TRANSCRIPT

Study Group on Use of Names for Countries and Territories Telephone Conference
6 June 2012

Attendees:

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GAC:

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At-Large:

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Paul Szyndler: Thank you for joining the next teleconference. It's Paul here. This is the June teleconference (inaudible) country and territory (inaudible) study group. I don't think I've actually said it for a while, but thank you to everyone for -- it's easy on a study group or a working group like this to have a lot of folks drop off as we go, and it's been interesting to see as we've progressed that our numbers have remained relatively strong pending people's (inaudible). This is, of course, our last teleconference before many of us get together in Prague. So there's a few issues to cover off in terms of the last few survey items -- UNESCO survey items. And Garda, thank you for joining us today and fee free to chip in where appropriate. But also, just a couple of administrative things and some planning-type items so that we're all on the same page as we come into the Prague meeting.

Gabi, did you want to start off with any apologies, etc. to cover off on the formalities?

Gabi Schittek: Yes. The apologies I have received come from Jaap Akkerhuis, Joke Breaken, Henry Chan, Sokol Haxhiu and Hiro Hotta.

Paul Szyndler: Thank you very much. Duly noted. Now -- I'm sorry. I'm just trying to get the presentation going. Now the agenda for today was just basically to cover off on a few housekeeping issues and that is the status of the UNESCO survey and, again, Irmgarda, Baher, if you want to contribute on that one, feel free. And then to work through the last of the survey items that we'd -- that we had to cover off from. The way that we'd broken it up in -- commonly used in local representations of country names -- country and territory names in minority and indigenous (inaudible), but also just to briefly cover off on a discussion we had last week about (inaudible). There were a few comments on the (inaudible) time and I just want to wrap that up. Then also, again, getting back to housekeeping -- the -- a progress report for the -- how this study group's going, and then issues that we all look forward to discussing in Prague.

I apologize again. It appears that my Power Points -- I must learn to cut them a little bit higher because they do get cut off in the Adobe room and (inaudible) I'll walk everyone through them anyway.

Now we had a brief teleconference -- Bart, Baher and Irmgarda and myself -- about progress with regards to the UNESCO survey, and to date -- obviously, this is supposed to be one of the major bodies of work which we can draw evidence from, data from. We can look at what comes back and we can adjust all the theories that we've been

discussing over the last few months. And as part of that, I just sort of want to report back to everyone is this survey has been somewhat delayed, but it's a bit of an administrative issue. I understand -- Irmgarda, did I relate it correctly in the survey here that (inaudible) had signed a letter -- that a covering letter had been drafted and signed and the survey had been adapted and was getting ready to go. It was basically an issue of the translation of it now into the 6 UN languages. Is that an accurate representation?

Irmgarda Buddeberg: Yes. Exactly. We decided during the process that it's better for institutions which will be providing the input to have not only English version of the survey but to has as well some 5 other UN languages available -- so basically to (inaudible) to the understanding of survey and what we are asking. And for this reason, it was decided -- with the survey (inaudible) now in English only will be translated in Spanish, Russian, Chinese, Arabic and -- what else am I missing? -- French. And we will be asking -- as UNESCO has (inaudible), the survey online will be still available in English and French. So basically English version is more or less under construction and it basically will be finalized very soon. But we need to do the same as French, so we are relying basically on -- we have to be supplied with translations in the 5 languages and (inaudible) is needed for French version, which will be done online. So as soon as it is done, we will be able to launch it at the same time in all countries that we have been selecting during last few months. And the letter -- official letter has been drafted so this is already approved. And in this case, we will be able to approach those institutions and our membership, asking them to nominate institution -- (inaudible) institution that you'll be responsible to provide the comments and fill in the survey. So that is the (inaudible) in terms -- because of the translations between (inaudible).

Paul Szyndler: Now thank you. Thanks, Irmgarda. And just for everyone's common understanding, this is a just a -- I think we're working through a slightly administrative delay in terms of there is a working arrangement and agreement between ICAN and UNESCO, and that's what we're using as the mechanism that will help facilitate this survey. ICAN is, of course, paying for the translation of the survey into various languages. So it's just a case of -- and those with experience in intra-governmental organizations or even big business -- it's a case of legal and finance areas talking to each other and getting the paperwork sorted. So it's not actually a significant delay with regards to the survey itself or the content or questions. It's just a case of getting the process sorted through, which is something that I'd expressed to Irmgarda the other night and Bart and Baher -- as not necessarily a concern because we have, of course, had a delay with the new GT [LD] process and we're only going to the see the review hopefully on the, I believe, the 30th of June. So that's going to provide some data for us to consider as part of the Prague meeting. And then as we keep going through our work, we can probably expect to see some sort of response as part of the survey heading into the Toronto meeting. We've also discussed the presentation of those results either in person or via remote presentation from UNESCO at around about the time of the Toronto meeting. It is a little bit later than we originally intended, but it's not something that's not manageable, given that we were expecting to deliver final reporting around about the end of the year. And that leads to another issue that, as it currently stands, this study group is due to deliver upon a report towards the end of the calendar year. I'll certainly have to go back to the ccNSO Council and see whether there's a possibility of us extending that if we see that it's appropriate to do so. If we're not quite getting towards the end of our

work, if the UNESCO survey brings back a whole bunch of data that sees us wanting to extend the scope of our work. As I've mentioned on a number of occasions, the deadline for us is to provide some input in a timely fashion but absolutely before any second round of new GTLDs and, as we can all appreciate, that is a sliding deadline now that's moving back -- likely to be moving backwards as well. I don't want us to flip our schedules, but I'm just flagging the potential that we could move back a little bit.

