

**ICANN
Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic
Names at the top-level)
Wednesday, 21 February 2018 at 20:00 UTC**

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Attendance is on agenda wiki page: <https://community.icann.org/x/-xK8B>

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Coordinator: The recording has started.

(Terry): Thank you. Good morning, good afternoon and good evening and welcome to the new gTLD Subsequent Procedures Sub Team Track 5 Geographic Names at Top Level taking place on the 21st of February 2018. In the interest of time there will be no roll call. We have quite a few participants.

Attendance will be taken via the Adobe Connect room. If you are only on the audio bridge could you please let yourself be known now? Hearing no names I would like to remind all to please state your name before speaking for transcription purpose and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll turn it back over to our coleader Martin Sutton. Please begin.

Martin Sutton: Thank you (Terry) and welcome everybody to the Worktrack 5 meeting. First of all if you can look to the agenda which was posted in the top right-hand box we have the regular housekeeping to cover off, some changes to make

you aware of for the Worktrack 5 leadership. We will then progress into where we left off essentially from our last meeting which is exploring the treatments and the term, geographic terms that were used in the Applicant Guidebook.

And towards the end we'll spend some time on additional geographic terms relating to comments that may have been received to date and then we have any other business. So before I go any further does anybody have any comments or any other business that they would like to include in today's call? Okay I'm not seeing any. And then with our regular checks if anything exciting has been happening which means that people have changed their statement of interest please feel free to advise everybody at this time.

Okay not seeing any. Okay so we'll move on then. So first of all then I'd like to advise everybody. You should have received notification via email which announced the fact that Christopher Wilkinson has stepped down from the co-lead role within the Worktrack 5. He will still remain within the PDP Group so we look forward to him being active as a participant. And I'm also pleased to announce that ALAC have appointed (Javier Ruar) as the ALAC member appointed to the Worktrack 5 as the coleader. So welcome (Javier) and we look forward to seeing you in Puerto Rico in your hometown so look forward to that soon in March.

Right, so if we can move on then to Item 3 which is the main section of our meeting today And I'm going to probably need to move the slides forward. Am I in control of the slides? We'll get there soon. Whilst we're moving the slides through if we could go to Slide 5 please. Thank you very much. And so for those that were not able to join us on our last call you would have seen some of the correspondence put out and requesting any input since our last meeting and prior to that meeting relating to a spreadsheet which we've created which dissects the different geographic terms that we used within the Applicant Guidebook in the last round.

And for each of those items we've been stepping through and looking at whether the source information, the geographic term that was highlighted is still valid for the term and perhaps of new gTLDs. And what we were also exploring was what was the impact of that particular treatment of the geographic term, so positive impact and merits as well as any negative impacts that may have occurred or opportunities lost due to that treatment.

We worked through about half of those items so we've still got some way to go so we'll move through. And if anybody needs catching up the link is shown in the agenda to the entire spreadsheet so please feel free to take a look at that and familiarize yourself with it if you haven't looked at it lately. And I'm sure that there are some additional comments appearing on the second spreadsheet that's attached to that.

The next one if we move the slide up Slide 6, excellent thank you. So the one that we're focusing on first is a geographic term which is related to the permutation or transposition of any of the names included above all that. Oh that's the problem of cutting these halfway through I suppose. So this related to the - on what was the one before this? It's the long and short and long form names associated with a code that has been designated - oh no look it. Actually we probably need to clarify that. But it says to list above I think we're missing a little bit of information that would be helpful here.

If staff could just holler out the list that that refers to above and post it in the chat box as we go along that would be helpful if you would mind. But we've got examples here what this relates to. So it includes the removal of spaces, of punctuation, addition or removal of grammatical articles like the. A transposition is considered a change in the sequence of the long or short form name. For example instead of Czech Republic it's Republic Czech or instead of Cayman Islands it's Islands Cayman. And so that's the term that was used.

The treatment of that within the 2007 policy work reads as follows as was available but challenge mechanism to governments to initiate an objection. Applicants should be aware of the GAC principles. Applicants must represent the use of the proposed string is not in violation of the national laws in which the applicant is incorporated. However the final guidebook meant that it was not made available. So those terms were not – were restricted from being applied for.

So if we run through this so is it a valid geographic term for the purposes of the new gTLDs? This is slightly different to a lot of the ones that we previously looked at where we were referring to source lists, mainly a lot of the ISO specific lists. So this is a variation on any existing lists. So I'd be interested to hear if anybody feels that there is any reason to object to having this as a geographic term for the purposes of new gTLDs. And then we'll move on to the questions of B and C.

So if anybody has any comments please put your hand up and we'll have a queue. Kavouss please go ahead. We can't hear you Kavouss.

Kavouss Arasteh Yes excuse me. Do you hear me now please?

Martin Sutton: We do loud and clear. Thank you Kavouss.

Kavouss Arasteh It's okay?

Martin Sutton: It is. Please go ahead.

Kavouss Arasteh Okay thank you very much. Could you repeat your question because I missed that one? The question is there any opinion? What was the question please? Thank you.

Martin Sutton: Okay Kavouss. The questions are listed on the slide in red at the bottom. So the first question is do we regard this term the permutation or transposition of any of the names included in the list of short and long country names do we

consider that a valid term to use and to refer or make reference to a policy or treatment within future rounds of new gTLDs? So Kavouss to try and articulate that out is there any reason why we wouldn't want to use this as a source to make or to determine treatments against this particular type of geographic term? So is it reasonable that we should be looking at switching around names instead of Czech Republic to Republic Czech and restricting those as being applied for? Okay Alan I've got your next.

Alan Greenberg: Thank you very much. I know in some languages adjectives come before nouns and in some languages adjectives come after nouns. So from that context it may make sense. But do we have any examples other than the ones given which are not terms I would have thought would be in common use where the permutation actually is a used term or used expression because I mean I don't think anywhere we would refer to the Islands Cayman except in some arcane version of English or the Republic Czech but are there other ones where in fact it makes sense? These particular examples are perhaps not the best illustrations of why we have such a rule. Thank you.

