ICANN
Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic Names at the top-level)
Wednesday, 21 August 2019 at 05:00 UTC
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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Work Track 5 call held on Wednesday, the 21st of August 2019 at 05:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourselves be known now? And we do have Vernatius on the audio bridge. Thank you. Hearing no further names, I would like to remind all participants to please state your name before speaking for transcription purposes, and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will turn it over to Olga Cavalli. Please begin.

OLGA CAVALLI: Thank you. Thank you very much for the introduction. Welcome, everyone. Good morning for me. Late night, early morning. Good morning, good afternoon, good evening for everyone in the call. Thanks for joining. And as you can see in the screen, we have the agenda for today. Take a look please, and let us know if there is any comment about the agenda.

Hey, Javier, welcome.

Okay. No comments about the agenda. Any comments about Statements of Interest updates? Hearing none, I will ask our dear colleagues from staff if they can show the PowerPoint that they have kindly prepared for us to go through this call today. So, we have 90 minutes. The first slide is the cover and then we have the agenda. Thank you for that.

So, as you can see in the agenda, we expect and maybe after all the work that we have been doing through all these weeks and months, to close some of the issues that are still remaining open. So, as you can see points 2, 3, and 4 have that purpose to discuss with you some proposals, some ideas. If we can make closure these issues in this call, it could be great. And then, we have in point 5, the final review of some comments that we will come up during the call at the end of this virtual meeting, and then AOB.

Let's go to the number 2 in the agenda which is the review – no, that's done. Statements of Interest, that's done. The closure – hopefully – of the status of additional categories of terms not included in the 2012

Applicant Guidebook. As you remember, we used to call these terms non-AGB terms, so this as we all know, is a difficult issue. They have different views, different ideas. Not easy to find a common understanding or common language to address all the concerns. There are conflicts still going around about these names and there are different views, different perspectives. So, let's see what we have been working with all these months.

I hear some noise in the background. If one of the colleagues could close their mics, it could be very helpful so we can all hear ourselves clearly.

So, we have extensively discussed whether there should be provisions in the Applicant Guidebook to protect or restrict additional categories of terms not included in 2012 AGB. You can remember, the AGB included several lists that comprise about 5,000 different names or strings related with geographic terms but it happened to be not enough. There were conflicts. Some of them are still going around, and the idea of revising this category was to try to find a way to diminish conflicts and perhaps diminish the uncertainty for both the applicants and the communities and the countries where those geographic names or terms were located.

Based on the discussions that we have been having, it did not happen to the co-leads that there is an agreement on any specific proposal, but we have something to show you in this call. We co-leads put out the request on the mailing list for final proposals, so this is what we want to review with you. One track member replied on the list and showed he expressed concerns that we should consider as a compromise proposal

terms beyond the 2012 Applicant Guidebook with geographic meaning. For example, adjective 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 contact obligation with the relevant authorities in order to put them on notice. And other Work Track 5 members suggested this would only apply if a gTLD or a string was being used in connection with the geographic meaning.

So, this idea of the previous contact has been discussed several times in different spaces within ICANN and trying to diminish the uncertainty and to keep both parties aware of the intentions of the other, so that idea came up. Let's see the additional points and suggestions that we have for this non-AGB category. Thank you very much for that next slide.

The new proposal variation. No. We are missing the previous one. Number 6, please. Thank you so much. This geographic should apply to adjectival forms of country names. Country names to be identified from the ISO 3166/1 list, this would capture terms like for example, .swiss, .american, .british, .argentina, argetinian. Since this relates only to these terms which have a close association with the country name, there is no intended use requirement. So, countries with desire to be notified of applications which match such terms should identify that this is the case before the application window opens so that applicants have certainty. So, that should be kind of list of expression of interest of being in this category. The practical and fair way to do this would be for countries who have this requirement to confirm this and provide relevant contact details before the Applicant Guidebook is finalized, so that these details can be included in, or linked somehow in the AGB. Applicants for such a

term will then be under an obligation to notify. That notification must happen, at the latest, in the period between applications closing and reveal day, but an applicant may choose to notify earlier than this.

So, this is the proposal but there is a variation to this proposal that we will show you in the slide #7. Thank you for that. So, new proposal. So, the variation is included in red. The amendment of the proposal is included text in red. So, the terms beyond the 2012 AGB rules with geographic meaning shall be subject to a contact obligation with the relevant public authorities, in order to put them on notice. This is what we mentioned just before. For the application of the abovementioned rule only the following terms will be considered as being "terms with geographic meaning." So, these are what are considered. Adjectival forms – is very difficult to pronounce for me – of country names (country names to be identified from the ISO 3166-1 list) and/or other terms with geographic meaning, as notified by GAC members states or other UN member states to the ICANN Organization within a deadline of 12 months following the adoption of this proposal.