Now getting on to the substance of the discussions and some of the issues that were -- again, the categories that we'd flagged as part of the UNESCO survey that we've been working through one by one or two by two per meeting, we had quite an extensive conversation last teleconference about lists -- and roughly speaking, banged together the way in which country and territory names we used in other languages, or non-official languages, and used that to facilitate a broader discussion about the type of lists that might be used as sources of information, as references. And there were quite a few -- UN and other sources that were reference. Probably, on my part, I have to admit, to actually highlight the utility of the ISO 316 (inaudible)-1 list, which, after all, is the basis upon which CCTLDs are determined, delegated and is the most extensive list amongst the ones that we'd looked at in terms of looking and countries and territories as it probably provides the best coverage of all of them that we discussed. And what I was trying to get a feel from members of the study group was to an extent, there would be a sense within the community that we need to pick a list and stick to it, that throughout ICAN processes, it would be prudent to have the same list used in the instances where it was relevant over and over again, and for people to have some predictability that that's what was going to be used. And to that extent, there was a possibility for this group to come out and say, "Well, that ISO list should be the one that's used as the default resource for relevant ICAN processes." But then as part of that, one has to note that it has its limitations and that is when it comes to translation to other languages because natively, the ISO list is published in English and French and that leads to some questions about how adaptable it is to other languages. It doesn't actually have the same coverage in its native format to even the 6 languages of the UN. And to that extent, I know that we got to a point discussing on the last call something which I've loosely called the ISO-Plus solution. So that is use of the list with other references that might help expand it and make it more adaptable to other languages. But before I go on with that (inaudible), I just wanted to note that Martin had his hand up in the Adobe room and hand the floor to him.

Martin Boyle: Thanks, Paul. I think there is actually another small issue about the ISO-3166 list that comes about from a comment that Jaap made, and that is the standard itself only covers the allocated codes, not the exceptionally reserved ones. That would actually mean that the European Union would not be recognized as a country, or as a country code, under the strict reference that we've got here, to it being ISO standard. And I wonder whether there is a way around that because, yes, you could actually see quite a lot of annoyance from the European Commission if it was now found that because the European Union was not actually on the primary list that it was not -- it was no longer protected in other languages. Thanks.

Paul Szyndler: Point taken, Martin. Thank you. I do have a response to that, but I do also note that Keith had his hand up, so I just want to turn it over to him first before I said any further.

Keith Davidson: Okay. Yes. I think that Paul and Martin raise a very valid point, but I think we're not necessarily restricted to the pure view of ISO-3166 under [IOFC] 1591 in this instance, and there's no reason why you couldn't refer to the ISO-3166 to get a country code list and include the exceptionally reserve list as well, because I think for the (inaudible) of what we're trying to do here, we want the extensive grouping of country and territory names, not a limited set. So I think that we could probably get by by saying all lists, referring to two of the country codes on the ISO-3166 agenda. Thanks, Paul.

Paul Szyndler: Well, thank you, Keith, and thank you, Cheryl, for your agreement online. I'm glad I actually turned it over to you because that's precisely the response that I was going to (inaudible). There's nothing that requires us to be prescriptive with regards to the definition of the standard -- obviously, again, going -- harking back to the possible outcomes of this working group, that is a report that will make some recommendations to the ccNSO Council about the treatment of country and territory names, observations on how they've been treated historically, and how we can ensure some sort of consistency moving forward. And yes, we have that space, that flexibility, to be able to talk about the list and the exceptionally reserved codes and there'd be no intention -- and I apologize if I'm drafting it in short-hand -- that may suggest the purest definition of the standard, so that's not my intent. So it's noted and we can most definitely include -- this is, of course, the guidance that we're offering here in terms of best practices for ICAN across current and possibly future processes. So we can certainly include that. Before I go on too much more, Bart, you had your hand up?

Bart Boswinkel: Yes. Just one addition to it. Depends a bit on the perspective you have. Say, from an IDN-CCPLD perspective, for instance, all letter combinations are protected. So letters A8 through to Z6. That's -- so again, that's a small addition.

Paul Szyndler: So Bart, just to clarify there, you're talking about the way the definitions are used in -- as part of the IDN process was all potential 2-letter codes reserved. I think we've lost Bart for a second there. But the point is taken and I will certainly -- as we work forward through our drafting in terms of identifying how we refer to the ISO list, that's obviously something that we can work through artfully in terms of drafting and have the exceptionally reserved codes, and then also those that are not currently part of this but potentially reserved, to be consistent with processes. That's something we can work through. My main focus was not so much how we talk about the ISO list and what that is to mean, and we can certainly workshop that over the next few months, but a solution that would cover the limitation with regards to the native language of the list. And to that end, I refer to a list that Bart had pointed out and Jaap indeed had referred to earlier, which is another ISO list, 639-3, which is a list of languages. This is for -- if this group is to provide a constructive recommendation to ICAN, the broader communities and ccNSO Council as to how we should treat country and territory names moving forward, yes, we can point them to the list and then the question becomes, yes, but what if it is not English or French? It's in our native language. It's in a language that's not covered in other definitions. And we could, by way of constructive advice -- pre-emptive advice -- to answer those questions, refer to -- well, yes, it -- we'd look at country and territory names as they are on that list and also as represented in any languages that might be on the ISO-639-3 list or, as Martin raised on the last

