderful examples that come along as well in that context. So hopefully, that provides the background.

ANNEBETH LANGE: Thank you, Martin. And just a little step back to inform you that there are a few more input on the chat on the former subject we discussed, [the non-AGB,] but also now from Katrin Ohlmer to the translation, "I would appreciate if we could agree to, one, the official language of the country, territory, capital city, and two, translations of the country, territory, capital city in UN languages, and the addition of three transliterations into ASCII and conversion to DNS labels. Otherwise, capital cities such as Den Haag or Sao Tome would not be able to be protected with the denhaag/den-haag, etc.

From Colin O'Brien, "Katrin, dot-rogers has been granted. There are 26 places in the world ... etc." Okay, "This should be doable as the addition is also set up in the Red Cross protection list."

Agreement from Alexander, "All place names in all languages doesn't make sense." I suppose that was to you, Martin.

John Rodriguez to everyone, "Re: translations, if we are trying to create expectation and certainty for future rounds, then just saying 'any languages' doesn't necessarily create that expectation or certainty. So being able to specifically point to specific translations, official languages of some sort, would be helpful in creating that expectation and certainty."

Katrin at Colin, "Neither the current AGB nor our decisions recommends to get clearance." More hands? More comments on the chat? No hands.

It would be a good step forward if we could agree on some of this, but it seems to be really difficult. From Susan to everyone, at Katrin, "Re: your translation, I'm not necessarily disagreeing, but I'm not clear on your item three, the addition of between –" I'm not sure what she refers to there. "Gets captured by a different provision, doesn't it?" Katrin, can you answer Susan?

And from Dev Anand, "To me, the definition of all languages seems to be overly broad. In researching, I see – there's a link – mention living languages as distinct from extinct and ancient languages."

Yeah, it restricts it some, but perhaps not very much. Katrin, do you have an explanation to Susan? To which provision do you refer, Susan? Okay. Katrin, you're not on audio. Go ahead, Martin, please.

MARTIN SUTTON: Susan is pointing to the fact that something like adding a hyphen and removing that where you've got names that normally are hyphenated. What Susan is saying is that Katrin's [suggestion] which we've captured in the notes already but she's restated in the chat here is that item three, transliteration into ASCII and conversion to DNS labels. Otherwise, capital cities like Den Haag or Sao Tome would not be able to be protected with Dan Haag without the hyphen, Sao Tome without the hyphen.

So what Susan's saying is that, agree with the other two items on there, that's fine, just one clarification on point three if we can, just to understand whether that is or not captured somewhere else in some of the provisions for transliterations.

ANNEBETH LANGE: Yeah. Thank you, Martin. Katrin suggests that we take this offline, and we can do it on e-mail and try to do it offline. Okay, and it's several examples that places are registered already, so this is continuing to be difficult. Martin, is that a new hand?

MARTIN SUTTON: Yeah, just from what you're saying now, I just wonder whether we could ask the group on the call now especially, but also perhaps as a follow-up

on the list f or those that are not here. Has anybody got strong objections for us approaching the changes that Katrin's listed down there with a question mark over clarifying point three?

I think that if we can find it – is there strong objections? And what are those objections? That would be really helpful.

ANNEBETH LANGE: Yes. I agree. That would be good. At least we could end up with some recommendation if we can do that.

MARTIN SUTTON: Maybe. That would be [good.] Thank you.

ANNEBETH LANGE: Okay. Let's move on to the next on the agenda, changes to contention resolution for geographic names. This is a new item identified during deliberations, and in the 2012 round, the method of last resort for resolving contention between two or more applications was an auction, and the full working group is addressing auctions of last resort between two or more strings that are not geographic names.

So, Work Track 5 may want to consider if the 2012 rules are still appropriate for contention sets that include one or more geographic names as defined in section 2.2.1.4.2 of the applicant guidebook which reads, "If there is more than one application for a string representing a certain geographic name, and the applications have requisite

government approvals, the application will be suspended pending resolution by the applicants.

If a contention set is composed of multiple applications with documentation of support from the same government or public authority, the set will proceed to auction when requested by government or public authority providing the documentation.

And last, if an application for a string representing a geographic name is in contention set with applications for similar strings that are not being identified as geographical names, the set will proceed to auction.

So the question is, do we have a better solution for this, or is it a strong opposition [continue] with what we had? Anyone? No comments. Okay. Kavouss, please.

KAVOUSS ARASTEH: I was silent during the whole period, but now I come to the point that I raised at some time in the main group, that there were never – we could not reach a better solution than 2012. I think the best thing is [inaudible]. So I retain that idea. Thank you.

ANNEBETH LANGE: Thank you, Kavouss. We have some more comments in the chat, but I think that goes back to – yeah, it's something here from – let me go up here. Susan – from Greg, can you repost the suggestions, please? I think that has to do with Katrin's suggestion. And Jaap says there is really no such thing as a transliteration into ASCII.