This is the new text in red. In such notifications the interested countries must provide the source in national law or public policy for considering the relevant term as especially protected. Interested countries would provide relevant contact details with said notification. Applicants for such a term will then be under an obligation to contact the relevant country. That contact notification must happen, at the latest, in the period between applications closing and reveal day, but an applicant may choose to notify earlier than this.

And this is a new text in red at the end of the slide. There is no further obligation whatsoever arising from this provision and it may not be construed as requiring a letter of non-objection from the relevant public authority.

So, this is the proposal. This is the variations, the text included in column red, so I think this is the last before opening the floor for comments. Let's go to the next slide please. So, we have to discuss in this call if there is agreement on a fast forward, if there is some of this text that could be acceptable for the group. If there is no agreement in any other points needed to be raised. What should we do? We should just use the text that we had in the 2012 Applicant Guidebook that remains in place.

So, this is the first point that we would like to discuss with you. We have some comments in the chat and I will open a queue now for comments from colleagues. Let me first go to the chat.

Justine: "Just a provisional update to my SOI…" Oh, Justine is updating her Statement of Interest. You can read it from the chat. I won't read it but you can see it there and say that they're congratulating you, Justine. So, congratulations. I have no time to review it. Oh, you were chosen by the NomCom. Yes, you're right. I saw that. Congratulations. My apologies.

Let's see if we have comments from the text that I have just read and we have shown you in the slides, in the 3, 4 slides. Comments, agreements, we like the text, we don't like it, we want to change it? Oh, everything's so silent. I don't see hands. So, quiet here. Yeah, everyone

EN

is in the party you're having there, Javier. I heard that you have 30 years for PR. You should have invited me. It's a joke. Christopher, the floor is yours and welcome.

CHRISTOPHER WILKINSON: Good morning. Christopher Wilkinson for the record. Just to note that my comments on these proposals have been submitted by e-mail. They may have arrived a little late in today rather than yesterday but there we are. I admire Jorge's attempts but as we've seen already, there are members of this group who can't accept them, so I reserve my position. I'm rather skeptical that we'll be able to reach agreement.

And for the record, I just note that I have never accepted that the Application Guidebook of 2012 will be a default. The purpose of enlarging Work Track 5 to the other SO/ACs was to correct the 2012 AGB which has led to a certain political disaster which you are all very well aware of. So, I don't accept the second bullet on that screen. Thank you.

OLGA CAVALLI: Thank you very much, Christopher. Okay. Any other comments? I agree that maybe the 2012 Applicant Guidebook may not be perfect. The thing is that we have to try to find a text that certifies all the community members and that's what we are trying to achieve in this call. Annebeth, do you want to say something? The floor is yours and welcome.

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ANNEBETH LANGE: Hi, this is Annebeth. I agree with you. I just wanted to mention that it has been some discussion on the list after these slides have been presented. Also from Alexander had some extra information or suggestion to this issue. I'm not sure he is attending this meeting. It doesn't seem like that but –

OLGA CAVALLI: I'm trying to see them in the e-mail. I have another computer by my side and let see if I can capture them.

ANNEBETH LANGE: Julie's hand is up, perhaps she has it present.

OLGA CAVALLI: It's his e-mail from Monday?

ANNEBETH LANGE: Yeah, I think so.

OLGA CAVALLI: Okay. If I can read that from the other computer. Alexander sent an e-mail on Monday, 19th of August at 2:00 PM my time. He says, "I would strongly oppose allowing applicants to notify the relevant government authority. This would be right for abuse. We are likely talking about a couple of affected applications and it would incur into zero effort for the Geo Panel to inform the respected government contact. The Geo Panel could feed the system with data while applications are fitted into the

system and the minute the application system is shutting down, application window closed, e-mails have been sent. My best guess is roughly five affected strings. Gut feeling. How difficult can that be? This avoids complicated enforcement and validations issues like those that you've mentioned. Again, we are not talking about hundreds of instances, just a few strings. This isn't [inaudible] useful ones which from round to ongoing applications process, we can require all countries to monitor the irregularly occurring application submission. This ceases. There are comments from Jorge.

ANNEBETH LANGE: Olga, it's Annebeth again here. It's another e-mail from yesterday, and I can read it. I have it here, if it makes it easier. Yeah. After having received personal e-mails to clarify, right to abuse by applicant entities who try to –

OLGA CAVALLI: I lost you –

ANNEBETH LANGE: So, I support – can you hear me?

OLGA CAVALLI: Yeah, now. I lost you for a minute.