teleconference, the idea of existing protocols for how diplomatic posts, be they embassies or what have you, refer to their country, their territory on the nameplate out the front of the -- their front door in their native language, and then also in the local language of the territory in which they're located. So I think -- what I'm trying to work towards is do the two of those sound like useful bits of advice, useful directions we could make our recommendations with regard to, and what happens to other languages? Does anyone have any comments on that? I'm trying to be a little more expansive in terms of how we treat country and territory names outside of standardized lists. Do any of -- either of those sound particularly problematic to anyone or do they have concerns or agree with that, roughly speaking? (Inaudible.) And I'll certainly work some of those into draft papers as we move forward and as we start working on a final report.

Now I just wanted to move onto -- that was largely covering off or revisiting an issue that we discussed on the last call. There were two more that we needed to knock off in terms of the UNESCO survey and then they're all covered off and we can move on to other issues, one of which was local or common names for countries or territories. And this is one that's nearest and dearest to Bart because Holland comes up as an example here. I've categorized it in my presentation as a representation of the country or territory that's not been covered by other or more official forms that had been asked earlier in the UNESCO survey. But is there any extra explanation or extrapolation that needs to be covered off on in terms of the particular example of Holland? I don't have any other immediately that come to mind for me, but is there anything further that needs to be said about the example of Holland?

Bart Boswinkel: The interesting thing is probably, say, and that's what we discussed, I think, on one of the first calls is if you look at Holland, in some, say, official languages of other countries, it is in fact the reference for the Netherlands or something similar like Holland. I think in Danish and maybe in some other Scandinavian languages as well. And it's not so much Netherlands. And I know I've discussed this with Baher as well, I think. Even in Egypt -- Egyptian -- say, it's clear that it's referencing to Holland than to the Netherlands.

Paul Szyndler: Yes. And I can certainly appreciate that, Bart, in terms of common usage. That's certainly something that comes up here natively in Australia. I can only imagine in any other number of countries that don't appreciate the subtle -- or not so subtle if you're a local native -- difference between the two terms. Sorry, Martin. You had your hand up?

Martin Boyle: Yes. Thanks, Paul. The other example, I think, that's worth mentioning now is, of course, England which, for large chunks of the world, always get confused as being the common name for the United Kingdom, much to the annoyance of my Welsh wife.   And it's that annoyance of my Welsh wife that sort of leads us to a particularly ambivalent position in that we can't specifically refer to England as being a common name of the United Kingdom. But it is one of those cases where, if somebody were to get the name dot-England and then start marketing it as being for the United Kingdom, it is likely to cause quite a lot of confusion, and therefore, I think the UK government would be likely to expect to have a word of selection -- on the selection process for whoever ran dot-England in the same way as they have had for dot-Wales and dot-Scotland, or dot-Wales

and dot-Scot. But anyway, I think it's just one that needs to be borne in mind with (inaudible) with particular ramifications associated with them. Thanks.

Paul Szyndler: Thank you, Martin. I think between dot-Holland -- I should stop referring to them as dot-Holland and dot-England -- but the terms generally -- they're both valid examples that would carry a lot of power and a lot of visibility with regards to using them as examples for the community to understand what we're trying to get at in terms of local or common names. Heather, I noticed you had your hand up. You had something to add at this point?

Heather Forrest: Just a quick comment. I understand the points that have been made, but I guess that what we're trying to prevent -- what Martin's described as the problematic situation is the one in which someone's trying to pass themselves off as a country, and the -- perhaps the appropriate vehicle for that is domestic law as opposed to ICAN policy.

Paul Szyndler: Yes. No, very succinct and appropriate point. This is an area where I've gotten to with regards to these categories that we're getting towards the end of the UNESCO list which I flagged as not having any definite position, no definite view as to where we should be heading with us. And how do you set up protections and is it appropriate to set up protections with regards to these terms? How would you do it? The slide that I've got up at the moment says, well, are there any other examples? Yes. We've come up with England. But what is the best mechanism -- this gets back to Heather's point -- of recognizing these names -- official lists. If they haven't been covered off on UN lists or other references earlier in the UNESCO survey, they're unlikely to be picked up anywhere else. I take your point, Heather, about domestic law, but, as it currently stands with the new GTLD process, you've got an objection procedure there for governments and they would be able to cite other references for staking their claim. I'm just cautious about where this group should go or what advice we should give or what recommendations we should make about the protection of these names. It's very easy for us to draft some text that recognizes the primacy of local law and that is the appropriate mechanism through which to protect these resources. And then, of course, that law would be -- I don't see them as completely separate processes. If it's protected in local law, that would be what would be cited by a government when they make an objection as part of a particular process. I keep using new GTLD because it's the current one, but it makes sense to me that there are protections in local law. Therefore, that is what you cite. And I'd actually use a broader example. If it's not enshrined in local law, are there local linguistic or geographical authorities? There are some of the ISO lists and certainly through UN GGN, there were local entities that have been recognized as authorities for geographic names in their countries or regions, and they are ones that have actually been referenced in ICAN processes previously. Perhaps they could be ones that could be provided as an alternative, as a source of information. Martin, did you have your hand up still? Do you want to raise a further point or --