Martin Sutton: Thanks Alan, good question. And I'm not sure if we have any examples immediately to hand on this but that I think would be a very helpful to extend the examples that we've got there just (unintelligible). Okay so if anybody's got some alternatives to suggest as examples please post them in the chat. And I think we'll further look into getting some other interesting examples up. Christopher please go ahead. I can't hear you Christopher. You may be on mute.

Christopher Wilkinson: Good afternoon, good evening, good morning. Just to clarify in this particular rubric 22141 we are talking about country or territory names derived from the ISO 3166. Is that correct?

Martin Sutton: Right. Let me just read...

Christopher Wilkinson: Because in that...

Martin Sutton: (Emily) has kindly posted the bit that's missing I suppose on this slide now that we removed the previous deck. So - oh shoot just hang on a second. So applications to strings that our country or territory names will not be approved as they are not available on the new gTLD program in this application round. Strings shall be considered country or territory name is in the alpha three code list. Oh it's moving sorry. So it's...

Annabeth Lange: Martin it's Annabeth here. Could I help you out here?

Martin Sutton: Please do. I've got a moving chat box.

Annabeth Lange: Yes, yes I think so. It's difficult when all of these slides go ahead. This is Annabeth Lange for the record. What they are talking about here is actually written to all the points about not - it's a little unclear in the slide. It's Point 1, 2, 3, 4, and 5 in about the geographic name 22141. And that means that the permutation or transposition of an alpha free code long form, short form or a long short form in association with a code that has been designated as exception or reserved and also a separate or component of a country name. And this that was also was an annex to what we set out.

So this is quite complicated and the way it's formed in Point 6 it's not easy to understand what it really means. So I think when we think about is it the permutation of a three code that means that if you mix the letters of a three code from the ISO 3166 then of course it will be one three letter code that could be anything else. That usually is allowed.

So this is quite complicated and not easy to understand. So if we should keep that we should at least do something more with it as we talked about had some examples and see if this is necessary in the future. Thank you. I hope that made it sound clearer.

Martin Sutton: Much more clearer Annabeth, thank you. I appreciate that. And so what I would take from some of this is the fact that we probably won't be able to pin down Question A much further but what we can do is probably look at the next set of questions but before I do I've got a queue. So I've got (Jeff), Alan and Christopher. (Jeff) please go ahead.

(Jeff): Yes thanks kind of in line with what Annabeth said I think the transposition part of it should only apply to long forms of names and not to any short forms. So if like Annabeth said it doesn't make sense with the three character code if we - even if we choose to protect the three character codes we'll say like USA we protect that. But UAS that might be something too but let's assume that that's not a country for now. I don't know if it is on the ISO. But if it's not of the ISO list then it should not be protected because of USA. So we need to not apply the rule of transposition to that category, the short form of basically short form of anything that we decide to protect. Thanks.

Martin Sutton: Thank you (Jeff). And I've got Alan next.

Alan Greenberg: Thank you. It certainly is poorly worded. I presume it means permutation or transposition. And I think the difference is transposition is only for two of any of the words within a name and presumably within a single name. So if the words – if the name is United States of America then the states in America might be interchanged and that would still be protected.

It is not talking about the rearrangement of letters within what I would call a word, a single thing delineated by spaces on either side. Otherwise we're outlining almost everything that one could ever imagine. So clearly the wording has to be changed but it – I believe the intent was to look at rearrangement of words or, you know, multi-letter things and not the letters within the thing. Thank you.

Martin Sutton: Thank you Alan. Now Christopher, Heather and Alexander. Christopher go ahead.

Christopher Wilkinson: Yes I think (Jeff) and Alan have made one major point. Obviously you can't be permutating three letter codes. But my main point is that the 3166 standard covers a lot of very useful information and important records which have been widely used in the ccTLD community. But there are a very large number of geographic terms which are not at all covered by the 3166 standard. And as I would expect as this negotiation precedes and when we reach the - or shall I put it the other way when the general public reaches the information about what we are discussing that a lot of geographic terms will come up which - for which currently we do not have a policy. Thank you.

Martin Sutton: Thanks Christopher. And just to be clear we're not ignoring that aspect. That will be after we've reviewed what we've got listed as the terms of geographic names or references that existed in the Applicant Guidebook. So there is, you know, going to be a focus on what was not included and it – and therefore what we want to make sure is are these lists that we're referring to in here good as a reference point? But as you say some may not encompass broad enough coverage of geographic terms in your mind so that we can start looking at those and exploring those once we've gone through this list. Okay thank you. Heather?

Heather Forrest: Thanks very much Martin. I want to return back if we could Martin to your comment made perhaps on the slide that perhaps A, isn't the best starting point. So my comment is about the wording on the slide here and the Question A is it a valid geographic term for the purposes of new gTLDs? I see the value in wording that question fairly loosely but in terms of validity it strikes me that just based on responses that some have already given, some of us are interpreting that question as let's say interpreting the outcome of our discussions.

In other words is this something that validly received separate treatment as opposed to is this something validly within the scope of our discussion? And I'm putting down, you know, a marker to say that my interpretation of A is, is

this sort of name a valid term for the discussion that we're having in Worktrack 5 as opposed to a foregone conclusion is this type of name something that deserves protection? So I hope that wasn't too confusing Martin and if it was I'm happy to try again. I'll let you guide me. Thank you.

Martin Sutton: Thank you Heather. I do take your point. And I already we've had some comments about future treatments. We need to hold back on that for the moment just to try and focus in on what we've had going through the last process. And, you know, if there is any reason why we think that A, using a term or a loop specific type of list has provided great problems then perhaps that's going to focus our attention on, you know, should it exist or should we be looking to, you know, explore alternative lists for instance?

I think so far we've gone through where it's referred to in ISO list that's well-defined and organized and ICANN utilizes that source list it's provided predictability. And so that's one valid point. Once we start here I think this is showing that the variations from those lists and trying to interpret that with permutations and transpositions we're not actually referring to a direct list which starts to become more confusing as we're seeing. But we'll move on I think in a minute to the impacts and on the negative and positive in a minute so that perhaps that will tease out some more information for us to consider. So I've got Alexander and Alan and then we'll move on to looking at the positive and negative impacts for this particular area. Alex go ahead.

