
**ICANN
Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic
Names at the top-level)
Wednesday, 07 August 2019 at 20:00 UTC**

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TERRI AGNEW:

Good morning, good afternoon, good evening, and welcome to the new gTLD subsequent procedures subteam track five, geographic names at top level. The call is taking place on the 7th of August 2019.

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

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

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With this, I turn it back over to our co-chair, Olga Cavalli. Please begin.

OLGA CAVALLI:

Thank you very much, and good afternoon from here in Buenos Aires. Good morning, good evening wherever you are, and welcome to our Work Track 5 call.

I hear some noise. If [inaudible] can close their mics, that would be great so we can all hear us okay.

So we have a quite busy agenda. Just a general reminder of this call, we are trying to close some discussions about languages, about non-AGB terms, about changes to string contention.

There have been some comments and messages in the e-mail list lately so I tried to capture them all. I printed them. I know it's not environmental friendly, but I didn't want to miss any comment. So that's the general purpose of this call, and you can see the agenda on the screen.

Before starting, are there any statement of interest updates? Okay, I hear none, so let's move forward.

We have a PowerPoint. Can I use it for reference or just show it in the screen? I see we have our coleads, Martin, Javier Rua and Annebeth. Thank you very much for joining.

So the first item in our agenda is the closure of the discussion of the language issue. Let's see what we have as a summary, and then we will see the latest comments we have received in the e-mail list.

For some time, we have been discussing this issue of languages and translations, and as a reminder, these provisions applied in the 2012 AGB – just as a reminder, but it’s important, because if we don’t have agreement, this is what we will have.

In the 2012 applicant guidebook, a string was considered unavailable if it was a translation in any language. This is important, this is why it’s highlighted. In any language in the following categories of country and territory names: long form name listed in the ISO 3166-1 standard, short form name listed in the ISO 3166-1 standard, separable component of the country name designated on the separable country name list, and in the 2012 round, applicants were required to obtain letters of support or nonobjection from the relevant governments or public authorities for an application for any string that is a representation in any language, again, in highlight, of the capital city name of any country or territory listed in the ISO 3166-1 standard.

So this is the language of the 2012 applicant guidebook. Let’s go to the next slide, please. The base proposal. We have discussed this, as you know, for quite a long time. The following proposal is an alternative to any language. That is quite broad.

So two possible additions included on the following slides. I will detail them to you. The summary document included with the agenda for today contains some pros and cons identified of these options. You can see when we send the information about the call, there is a link to this document with more detail and some very interesting examples.

So the base proposal is change “in any language” to United Nations and official languages. So the official languages issue also caused some comments. For those countries that have no official language, include de facto official languages. A list would need to be identified for this if it was used in the recommendations. And supplement with curative mechanisms that allow for objections in the case of commonly used languages.

So Work Track may want to further develop on how this curative mechanism should be, but for us is to agree if there is agreement in this proposal. So this is one. Let’s go to the next one. I’m looking at the comments, if there are hands. I know that maybe Annebeth can help me with that.

So a possible addition regarding relevant national, regional and community languages. In addition to this base proposal that I have just showed and read to you, this is additional to that. a string is unavailable if it is a translation in relevant national, regional and community languages of the following categories of country and territory names. The same categories as before, so I won't read them, and require applicant to obtain a letter of support or nonobjection from the relevant government or public authority of an application of any string that is a representation in relevant national, regional and community languages of the capital city name of any country or territory listed in the ISO 3166-1 standard. Relevant national, regional and community languages could be defined as languages spoken by a certain percentage of people in the country, territory, capital city. The percentage would need to be defined, and a list of relevant national, regional and community

languages would need to be found or developed if this text is finally agreed and decided.

Before going to transposition, which is a different issue somehow related with languages but not that much, I would like to open the floor for comments, and I would like to mention some comments that were shared in the e-mail list. Let me see my notes here.

There is a comment from Jorge, and I see that he's not so much able to take the floor because he has to be silent. His disagreement with the proposal on languages is it does not reflect the split that came out of the public comment where many stakeholders favored maintaining status quo and the notion of de facto official is vague and does not cover languages that are relevant to the communities. He says that he feels that – he made some comments about Marrakech meeting and he also made some other comments about non-AGB names.

Then there's a follow-up from his message. Country, capital and city names also non-United Nations or non-national languages have an important impact on conflict potential both in geopolitical terms, for example in languages spoken in adversarial states, countries with which there are political tensions, and in economic reputational terms, for example names [of export] nations in widely spoken non-United Nations languages such as Hindi, Portuguese and Swahili, etc. So he says if this is the intention to increase predictability, for example with the help of geo names advisory panel.

Finally, he comments that to avoid misunderstandings, he proposed [full] languages maintain status quo if there is no consensus on this

proposal. So [inaudible] about this languages issue, I will open the floor now for comments before going to the next issue, which is [related to] [inaudible]. So let's see if we have comments.

I already mentioned what Jorge said on the list. Do we have hands up? I have a hand up from Christopher. Christopher, go ahead. The floor is yours. Welcome.

CHRISTOPHER WILKINSON:

Hello. Good evening. Co-chairs, I don't want to go into the detail of this question, but I think it is premature to claim that or to seek that you can reach closure. I see that there is no consensus on this highly political and sensitive point, and I query the agenda, frankly, you're in no position to seek closure on this, and I don't think it could be done as long as we have substantial voice in the group arguing for no protection of these other language versions. And the only thing I can assume is that that is because there are interests in the community who would actually wish to register these names in a nonprotected context, and that's not acceptable. So there is no consensus. I think you cannot reach closure. Thank you.