From Katrin to everyone, she has repeated what she suggested. Okay. From Steve, it might be useful, helpful to try and determine and identify any issues that may have arose as a result of the 2012 string contention resolution rules around geographic names, similar to what Kavouss said.

And from Justine, "I would also appreciate some fleshed out text per Jaap or some reasonable time in which to consult colleges." I'm not sure what he means there. Okay. Do we have a hand here? Yes? No? Javier, you said hand by Nkem? I don't see a hand.

JAVIER RUA-JOVET: There was a hand by Nkem. I don't know, maybe they took it down.

ANNEBETH LANGE: Yeah, I can't see it now. Okay. Go ahead if you have a hand somewhere. Just talk. Nothing. Okay, from Justine, I would also appreciate some fleshed out texts and some reasonable time [onward] with which to consult colleagues. And Katrin, I remember that during our talks in Marrakech, someone pointed out that not all governments are able to participate legally, and that's true.

Okay, we still have half an hour left if you want to discuss anything more, but as long as you're so quiet, I'm not sure I have much more to go with. Do we have anything under Any Other Business? Steve, Emily? Javier, you have your hand up.

JAVIER RUA-JOVET: Yeah. It's not my place to be making suggestions, and even new ones at this point, but given the space that we have right now, and thinking of definitions and concepts worthy of some level of – I don't want to say protection, but consideration. I wonder – this is an idea that has not been – I haven't seen put out. I wonder if there's something to be said about in terms of non-AGB, in terms of potential countries – this could be very controversial, highly political, but I can see a world where, I don't know, New Caledonia – that's a soft case, but a hard case would be something like a Kurdistan.

So you see Kurdistan. Wouldn't a concept like Kurdistan deserve some sort of procedural consideration if somebody were to apply for it? Given the fact that it's not a recognized political – as I understand it, it might be an [autonomous] region, but given the fact that it's not a capital city, it's not a country, but it's clearly akin to that type of geographic entry, but it hasn't achieved that status, even though it could.

So I wonder if that's something that would – maybe it's too late in the game to bring that stuff up, and those are, again, highly political issues, but all these are highly political issues and we're looking for some space where maybe there's some innovation. I wonder if that's something that would create a lot of opposition, pushback, or it wouldn't. Just a question for the group. Thanks.

ANNEBETH LANGE: Thank you, Javier. Are there any reactions to this? Go ahead, Martin.

MARTIN SUTTON: So Javier, working through that example, given I haven't checked where it might appear in a list, if it should be [in a] list. Then to me that sounds like that could be a specific focal point for non- AGB items where it could provide some clarity, be limited in scope, but sort of resembles what there is already protections there for. So I think that that could be a worthwhile specific item to look at and explore under the topics that we've had today.

ANNEBETH LANGE: Yes. Thank you, Martin. Kavouss.

KAVOUSS ARASTE: Yes. I have serious difficulty [inaudible].

ANNEBETH LANGE: We don't hear you.

KAVOUSS ARASTE: [inaudible] refer to New Caledonia or anywhere else. I have no problem [if we're going to say that a new country being created is] not excluded. If you look back from 1945, new country has been created, some country has been joined together. But [they have difficulty to refer to a] particular case because [I think] this is outside the mandate of ICANN totally and creates problems [with accreditation] and so on. But [inaudible] possibility of new country is not harmful to mention. Thank you.

ANNEBETH LANGE: Thank you, Kavouss. Any more input here? More things that you want to discuss? There was a chat for Nkem Nweke. "Just would like to know if a geo name is auctioned and later someday a legitimate application for a government is made, what happens?" Yeah, another problem.

I can't answer that. Anyone?

MARTIN SUTTON: Hi. So if I read this – I'm interpreting the comment here as it's already been applied for to the point where it's been auctioned and somebody is operating a registry that matches a geo name. Therefore, there can't be a further application in subsequent rounds for the same term. So in that situation, it's open for government, authorities to lead applications or others that want to use a term that could be generic but matches a geo term as well. They're all free to apply.

I think that was the point earlier we were trying to make, is that there's no prior rights for a lot of these terms, however, we have established some restrictions as with the 2012 applicant guidebook. But in terms of sequencing, once it's applied for and operating, it would be very uncomfortable if registries had to then give up their registry on the basis that a government subsequently decides to put in for the same term. I just don't think it can happen in the current guidebook, because the string is already applied for.

ANNEBETH LANGE: Thank you, Martin. I agree, and Jaap says the same. We have a conflict that this group cannot solve. There will be some conflicts at one point when new things turns up. So we can't solve it all. We can do as good as we can to avoid as many conflicts as we can, but I don't think we ever can avoid everything here. Greg, you have your hand up.