Alexander Schubert: Yes high this is an Alexander Schubert. And I want to make two very short remarks and you said you want to move on in a minute. First if we if we talk - we look at the transposition the (unintelligible) and - are not - I mean if you look at this three characters it was only permutations and not transpositions in the Applicant Guidebook. And because maybe some people don't understand what the difference is between a transposition and a permutation the permutation is if you have ABC and a permutation would be you move the A to the end. So it's not anymore ABC, it's BCA.

Whereas a transposition man's you can change the letters in any way. And for the street address they said only permutations whereas for everything else for the long forms it was also a transposition. So the other remark I wanted to make is if you look at a rule then on the one hand of course you want to see what protection can it create and who is benefiting from it. And on the other hand you have to look at does it potentially create a harm? And if the names of countries on the long form of countries I can almost not imagine that a harm could be created because if you take a name like Cayman Islands no one wants to apply for Island Caymans.

So in this regard why I don't think that the rule makes too much sense I would say okay long form of countries let the rule just be there if someone wants it. But if it comes to three-letter codes it doesn't really make sense because people usually already don't know these three letter codes. There's just a few countries would ring a bell.

If you look - if you go through the list of three letter codes for most countries you would never in your life imagine that the actual country is behind it. But if you then make a permutation out of it I mean no one in the world can guess the country. It's impossible. So this rule in my opinion doesn't make sense at all. And the problem is if you are giving leeway and - as the long form of countries and say, "Okay, the long form led them to - let them give transpositions and permutations," then once we give a right people say, "Okay then we want them also three letter codes," and that's I think what happened back then. So we have to really distinguish between long form and three letter codes. Finished, thank you.

Martin Sutton: Thank you Alex. And then I got Alan. Please go ahead.

Alan Greenberg: Thank you very much. This conversation could go on forever. I would like to propose that we consider removing this all together and I'll give you the reason why. The permutations of the letters within the three-letter code I think we will be flogged to death. That's something we certainly cannot outlaw.

In terms of the permutations of a name in a long form although we could outlaw Islands Cayman we cannot outlaw the The Cayman Islands. We don't outlaw embedded strings and therefore and that's why the objection process is there. So, you know, were talking about TLDs not second-level. Since we have the objection process -- and I think we should let that cover these potentially edge cases where someone is trying to masquerade as a company by - as a country or territory by flipping the words I think having it as a general thing unless we can justify it with real examples then I think it should come under the objection process as it would if we had, you know, associated other words or things tagged onto it. Thank you.

Martin Sutton: Thanks Alan. So we do risk going down to what shall we do next with this before we've given it a chance to analyze any positive and negative impacts in the last round. But what I'm sensing from the conversation here today is that this is a very confusing and term to use so that we've had difficulties understanding what the real implications are.

A good question from Paul McGrady here is if anybody's aware of any problems that occurred in the last round specific to this related geographic term definition? I – Alex is that an old hand or have you got an example? Okay, you're back again. Is that a new hand?

Alexander Schubert: Yes. And yes so it was an old hand but the question that you asked was had there been any problems with that rule in the past round?

Martin Sutton: Yes.

Alexander Schubert: So in other words was the potential applicant who couldn't apply because we had that rule?

Martin Sutton: No. No I think what we'll find here is that this is similar to many of the other cases that we spoke about last on our last call where the lost opportunities

aren't easy to identify unless people have got examples, real-life examples of those that did not apply, which is very difficult to find.

Alexander Schubert: Yes I am such an example.

Martin Sutton: Oh.

Alexander Schubert: I couldn't apply for or I couldn't set up the applicant for a three letter code that represents a country. And I started a project in 2010 and I had to abandon it in 2011 because this rule came up. So I am an example. And the Estonians are an example. They wanted to go for .EST.

Martin Sutton: So these were - EST though isn't that a country code? That's not a permutation is it?

Alexander Schubert: Right it is Estonia.

Martin Sutton: So that wouldn't be within this specific term. It's not permutation as it?

Alexander Schubert: Well I mean okay you are just referring to the permutation and transposition not to the...

Martin Sutton: Yes.

Alexander Schubert: ...actual three letter code. Okay sorry I misunderstood this. Okay sorry. I'm sorry.

Martin Sutton: That's all right. That probably means that we had zero impacts on this – that we're aware of for anybody that actually put in an application. What we're not clear of is anyone that was prevented or prevented themselves from going through because of the prohibition mentioned under this term. Okay what would be useful...

Alexander Schubert: I'm sorry to interrupt but I mean some people are actually reading rules.

It's again an issue but some people are really reading the rules and you never know that there might have been people maybe even brands who actually read the rules, who did the math and understood oh we are a permutation of the three-letter codes and just not apply it. So you would never know that there just didn't apply. And there were even Google who is usually quite well-informed okay they did not apply for permutations but they applied for three letter code. But they obviously did not read the rule so well.

Martin Sutton: Okay thank you Alex. So one question I probably would like to raise and I don't know if anybody can answer this. In terms of the – this specific term does this also apply to translations into different languages? I - so again I think that - I'm not sure whether that was clear in the entire write up of the guidebook or whether this is specific to the terms listed as they were and not translated? And if anybody's got a yes or a no to that that would be great. Please feel free to pop it into the chat but that might be an open question.

I think we'll move on to the next one on the basis that if we could record that this is confusing and we probably need to work on clarifying some broader examples of what this could really relate to and I noted that we had a number of comments regarding future treatment perhaps if we could capture those and we can discuss those when we come back to the discussions on future treatment on all of these if we can get to that today that would be great on some of these. But might be ambitious as we just got through the first one. But if unless anybody's got anymore commas on permutations and transpositions I shall move to the next slide and we'll explore the next term.

Okay hearing none so if we could move to Slide 8 please? So Slide 8 is referring to a name by which a country is commonly known as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization. So an example for this one - oh sorry could we move the slides? Still one slide (unintelligible) well that's it, okay lovely. So an example of this is Holland which is a common name for

the Netherlands. So the original policy treatment was available but challenge mechanisms were available to use. And in the Applicant Guidebook the result was that these terms would not be available as a gTLD.