Martin Boyle: Well, I had originally just forgotten to take it down, but I would actually like to respond to Heather's point about protecting it through domestic law because certainly in the UK case, it would be, I think, just politically unacceptable to try and pass a law that's protected England as a terminology. And so I think really what you're back to is saying, "Right. Well, okay. Here is the geographic term." And I don't think anybody would

particularly have any objection to somebody going for dot-England or dot-ENG, so long as it was then actually quite clear that what they were going for was England as opposed to any other part of the United Kingdom. The difficulty arises -- the difficulty is then addressed by the fact that the United Kingdom government would expect to be able to object to somebody going to dot-England who did not then have some sort of link to England and was then using it to try and show that they were representing or had a specific (inaudible) in the same way as dot-Wales or dot-Scotland. So I think it's sort of -- it's a -- it's too difficult to point so you just sort of turn around and say, "We have domestic law. If you haven't got domestic law, you just don't have protection." I just don't think that works.

Paul Szyndler: No, I -- point well taken there and I've noted some of the comments that have come through online and I certainly agree with what you've raised, Martin (inaudible). It could be but one of -- and this again is the luxury of being a study group that we're not tasked with providing a definitive source of point of reference for objections with regards to processes. We're just trying to identify what might generally be the best practice and what could be regarded as our source list and our sources of information and then what other domestic references could be cited. Now obviously, domestic law is but one of them. There are any number of other protection mechanisms -- local trade practices (inaudible), whatever -- and I think it wouldn't be -- domestic law wouldn't necessarily be a criterion. It would just be -- as I said, the import from local linguistic or geographic authorities is probably a relevant one as well because in Australia, we have the CGNA -- the Commonwealth Geographic Names Authority -- which carries the imprimador of government but isn't enforcing any acts or any legislation, but rather is the authority of sorts on what is or what isn't a location in Australia or our territory. So I think we've got a bit of flexibility there. It's not my intention to narrow it down. I think we could probably work through this. We should refer -- I would, broadly speaking, see domestic law as being just one of the linchpins -- one of the mechanisms which could be cited for protecting local or common names. But it should be grouped together as part of a suite, much like the new GTLDs. The applicant guidebook currently has a whole list of what would categorize you as being listed as a country or territory name. Heather, did you want to expand on the last point that you'd made? It's probably timely because otherwise I was going to move onto the next slide. You'd made a point there in the chat room about objecting to -- objections made to geographic names on whatever grounds would be a significant expansion of UDRP practice.

Heather Forrest: Yes. Sure. I wasn't -- and please don't misinterpret me on whatever grounds -- I wasn't trying to be (inaudible).

Paul Szyndler: Sure (inaudible). Appreciate it. Yes.

Heather Forrest: But -- no, it's -- let's say in terms of what we have to go on, and that was where this study group started out with existing practice -- and we largely looked at existing practice at the top level. We do have a certain amount of precedence in terms of geographic names at the second level in terms of UDRP and, of course, the grounds of the UDRP are quite clear and they must all be met. And there are a number of cases -- a number of instances in which, for better or worse, rightly or wrongly, there have been found to be legitimate interests belonging to someone other than the government in a

geographic name, whether it's a country and territory name or a sub-national name or even a macro-national name. And so this -- let's say to the extent that we propose an expansion on that, I think we at least ought to note that. It shows we're not sweeping something under the closet.

Paul Szyndler: Yes. No, your point's well taken and I thought it was just worth expanding upon for those that are part of the listening in. I -- it is -- it's a delicate balance that we're working through in terms of recognizing what current practices and how they could -- I see the purposes of the study group as being -- trying to establish some consistency, some predictability with how country and territory names are treated throughout current and future processes, in a way by looking back at our past and see how we've done it in previous processes, but at least being consistent throughout so that that gives some level of assurance to governments and national authorities that they know what protections they can expect. But it's not a purely protectionist exercise; it also means that those looking to enter the marketplace and apply for particular names can have some sureties and certainty as to which rules are going to be applied and that they're going to be consistent and they know what they are before they put their money down on the table and start to invest in a name that might potentially be contentious. I will, for the sake of time, park that issue for now, but it is an interesting one that once we go beyond official names -- once we go beyond official languages of the UN, etc. and the way in which other countries and territories might refer to a particular nation, it does become a little more difficult. And I think there is a natural tension there that needs to be borne out and we should probably expand upon as we meet further in Prague between the pragmatic perspective that's been -- that Martin relayed in terms of, "Well, this is what -- this is the view that the government will take. It doesn't matter whether it's right or wrong or not. This is what the UK government, for instance, is going to say" versus whether that accords with existing practices or not. And I think that's -- in terms of between Prague, Toronto and the end of the year that the onus is upon all of us to work out whether we can find some language there, some criteria there, some recommendations that are actually well-balanced, and we'll address all those concerns. But I will park it for now just because I'm conscious that we need to move on to a couple of other issues.