OLGA CAVALLI:

Thank you, Christopher. And the idea is to [try to.] It's not an obligation that we have to reach consensus. Susan, the floor is yours. Welcome.

SUSAN PAYNE:

Hi. Thank you. [I think I know] what Christopher said. I think the point here is that certainly based on the last call we had and on previous

discussions, it did seem, both on the list and on calls, that there was really quite a large weight of support behind the proposal that had been put forward by the geo TLD group. So this is the reason why this is on the agenda the way it is, because as I think Annebeth made it clear, she was reminding people of where the view of the group seems to have got, and seeking other thoughts.

I think as a consequence, it does mean that generally, because of the way that e-mail was worded, we were advised not to be responding and restating oppositions that have previously been made. So you would not have had a [weight] of people responding to Annebeth's e-mail supporting that translation proposal because people would have felt that that was merely restating their previous support, which was extensive.

There is some nonsupport for that proposal for sure, but that doesn't necessarily mean that there isn't consensus. Consensus is not unanimity.

CHRISTOPHER WILKINSON: Yes, but two observations. First of all, if it's contested consensus is reached in Work Track 5, all you're achieving is shift the issue up to the PDP, because exactly the same issues with the same people, the same opinions and the same political and economic and intellectual property issues will just reappear in the PDP. I absolutely do not accept that we present results of this meeting on this point as an achievement that the PDP and GNSO can simply endorse. No.

The other question which – to draw an analogy, looking at the debates in Work Track 5 is like using a telescope backwards. You give a great deal of weight to what was said last week, you give a lot of weight to what was said last month. What was said six months ago is much smaller, though often for many people the first and only opportunity to make their point of view. And things that were said a year ago almost disappear completely.

I would like to turn the telescope around and give at least equal weight to everything that has been said right from the start of Work Track 5 and completely disagree with the idea that a few last-minute proposals, whether they come from the co-chairs or the staff, can overrule or ignore previous discussions. Thank you. No consensus.

OLGA CAVALLI: Thank you, Christopher. This is a new hand, Christopher, or an old hand?

CHRISTOPHER WILKINSON: I'm sorry, the screen doesn't show my name at the same time as the hand. I'm trying to put the hand down just for now. I'll come back later.

OLGA CAVALLI: Okay. Thank you. I want to stress some comments in the chat. Jeff said, "By closure, we mean that we have heard all the arguments on multiple occasions and it is time to declare whether there is consensus or not."

Paul McGrady says, “Apparently, there are 6500 languages, but around 2000 of them are spoken by 1000 people or less.” He shares a link. And Annebeth says, “What we are discussing here is whether we are able to recommend another solution than the one in the applicant guidebook from 20112 based on public comments, discussions and meetings both face-to-face and teleconferences.”

Jeff is asking for clarification from Christopher as to what the group is not considering, and Paul McGrady says “I’m confused by what appears to be a process complaint from Christopher when I thought we were talking substance on the language proposal.”

I have Jorge and Martin, and I don't know if Christopher wants to reply to Jeff's question. Jorge, the floor is yours, and welcome.

MARTIN SUTTON:

Hello. Thanks very much to Olga first of all for reading out my comments and speaking a bit slowly, because my kids are asleep [a few meters from] me. I don't want to repeat the whole point, but as we are seeing, the change of the rules on all languages creates a lot of collateral problems that we haven't really discussed. So as long as we don't have a solution that really satisfies all positions that have to be expressed during the last year, and especially also in the public comment period where many stakeholders coming from government, coming from ALAC, coming from the ccTLDs, coming from civil society, from geo indications of origin, from IP groups and so on, said that it was better to maintain the current [rule.]

So as long as we don't have a better rule that satisfies everyone, I think we should stick to the 2012 rules. So I live it by that for the moment. Thank you.

OLGA CAVALLI:

Thank you, Jorge. Martin, you're next. Welcome.

MARTIN SUTTON:

Hi, Olga. I tend to agree with Jorge there. Unless we come up with something better, then we may as well fall back to the previous AGB version.

What I would ask the Work Track 5 group to consider though is that there were different opinions there. I know Jorge's highlighted some that were in favor of keeping it as it was, and as Work Track 5 members and as we've discussed over probably a couple of months now, it's just to consider the practicality of it all. And is it reasonable?

So I would urge everybody to think about that as we try to close this off, because unless we do think of something that is better and improved upon, we will fall back to the AGB version. And I think that that may be something that we will look back on as an opportunity to have at least made some reasonable change to what was stated for languages.

So I would cast that out there to everybody. There were diverging opinions, so I know Jorge has highlighted some, and there were plenty of others though that were in the mix of that. So we do have an opportunity to change things. We have discussed that over a number of

meetings, and I think it is worthwhile us trying to close this off today as best as we can.

And if we do not come to a conclusion, then yes, as coleads, our option is just to weigh up what the Work Track 5 members have considered and want to do and put that forward as a recommendation towards the plenary. Thank you.

OLGA CAVALLI:

Thank you very much, Martin. There are several comments in the chat. From Katrin, "Jorge's right, we should consider not only the last comments on this list but all comments from the comment period."