ANNEBETH LANGE: Okay. So, I support Jorge's suggestion of the repository, but let's keep the applicants out of the loop and have the Geo Panel organizing the notifications. It would be a notification only with no resulting rights. The mechanism would be meant to relieve governments of the necessity to constantly monitor ICANN application rounds and especially in the future, the ongoing application submission [inaudible] rounds. Governments would have ever submit geonames strings and only those would be subject to notification. ICANN would also provide access to this repository via easy to use web-based tool, so applicants may check their string before they apply. This way they can count later claim to have never heard about the geo entity.

So, the notification portion of Jorge's suggestion could read: upon closure of the application window, ICANN's Geo Panel will inform respective government entities if a matching string has been applied for. ICANN will also provide a web-based tool so applicants may check their string for a potential match with the repository. How the governments will be informed exactly might be subject to implementation – probably first via e-mail with the request for a confirmation of a receipt. If no receipt is received in X days, a certified letter will follow and the respective GAC member will be on notification as well. This would be executed by the Geo Panel. There won't be any foul play. Thanks, Alexander.

OLGA CAVALLI: Thank you, Annebeth. Very helpful. So, it seems that this proposal by Jorge is having this function of the Geo Panel notifying different entities,

and then a web tool, and then perhaps how to notify governments is still to be defined.

I see comments in the chat. Many, many. Anyone? Anymore hands up? In the meantime, let's check. A lot of comments in the chat.

Justine supports the new proposal variation with amendment on slide seven. She feels it is important for the intent of notice to the right parties be incorporated.

Katrin says she agrees with the proposal by Jorge to give the proposal another week, as not all members are able to reach out to their SO/AC and get feedback.

John Rodriguez: "General question. To have a better understanding of the proposal, what is envisioned that would happen next after notification?"

Well, just a comment to John, what happened with conflicts and some of them are still around is that countries complained that they were not aware of what was happening. We expect that that would diminish the conflict, the conflictivity of situation.

Jorge says, "Alexander clarified that he supports my proposal with an automated notification system."

Heather Forrest: "Plus one to John." She has the same question.

Jorge responds to John and Heather, "The requirement ends with that notification happening. More or less what I said. What happens next is up to the parties." I agree with Jorge clarification.

Yrjo: "I support Jorge's proposal, and also Alexander's suggestion on its implementation."

Susan Anthony: "How is geo name string defined?"

Nick Wenban-Smith: "If it were ICANN doing the notifications then that would solve the compliance question, so in principle I could support that."

Justine's response to John and Heather, "We're talking about notification only, it doesn't stipulate that anything must happen after. Heather, I'm not sure then that I understand the purpose of the notification when all applications will later be revealed."

Jorge explains again that it's about putting countries early on notice.

Justine responds to Alexander's suggestion on an automated notification system, it would just add that system record on delivery of notifications may need to be considered.

Javier says, "There seems to be some level of support for Jorge's general proposal." So, this is what I'm thinking again.

Jorge says, "As we lack a precise definition we are going with lists."

Heather says, "I understand Jorge's answer. For example, what happens next depends on the parties, but I don't understand how this improves predictability or transparency for the parties."

I see Annebeth's hand up. But I personally after talking with several parties investigating this issue for several years, it happens to be that

the unawareness of some of the parties involved in the conflict was part of the problem. So, this is why this early contact could at least diminish the uncertainty. Annebeth, your hand is up. Go ahead please.

ANNEBETH LANGE: Actually, I like to say this exactly the same as you, Olga, why this would make them solution better. Because not all countries in the world following what's going on in ICANN, and even if the applications are revealed and it will be out there for information purposes, I'm sure that a lot of countries won't catch that. So, if they in one way [inaudible] in advance, that would at least as you say – and I think that is Jorge's idea as well – diminish the conflict. They are more aware even if they haven't found out on the ICANN website that something's going on. Thanks.

OLGA CAVALLI: Thank you, Annebeth. I think that it also opens a window for somehow a negotiation or trying to follow if parties don't fully agree on the proposal, maybe they can have a dialogue and try and see. I don't know what may happen. But it could be that they agree in perhaps the different proposals and the original one. Then it's a success story.

So we have more comments in the chat and I see no other hands for the moment. So I'll go to the chat. I saw a lot of activity in the chat.

David McAuley says, "I live in USA and used to work in London area in UK. The number of commercial entities named American XXX or British XXX (American Airlines or British Airways) are too numerous to mention – assume this phenomenon is global. These kinds of uses of adjectival

form by new applicants would be affected by this proposal unless country opts out of protection – is that correct? Just want to make sure I understand proposal."

Jorge responds, "And the application process continues." He's responding everything.

Katrin says, "Plus one to Jorge." She agrees that predictability and transparency are increased with this proposal.