The next one was the name of country and territories in minority or indigenous languages, and just because it's one that's something that I can readily refer to, I've used Australia as an example. I've broken this up into minority languages but also to mean significant migrant minorities because it's not something that they would necessarily assume when you refer to a minority. And in Australia, with a country of 23 million people or nearly 23 million people, there are at least 5 languages that are spoken by over 1% of the population as their primary language, two of which are actually languages of the UN, three which aren't. And none of them are actually Australia's official languages. So we have a very significant Italian, Greek, Chinese -- covering both Cantonese and Mandarin populations and Arabic-speaking populations. And this -- we're now getting to this loose end -- the rubbier end of the study group's work with regards to, well, would a community -- would a country that has a significant linguistic minority -- could they stake a legitimate claim for protection of their name in terms of the way that country's represented in those languages? We're really stretching the definition here, but the protection in my example of where Australia's Italian or Greek

population would refer to the term "Australia." And is that appropriate? Is that something we can build mechanisms around? Is that something we can acknowledge as a study group or are we really getting into the sort of gray areas? I acknowledge that it's highly hypothetical. The likelihood of this happening and these examples being brought into action in -- as part of the GTLD's process or future process is highly unlikely, but that's why we're doing the work we are doing. Does anyone have any observations about minority communities -- what that might mean for your respective countries that you're here representing or where you're based in, and whether that would -- is it too problematic an area for us to get into? Martin, first? You had your hand up?

Martin Boyle: Yes. Thanks, Paul. Going back a few calls, I did do some research to (inaudible) how the British government publishes things in minority languages to address our own local communities. In the worst case, there were something like 30 or 40 different languages that they put their advice into. So yes, I think there is a real issue sort of underlying it, but I do wonder whether this is really just a subset of that sort of wider -- the wider issue of taking a country name in the language of the country in which you're operational. So, for example, Chinese is certainly not an official language of the United Kingdom, but I could quite easily understand that there might be an interest for trading with China of having United Kingdom in Chinese. And then, of course, you have the issue of -- well, what does that really mean? And if, for example, the Chinese government were to decide that it was going to go and get all names of all countries in Chinese because it owns the language, what would that actually mean for access to the Chinese market? So I think it's one of those things that's -- we need to understand. We also need to recognize the scale of confusion that could happen, not just in the minority language in the country concerned, but more globally. Thanks.

Paul Szyndler: That's actually a very interesting and somewhat hair-raising point that Martin raises because yes, is it ownership of -- ownership over country name in whatever languages they may wish to assert that claim, or is it ownership over the language in which the country is represented. I don't think -- there's no right answer there, but one can only assume that local governments -- national governments will assert their rights over their country name above and beyond. The Chinese versus English language for the UK is a very good example. I think that's something that we're going to need to draw out a little bit more -- probably not cover it in due course on this call, but I think I'm going to park that one again and we're going to have to work through that further for those of us that are able to be in Prague because that's going to be quite difficult. I've cited 5 languages that are spoken by over 1% of the population here in Australia. There were the big 5. But as Martin's pointed out, there's over 30 languages in the UK that are used for official publications. We're getting close to that here in Australia. That -- it's more the issue of -- I think what I'm most concerned about is the issue of a country name -- the ownership -- and I'm putting that in parenthesis -- but the official name of a country and how the languages and the ownership of it versus other countries owning a language and looking to refer to it that way. So it's problematic and something that I'd like us to spend a little bit more time on than we have on this teleconference. But before I cut away, Keith, you had your hand up?

Keith Davidson: Yes. Just -- and where we go from here on this topic, I'm wondering with a -- this shouldn't be the sort of main thrust of what this working group might bring to the table

for the joint GAC and ccNSO's position in Prague and get a bit of a feeling where the GAC is thinking would be on this. I think it would be very important to us.

Paul Szyndler: You're certainly a very sporting type there, Keith. That -- (inaudible) not any (inaudible) of no end but will raise -- will definitely pique their interest.

Keith Davidson: Well, yes. But at some point, the GAC will be becoming aware of this anyway, so --

Paul Szyndler: Yes.

Keith Davidson: I guess that (inaudible) here. But yes, I certainly see a need for a debate in a broader arena than just a study group, if you know what I mean.

Paul Szyndler: Yes. Sorry. Go ahead.

Elise Lindeberg: Can I make a comment? It's Elise from the GAC. I've joined this session many times but not said anything. Just (inaudible).

Paul Szyndler: Go ahead.

Elise Lindeberg: But I would just like to say that I think it's a good idea to mention this to the GAC. And of course, we had the early -- the discussion of the early warning procedures now in the GAC and a lot of this -- what you're trying to do, I think, now is creating some first defense thing for country and territory names. And of course, then you will have to rely on, in the end, also the early warning system. And I think to just bring it to the GAC and say that this is the issue that needs to be followed up by the GAC, I think it's important that we do that -- or that you do that.

Paul Szyndler: No. Thank you, Elise. I think that's a very good point. I think when we were last in Costa Rica, I chose to focus on two or three issues which, again, piqued particular GAC members' attention. And I think this is one, in terms of where we've gone over the last few months, that we really do need to focus their attention on, and I certainly intend to do that. Again, I go back to -- and it's not an opt-out. It's not an easy way out that I'm looking for here, but again, that's the luxury of a study group, that we can raise these issues and not necessarily provide answers for them, but we've done our job in terms of raising questions. There's quite a few areas where we may make recommendations, and that will be good and that will provide greater certainty. And again, we're striking that balance between protectionism and provide surety for those that want to go and explore the marketplace because they know what rules are and where they should go and where they shouldn't. So it's beneficial to all parties. But I think in this particular case, it's one that I'll definitely note down. We'll write to the GAC and ccNSO (inaudible) and we'll also dedicate quite a bit of time internally for the study group just to work out what our collective thinking is in Prague and then certainly beyond because it's an issue -- and I'd only phrased it in terms of a couple of questions with no answers. I didn't have any preconceived answers in terms of how do we recognize these names, how do we protect these names and what mechanisms would you possibly use if you chose to do so.