Justine Chew, "Yes, ALAC is still on record n supporting any languages on the issue of translation, for example no change to applicant guidebook."

Annebeth says, "Jorge, I agree. As long as we cannot find a compromise that is acceptable for all, we have [inaudible] status quo will be. We have tried to find another option based on input with divergent opinions."

And Katrin, she would like to know that the geo TLD group does not support the proposal to limit the protection to the official and United Nations languages unless we were to agree on the [transposition] of accented and diacritic characters in Latin-based scripts to their equivalent ASCII root will be included.

Katrin, for your information, this is the next slide, so maybe we can come up with that issue in a moment.

So as far as I can see from the discussion in this call, there doesn't seem to be agreement in this new text proposal. For the moment, the only solution is to consider the applicant guidebook text.

Alexander Schubert says, "What do we try to protect? China and Hebrew is sin so nobody can apply for that sin because why exactly? because somebody could mix it with China?"

Okay. Any other comments about languages and different proposals and the consensus or not consensus? I see no other hands. Okay.

So we go to the next slide, which is exactly what Katrin was commenting in the chat. It's a possible addition about transposition applying only to capital city names, also requires letter of support or nonobjection from the transposition of accented and diacritic characters in Latin-based scripts to their equivalent in ASCII root.

This would protect for example Sao Tome as DNS label of Sao Tome alongside ... well, you have to see how it's written because when you speak, you don't see any difference – alongside with the IDN version of the name, which is a string that I won't read. Additional examples provided, Den Haag would require letter of support or nonobjection having the hyphen or not.

So some question raised here. What's the underlying concern the proposal is trying to address? In transposition such as the example of Den Haag represented as denhaag – you have to read the difference – with a space in-between, an issue of translation or it is something else? It is the issue of how to treat spaces and dashes different from the use of accented characters. There is elimination of spaces or addition of

dashes are included in the current standards of dealing with copyright. Could this be relevant if it's not already relevant?

Is it more appropriate to consider this proposal in the context of all geographic names in the applicant guidebook rather than specifically capital city names? Is there an objective list that can be used as reference in relation to accented characters and corresponding ASCII characters? Could curative measures be used to address these underlying concerns? And is ASCII root appropriate terminology? Should it say ASCII text?

So now I will open the floor for comments from colleagues about this possible addition about transposition. I see some comments in the list. In the meantime, colleagues can raise hands about this issue. I think the other is about languages. Comments? Katrin, maybe you want to add something to this? Javier, you have the floor is yours.

JAVIER RUA JOVET:

Thank you. I wonder if we couldn't find – it seems that we couldn't find consensus on the general topic of changing the current 2012 AGB policy of all languages, if there is no consensus possible there that would justify moving away from the 2012 default position, I don't know if there's any use in discussing additions to the general proposal if even the general proposal has no consensus. Or maybe I'm missing something here.

OLGA CAVALLI:

I have Annebeth next. Annebeth, the floor is yours. Welcome.

ANNEBETH LANGE:

Hello. Thank you. Just a comment actually to Javier combined with a question to Katrin, because that's exactly what I was wondering about. The addition proposed by Katrin or the geo group about these transpositions, do they mean that this also should be applicable if we end up with the AGB 2012 for any languages? Because in that case, it's worthwhile discussing it. If not, I agree with Javier that we have discussed long enough now and it's AGB 2012 and we have to conclude somewhere. Thank you.

OLGA CAVALLI:

Thank you, Annebeth. I was having the same questions in mind, so you've read my mind. Let's see if we have some comments in the chat that are related with this.

Alexander says hyphens aren't even allowed as characters in TLDs. It's kind of a question. Katrin says she would have to consult with the geo TLD group. Matthew Johnson, "I recall staff had assembled Christopher's and all other comments in the initial report early this year and read them out in the meeting over the period of a few months."

Jaap Akkerhuis, "Hyphens are not allowed for the start of the end of a label, not on the position of three and four of the label." Alexander says that's for second-level domains. It's a question, Alexander, and that's it.

So I tend to agree with Javier and Annebeth. Are we having further comments or hands up about this issue? I see that Katrin has to consult

with her constituency. Maybe you can share with us some comments in the list whenever you are able, Katrin. Annebeth, go ahead, please.

ANNEBETH LANGE:

Thank you. My suggestion is that we go on to the next issue now, and when Katrin comes back, perhaps in the next meeting, just say something about this exact issue. If that also applies for the any language question, then we can take that up again. So we save some time now and go on to the non-AGB [inaudible] my suggestion.

OLGA CAVALLI:

Okay. Thank you very much, Annebeth. And Katrin says in the chat that she will gather more information and share with us. Thank you very much, Katrin. So next, topic closure. Work Track 5 is reaching the conclusion of its work and discussions on languages and translations, so as for the moment, we have no agreement so no new points that need to be raised. If there is no agreement on any other proposed changes presented in the previous slides, 2012 guidebook provisions will remain in place.

So that's it. Let's go to the next slide, please. So this is what we have called non-AGB terms or those names that were not included in 2019 AGB that as we know, some conflicts are still remaining, and the idea always was to find a way to diminish conflicts and uncertainties for applicants.

So the Work Track has extensively discussed whether there should be provisions in the applicant guidebook to protect, restrict additional

categories of terms not included in 2012 applicant guidebook. Based on Work Track discussions, it did not appear to the coleads that there is an agreement on any specific proposal on this topic.