Jorge responds to David: "This is just a contact requirement. No non-objection whatsoever."

Justine responds to Heather: "It improves awareness of applicants to problematic strings, and improves awareness of governments as to applications for such problematic strings."

Jorge makes a comment, "The proposal explicitly clarifies that."

John Rodriguez: "Is there any chance the notification would be creating an expected outcome of a conflict requiring a negotiated outcome where there isn't even any consideration as to the context or proposed use of the TLD?"

David thanks Jorge.

I have Susan requesting the floor. Susan, the floor is yours, and welcome.

SUSAN PAYNE: Thanks, Olga. Hi, it's Susan Payne, everyone. I put my hand up when I saw the question from David McAuley about – I think the brands he referenced were sort of British Airways and American Airlines, that kind of thing, and whether this would capture that. My comment to that – and I'm still kind of pondering the detail of the proposal – but my comment in relation to that specifically would be that we've been talking here about exact matches. A brand which was British Airways is not an exact match. And to my mind, I've been sort of partially responsible for part of this proposal, that doesn't cover the British Airways or the American Airlines example.

Again, just as Jorge has been saying, a reminder that it is only a notification. This isn't a creation of rights, and to my mind this isn't the creation of an expectation of conflict. Indeed, it's my concern about whether that is what we're creating. That causes me to be saying that I'm still kind of pondering on this proposal. I think perhaps, I know that Jorge and his latest amendment has been trying to include some wording that would help to clarify the expectations of what happens next. But I think perhaps to give more comfort to the people who are very concerned about this, it might need some more language that spells out in more clarity that this is not creating a right. Whilst obviously any government has a right to bring an objection, it isn't creating an outcome of success on such an objection if they think that they have some grounds. It's not possible for us to say this doesn't create the right to object because that is seeking to close off any parties' avenues to think that they can seek recourse, but it certainly isn't creating a foregone conclusion that they have a right, that they would likely be successful on an objection. And I think perhaps some

more clarity would be needed on that in order for people to potentially be more comfortable with this.

As currently crafted, I personally have some concerns about the public policy reasoning. I think if such notifications are referring specifically to a source in national law then perhaps there's some certainty around that. Then it's considering terms which governments in their own locality have considered to be so important that they required some particular sort of legislative protection and there's a certainty around that, which I think the reference to public policy doesn't sit well with. It's much less vague and gives the prospect of potentially one or more governments just thinking that hundreds or thousands of terms would meet that second requirement.

Those are my kind of gut reactions at the moment. I personally would support the idea of allowing this a little bit more time to garner more views as a few people have suggested. I think there is more discussion to be had on this.

OLGA CAVALLI: Thank you, Susan. I see your point about not creating rights or specific outcomes of the contact. I think it's a fair point. But let me check with the group. I see some tractions towards accepting this idea, perhaps with fine-tuning the language. Let's see some reactions in the chat or hands up or other sign of acceptance of my comment. I would take silence as a yes. Annebeth, go ahead please. Annebeth, I cannot hear you. Maybe you're on mute.

ANNEBETH LANGE: Hi, it's Annebeth. It's still quite a lot of comments on the chat that should be read. I think I agree that we might give it another week because it's a lot of people not attending this. So that we are sure that everybody has read these suggestions and have their possibility to chime in, but if you perhaps go through the rest of the comments, that would be helpful.

OLGA CAVALLI: I'll do that in a moment. I'll see where I left. Susan already talked. Jorge's responding to Susan, "As we have not a precise definition, we go for lists."

David, he agrees with Susan. "That more clarity around this would be welcome, especially vis-à-vis exact match limitation – and agree with those who feel that closure must await a chance for all to weigh in on list."

Jorge responds, "With the requirement of the term be protected under national law/public policy."

Susan Anthony says, "Then, Jorge, how would a government know what to put on the list?"

Jorge responds, "Law and public policy will tell you."

Susan Anthony: "Not sure how public policy is defined."

Katrin Ohlmer responds to Susan: "Governments should know their national law."

Jorge says, "Happy to refine the wording for sure."

Susan Anthony: "Katrin, my question goes to public policy as the proposal refers to national law and public policy."

Katrin says, "Olga, let's try to find a compromise on this proposal and defer one week."

Justine Chew: "I wouldn't mind further word-smithing by the proposers."

Jorge: "Send it in a separate e-mail and ask for specific wording improvements."

Javier agrees that more time is needed but he feels there is a traction here. I agree with Javier.

Cheryl: "Another week indeed seems reasonable for this very important effort at reaching a consensus/solution." Thank you, Cheryl. And she says, "Please do, however, further the proposed text development on the e-mail list between now and Monday's meeting."