GREG SHATAN: I would [not] define this as a conflict. It's certainly not a conflict within our system. I think the basic – if we want to revisit the basic idea that gTLDs are delegated indefinitely, we can do that. Probably not in Work Track 5. The general system we seem to have is that legitimate interest, that we don't see a hierarchy of legitimate interest, except in very constrained circumstances, and that once a TLD is delegated, that's the end of the story.

    If it's a new country, we've already reserved all two-letter names, so they will have their ccTLD, and it's unlikely that every possible variation of their name will have been delegated. So they will do what people have been doing at the second level since the beginning of the system, which is to move on to their next alternative. Thanks.

ANNEBETH LANGE: Thank you, Greg. Any more comments here? I see none. Anything you want to raise under Any Other Business? Nothing.

    Okay, we finished before time, but we can continue to discuss this online. Here, it's a few things on the chat. Yeah. Okay. Let's see what's in here. Katrin says, "As per the current AGB, the government has no

rights." "What if it is a new country?" From Abdulkarim Oloyede. Javier, "Anybody support the idea of putting concepts like Catalonia, Basque Country, Kurdistan, Flanders under protected or considered non-AGB category?"

"Agree that we can't solve it all," from Abdulkarim. From Katrin, "A new country will have rights for a two-character ccTLD." From Justine Chew to Nkem, "Once a string is delegated and is not returned to the pool some valid reason, then it's gone."

Same as Greg said. Yeah. Katrin, I had a comment there that that is one of the reasons why it's not the ICANN's responsibility to decide what is a country and what is not, and we have to have that in our head as well. And Javier, "Place names with a stated claim to autonomy or independence as geo name TLD."

Colin O'Brien, "Javier, I wouldn't object to the idea of members of the community reach out to ICANN rather than ICANN trying to determine which terms should be blocked."

One problem here is that it's still a lot of countries and communities that don't know what ICANN is and does. Okay. Greg, please. You have your hand up again. Or is it an old hand?

GREG SHATAN: No, that's a new hand. Just responding to the chat discussion between Javier and Colin. First, I'd be a bit concerned about creating a brand-new category of geographic names, and of course, we'd have to decide

where it fits in our pantheon of protections and what type of protection it would get.

Overall – and I'd return to an idea I've mentioned before – I think we'd find much more flexibility and ability to find solutions if we considered more of the curative rights as they are called in ICANN. In other words, objections and the like as opposed to reservation systems, preventative systems.

As Colin notes, that leaves us figuring out what gets protected and who cares. So there seems to be a general distaste for some reason for curative rights, although clearly, there are objection procedures that exist, and they need to be reviewed because they will carry over from the 2012 AGB if we don't do anything about it. But I think this is an area that is – if it's ripe for anything, it's ripe for curative rights. And there again, we need to figure out what he criteria are. as Katrin notes, we're still aiming for a maximum amount of predictability and balance. Thank you.

ANNEBETH LANGE: Thank you, Greg. Yeah, it's good to go on now with discussing curative measures as well, so we'll perhaps do that the next meeting, and it seems like there's some support for this here in the chat as well. Martin?

MARTIN SUTTON: Thanks, Annebeth. Actually, just combining the points that have been raised by Javier and just now by Greg. For some of those listed names

that Javier was focusing on, at the moment there's nothing to prevent those from being applied for, unless they are in a particular list that we've already included. But absent of that, those could be applied for. So if we play that through, that's an advantage probably to those countries or country names in that all the others that exist on the list are restricted from being delegated at this current time and with the recommendations that we've got in the report [here.]

So it is interesting to think about that, that if they did proceed to apply, that there would be curative measures to rely on, and it would be interesting to play those through. And whether or not those curative measures are sufficient or whether other elements could be considered. So I think we had on the list earlier items like geographic PICs as an option to add into the agreement that a registry operator establishes with ICANN.

So I think those are good points to pick up and to explore further, and that is within the area of this non-AGB topic that we started earlier on in the call. Thanks.

ANNEBETH LANGE: Thank you, Martin. Yes, I agree. It's quite a lot of comments here now in the chat, so let's see if we can pick up that. Justine, yeah, we have mentioned that already. And Cheryl Langdon-Orr, "I'm hearing some support developing for that approach," at Greg. At Colin, "Also, we have to keep in mind to increase the predictability of our applicants," from Katrin. And Chris Casavale, "Plus one to Greg."

Javier, "A posteriori, curative versus a priori, reservations/protections." Just a comment from me. It's much easier with reservations and protections when we have the defined lists, but the non-AGB, we don't have it, and that's one of the things that creates these problems.

At Katrin, from Colin, plus one. And Nkem, "On same page, let geo names be." I'm not sure if I said that, but okay. At Javier from Katrin, "Exactly. Preventative are reliable, whereas curative rights lead to different results, like the objection procedures."