The Work Track coleaders put out a request on the mailing list for any final proposals that members feel could be agreed upon. Work Track member [inaudible] in this list that the following should be considered as a compromise proposal. And I will read it, and please pay attention and react to it. Terms beyond the 2012 applicant guidebook with geographic meaning, for example [objective] forms of countries such as Swiss which are identified as such with a modicum of diligence by the prospective applicant should be subject to a contract obligation with the relevant authorities in order to put them on notice.

Are there additional points that the Work Track would like to discuss with respect to this proposal? And Jorge, I do have your comments because I printed them. He's saying, "Please consider my [improved] proposal." I will try to find it, but maybe in the meantime we have comments from other colleagues that want to react to this.

Okay. I found the – Jorge has an improved [inaudible] AGB terms, and I will read it as he shared in the list. Terms beyond the 2012 applicant guidebook was with geographic meanings, for example [inaudible] forms of countries such as Swiss which may be identified as such with a modicum of diligence by the prospective applicant and/or after consulting. Under confidentiality terms, the [advisory geo names panel] shall be subject to a contact obligation with the relevant public authorities in order to put them on notice.

So this is an improved text that Jorge has shared with us today I think, so I will open the floor now for comments from colleagues for reactions on this proposal. Would this be acceptable?

ANNEBETH LANGE: Javier has his hand up, Olga.

OLGA CAVALLI: Thank you very much. Javier, go ahead.

JAVIER RUA JOVET: Thank you. Just to add on to this, this is interesting that I'm not seeing objections to this language, and it's interesting. So I guess a question [inaudible] are there objections to this improved language suggested by Jorge, or is this something that we could move forward with? Very interesting that there are no comments to this. Thanks.

OLGA CAVALLI: Thank you, Javier. Paul, the floor is yours. Welcome.

PAUL MCGRADY: Thanks. I don't think silence is assent. We've got five or six bullet points that we need to read in order to respond, and we were given about 15 seconds to do that. So I don't think that there is any particular support that could be read into people reading the bullet points.

I would personally like a little more time to read them and have something more intelligent to say, but in the time frame that we've been given here, which is not very long, it looks like the fourth bullet point is a proposal to expand into all sorts of things like Swiss and others, expand what would be prohibited applications subject to all kinds of rules. So I for one don't support that. I'd love to be able to have the time to read this and respond in a way that sound smarter than that, but since we're given sort of a quick up or down, I really have to say down. Thanks.

OLGA CAVALLI:

Thank you, Paul. Just for your reference, the text has been shared in the e-mail list. A previous version some days ago and the latest version today. But that's a fair comment that you need more time.

PAUL MCGRADY:

I have had some trouble getting e-mails from the list and wrote to staff earlier today about it, and so I apologize if the e-mail list failed me, but from my point of view, this is the first time I'm seeing it. Thanks.

OLGA CAVALLI:

Thank you, Paul, and I think it's a fair request to have more time, even though if you read that before, to go to your constituency and make comments. Christopher, the floor is yours.

CHRISTOPHER WILKINSON: First of all, thank you, Paul, for making that point. This PDP stuff is not the only game in town, and frankly, since the PDP is meeting twice a week and we have the Work Track 5 and we have some of us are constituency interests and the rest of our lives, this is being rolled out too quickly to be practical. I'd have no possibility of keeping track of the whole of the e-mail threads that we're supposed to be responding to, certainly not from one meeting to the next.

As a general proposition, I support the intentions of the new text, and I had actually read it on e-mail, luckily enough. So I support it. But I would just add, coming on to the next bullet that I suppose we'll continue with, this doesn't solve the whole of the problem. There are substantial areas of geographical and geographical-related terms which have not yet been addressed at all by the Work Track 5, and as a case in point, if we accept [adjectival] forms of countries, then there's absolutely no argument whatsoever why we shouldn't accept the three-letter currency codes which are definitely adjectival forms of countries. Thank you.

OLGA CAVALLI: thank you, Christopher. And before giving the floor to Jorge, just a clarification to Paul in any way, I was saying that you have to with the e-mail list all the time, I just wanted to say that it was not a text out of the blue, just in this moment, it was shared before. Just a clarification. Jorge, the floor is yours.

JORGE CANCIO: Hello again. Do you hear me okay?

OLGA CAVALLI: Yes.

JORGE CANCIO: Thank you so much for giving the floor and for taking this proposal up for a discussion. If you look at the preliminary report [and our] previous discussions, you will see that elements of this proposal were already put forward many months ago.

At the same time, it is useful, and I thank Paul for his constructive comment that this proposal does only provide or the intention is only to provide for a contact obligation when it is clear, it is apparent, it is obvious almost that the term, although it is not under the AGB or the future AGB, it has a geographic meaning, that the prospective applicant gets in touch, at least puts on notice the relevant public authorities.

And this proposal is very far away from the position of calling for a nonobjection letter also in these cases, because I'm aware that that wouldn't really get compromised in this group. But at the same time, I think we have to do something in these cases such as dot-Amazon and some other cases where we have seen that really, one of the big problems is that there was no early contact between the parties.

So really, that's the intention of this proposal, to provide for this contact requirement, and the advisory geographic panel is just one means, one instrument to facilitate to a prospective applicant that he or she knows whether that term has a geographic meaning or not.