So let's just quickly have a look at this one. In terms of a geographic term for the purposes of formulating any treatment within new gTLDs did we feel that this was a comfortable one or does anybody have any thoughts as to why this may not be relevant to include but for the purpose of new gTLDs?

Hearing none. Okay so no concerns raised, okay fine. So were there any recognized positive impacts based on this treatment or any negative impacts that people can think of or experienced with regards to the prohibition of these terms? Feel free to form a queue. Good opportunities to hear from anybody that has any particular comments. Okay so we'll - does anybody think that – I think one of the things that we've regularly pointed to is that it's predictable.

So something like this can be referenced and found somewhere, easy to understand so there is a level of predictability. If nobody has any objections to that I would suggest that we put that into the positive side. The only other aspect I suppose is if any of the countries wanted to apply for those. I don't know if anybody's got any experience of any countries wishing to actually apply a country name such as this? Alan please go ahead.

Alan Greenberg: Yes thank you. Martin that's an interesting question. Do we really want to prohibit a country from applying for its own common name which is what that is effectively saying or is there a provision that any of these country territorial names can be applied for by the country that it represents?

Martin Sutton: Yes I mean my interpretation here is that, you know, nobody can apply for it which, you know, for some that may prefer to have a country name extension in addition to perhaps a two letter code...

Alan Greenberg: Yes but...

Martin Sutton: ...may want to go ahead with this but presumably on the basis that it is under the terms of a gTLD versus a ccTLD contract?

Alan Greenberg: No but we certainly had applications for names that were otherwise prohibited I thought. You know, Africa is perhaps an example. So I thought we did allow these names with the appropriate permissions. Maybe we need a clarification. Was that an overriding - something that overrode this not permitted as TLDs or is there some other provision I'm missing?

No for Africa I think that's on our last item which is UNESCO regions and that required a different treatment of support or non-objection from a percentage of national governments. So this is very specific and different to the UNESCO list. And so this was a restricted application.

Alan Greenberg: So we to be clear we did prohibit Canada from applying for Canada?

Man: Yes.

Martin Sutton: Yes.

Alan Greenberg: Okay.

Martin Sutton: Okay. Okay thanks Alan. So Alexander, Susan, Annabeth and then Christopher. So please go ahead Alex.

Alexander Schubert: Okay this is again Alexander Schubert. As I said most of you know probably that (Jucame) already started in 2005 to go for .Berlin. And as we were one of the first to think about the geographical based top-level domain I (modeled) a lot more over the years and I came up with a nice idea for the 2012 round that would not work because it was a three letter code of a country. So I re-immersed myself very deeply there.

And as far as I understand what happened with the GAC is that GAC members cannot help that they have to protect something. And so the deal that was made - maybe I'm wrong, please correct me. But the deal that was made was to say okay at least let's have the country names in these three letter codes that accept them because we cannot come up with a protection mechanism that the countries are in favor of. But after the round commences or after the round started we will discuss about it. And that was the big, big cross community group that for several years tried to find a solution but never came up with it.

And so obviously one – if there would be a mechanism in place that makes sure that a country doesn't kind of lose authority over their own name they should be fine with it. But in the short time they - for the 2012 round they couldn't come up with a mechanism and they said, "Okay let's block them now." And that's actually also the language that you see in this prohibition that says this round is blocked. Let's talk about it for the next round.

So and Alan is quite right. I mean if you look at us – at a country like Israel or Turkey or Spain and they say, "Well for our tourism we would like to have our country name to promote tourism and investment," or if you look at Qatar or Bahrain and they say for whatever e-government we would like to use our country name in the same respect that the United States have a.gov. It's a little bit difficult to deny that to them.

The United States can have e-government through .gov. The other countries cannot really because they just have the ccTLD and the ccTLD is open to everyone. So I think this is the most important use case that countries would use their country name for e-government or to promote tourism and investment. And...

Martin Sutton: So Alex...

Alexander Schubert: Yes?

Martin Sutton: ...let's keep on track here. This is very similar to our discussions on the previous call which related to the short form, long form names of countries. So this is exactly the same essentially because Holland with (Bissan) is equivalent to the long form name. And within our recordings of the last meeting we quoted that the benefits was it - was easy and predictable to understand and follow. The negative side was if a country wanted to apply for their long name they were not allowed. So we'll list those down as the negatives and positives for this type of term because I think it represents the same.

And I think I have heard their objections that this is a term that we shouldn't include within our continued deliberation. So we'll capture that and thanks for the explanation. So I think it all goes in support of that. Is that okay Alex?

Alexander Schubert: Yes, yes, yes of course yes. Thank you.

Martin Sutton: Thank you. So I've got Susan, Annabeth Christopher and (Justine). So Susan?

Susan Payne: Yes thanks. Hi. It's Susan Payne. I put my hand up because I was getting a bit confused but I think perhaps what you've just said has clarified it for me. I think it's very difficult when we're going through this and particularly when we're looking at the positives and negatives not to get bogged down in the how they were treated in the previous rounds. And we end up - we keep ending up having this discussion about how they should be treated in the future.

And I thought our purpose here was to just agree amongst ourselves should it be a, you know, are we – do we agree we should consider it a geographic name yes, no? And what were the pros and cons for – from how it was treated last time around but not getting into a kind of a detailed discussion of

what we think should happen in the future. That was my understanding anyway. But I think – so that’s why put my hand up because I was getting a bit confused that we seem to be getting into the detail of the discussion about what should we do for future rounds? In terms of the...

Martin Sutton: Thanks Susan.

Susan Payne: ...positives I just - once you - once I had my hand up you made a comment that it was easy to understand and kind of predictable. I kind of would agree but I mean there’s an awful lot of confusion in the chat on - and indeed on - in - on the speakers on this call about how certain names were treated. So I guess it’s I mean in theory yes it was predictable and easy to understand but it’s not that easy it would appear in practice.

Martin Sutton: Okay. So were there examples of anybody applying for a country name I don’t think there was....