John Rodriguez: "At this time, still have concerns with the proposal. The main concern being that we are ignoring the context of the proposed TLD and whether it will or will not create an association with a place."

Okay, let's do the following. So we move on because we have other things to review and hopefully closure. Let's have one more week. Please comment in the list. Of course, Jorge, thank you very much for the proposal. It seems to have some traction. Those who have suggestions for amended text like Susan and others, join Jorge in that

effort in the e-mail list and let's give it another week. Is that okay? No comments against? I see none. So I'll take silence as a yes.

Let's go to the next issue which is closure of discussion on changes to string contention resolution. This is also an open issue. Background of this issue. 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 auctions 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 the Applicant Guidebook.

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.

Someone has an open mic. Could you please close it? Thank you.

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.

So, this is the background. Let's go to the next slide please.

There has been some discussion and we may want to revisit these rules. We have put a final call for proposals on the mailing list. One proposal was received, so we will review it. Next slide.

The proposal is to update the Applicant Guidebook, Chapter 2.2.1.4.4. 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 4. And then we have the text from Module 4. Please, next slide.

The update text is the following. There are A and B. One update is: (A) In case there is contention for a string where one application intends to use the string as a non-capital city name or designated the TLD to targeting it to a geographic meaning, preference should be given to the applicant who will use the TLD for geographic purposes if the applicant for the geoTLD 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.

Text (B) is the following. 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.

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The rationale for this is the following. This would reflect the current rule of the Applicant Guidebook capital city has priority over small cities.

I don't know if there's further text in the next … Okay, having reviewed the proposed changes in this Module 4, I would like to open the floor and see if there is agreement, if there are comments, new points that need to be raised, not discussed so far. So I will open the floor for comments. I will open the queue and see if we have hands up. No hands up. Let's see if there are comments in the chat in the meantime.

I think we have comments from the previous issue. Yrjo: "Governments that want to protect place names within their jurisdiction use different level of instruments for that. That's why national law and public policy is an appropriate formulation." I think he's trying to explain why public policy is just in the text.

Welcome, Mzia. He says hello. I say hello.

Katrin says, "Does part B apply to non-capital city name strings only?"

I have Susan requesting the floor. Susan, please go ahead.

SUSAN PAYNE: Thanks, Olga. Hi, it's Susan Payne. I just wanted to reflect that I think there was quite a lot of quite significant opposition to this proposal. Some in the e-mail and a significant opposition on the last call when we discussed it. I mean one of my particular concerns with this is that it's seeking to elevate this particular type of applicants for a geo term. Overall of this, including communities, in order to give some priority where TLD string is being developed for the benefit of the communities,

a particular process was developed for that. This is seeking to leapfrog over even that because the moment the applicant meets the criteria that have been proposed, they don't even have to be assessed for community priority. They go straight to the top of the list. I do not think that this is acceptable.

OLGA CAVALLI: Thank you, Susan. Other comments/reactions. Let's see the chat. In the meantime, let me see more. Hands up.

Justine's response to Katrin, "Does part B apply to non-capital city name strings only?" Katrin says, "Justine, yes. Like .kiel and .kiel. One in Germany and one in the United States."

Responding to Susan, "It is not about to elevate any applicant, just to reflect national law."

Thank you very much, Katrin. Any other comments?

For the moment Susan says that this has been discussed and there is no agreement.

Other comments?

Susan is responding to Katrin, "But you are seeking to impose one country's national law on all comers, regardless of location." And John supports Susan's comment.

There is some traction to accept or reject this text. Can you give me a sign, please? This time I will take silence as a no.

Katrin says, "Susan, as mentioned the proposal seeks to reflect relevant national law, not more." I see the point.

Could the text be amended? Could the text be redefined and try to find a new text as we are having one week more for the other text? We can have one week more for this one. Apart from Susan, she thinks that there is no agreement. Other comments?

Katrin responds to Susan, "As mentioned the proposal seeks to reflect relevant national law, not more." That would be appreciated. I think she's referring to my proposal to give it a little bit more time.

Jorge says, "Perhaps those with issues may offer specific improvements to the text." Thank you, Jorge. That would be my proposal as a way forward.

Susan says, "I don't think this needs more time."

Javier: "Don't see very strong support for text as currently drafted. Maybe further work will progress things."

Okay, I propose the following. As we will have one more week for the previous issue, the non-AGB terms. Let's give it a bit more space for this text. I know Susan thinks that it doesn't need more time but maybe those who supported can contact her and see if we can amend it somehow. And if it doesn't fly, then we can review it again next week and again try to share the text in the e-mail list so we can capture any outcome or any new proposal that we can reflect in the slides for the next call or during the week. Does it sound a fair way forward? No

reaction so I'll take silence as a yes. Thank you, Javier, for plus one. Thank you for that. Let's move on to the next slide.