But as mentioned in the proposal, with a modicum of diligence, it means that it has to be a very obvious case that that term, although it is not under the AGB, it has a geographic meaning, and really the intention is to avoid that such applications get into a conflict [spiral] between the different parties.

So I hope that as Annebeth mentioned in the chat, this can be put in the notes of the meeting with an action item calling for discussion, refinement, improvement and so that we could have at least some progress on this point that has been so conflictive during the 2012 round. Thank you.

OLGA CAVALLI:

Thank you, Jorge. Javier, the floor is yours.

JAVIER RUA JOVET:

Thank you, Olga. And just to speak to Paul, you don't have to apologize at all. The gist of my comment is just since we're getting very close to closure of these topics, my only intention is not to – it wasn't to split anybody on the spot, it's just to see if this is an avenue –that this proposal on the table is an avenue to merit further discussion before actual closure, and it seems that we all agree that maybe we can put it to the list and maybe have some further discussion before we completely move outside of this non-AGB term, topic. So no apologies needed at all, and t yes for your reply, Paul.

And just a comment from me, I know it's not my place, but on Jorge's proposal and this general idea, it seems that these objective forms that

we're referring to – or maybe I'm asking, are we referring to the demonyms, the national adjectives of a country? Like for example if you're a Swiss, you're from Switzerland, if you're Puerto Rico, you're a Puerto Rican, are we referring to the national adjective only, or other categories, because we're referring to – if the proposal is referring to the demonym, to the national adjective, maybe we should make that specific in the proposal, or are we referring to that national adjective and other ones? Just to have more clarity. Thank you.

OLGA CAVALLI:

Thank you, Javier. I think just for reading the text, it's just an example, but maybe Jorge can clarify that. Susan, welcome. The floor is yours.

SUSAN PAYNE:

Thank you. Hi. I actually was going to make a sort of similar point to the one Javier just made, which is that as I'm reading this, I don't see how it's possible to support it. In fact, I don't even really see how it would be possible to go and take instructions from my constituency, because this is so incredibly wide as I'm understanding and reading it.

It may not be that wide. This may not be what Jorge intends. But the example of an adjective form of a country such as Swiss is expressed to be an example, and even as Jorge was introducing it, it seemed to me that he was talking about any possible term which might be geographic, and also for us then to be imposing the kind of decision making and the discretion on this as yet nonexistent geographic panel who were supposed to be making these decisions.

I don't think this gives us greater certainty at all. I think it makes it incredibly uncertain to know what even falls within the scope of this proposal.

It might be one thing and people may take one view if we're only talking about the adjectival form of the country. Completely different scenario if we're talking about what I think Jorge is proposing, which is anything that might be considered geographic depending on who's speaking at the time.

OLGA CAVALLI:

Thank you, Susan. I see Jorge is commenting in the chat that it's just an example. This is how I interpreted it. But I see that colleagues are – all the hands have gone. There were several. Okay, Javier, [inaudible].

JAVIER RUA JOVET:

I'm sorry for ... Maybe somebody else. I'll lower my hand.

NKEM NWEKE:

Hello co-chair.

OLGA CAVALLI:

Is someone else – hello? Who else? Who's [that?] Hello. Do you want to say something?

NKEM NWEKE:

Yes, [I'll] say something.

OLGA CAVALLI: [Nice.] Please go ahead.

NKEM NWEKE: [inaudible] give this area more time. This is highly political [inaudible] and I really don't think we should close it up today. I think we should give it a little more time. And it's quite technical too. I think a number of persons, a number of [inaudible] more time to [read and] to be able to give input. Thank you.

OLGA CAVALLI: Thank you very much for your comments. I see also in the chat that several other colleagues have requested more time to review it. The ALAC, Paul. So let's keep that in mind and think over it. Jorge is also saying that he can improve the text. Trying to read the comments.

Jeff is asking to Jorge, "Is your proposal that one would have to contact the applicable GAC rep for the country with the geographic term could apply?"

There are several comments in the chat. I think there is space for perhaps improving the text, and as we can see, colleagues need more time to go to their interest group of constituencies to check if this could be an acceptable text.

Any other comments about this issue? I see no more hands, so let's move to the next slide, please.

[inaudible] closure of discussion on changes to string contention resolution, which is a different issue that has some similarities to the non-AGB things. In the 2012 round, the method of last resort for resolving contention between two or more applications was an auction. The full working group is addressing auction of last resort between two or more strings that are not geographic names.

Work Track 5 could 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, and these are if there is more than one application for a string representing a certain geographic name and the applications have requisite government approvals, the applications 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 the government or public authority providing the documentation.

If an application for a string representing a geographic name is in a contention set with applications for similar strings that have not been identified as geographical names, the set will proceed to auction. Is there another slide about this issue, or is it just ...

So, some discussions in the Work Track maybe want to revisit the rules of the 2012 applicant guidebook. There have not been any proposals put forward, so the coleads, we did ask for proposals on the mailing list. one proposal was received, so the next slide is about it, and this is for us

to discuss and if this is considered a proposal or if there are other comments. So please, let's go to the next slide.

So the proposal is the following: update the applicant guidebook chapter 2.2.1.4.4 with if an application for a string representing a geographic name is in a contention set with applications for identical strings that have not been identified as geographical names, the string contention will [be resolved using the] string contention procedures described in module four.