Now just conscious of time, I'll just move on to one of the next issues that we had. So I will come back to that at length in our subsequent meetings and in Prague. But it was the related issue -- because it was part of the same part of the questionnaire -- the UNESCO survey -- and this was indigenous languages -- and how they would be recognized, how they could be recognized. And I appreciate that we're largely covering the same territory again with a slightly different -- looking at it from a slightly different perspective. Again, the example I've used is Australia and that with colonization and settlement -- European settlement -- it was somewhere around about 400 languages. It's widely debated. Not dialects, but as many as 400 languages here amongst the indigenous community. Most of them are now long gone. Perhaps (inaudible) 20, depending on which linguistic expert you talk to, are commonly used. That means all generations, younger people, older people -- still use those indigenous languages and there are a few that are nearly extinct. And then, of course, the other interesting issue with the particularly Australian indigenous languages -- and I'm sure it's equally appropriate in other countries -- these are spoken languages. They're not necessarily written. They were never designed to be written languages. There wasn't a script associated with them. It was just spoken. And the protection of these -- or the recognition of these, rather, is incredibly difficult. And again, it's an open-ended question. There's -- the example I've given is perhaps a little bit inappropriate because many Australian indigenous communities didn't have a term to refer to what we acknowledge as the country or continent of Australia. There was their land, their territory, their space, but not necessarily the country. So there isn't a widely-used term for it. But it's at our peril that we move forward without acknowledgement of indigenous languages. Is there anyone on the call at the moment who's -- for whom locally country-wise indigenous languages are a significant issue or the way in which country might be referred to in indigenous terms is something immediately relevant? It's something I'll -- it's just an open-ended question at this stage. Ron, I think you had your hand up first?

Ron Sherwood: Yes. I'm residing in Panama. Panama -- about 25% of the landmass is known as Comarca and it is the homelands of the indigenous people, which are the Ngobe. That's spelled N-G-O -- which is very interesting for a 3-letter prefix or suffix -- N-G-O-B-E. The Ngobe are about 10% of the population of Panama and they have a language which was not written but is in common use. They stay mostly within their own territory -- Comarca. Dot-com would be a nice 3-letter code for that. And they, of course, are under the laws of Panama but they are semi-independent. They have their own counsels, they operate as a territory and they negotiate with Panama over certain things. Recently, they just won some major cases on mineral rights and that sort of thing. I mention it because dot-com and dot-NGO for maybe non-government organizations are currently in the news. And there is another country called Scotland that's looking for independence and its name in its own language is Ecosse, which is E-C-O with a nice 3-letter code. And I notice that with the GTOB applications, there is an application for ECO -- dot-ECO. So this isn't something that is possibly maybe somewhere way away. These are current and likely to be very serious issues where a people or a country or a territory see an attempt for the commercial use of what they may well regard as something they're entitled to by way of their own name or their own language or maybe even a 3-letter code that could be used, as in the case of ECO. I'd

just like to bring that to you because it's current, it's here, it's happening at this time. It isn't in the future. And I think that we do need to take it into account very seriously.

Paul Szyndler: Thank you, Ron. That's -- that actually ties back very well to a couple of the other examples -- a couple of the other categories that we discussed earlier in our deliberations with regards to what should have been the simple matter of ISO-3166 2 and 3-letter codes. The acknowledgement of or otherwise that harmonious co-existence between 3-letter codes for (inaudible) and it is just what it is and acknowledging that these have co-existed but you are bringing into something that we should certainly consider and I've taken copious notes just then in terms of indigenous communities and what that might mean with regards to something as relatively straightforward, if we are using the ISO list as our reference point. But it may still give rise to comment or concerns. So I've certainly taken note of that and thank you for that one.

Keith, you had your hand up as well?

Keith Davidson: Yes. Thanks, Paul. I think Ron raises some really interesting points on this topic and to continue that conversation, in New Zealand here we have Maori as an official language that was initially a spoken language but has become written over the last hundred years courtesy of missionaries and so on. But the Maori have names for the islands of New Zealand. For example, (inaudible) Te Wai Pounamu is the name of one of the -- the largest island of New Zealand, which the Europeans couldn't quite handle as a name so they named it South Island and then immediately thought that the island above it should be called North Island.

Paul Szyndler: (Inaudible.)

Keith Davidson: So this sort of breaks down not just to country, but island by island. And then I think if you look through the Pacific -- this is kind of very important in the Polynesian sense and probably Melanasia and Micronesia as well. For example, Vanuatu has about 800 different languages and about 80 inhabited islands, each one having its own name that bears no relationship to the Vanuatu sort of modernized European equivalent of the original name. So I think there is a question of how far down this tree we need to move and how relevant it is. But I think, again, it is something that deserves a lot more discussion and perhaps, as you suggested earlier, for this study group it's more a question of -- more an issue of raising the question rather than trying to provide the answer.