It's closure – hopefully – to the non-capital city names. We have the next slide with an amended text. Let's see if we can decide something in this call. The amend text in Applicant Guidebook 2.2.1.4.2 part 2 on non-capital city names is proposed by adding the blue text. It's shown in the screen that I will read it now. It is clear from applicant statements with the application that the applicant will use the TLD primarily for purposes associated with the city name.

And there comes the new text in blue. For the avoidance of doubt, where the applicant states in their application that they intend to use the TLD as a .Brand (intend to have Specification 13 in the Registry Agreement) it will be taken that the TLD will not be used primarily for purposes associated with the city name.

The rationale for this is the current Applicant Guidebook text states that city names present challenges because city names may also be generic terms or brand names, and in many cases city names are not unique. This language does not aim to change the position from the Applicant Guidebook 2012, but merely aims to provide greater clarity and certainty for potential applicants. At the same time, it ensures that the relevant authorities are consulted when an applicant intends to use a TLD for purposes associated with a city. If a government or local authority is concerned with an application, they are not precluded from filling an objection (as they could in 2012) or filling their own application. The current rules on resolving contention sets in Applicant Guidebook 2.2.1.4.4 or Module 4 will not be impacted by the text.

This is the proposal with the amended text about the non-capital city names. I will open the floor for comments. Let's see if we have comments in the chat in the meantime, shares this and is talking about text that will be developed.

Justine, about this new thing. Justine says she does not support the added blue text on Slide 16. "We should not promote adoption of anything as taken, best to have specific text declared for avoidance of doubt." Justine does not support it.

I have a hand up from Christopher. Christopher, the floor is yours.

CHRISTOPHER WILKINSON: Thank you, Chair. Thank you, Justine, for beating me to the boast. By the way, congratulations, but I don't support the text in blue. I would also, for your information, comment that there is an active thread in the PDP list about Specification 13 and the close reading of Specification 13 to my view, the text is not consistent with trademark law. I don't want to go into this here because it's being discussed in the PDP. Thank you. But don't take Specification 13 as stable. I think it is not. Thank you.

OLGA CAVALLI: Thank you, Christopher. Let's see comments in the chat. Justine doesn't support the text.

Nick Wenban-Smith: "I think the blue additional wording makes sense. Sorry, Justine."

Katrin says she's concerned about "intend" as this leaves the door open to amendments.

Jorge says, "I tend to share the concerns from Justine and Katrin."

John Rodriguez: "Seems the blue text just adds more clarity and reassurance."

Julie: "Sorry I have been remiss in putting up the timer. I will do so from now on." It has been working quite smoothly so far.

Annebeth – she's specifically concerned about the word "primarily." This opens for using the TLD, not only as a brand but also for other use as a generic TLD with subdomains.

Katrin says, "Also the rationale says that governments could file their own application but this is not possible as they only would be made aware of the application after the reveal day."

Susan responds to Justine, "Can you clarify? I am not sure I understand your concern as you also say 'best to have specific text' which is what this is trying to do.

So, we have different opinions quite opposite, I would say. Is there a traction for a revised text?

Jorge says "will be taken," "primarily," etc. are indeed especially problematic.

So, I see some concerns about some wording of the text and some others support the text. So maybe the text could be refined? Those who

support could work with those who have concerns about some words included in it.

Katrin responds to Sophie, "I would have to consult with the geoTLD group.

Heather says, "The term 'primarily' derives from the 2012 Applicant Guidebook." She's responding about that.

Sophie Hey: "Katrin, that would be great if you could."

Heather responds, "2.2.1.4.2 which specifies geo names requiring government support says it is clear from the applicant statements with the application that the applicant will use the TLD primarily for purposes associated with the city name."

Susan supports Heather.

Heather: "Susan's proposal uses this exact language."

Okay. So, any agreement? Could we agree on – I see some support for the text and I see some concerns about some wording in the text. If I'm not mistaken, I don't see a total rejection of the text. So as a way forward, can I propose that those who support the text work with those who have concerns with some wording and try to come up with a refined text? The same that we have done with the other two open issues. I see some more suggestions in the chat to refine.

Nick Wenban-Smith says, "Perhaps add that the TLD is to be exclusively for .brand use."

I'd imagine that you all have to go on and consult with your constituencies. So I don't know if other colleagues have other ideas. My proposal would be those who liked the text work with those who could amend it or have some concerns about some terms but don't say no, and see what happens. One week more.

Any comments? Any reactions? Javier supports me. Thank you, Javier. Gracias. Any other comments?