Susan Payne: No I’m not necessarily suggesting that. Sorry Martin and I was thinking (unintelligible) but it’s just there’s an awful lot of people on the chat thinking about what do you mean I couldn’t apply for Canada? And theoretically if the rules are really easy to understand we all know that but people, you know, it - they can’t be that easy to understand because people are not understanding what they said.

Martin Sutton: Okay Susan thank you. Annabeth you might be on mute Annabeth. I still can’t hear you Annabeth. Whilst we try and...

Annabeth Lange: Okay this - do you hear me now?

Martin Sutton: I do yes.

Annabeth Lange: Can you hear me now?

Martin Sutton: Loud and clear.

Annabeth Lange: Do you hear me?

Martin Sutton: Yes.

Annabeth Lange: Yes. Okay I'll try again. I just want you to clarify some of the questions that's been on the chat. It's not for those who had not been involved all this time to see what was the reason and why did we have it the way we had it in 2012? They as Susan said they asked, "Couldn't I have Canada?" So what was the decision last time was that country and territory names and when we say territory it's kind of not the same territory as Patagonia and Amazon or Estonia and these kinds of things but those who are of the ISO 316 split and it's part of a country but not a real country.

And they were prohibited in this round in 2012 whether or not they shall have permission or none objection or support the next round that as Susan send we should leave that for the next discussion but it's certainly geographical names. And we would - I think with the benefit of trying to just define now what is geographical name then we can get sooner to the next round to discuss what to do with them in the next round. Thank you.

Martin Sutton: Thanks Annabeth. Yes so just to clarify again this was in the Applicant Guidebook as you read it here this type of term and what we discussed at the previous call the short and long names of countries as well were not permitted for – to apply for. So I...

Annabeth Lange: That's right.

Martin Sutton: I've got Christopher, (Justine) and then (Steve). Christopher go ahead please.

Christopher Wilkinson: Hi Christopher Wilkinson again for the record. I've been following-up from one of your earlier comments and for the moment to be deliberately pedantic in this context G must stand for geographic. I really don't understand how the geographical terms were ever considered by anybody as generic. They're not generic. What we're talking about is names. Those are very specific to locations, cultures and communities worldwide. We have to develop policies that are relevant for those cultures, communities and geographies worldwide. And I don't think it's relevant to treat them as generic. In other respects quite clearly what I've just said is a completely different agenda from what we're working through at present so I have no further comments. Thank you.

Martin Sutton: Okay Christopher I've got (Justine). Please go ahead.

(Justine): Hi. (Justine) for the record here. This may be out of line. I was just curious the AGV 2.2.1.4.1 refers to applications from strings that are territory names. So it's referring as (unintelligible) goes to exact matches so country or territory names. Is there any - I'm not terribly well-versed with AGB so is there any part of the AGB that deals with a string that contains a country or territory names? For example we said that nobody was allowed to apply for Canada but can anyone apply for say Go Canada? Thank you.

Martin Sutton: Thank you. I don't believe there's any restrictions with the example that you've quoted there. There is obviously other functions within the process that could lead to objections. So a government may consider that to be problematic and could file an objection during the course of the application process. Okay so Steve.

Steve Chan: Thanks Martin this is Steve Chan from staff. And I think the point I wanted to raise was largely covered by Annabeth and you as well Martin but I just left my hand up because I think it probably bears repeating. So everything that we talked about at – in reference to whether or not these geographic terms should be in scope for discussion within Worktrack 5. Everything we've

discussed so far has been under Section 2.2.1.4.1 of the Applicant Guidebook. And that applies to the treatment of country or territory names.

And so then everything that what we have discussed up till now none of these would be approved in - or none of these would have been approved in 2012 either from a general applicant or the country that it's related to or country or territory I should say. So I think it's probably important to get this bearing that everything we discussed so far none of these would have been able to be applied for by anyone. So I think that basis I think is something that we all probably need maybe a little reminding on. Thanks.

Martin Sutton: Thank you Steve -- appreciate that. So I think these are old hands so then I've got Susan and then I'll close it off on this particular term. Susan please go ahead.

Susan Payne: Oh sorry no, I'm trying to take it down.

Martin Sutton: Okay all right thanks very much. So I think what we'll capture there is what I said earlier which is very similar to the short and long term names that we captured on the previous call. So we can move on I think to the next term next slide. I'm on Slide 9. So this is yes, this is where we start to move out a little bit more. So it's a representation in any language of a capital city name of any country or territory listed in ISO 3166-1.

Examples of this is London, (Londres), (Ludain) or Berlin. I don't know, I don't know how to pronounce Berlin I suppose. This next one on Berlin no. So those are examples of capital cities with variances on languages as well. So within the 2007 policy there was a challenge mechanism available but it was open for to apply for. Within the Implementation Guidebook of the guidebook the - this specific term required supports for non-objections from relevant governments or public authorities.

Now I've heard plenty of times before that this has been a - been a welcome while it was predictable and the support nonobjection method worked well. I seem to remember hearing that from (Javier) at previous meetings, from Alexander and some others. But I just appreciate us having a chance to go through here. And if anybody has first of all got any strong reasons to say that this should not be included as a geographic term please get in the queue.

But I think we'll just focus otherwise on any positive - other positive impacts or negative impacts that haven't been raised previously but we'll capture those points that I just raised just for the sake of time essentially here. (Olga) I think I see your chat but I think other cities come in a supplement term that we'll follow through on. This is specific to capital cities a reference of a term that was used in the AGB.

Okay so I'm not seeing anybody in the queue. So from that then we've got the, you know, predictability worked well. I think what I also remember hearing and if somebody could potentially say something to this is that it was still quite difficult sometimes to find the right part of the organization to seek approval within the local authorities. Was that something that others could substantiate rather than just my memory?

Okay hearing none I think we put a question mark under that because I think that might be something that may need to be explored is that the implementation of that process. Susan, thank you. Please go ahead.

Susan Payne: Yes sorry I took a while to get off mute.

Martin Sutton: You might be on mute.