And I note that there is text about module four which is in the next slide, I think. Yes. So update AGB module four with in case there is a contention for a string where one application intends to use the string as a noncapital city name or designate the TLD to targeting it into a geographic meaning, preference should be given to the applicant who will use the TLD for geographic purposes if the applicant for the geo TLD is based in a country where national law gives precedent to city and/or regional names,

The rationale for this text is the following: this would reflect national law for example in countries like Switzerland and Germany where for example city names have more rights than holders of the same name.

If there is more than one applicant for an identical string representing a geographic name, and the applications have requisite government approvals, the applicant with the larger number of inhabitants will prevail over the smaller one as the criteria "size" has been used in the CPE criteria, it is apparently a well-accepted criteria and the rationale

for this is the following: this would reflect the current rule of the applicant guidebook, capital city has priority over smaller cities.

So I think this is the last slide we have about this. Do we have agreement on this? There are several comments in the e-mail list that I have printed, and I will try to summarize for you now. Agreement, no agreement, I will open the floor for comments, and I think there is also a group of comments within the chat.

In the meantime that I look for my printed comments, I will give the floor to Alexander. His hand is up. Alexander, the floor is yours and welcome.

ALEXANDER SCHUBERT:

I'm very much in agreement with the first part for the following reason: if you have government approval, then you very likely have to accept all kinds of restrictions by said government and your financial situation is already smaller than that of an applicant that doesn't have an approval of government.

So you are already in a worse position, and [it should be rewarded] that you achieved government approval. That also shows that the government or the city government is interested in this domain name and thus I agree that such an application should be preferred over one that does not designate it to a geo place.

OLGA CAVALLI:

Thank you, Alexander. I have my notes from the e-mail list, and I see comments from Jorge. He agrees with the first part of it, the first

paragraph. He has some comments about the second paragraph. No, please go to the slide that we had before, so the first paragraph, Jorge saying that it's in agreement about the second one, he says regarding proposal B, so the second paragraph, he feels that we should not prioritize on population and leave the rules as they are.

I think there are other comments on the e-mail list. There is a clarification from Katrin. She says that the proposal refers not to all countries but to the case if the applicant for the geo TLD is based in a country where national law gives precedent to city and/or regional names. The countries with these legal basis, have been explained many times already, cannot be ignored.

And then there are comments from Heather Forrest. It's a quite long text in the e-mail list, but I have highlighted some parts of it. She does not support the changes to the applicant guidebook that are proposed here. She believes that there is not sufficient rationale for making these changes. And another part, she says about module four, imposes on all applicants a requirement for certain countries' domestic law that has no equivalent in international law.

[She] makes several comments about it, and then about changes in the part B, module four, gets ICANN into the business of deeming one party – like larger population – as having more right than other party. And the text is longer, but in my humble opinion, these were the most relevant parts of the text.

Then [Collin O'Brien] agrees with Heather. And I think there was someone else agreeing with Heather. So let's see if we have interesting

things in the chat. Paul says “Katrin, the Business Constituency stated already in the comment period that they support this proposal.”

Paul McGrady, “Disagreement on this, it seems like a proposal designed to do an end run around the community-based application process by granting community-based priority without the scrutiny of community evaluation.”

Susan Payne agrees with Paul. Susan asks Katrin a question, and there are some comments back and forth from the exchange in the chat. Further comments from those of colleagues present in the call, reactions about this text apart from the ones that I have read from the e-mail list that you can go and read in more detail, especially the one from Heather which is quite long.

ANNEBETH LANGE:

Christopher has his hand up.

OLGA CAVALLI:

Christopher, go ahead, please. I'm sorry I didn't see you. Thank you, Annebeth.

CHRISTOPHER WILKINSON:

That’s quite alright. I'm on your side, and as we would say in French, [meuble les pas,] if nobody wants to talk, I'll add a comment. Under A, my position is still that all geo names should be subject to prior information contact or preferably authorization, whether or no they represent the geographical area or are designed not to.

Those that are designed not to, from an economic and legal point of view, I do not understand. We can discuss this later, but it's certainly nothing based upon trademarks or brands. There is no case for a global monopoly for a trademark or a brand.

Under B, I may sound a bit corny, but long before you get to that stuff, the countries concerned who have both authorized the same string will get together. It happens all the time. And if they don't get together quickly, ICANN should go and see them or send them an e-mail, and get them to discuss, because this is that level between governments that's a political issue. So I'm not quite sure if B will ever happen, because as I say, if you've got two competing governments looking for the same string, they should be in contact with each other and they should be encouraged to reach an agreement. Thank you.

OLGA CAVALLI:

Thank you, Christopher. I see several comments in the chat. I'm trying to capture those that are relevant. Katrin says it's about reflecting national law and not setting up the new priorities which would indeed be odd. TO summarize, IPC members opposed the proposal and other supporting organizations and advisory committee members did not comment yet.

Jorge says, "As Olga mentioned, [inaudible] Katrin." Okay, it seems that – let's have a sense from the room that colleagues still need more time or we just don't have agreement on this. Maybe other coleads can help me [in knowing] if we need more time or we just don't have agreement.

I think that colleagues need more time. That's the same feeling that I have with non-AGB terms. Christopher, is this an old hand or a new hand? I think it's an old hand. Annebeth, you want to say something?