Jorge says, "I don't agree with the intended use rule, but if this is consensus, there could be a mention that applying under Spec 13 is an indication that your intended use is non-geographic."

Thank you, Jorge, and remember that Christopher mentioned that Spec 13 is unstable.

Okay, maybe Jorge and others can ask you to touch base with those that like the blue text and see if we can refine it eventually. I see no horrible objections so I take the silence as a yes. Okay. Thank you for that. Let's go to the next slide.

Let me open my other computer here. Final review of public comments, proposal 6, 7, 8, 9, 10, and 13. Several deliberations of our work, members put forward proposals to either increase or decrease the scope of protections in the Applicant Guidebook. These were included in the initial report when it went out for public comment along with a number of other proposals on other topics. A summary of public comments on these proposals begins on page 32 of the document that was shared with the invitation to this call. I have a printout here by my side, and you can open it from the link – public summary document.

Elements of these proposals have been discussed in the context of revisiting the draft recommendations as well as broader discussions in the work track.

Public comments reflect that there is a mix of perspectives in the community on the different proposals – some in favor and some opposed to each, similar to what the co-leaders have observed in the discussions that we have.

At this stage, the co-leads don't anticipate that reviewing the proposals will lead to agreement. So members should raise if there are any points that they think they need to be considered further in order for the work track to reach agreement.

I see Annebeth is leaving and going about. Thank you for joining us today and we keep in touch.

The staff is showing the text and maybe you can review it in your own computer more easily. I have a printout here on my side. I would like to open the floor for comments, reactions about these protections. Let me check the chat if we're missing something.

Jorge says he doesn't agree with the intended use rule, but if this is consensus, there could be a mention that … Oh, it's about the previous thing.

Comments about these proposals to change the scope of protections?

Still reactions about the previous one. Justine: "They would be stating the intention clearly." I think that concern could be addressed by taking into drafting. Please do that, take to drafting.

Comments about this text and the document. If you have the document, you can open it in your computers and go to page 32. It is shown in the screen and I can read something for you here. It's quite detailed about confusingly similar – it doesn't make any sense that I read all these to you because it's quite long. Detail is like to three or four pages. Any reactions, any comments about this text?

Jorge says he supports proposal 8. Thank you very much, Jorge. I thought I was alone here. Any other comments about proposal 8? We still have time, so maybe I'll go and read it. Why not? Quite boring but anyway.

Proposal 8 says, "If an applicant applies for a string that is confusingly similar to a geographic term that requires a letter of government support or non-objection, the applicant should be required to obtain a letter of government support/non-objection. As an example, a common misspelling of a geographic name would be considered confusingly similar."

There are support and oppose from different stakeholders. Support from Jorge. Katrin supports, Cheryl. Thanks, Sophie. Susan strongly oppose. No hands up. Okay, I see not a lot of traction. Yeah, quiet. Quiet.

Let's see #9. "At the end of the registry contract period, a government entity has the option of becoming engaged and can add provisions to the contract that specifies conditions rather than there being an assumption that the contract will be renewed."

There are of course supports and oppose from different stakeholders. It's more or less the same that always support among themselves and the others that opposed similar concerns.

What about 9? That's 9 on the screen, Jorge. Really, the text is not long. The long part of the text is who supports and who is opposing.

Justine is asking, "How are expressions of support/objection now viewed against those already submitted through public comments?"

Other comments? Reactions? I would say that we can accept 9.

Someone strongly opposed. Javier is responding to Justine. He thinks all expressions are equally valid.

Julie has a hand up. Julie, go ahead please. Julie? We can't hear you, you must be on mute.

JULIE HEDLUND: Sorry, Olga. I was on double mute. Julie Hedlund from staff. Proposal 9 and proposal 8, and actually all the proposals in the section have some support and some opposition. There's a fair amount of opposition to proposal 9 in the public comments.

To Justine's question, what we're looking at is the summary of the public comments and consideration of the public comments. I think, as we noted in the slides, with all of these proposals there was a fair amount of support and also opposition for each one. So that's what we're considering at this point. Thank you.

OLGA CAVALLI:	Yes, Julie. Thank you very much for that. We don't see a traction for some outcome, some agreement, but we're given a last chance to this text. Julie, this is an old hand, right? Thank you.

Cheryl: "Yes, there is no clear direction." I agree with you.

Justine says, "Javier, okay. I'm just confused as to whether I need to repeat what ALAC has already said."

Comments are there. We see that – I think Cheryl put it very clearly. Bipolarity, I like that with the public comments here. Very different positions. Are we okay that we don't review this again in our next call? Or colleagues need more time? I saw some tractions toward yes or no for #8. I can read address, I can read number.