Susan Payne: Yes see I think there probably were some issues with that. It probably depends on the particular city how easy it would have been to find the right department. But I think there might also have been some – the length of time the kind of program went on I think have the capacity to cause some

problems in that regard because obviously, you know, sort of city administrations can easily change. And I think that was a situation in some cases where perhaps, you know, the mayor of the city who gave permission at one point probably wasn't the mayor by the time the program came to fruition. I'm - I think there were - I'm not sure that anything, you know, completely failed as a result of that but I do think that those situations do arise. So maybe it's something we want to think about on implementation in terms of some kind of a timing issue.

Martin Sutton: Thank you Susan. Appreciate that. And I see you've got comments from (Liz) Annabeth also in the chat including problem was twofold. The length of time meant that quite often political representatives changed and the second was resolving competing applicant bids in a way that was easily assessed and also (unintelligible) agree with you. We could make it easier for applicant to find the relevant authority and GAC could be of help here. So we'll capture those I think under the negatives and they very much feel more like implementation issues that we can explore when we come back to that and look at future treatment.

So thanks for that. (Justine), good point there question mark over what happens if capital city name changes over time? We have similar issues I suppose with some countries. So perhaps that is a leading question for many of these if not all the terms that we've got here. So, you know, what does happen if those country names change? And I think we should list that one in as a future exploration okay thank you.

Okay we'll move on to the next slide then which is Slide 10. And this is city names so this is not capital city names and city name used for the purposes associated with the city name. So it's relevant to the geographic term that it relates to. So an example of it is Bath, Florence, Frankfurt. In the policy effort these were to be available but with a challenge mechanism available. In the Applicant Guidebook the final version required support and nonobjection from relevant governmental public authorities. So if we run through this again

same process I mean anybody have any strong objections as to why that term should be included perhaps you could say? If you're not talking please go on mute please getting some background noise.

Okay let's move then to the next bit which is either looking at positive impact or the negative impact of the treatment of the city names where it is going to be used and declared to be used as a city name. Oh sorry no let's move back to ten please. We've shifted the slides a bit too early. I just want to make sure we have an opportunity to capture any positive or negative impacts in regards to city names that were used for the purposes of city names.

Okay so from Annabeth I've got a note here that cities with Geo names that sometimes also generate names and brands. Yes agree. So perhaps we need to reflect that in the negative. We'll come on to that as well I suppose in the next section which talks about city names that are not used for the purpose of the city name. Okay I'm not hearing anything.

Just a question out there on this is it predictable? That's one of the key issues a lot of the time for some of the requirements in the Applicant Guidebook. Does anybody have any thoughts on whether this reference is predictable and easy to understand? (Justine) good point, so who determines if a city is a city? I suppose we can reflect that back also for the – your earlier comment in terms of when these change as well so that may be some that we need to come back to.

All right so it doesn't seem as if we've got any strong issues with that one. Let's move on to the next term then. So here it's the other flip of the coin. So as Annabeth said, you know, these city names there's many, many of them and a lot of them will represent different meanings as well. So they could be brands, they could be generic terms that are used in everyday use or in different languages they mean something completely different.

So here we've got a set of examples bath means, you know, various different things. Florence is a name of a city. (Unintelligible) is another example. We're getting some background noise if you're not speaking please do mute. Thank you. So let's have some hands up for this in terms of how anybody - oh sorry. And just to make sure people understand what the process was. In the policy aspect it was available but again there's challenge mechanisms that can be followed. Within the Applicant Guidebook there were no requirements for these.

So for city names used for other purposes rather than a generic - a geographic reference there were no requirements needed for these city names. So these are not capital cities they're other cities. So first of all we'll skip here I think and move to - does anybody have any examples of positive or negative impacts that may have occurred or could occur using this term? So I've got Alan in the queue. Yes please go ahead.

Alan Greenberger: Thank you. The question is there is no requirement - no requirements to get approval from that city. But I presume there's also no requirement in the contract to keep using it for the other purposes. It doesn't seem to be a potential conflict that if you admit you're using .Montréal, you know, for - as a city you need approval from the city. But if you're planning to - if you say you're going to use it for something else but then turn around and use it as a city name that's perfectly legal. So I sense somethings missing here either I'm missing something or we have a problem and we have several people putting up their hands.

Martin Sutton: Yes let's see if anybody responds...

Alan Greenberger: Yes Montréal maybe is a bad example. I don't know what else we would use it for other than a city name but let's pretend we could.

Martin Sutton: Okay thank you. Alexander, please go ahead.

Alexander Schubert: Yes this is Alexander Schubert. Again as someone who has applied for I'm thinking about this and since ages and the problem with that is obviously there were a lot of people who tried to gain the system. And if I – well now I can apply for a city name. And I just say it's for whatever but it's up for the city it's not gTLD operator or the registry is using it anyway because they just make it available at the registrars it's the registrants (unintelligible).

So if you look at the tactical I call it they Donuts domain. If you took at - you look at the classical Donuts domain, Donuts does nothing. They just make domains available. And even - I mean when they say and I don't want to suggest that Donuts would be a big failure but if someone like Donuts would apply maybe even accidentally for a city name there's no intention whatsoever it is the - of that city that would start.

Okay arguably you could say if someone is not targeting a city or says he is not targeting a city he will not be able to do marketing in that city and his reach will be limited. Sure I mean if this is an easy way to get the city name without the approval without owing any royalties to the city and just applying for it and anyway don't have any intention to do marketing in that city well that's my way out. So the misconception here is that the registry is using the name it's the registrants who are using it and there is no incidences of the regulatory of...

Martin Sutton: Thank you Alexander. Christopher.

Christopher Wilkinson: Hi Christopher Wilkinson again. My only point at this stage in the discussion would be to cast our minds forwards and backwards. Twenty years ago this was not an issue ten ago it was a minor issue for the second level. Today it is a serious issue among the people who have understood the issue. And those are a very minor part of the global potential global use of the Internet in the next ten years. I would be - go out on a limb here I'd be completely opposed to a 21st-Century registry proposing to use a geographical name not for the purpose of the region concerned.

That in a few years' time could become a major issue to coin a term, cyber colonialism. Look we have to think in the long term and consider that the next ten years, the next 20 years will result in the expansion of the Internet and the domain name system for as much as we have ever seen in the past. And I do not accept options that create assets or current registries and registrars which will undoubtedly be congested in the future.