ANNEBETH LANGE:

I agree with you, Olga, that it seems here that we need a little more time on this. As Katrin writes, it says quite a lot of input from the IPC side, but some others haven't had the opportunity perhaps to comment. So I think it would be worthwhile to also have this on the agenda for next week. So one more week, and we hope to have some discussion on the list.

I could also mention that it was a comment from Christopher further on the list that he had some questions to the bullet five on the non-AGB that we just skipped. So perhaps you can go back to that and Christopher could ask his question.

OLGA CAVALLI:

Sure. Apologies for missing that. "Are there additional points that the Work Track would like to discuss, or Work Track member replied on this, the following should be considered ..."

ANNEBETH LANGE:

Christopher, can you tell us what you meant by that?

CHRISTOPHER WILKINSON: There are categories of names which have been mentioned before which have not been discussed. First of all – and I confess, I admit I'm an international economist of 50 years standing with four or five international organizations. I know what I'm talking about, and I would like this to be listened to and acted upon. And as far as I can see on the participants list, I'm fairly lonely in this standing.

That being said, I've mentioned over and over again the three-letter currency codes. In your wisdom, the co-leads have written a letter to the co-chairs of the PDP saying that the currency codes are not geographic. I've never agreed to that, but okay, kick it upstairs. But until the PDP puts this on the agenda as a serious discussion item, I'm not going to agree to anything.

Secondly, I've explained – and others have, and it's in writing and I believe it's in the public comment – that there's enormous economic interest and importance in geographical indications. I think some of you have actually accepted intellectually that geographical indications are actually geographical terms. But there's been no attempt to protect the geographical indications in the new round. It's totally unacceptable.

And actually, it's not very clever, because what's going to happen is that you won't protect them in the new round, and as soon as we start getting applications, we will have dot-wine 100 times over worldwide. Let's be realistic. Let's accept – and that actually, Heather and Susan, that is an intellectual property right which is far more important than most of the trademarks.

I ask the Work Track 5 and the PDP to take seriously the economic implications of what we're doing, and so far, we haven't done so. Thank you.

OLGA CAVALLI:

Thank you, Christopher. Any reactions from coleads? I remember that at the beginning of our work, this issue of [currency] and geographic indicators was spoken about, but maybe it's good that you have that in mind, but I don't know if there are other reactions.

Trying to check the chat if we have related comments. Martin, the floor is yours.

MARTIN SUTTON:

Hi, Olga. Just responding to Christopher there, is there any information that he could provide that gives us any economic steer on this? I've not heard any. And it's [regularly] kind of submitted, but I never hear anything of substance. So grateful if anything could be forwarded on that. Thank you.

OLGA CAVALLI:

Thank you. Christopher, maybe you can think about it [inaudible]. Martin, can you please mute your mic? Because you're in a loud room. Thank you.

Christopher, maybe you can think about it and provide any economic information that can help us. Christopher, is it a new hand?

CHRISTOPHER WILKINSON: Yeah, I'm more used to creating the economic information than finding other people who haven't done it, but the fact is that there are thousands of agricultural and related enterprises whose intellectual property resides in their geographical indication, and for that matter, I've never seen any serious economic justification for the vast support to trademarks, whereas other categories of intellectual property are ignored.

But I shall come back to Martin if necessary in due course.

OLGA CAVALLI: Thank you, Christopher. I think Martin wants to reply.

MARTIN SUTTON: Thanks, Olga. Yeah, please, that would be very helpful, Christopher, and specifically to anything that [we're crossing over in] Work Track 5, that would be helpful. I do think that we're missing some of the context that's often spoken about but not as often [inaudible], so that would be extremely welcome. Thanks.

CHRISTOPHER WILKINSON: Yeah. I'm actually surprised that the stuff have not already done this job, and for reasons which I'm not prepared to discuss in public, there's a limit to how much time I can put into this personally. But I hear your point.

That being said, I do recall – and I think Jeff is still on the call – that the PDP has received your letter, which you were so good to send them, about ISO 4217 currency codes, and has not yet put it on the agenda of the PDP. I shall take this up with the PDP at their next meeting. Thank you.

OLGA CAVALLI:

I have hands from Martin and Christopher. They're old hands, or Martin, you want to say something else? I think it's an old hand. Thank you, Martin. There are several comments in the chat. Jeff says "In the United States, there is no recognition of rights for geographic indications and no signs that there will be, but in other countries, there are. Local law would not likely agree on ICANN attempting to interpret their own laws for them."

Okay. Paul says, "But there is an endless list of potential issues. Christopher is worried about the proliferation of dot-wine disputes, but the world is a weird place. For example, Eggnog, Utah – not kidding." And he also includes in the chat some references about different cities of Toledo, Ohio, Toledo, Spain, and different populations. So several details.

And Jeff finally about Christopher, "It's not in the agenda of the PDP and will be tackled at the same time we tackle reserved names." Any other comments about this issue? I see none, so let's move forward. There's still time to think about this, so we are having a long list of things to review, which is good.

So if we go to the final part of our call, which is about the public comments and proposals to change scope of protections. This I would suggest that you refer to the document that has a link in the screen and in the information that we share with you, which is the public comment summary document, which is a document of about 30-something pages, 35 pages, and we are referring to the part that [inaudible] 32. So I'm opening that for my reference here.