Cheryl says, "Move on." Yes. Okay. No opposition to move on and not review this again. Silence. No hands up. No comments. Everyone is tired. Imagine for me it's 3:00 AM. Okay, I take silence as a yes, don't review this again. If there is a way to break bipolarity, let us know.

Javier: "2:00 AM." 3:00 AM here. Quiet night here, right? But very cold here, by the way.

Okay. Any Other Business. Any other comments? Can I ask our dear colleagues from staff? Let us know when is our next call. Julie, are you there? Can you let us know when is the next call please?

JULIE HEDLUND: Hi, Olga. Sorry, I was on mute. I'll note in the chat. Thank you very much, Steve Chan. Next call is Wednesday, 28 August at 14:00 UTC for 90 minutes.

OLGA CAVALLI: Fantastic. Okay. So we have a plan. We have to review the previous issues and let's give it time and hopefully find a new text after all this work that we have done. It could be great to have an outcome. So remember about the known AGB or the additional categories of terms not included in the Applicant Guidebook, think about it. Try to develop a new text, discussions on changes of string contention resolution and non-capital city names. Those are still open for discussion and hopefully next Wednesday we can agree on new text. Use the e-mail list. Be open and try to find a positive text that we can all agree with. Any other comments?

Justine makes a very interesting question: "Apologies. Where and how do we consider the constitution of the Geo Names Panel? Would that exist?"

Cheryl says, "See if that can develop on the list then at Jorge. And it would be great indeed, Olga." Thank you for that.

I don't have an answer for that. Can someone help me responding Justine or maybe we can have some time to respond? It's a very good question, by the way. Okay, let's mark that question for – Steve has his hand up. Steve, go ahead please.

STEVE CHAN:

Thanks, Olga. This is Steve Chan from staff. I guess I would just ask a clarifying question because the Geographic Names Panel was actually a component of the 2012 application round. So I think maybe what Justine is asking about is maybe additional duties for the Geographic Names Panel. So I don't know if anyone has suggested that, the Geographic Names Panel in its entirety be moved, but I think there has been some suggestions that it might need to be amended or their duties increased. Perhaps, Justine, you might be able to clarify. Thanks.

OLGA CAVALLI:

Justine? Any comments? She thanks you for refining the question. Okay, in the meantime, that may be Justine can clarify or we can do that in the e-mail list. Any other comments? Any other reactions?

Jorge, we are almost done. Do you have any comments? Any questions?

Christopher says, "Support GNP with broader mandate; existing ToR appear to be inadequate in the light of the problems which arose."

Katrin says, "Can we put the topic 'Define Geo Names Panel' on the to-do list." That's a very good suggestion. Could staff take note of that, please, for our to-do list and open issues? Thank you, Jorge for supporting Katrin. Noted by Julie.

Any other comments? Well, Jorge, sorry maybe you were not on the call. We asked for comments. We said that if we have no more comments, we would close that but if you want to comment, of course you're welcome now – we still have 15 minutes – or in the e-mail list or in the next call.

EN

Justine is refining the question. "Where and how do we consider the constitution and scope of the Geo Names Panel?" We will put that in the to-do list, and I think it's a very important question.

Jorge says, "It would be good to look at all the proposals."

Jorge, let's do the following. I think Jorge's proposal is fair. It's difficult to look at all the text. I will ask, see if this proposal is accepted by colleagues. Why don't we put for the next call the proposals but just the text in one or two or three slides without the supports and objections? Because it's a long text to look at, it's difficult to see it in the screen. And we take a final look. Because I think Jorge didn't have the time to do that in this call. So, we can do that so the text is easier to review. Is that fair, Jorge, or do you want to comment now?

Who is trying to comment? I don't see hands up.

JAVIER RÚA-JOVET: This is Javier, Olga. I think that's a great idea.

OLGA CAVALLI: Yeah, I think because the full text is somehow difficult to review in the screen. I can do that sometimes because I have printed it or because I have worked with two computers in the calls, but I see that sometimes colleagues have difficulty with that. So let's do that in the next call, have one or two slides with basically the proposal and give it a final try. That sounds a good idea.

Thank you, Jorge. Okay, thank you, Justine. Any other comments? Any Other Business? Okay, hearing none. We have good progress to this call. Thank you, Cheryl. Let's work during this week. Sleep time for Jorge, for Javier and myself. Let's stay in touch for those that are interested in refining text, please. Please don't forget to do that. We'll talk again in one week. Talk to you again on Wednesday. Have a nice rest of the week. Good morning, evening, afternoon, and good night for me and for Javier. Bye-bye. Ciao.

CHERYL LANGDON-ORR: Thanks, everyone. Bye.

ANDREA GLANDON: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

[END OF TRANSCRIPTION]