Martin Sutton: So we look forward to discussing treatments further Christopher but for now let's stick with what we're trying to get through on the agenda. So I can move to Alan please.

Alan Greenberger: Thank you. To be clear I was certainly not talking about what should be allowed I was just asking for a clarification on what was allowed in the last round. And to put my question more succinctly if I had applied for .frankfurter or with a business plan of capitalizing on people's love of hot dogs would anything have stop me from after it was – the TLD was in place and delegated for me starting to market to people in stores in Frankfurt? I'm just asking the question was it allowed because it implied here that it was that, that scenario could - would have been allowed.

Martin Sutton: Thanks Alan and if we don't get an answer from anybody that's able to tap into that now we'll take that away to come back on because I think that's an important part. And we can at least capture that as a question under the negative impact is to explore the issue of any subsequent changes to operation of a TLD that initially started out as a non-geographic purpose subsequently changes in the future so we'll capture that. And (Jeff) I have you next.

(Jeff): Yes I put this - thanks I put this in the notes or sorry in the chat. But...

((Crosstalk))

(Jeff): You can't hear me? Can anybody else hear me?

Man: I can hear you.

Martin Sutton: Yes we've got you now.

Man: I can hear you.

(Jeff): Okay sorry. I put this in the chat but I wanted to kind of raise this - chat went by pretty quickly. There is a provision in the registry agreement that says that you basically represent and all the statements you made during your application process were true and correct and will continue to be true and correct. Now perhaps, you know, you might argue that that's not good enough or that you could drive a gTLD through that with exceptions. And, you know, if that's the issue fine we can, you know, I'm sure you can work on making that much more airtight.

But there is a provision to stop the intentional gaming that if you always intended to be geographic you just said it wasn't in your application then technically ICANN did have a mechanism to go after you. And that could be applied in the future as well. So if you applied for Mars let's say you're Mars the candy bar and Mars, Pennsylvania doesn't like it, you know, you can legitimately make the statement that you are not using it in its geographic sense that you're using it with respect to your products and services. And, you know, if someone wanted you to contractually commit to that I don't think that Mars or others would have an issue with that if that's the big thing that's standing in the way. Thanks.

Martin Sutton: Thanks (Jeff). I think we'll include that in terms of comments to the question. And probably just need to clarify specifics from the guidebook or the contract but we can populate that with. And if that is something that when we consider future treatment that we want to address we can dig a lot more deeper. Thanks very much though. So I'm going to move on to the next one so Slide

12. So we're moving (unintelligible) in terms here is an exact match of a subnational place name such as a county, province or state listed in ISO 31662

I don't think I can pronounce that. I'll try (Babic) no I can't, I can't pronounce that. But there's an example listed. And in the policy work that was available but subject to challenge mechanisms if needed. And within the final guidebook this was a term that would require support nonobjection from relevant governments or public authorities. Now as this is based tightly back on the list I'm kind of going to suggest that we would include in the positives that it was predictable and objective. But if anybody would disagree please state now before we move on to the wider ideas of positive and negative impact.

I'm not seeing any so let's move on. If anybody on this slide still we will - looking at these so states, or counties, provinces were there any positive impacts? I'm not quite sure if I can recall any off the top of my head that were applied for that would have been under this term and that follow through with the support nonobjection. But if anybody's got any examples to speak of that would be great. So I've got Susan in the queue. Please go ahead.

Susan Payne: Thanks Martin. It's Susan Payne. Terribly sorry I haven't got a positive example but I was just going to mention it's a point we've captured on previous slides as well but the predictability point. I mean there certainly was a - were problems and lack of predictability about where you get the consent from. That was - there was a definite issue around that in this particular context.

Martin Sutton: Okay thank you yes. And I - if anybody has any objections let me know but I think that we can carry through the same remarks again in terms of city names, you know, the requiring support nonobjection could be similar in terms of practical implementation concerns that we've experienced. Alexander, please go ahead.

Alexander Schubert: Yes again its Alexander Schubert. Was your question whether there have been examples in the 2012 round where people applied for such national place name?

Martin Sutton: Yes so subnational place standard perhaps we can refer to as, you know, it worked well or there was definite issues that occurred that we can refer to and highlight.

Alexander Schubert: Well I mean there have been obviously big issues. Just for example if you take the Indian giant Tata that most westerners don't know but if you're Indian you know it for sure it's a billion-dollar corporation. And they're building vehicles cars and gTLDs and they wanted to have .Tata. And it's a really, really big brand. And there is a tiny, tiny, tiny 15000 people place somewhere in the desert which I'm not even sure that they have Internet but certainly no industry and - in I think Morocco. And they are called Tata because there are some countries you have to understand I mean if you look at the United States which is a very big country and has a lot of places they have just a handful of names on that list mainly their states.

But then there's relatively small countries who have a gTLD load of terms in that list and Morocco was one of them. And a tiny region Tata that no one ever had heard of and that has no relevance globally was able to dictate the terms to the big corporation Tata. And the big corporation still doesn't have a sub level domain. And in another case .bar B-A-R which was applied for, for bars like restaurants they had to give them \$100,000 for what a new school or anything like that in order to get the permission from them. But again it was a very tiny region that is on this list but nobody has ever heard of. So while it's predictable and you have lists you can work off in many cases it seems almost a little bit unfair if this is a region that no one is connecting with that country. And in some cases like Tata they never got their TLD and the question is why? I'm finished.

Martin Sutton: Thank you Alexander. No that's great example. Thank you very much. So we'll reference that under this specific term I think. That's very useful. And that's, you know, and thinking about how the policy is applied and implemented so I think that will be helpful to follow through on that one. Anybody else in the queue? I can see the comments shifting here a bit quickly so I'm – if anybody has anything to say that they'd like to speak to please raise your hand otherwise we'll try and capture some of the comments that are being posted into the chat but if there's anything you would like to raise out of that please do so now before we move on to the next slide. Okay Kavouss please go ahead.