From Justine, "I have said this before, I will say it again, if we were to rely more on curative rights, then curative right processes should be really available to all and not just paid lip service." Well noted, at Justine from Cheryl. That's the end of it. More hands? More comments? At Javier, your hand up, sir. Come on.

JAVIER RUA-JOVET: Just to reply to Martin in terms of the idea that some applicant for non-AGB terms such as the ones that were discussed now like potential autonomous areas or potential countries that said that they might be advantaged given the fact that there's no regulation of that today, I see that point, but at the same time, just to flag something that – it's something that Annebeth always brings up which is super important, which is the fact that some people or some potential autonomy area or group of people simply might not know of ICANN. So we have to be careful there. It could be an advantage to maybe a more – an area that's more in tune with what we do, like let's say Catalonia, which they already have a community TLD there, [inaudible] but what about, I don't

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know, some claim in – I don't know, there's some claims to independence or autonomy in terms of some sub-Saharan regions that might not be completely in tune with what ICANN does. So yeah, it goes both ways. Just to flag that.

ANNEBETH LANGE: Thank you, Javier, and from Greg, curative rights should be relatively predictable and really available, or else they are seriously flawed. I totally agree on that, Greg.

More comments from Yrjö. "Curative approach puts the burden on government, most of which are not really able to engage in objection processes, and that's of course a problem." John Rodriguez, "Preventative measures can at times ignore context."

Okay. Plus one, Yrjö, from Justine. Communities also. We have still ten minutes left in the meeting today. Any more comments? Martin, please.

MARTIN SUTTON: Sorry to fill the time.

ANNEBETH LANGE: No, we should use the time. That's good.

MARTIN SUTTON: So one of the things we mentioned earlier on the languages side of things was, can we hear from anybody that's got strong objections to this idea of whittling it down to a more manageable and practical set of

translations? I'm just wondering if the points that Katrin put into the chat also reflected – I remember Jorge had some addons to that on the e-mail exchanges, which I don't think are captured on this summary document here. Please tell me if I'm wrong. If there is anything that we just need to track back to our previous conversations on languages if there was something that was substantive and amenable to add in to that list, and I'm pretty sure it was Jorge that added something. Then could we include that and put that around to the list for review and to come back with any strong objections, and then perhaps we could put that on next week's call for review and agreement as to a way forward.

ANNEBETH LANGE: Thank you, Martin. That's a good idea. We can always ask Jorge or try to find what he put in. It might have been in Marrakech, so we could find it there.

There's a comment from Colin O'Brien here. "My last post on gTLDs that are also geo names. Sorry for being repetitive, but it is necessary to show how complicated things would be if all geo names must be cleared or barred as Christopher insists on every call."

He lists up 22 geographic names for Dodge, and several more examples here. And we know that geo names also are generics and brands, so that's in the bottom of this. From Greg, Yrjö and Justine, why do you believe that to be the case? And how can this issue be improved? I'm not quite sure what you referred to there. It must be the curative rights, the objection procedures.

From Greg, "Plus one to John Rodriguez. Preventative measures work best when they are clear cut regardless of context. Trying to use preventative measures to resolve nuanced situations is a mismatch. From Justine at Greg, "A proper review of objection criteria for a start."

From Greg at Justine, "That is certainly something we should be doing regardless." And Martin, what do you mean Duck? Really?

MARTIN SUTTON: It was in the list above that there are [inaudible]

ANNEBETH LANGE: Oh, yeah, it was in the list from Colin.

MARTIN SUTTON: Thanks, [inaudible].

ANNEBETH LANGE: [inaudible] quite difficult here, because this chat, it goes and answers to something that has been in above, and sometimes it gets really funny out of it.

MARTIN SUTTON: Thank you, Colin, for those insights.

ANNEBETH LANGE:	Okay, Yrjö, "For governments, cities and communities in developing countries and in many developed ones too, it is hard even to be aware that somebody is eyeing their name as a possible new gTLD. Not to speak of initiating the objection proceedings, etc."

Okay. Plus one to Yrjö from Justine. "We tend to forget that there is a wide world outside ICANN." Yeah. And that's one of my points as well. We have to be very careful that we remember that it's a lot of countries that are not really aware of what we are doing here.

Greg, "So we have identified awareness, objection criteria, and some issues with initiating proceedings. Let's continue the list." "You have actually covered a lot of ground today "from Cheryl. Nkem at Katrin, "Plus one, maybe we can refer this issue back to our GAC representatives in the Work Track 5. They should better know if resolving contention via auction is doable."

Okay. I think we should stop now, have a nice afternoon or morning or night or whatever time of the day it is for you here. It's a sunny afternoon in Norway. It's plus 25, and this day I've been working more than any day this week. And it's the best weather. So now I'm having some time off.

Bye to all.

[END OF TRANSCRIPTION]