Paul Szyndler: Yes. Absolutely. Thank you, Keith. I couldn't agree more. We could, in fact, extend our work for any number of years trying to delve down into these, but I think going back to the scope of this study group, our purpose is, in fact, to raise these issues and to identify the levels of complexity that exist. The issues that might arise -- and again, this is why we were trying to hopefully look at what might arise out of new GTLD process, whatever couple of thousand names that might come out of that -- and also UNESCO survey to see whether we come up with examples beyond the collective experience of those on the study group that might give us some great examples of where conflicts, where issues, where inconsistencies, where confusion -- whatever you want to call it -- might arise

that we hadn't foreseen. And it's as much for us to raise the questions rather than to provide answers. So actually what Ron's come back with and Keith's examples -- I hadn't actually thought about Polynesia and Micronesia and examples that certainly in terms of languages -- islands, their representation, and how that relates back to -- and I don't think we should certainly get sub-national at this stage because we are dealing with country and territory name, but that is -- it is an issue because these have identified as language groups and island groups within the Pacific before they were the collective entity that has then been identified as Vanuatu, for example, in Keith's example -- that they may actually pre-exist, pre-date the concept of country in most (inaudible) regions. So it's something I'll take notes on. And again, that's where we'll be raising questions. They're great examples and I've duly noted them in terms of what we might raise as issues coming out of this.

Now, again I'm conscious we've just about hit the hour mark so I will move on a little bit more quickly here. Again, anybody --

Elise Lindeberg: Excuse me? I (inaudible) Adobe. I'm sorry that I (inaudible) put my hand up. It's Elise again from the GAC.

Paul Szyndler: Elise, go ahead.

Elise Lindeberg: Just a question and maybe I don't -- I wonder what -- in what way (inaudible) language is at all a topic for the domain name system in a way? I don't get that.

Paul Szyndler: No. It -- I have to completely admit that that's not something that I'd wrapped my head around either. It's just that I'd only brought it up in terms of the concept of language more broadly --

Elise Lindeberg: Yes.

Paul Szyndler: In the case of -- again, I can only cite the Australian example because that is which I'm most familiar with. Yes, there is an oral linguistic spoken representation of a language but not a written script. Yes, I completely agree. That should not be a concern for us. But if there is a transliteration of that -- the way in which someone might refer to a country, the way it sounds when they say it in their indigenous language -- and it sounds exactly like a dot-com (inaudible) that someone's applied for --

Elise Lindeberg: Yes.

Paul Szyndler: How would you allow (inaudible)?

Elise Lindeberg: Yes, just so there's -- just so I understand, because -- just for me -- to help me understand. Okay. Then I see what you mean. Okay. Thank you.

Paul Szyndler: Yes. It is a completely extreme example. It is very unlikely to actually occur in the ecosystem that we're dealing with. But you could only imagine that, yes, in an indigenous language of such-and-such a country, they refer to the country as this term. They've never written it before, but when you hear it or when most common speakers

or English speakers or native speakers of that country hear it, it actually (inaudible) transcribes as something else. So I do appreciate it's a very out-there example, but it's something that we're not following due diligence if we don't sort of address it as part of our work. So --

Elise Lindeberg: Yes. No. No, I think it's okay that we address it, but I think, at the same time, having the experience we have with protection of geographical names [in the guidebook] -- the discussion we had with the GAC and the board -- I think this is something that should maybe not be in our slides because I think it would be too broad and I think it will be impossible to handle. So that's -- I think we have to draw a limit somewhere, so I just think that's -- as long as it's not a written language, I think it should be (inaudible), actually. I think we could (inaudible) to having the discussion, but at least in front of the GAC I think it mustn't be a big point to be made. Okay.

Paul Szyndler: No. And I'm very, very conscious of striking this balance between actually doing our -- we have a very broad scope in terms of this study group and I'm very conscious of actually exploring that and showing diligence in terms of our work, but also not frightening the horses, so to speak, and spooking everyone because we are raising these impossible questions which have no hope of being answered. They're extreme examples which, obviously, it's difficult to (inaudible). But by the same token, yes, I will be careful in terms of how we raise them with other elements of the community and how they're then reflected in our final report, but largely that's going to be a case of, well, but what would happen if this example occurred? And that's what a study group's supposed to do.

Elise Lindeberg: Yes.

Paul Szyndler: It's not a working group. We're not drafting. We're not a part of a PDP process. And we have a bit of flexibility there. But I do, Elise, take your point about being cautious as to how we raise that issues.

Elise Lindeberg: Yes. Okay. No, because it's a strange -- the environment in the GAC -- well, we have different views on things but we saw when we discussed this with the board on geographical names, like capital city names, we actually had to discuss with them whether or not a country had the rights to protect their own capital city name. For many of the board members and also for many other outside the community, even that was not something that you took for granted. So we are talking about trying to secure the basics, and that will be a fight in itself, I think. So that's just my trying to limit and trying to point out that we have to be very specific and very -- take our targets very -- yes, well -- precisely. What we want to get --

Paul Szyndler: Your point about choosing our targets and having an accurate focus rather than diluting our message and getting a little too broad and losing the audience is well-taken, so --

Elise Lindeberg: Okay.

Paul Szyndler: It's definitely noted. Ron, you had your hand up as well. Did you have a comment to add at this stage?

Ron Sherwood: Yes. Very briefly, if I may. I want to make it quite clear that because a group of people -- say, half a million people or even only (inaudible) -- have a language of their own that is not one of the common languages but deal with a parent country that is owner of their territory, if you will, and in a written language it is not their language, they still have their (inaudible). All the newspapers, for example, here speak of the Ngobe. They spell their name. It's -- they speak in Spanish. They communicate with the government in Spanish, even though it's not their own language. But their own language is taught in the schools. They still ought to be able to have a right to their name -- the name of their nation, the name of their territory, the name of their people -- in the language that is currently used, even if it's not their own language -- Spanish, in this case.