And deliberations of the Work Track members put forward proposals to either increase or decrease the scope of protections in the applicant guidebook. These were included in the initial report when it went out for public comment along with a number of other proposals of other topics, so as I said, the summary of these public comments is in the document [that just refer to you of] 30-something pages.

Elements of this proposal have been discussed in the context of revising draft recommendations as well as broader discussion in the Work Track. Public comments reflect that there is a mix of perspectives in the community on the different proposals. Some in favor, some opposed to it, similar to what the co-leaders have observed in different Work Track discussions.

At this stage, the coleads do not anticipate that rereviewing the proposals will lead to agreement in the Work Track on specific changes. Members should raise if there are any points that they think need to be considered further in order for the Work Track to reach agreement on recommendations.

So if you can check the text in the document that I have just mentioned, there is quite long text proposal eight, increase protection, then there is proposal ten, 37, decreasing protection, that is proposal six, seven, and there r like four pages of text. Are there any reactions or comments from colleagues about increasing or decreasing the protections included in the original applicant guidebook? So I open the floor for comments from colleagues.

So silent. What happened? In favor, against, comments? I haven't seen reactions in the mailing list. Maybe I missed something, but I don't think so. I'm checking my [inaudible] here.

So, any reactions to this? Would it be okay if colleagues have a chance to review these three or four pages of text? And as we already have to review some things for the next call. Would that be okay? What do my dear colleagues, coleaders think about just having the chance to final revision of this text? Annebeth?

ANNEBETH LANGE:

My first reaction here is that what we see is a lot of proposals coming in, but it doesn't seem like that it's agreement on – it's a lot of different things just listed up. And it's been there for quite a long time, because this is directly out of the public comments after the initial report, so personally, I think that we don't need very much time to discuss this, but of course, if people feel that they want another week, it's up to the group, but personally, I think we have had enough time. Thank you. I see that Martin has his hand up as well.

OLGA CAVALLI: Thank you, Annebeth. Thank you very much. I tend to agree with you, but I just want to be sure. Martin, the floor is yours.

MARTIN SUTTON: Thanks, Olga and Beth. I echo your thoughts as well. And thanks for those. Actually, I'm going to have to drop off now because I'm stuck in the middle of France in a campsite and I need to take my two youngest with me back to the tent and pack up and get ready to go home. So I'm intrigued by the discussions this evening.

What I would say is that whenever we start to come close to a conclusion, that sparks off a lot of debate. What we do need to do as a group, as Work Track 5 members, is to actually come to a conclusion, whether we like it or not, to put forward to the plenary. We cannot let these discussions that continued for a year and a half, maybe two years, continue as we have started to see again – although some good ideas have emerged, which is great to see, but we cannot let those continue to be protracted.

So we do need to hone in on these and see what is practical, what is good, and as Work Track 5 members, as individuals in Work Track 5, can we please look at what we think is the right thing to do? I think that is more important than what you think your constituent, your businesses, your organizations that you're assigned to belong to, and that is one thing that I've been trying to refrain from, is ever putting forward my personal opinion, my associated opinions, is to try and think, what is sensible to put forward in our conclusions as Work Track 5 to the rest of the plenary?

I would urge you all to go back and think about that, and hopefully next week, we'll have fruitful discussions that conclude some of the difficult situations that we've come across, which are, quite rightly, including yourselves, to try and work this out. And hopefully we'll come up with some good ideas, good conclusions to put forward to the plenary. I hope so, and with that, I'm going to sign off. It's been a bit hit and miss with the connectivity tonight, but I hope you heard me, and we'll be back to normal hopefully next week. Thank you.

OLGA CAVALLI:

Thank you, Martin. Thank you for joining even during your vacation time. More comments. Let's see in the chat if we have comments. We have some comments from Susan that I lost in the chat. Susan is asking, "Can you explain what you want from us, please? This seems to be a summary of the different viewpoints. Are we supposed to be flagging if this is inaccurate? These aren't recommendations, are they?"

Susan, as you can see, they are different perspectives with more protections, less protections. Somehow, similar situation with what we have been reviewing all the time, so we were thinking about having more comments from colleagues. This was the intention.

Jorge says, "I feel the coleads should be specific and limit discussions to those proposals that seem to have at least a critical mass of support according to the record."

Emily responds to Susan, and Emily clarifies these are [all] proposals that were included in the initial report for public comments.

Okay. Any other comments about this scope of protection? I agree that they have been around for a while, but I don't want to be the one to say that we don't have to review them. Any other hands up? Let me check.

Okay. No more comments, no more hands up. Any Other Business? I will defer to my staff colleagues, when is our next call? What are our next steps? What we know now is we have to review some of the text that were shared about non-AGB terms and the changes to the applicant guidebook about the government issue, and geographic names.

So apart from that, what is the next step? When is the next call? If some colleagues from staff can help me [inaudible] and the time.

TERRI AGNEW:

Olga, I threw it in chat as well. The next call is Wednesday the 14th at 14:00 UTC.

OLGA CAVALLI:

Okay, perfect. 14:00 UTC is a good time for 90 minutes, so it's next week. Any other comments, any other reactions from colleagues, from staff, coleads? I think we're ten minutes ahead of time. I'm impressed.

Okay, I think we're done for today. Thank you very much to all of you for the constructive call and exchange of ideas. Let's keep in touch. If you have comments, please share them in the e-mail list and see you next week. Bye. Thank you. Adios. Gracias.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned.

[END OF TRANSCRIPTION]