Kavouss Arasteh: Yes I put in the chat one example but I understood that (unintelligible) already delegated. So take a region like Europe how you get (unintelligible) in Europe? First of all there is no definition for Europe. What is Europe what is not Europe? Then it - there is a - who do you go for getting the agreement you know that this Europe contains the countries which are Eastern Europe, Western Europe or in the city old situation. And then (unintelligible) to act on how to go to other regions so region is quite difficult sometimes. Thank you.

Martin Sutton: Indeed and I'm not sure where I'll be able to go to now that we've fallen into with Brexit so that's a very good point. It's not well that might be under a different area. Perhaps we can adjust leave that as an open question in terms of Europe. I know .Asia was one that preceded all of the New gTLD process but Europe is a good example as to what would we see that as a process? How would we see that as a process working under the existing terms? And if that isn't captured under one of these terms that we can explore under geographic terms that we might want to consider. So thanks for that. Okay Kavouss is that your old hand?

Kavouss Arasteh: Yes it is a new hand. I wonder perhaps I was not involved in that how agreement on Asia was obtained with 75 countries and (unintelligible)? I don't remember or believe that all countries were consulted given any consent of that. That was something that being come see come (sell) have been done. I

don't know how it happened so there has been something that put the people before fait accompli. Thank you.

Martin Sutton: Okay thanks Kavouss. I think we'll have to carry that over as a question. I'm looking at the time at the moment. Paul, if I cut the line after you please go ahead.

Paul McGrady: Thanks Paul McGrady here. I wish I had thought of this earlier this jumps out at me as a significant variation from the GNSO Council adopted policy and where it ended up in implementation. I think for anything like that where there's a significant variation we need to flag those so that we make sure that we address them all before the PDP is done because unless we change the policy the policy stands. But if we don't address situations where there was significant variations from the policy by implementation then I don't know what we have because it's neither policy nor is it not policy not sure. So I think we need to flag these situations where there were significant variations so that we make sure that we don't send a report to the council that it doesn't know what to do with. Thanks.

Martin Sutton: Sorry Paul before you go back on mute what one are you specifically referring to what variation?

Paul McGrady: So if we look here and for 2.2142 the policy is available but with challenge mechanisms. And then the implementation of a guidebook was requiring support nonobjection. That is – they're the exact opposite of each other one is free speech the other is not free speech, one is, you know, government owned words that you have to get permission to use I guess. So this is a great example of how the policy wasn't followed. And there – we may have already encountered several of these along the way.

We may almost want to go back and flag those certainly keep this in mind for the future. But this is a PDP. So we're looking to policy. So if we are going to change the 2007 policy we need to do that on purpose. So we need to at

least flag them as we walk through these to make sure when we turn our attention to what we're going to do with, you know, how they're going to be treated in the future to make sure that we've addressed them all. Thanks.

Martin Sutton: So just to respond to that Paul that is the intention of why we're doing this particular exercise because highlighted early on in the Work Track 5 process it was distinct that there was a distinct variation between the policy as you can see illustrated through each of these examples and the final guidebook approach. So what we do need to do when we start going back about the future treatment of these is whether the Applicant Guidebook worked effectively. And perhaps we should consider continuing that and therefore adopt that as policy versus something different or even potentially revert to the policy that was originally specified in 2007.

So that is an important part of this work because we do understand that the guidebook does not represent the policy in its entirety in regards to geographic terms. Does that make sense? I hope that makes sense because - yes and we will keep track of it because we will be going through - so sorry I saw your comment in the chat. So we will be going through these and I'm back looking at treatment. And if we feel that, that treatment should be the same or it should differ that needs to be interpreted in terms of a policy recommendation.

Thanks a lot. Okay so we are running out of time I'm afraid but we've worked through quite a lot here. There was one final item that we were going to look at which is the UNESCO strings. What I would say is please continue to provide input. You're welcome to do that via email so that we could add comments to the spreadsheet very much along the forms that we were going through today in terms of benefits and the pros and cons essentially is the treatment of those terms in the Applicant Guidebook.

And we can start thinking about how they should be treated in the future and if that should change at all. I do want to also just mention that there is some

information on the spreadsheet on a separate tab which relates to geographic terms that were not included that people would like to see considered by Work Track 5. You are also welcome to input to that and add your comments for us to consider what we will be looking at after we have gone through the existing terms which we've nearly gone through in terms of before we start looking at future treatment. So in the meantime we still can provide inputs on those points. And what we'll take away from today is a lot of the comments and populate that into the spreadsheet as well so we can keep track of what's being said and how we're viewing some of these particular existing terms.

And we have just got a couple of minutes left. I did want to mention that we have a work plan still to firm up for the way that we're going to roll this through to create an initial report. And that needs to be in sequence or slightly a bit lagging the overall group PDP so we'll be looking really still at aiming for an issue report midway through this year. So this is important work that we should continue in between meetings but do come prepared to discuss and provide your input as we go through the rest of this exercise.

In ICANN 61 we'll be looking at what to do in that particular time and make best use of it for the work track. And that – please keep an eye out for that. And if you have any suggestions you're more than welcome to post those to the list and to the leadership team. I think that I have any other points there to flag at this stage but does anybody else have any comments? So I have (Milagros). Is that pronounced...

(Milagros): Can you hear me?

Martin Sutton: I can yes. Please go ahead.

(Milagros): Can you hear me?

Martin Sutton: Yes. Please go ahead.

- (Milagros): Yes I was wondering if any consideration has been given to (homomous) names? Who gets the right to register a name when we have two cities with the same name in two different countries?
- Martin Sutton: Good question. Okay I think we'll log that for now. We're at the end of the call I'm afraid so we'll go back and add that into follow through. There's some good questions being teased out so thank you for that.
- (Milagros): Oh okay.
- Martin Sutton: Okay all right so we are at the end of the call I'm afraid. Thank you so much for all of your input today. It's been very helpful and well received. And we'll continue the conversations. The next meeting is during ICANN 61. And we look forward to seeing many of you there.
- Man: Thank you good call.
- Martin Sutton: Thanks all.
- Woman: Thank you everyone.
- Martin Sutton: Bye.
- (Terry): Once again the meeting has been adjourned. (May) the operator if you could please stop all recordings to everyone else please remember to disconnect all remaining lines and have a wonderful rest of your day.

END