Paul Szyndler: And again, that point's well-taken because we're not -- this study group's not about developing a list of absolute protections, but that serves as a very pertinent example of something by way of an indigenous group or a minority group that's not identified as part of other processes that don't take a box in terms of the higher-level criteria that we'd answered before -- that we looked at before. That's very much worth addressing. Again, I do appreciate the delicate balance between trying to provide these unique and very relevant examples versus diluting our message and getting to much of the same sort of (inaudible) as resulted in terms of geographic names, but I think the fundamental issue that I would seek out our final output, and we would not need to go away from this is the country name, this is the territory name. We all collectively understand through mechanisms that include ISO-3166, that include the official 6 languages of the UN, and then we go into subsequent issues beyond that. So in terms of our final report, it will -- the art will be in balancing some of these examples with the main message that we wish to raise. So thank you again, Ron. Your point's well-noted.

                  I'm just conscious that we've gone over the hour mark and I didn't want to go too much longer but did want to cover off on a couple of slightly administrative issues, and that was I've just about finished a progress report that I've mentioned a couple times previously which was just a factual statement of our work to date. This is what we've done. We've met x number of times. We've established a survey process through UNESCO. This is why we chose to go through UNESCO. There was a relationship between ICAN and UNESCO and this seemed like an appropriate mechanism to go out through and that all members of the community will be notified when the survey goes out so that particularly the [ILAC] and other not-for-profit members of the [ILAC] will be able to provide their expertise and input to the survey, etc., etc. Just covering off on all of our work to date. That's something that's just about done and I want to get that out -- I was going to run a version by Bart very shortly and then just to make sure my recollection is accurate, and then it will be available to the broader community in Prague and with all of you before the Prague meeting. I know we've only got a few weeks to go, but because we're meeting all the time it's being updated all the time. But I -- probably within the next -- well, not probably -- within the next week, you'll see a draft of what I intend to send out. And this is just a bit of a primer. It's a bit of a lay document that -- in terms of the way we'll probably need to brief the GAC, the way we'll probably need to brief the GNSO, [ILAC], others. They'll have something substantive in front of them rather than a simple 10-minute presentation from me. So that's purely

the purpose of the progress report. It's not an official reporting mechanism. It's just a -- this is where we've gotten to and this will get to you shortly.

Beyond that, issues for Prague. Again, I'd sort of thought that we'd start on summarizing very, very quickly what we deliberated on to date and then everyone gets to provide a bit of input on what they see as the big issues. For instance, when we talk about minority names and indigenous names, there were 2 or 3 touch points that need to be flagged as priorities in terms of our ongoing reporting, so I want everyone to be able to have that chance to say, one more time, this is what we see as the big issue. So we will cover that off relatively quickly, but I do want everyone to sort of have their input one more time. And then just a very broad discussion in terms of we're now thinking of a final report towards the end of the year. Do we have any ideas collectively on what that might look like? What sort of format it should take? It looks like, with regards to a couple of issues, there might be recommendations -- recommendations using the -- regarding using the ISO list, etc., etc., and observations and points that we would raise. It's not so much about the content of it -- what will be in that report -- but are you happy with that broad format? And I will expand on that when we do the presentations in Prague -- our internal discussions in Prague. But are you happy -- this is broadly speaking -- what our final report should look like before we actually start plugging some content in there? Then, of course, we all look forward with bated breath in a week's time -- I'm counting down the days to -- of the new GTLDs reveal date. That, of course, may give rise to (inaudible) issues. I'll welcome everyone. I'll no doubt send a list through this list and everyone will see it 10 other times in terms of the applicants that have come out as part of the new GTLDs. I would very much welcome everyone to comb through those and -- from their own particular perspectives, from our linguistic backgrounds, from your national backgrounds, have a look to see whether anything has actually come out from that process. If we end up nearing 2,000 applications and nothing touches on anything that could be considered potentially sensitive with regards to a country and territory name -- and I know, Ron, you've raised indigenous references to a country name or a territory name that could already touch on dot-ECO, etc. It'd be great for all of us to go through those and to take the theory that we've been discussing and apply that as an example. The study group, of course, is not objecting to a particular name. We're just saying, "Here's a particular example that might cause some contention." And other than that, look, I certainly leave the agenda open if there's other issues that people would wish to discuss in Prague. They're very much welcome to circulate a viable list or to contact me directly about it.

Were there any other comments to anything else that people wanted to cover off today? We've run a bit over the scheduled hour and I'm conscious of keeping time. But I -- we have parked a few issues. I've noted them. We'll expand upon them more in Prague in our subsequent deliberations. But was there anything else anyone wanted to cover off or raise on today's call? In that case, in the absence of any comments or objections, thank you everyone for your time. During the call, I've certainly taken those notes with regards to some of the comments we had about both common names for countries and territories and the use of -- their using indigenous and minority languages, and look forward to expanding on that when we meet in Prague. Safe travels to all and I hope to see many of you there.

Unidentified Speaker: Thanks very much, Paul

Unidentified Speaker: Bye-bye.

Unidentified Speaker: Bye-bye.

Unidentified Speaker: Bye-bye.

Unidentified Speaker: Thanks, Paul.

Unidentified Speaker: Thank you. Good-bye, everyone.