

**ICANN  
Transcription  
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic  
Names at the top-level)  
Wednesday, 20 December 2017 at 20:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-new-gtld-subsequent-track5-20dec17-en.mp3>

Adobe Connect Recording: <https://participate.icann.org/p3w0l5mrx9y/>

Attendance is on agenda wiki page; Agenda wiki page: <https://community.icann.org/x/Dw9yB>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Coordinator: Recording has started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening, and welcome to the new gTLD Subsequent Procedures Sub Team Track 5 Geographic Names at the Top Level call taking place on the 20 of December 2017. In the interest of time, there will be no roll call as we have quite a few participants.

Attendance will be taken by 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 you all...

Man 1: Nobody on the audio?

Terri Agnew: Not on audio only. Nope. That means they run Adobe Connect as well. But hearing no further 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 co-leader, Christopher Wilkinson. Please begin.

Christopher Wilkinson: Thank you very much. The - just to open the discussion, I wanted to make a few general points to facilitate I would trust reaching consensus in this area of not necessarily tonight, but during the next few weeks in the New Year.

First, I would like to welcome the fact that we have a number of new participants in the GNSO context, notably from at large, from civil society from the GAC and the - and from the ccNSO so community. I think we need to bear in mind that Work Track 5 exists in its present format precisely because of our normal gNSO PDP process did not succeed in addressing the question of geographic names to everybody's satisfaction.

It is also humbling to learn that ccNSO formats of earlier this year did not reach consensus either. So we have got a job here, which is going to be quite difficult if - unless we can find a significant movement on the part of all interested parties.

In French, we have the expression, pulling the blanket. We're all in bed together here and it doesn't - it's not going to work if we get comments and positions which boil down to pulling the blanket in the direction of a particular stakeholder interest. We need to find a solution where everybody is comfortable under the same blanket.

And I also, having had long experience in public service, and particularly in the ICANN context, I think we have to all make an effort to realize that the geographical terms are a matter of significant sensitivity and ownership to the people who actually use those terms. And this will affect the extent to which open registration policies can be applied.

And finally, there is a reference in the draft terms of reference to the IDNs, but it's only a passing reference. I think we need to be aware of the fact that within a few years, it's quite possible that most of the geographical terms registered as top level domains, will be in non- ASCII, non-Latin scripts. So we need to really take seriously the context of this work from the global multi-stakeholder, but also multi-lingual point of view.

Now, if we turn to the agenda - hey, why is the agenda not up on the agenda screen? Ah, here we got an agenda. So I think we've - it's not a formality, but we always ask

to make sure that first of all that you all have issued your statement of interest. And secondly, that if you have any recent amendments to your state of - statements of interest, that you mention that now.

Does anybody have any statements of interest to comment upon or to inform us about or are we all up to speed on that respect? I suspect that we are. So then we can proceed to point number two. You have the agenda before you. Are you all comfortable with working this evening to the agenda that you've been proposed?

Now, I say that my understanding is - now from the staff is that we have agreed that tonight's meeting can proceed for an hour and a half until - for 90 minutes. Is that acceptable to everybody for this evening's work? I hear no comment and I hear no - see nobody asking for their hand. So if - raising their hand.

So if we - obviously if we conclude the meeting before 90 minutes, we will do so, but the - I take it - yes.

Martin Sutton: Christopher, it's Martin. I've got my hand raised. I just thought it would be worthwhile just to just check in terms of - that's fine for this evening, I believe. But I think we're also going to just see if that was something that we could - on a regular basis. So to extend the future meetings to 90 minutes to enable us to conduct more of the work.

Christopher Wilkinson: Yes. I think I was about to get to that also, Martin. But I don't want to push everybody too quickly into a particular position, but I take your point, that's indeed the option that is before us. Liz Williams, you asked for the floor? Oh, Liz - so Liz is not - mic is not up to it so just now. Maybe Liz is muted. I'll come back to Liz in a minute unless she comes on now.

The practical results of extending the length of this meeting will I think be that we will be able to spend rather more time on the draft terms of reference where we have indeed quite a lot to talk about. So - and while we're waiting for Liz to come back on, the - now I just answer a personal apologies for confusing a few people, but indeed for only a few minutes, by making a mistake and suggesting that this meeting should take place an hour later than was the official time.

I should be very careful about that in the future, as I have been in the past. I have no

explanations for that error and I apologize. Martin, you - Liz has taken her hand down. Martin is on - has asked for the floor.

Martin Sutton: Thank you, Christopher. I was just going to - I know the chat scrolled up, but Liz put her comment in the chat. So just to extend part of the AOB to talk about information and communications for our email between the meetings so that, you know, we can continue some of this work in between time. So we'll come back to that on AOB.

Christopher Wilkinson: Yes, thank you. And I see there's a string of comments in the chat, but in my personal experience, I don't want to waste your time while I'm silently reading the chats. So if Martin it would be very helpful if you could give me a kick every so often if you think there's something in the chat that we haven't noted.

So we shall proceed to the - point number three on the agenda, which is the second reading of the draft terms of reference. This is quite a challenging subject and I think we shall have to take it almost paragraph by paragraph. But because although we have fairly short terms of reference, we have on record, 67 comments, some of which have been adopted, some of which have been not adopted.

Some of those that have been not adopted have been in effect challenged and there are several more recent comments of about, at least seven of them which are new. So I would propose that - well, first of all I'm not going to impose a rule tonight on how long you can speak for. But the staff and previous co-chairs in these meetings are actually in favor of not imposing a rule if necessary, but encouraging everybody to try and limit your comments to two minutes, the 120 seconds.

I have a watch in front of me, which is more or less correct. But if the meeting finds that we have - the use of time is biased, the chair and the secretariat may encourage stronger discipline. Obviously if individuals have a very substantial - substantive point to make, it may take a little bit more than two minutes. But we do need to keep this - keep the discussion going and keep it open, which means that each and every one of us should speak for a short period this time.

I would just ask whether individuals on the call, particularly those of you who have functions in the advisory committees and the supporting organizations, whether any

of you would like to give a brief general statement as to your approach to this subject and this method of developing our policy.

So before we go into paragraph by paragraph discussion of the text, which you have already before you on the Adobe, I open the floor to a few general discussion - general points from the participants. Do I have any requests from the floor? Is there anybody here from the ccNSO who would like to - oh, we have a request. Katrina Rosette.

Kristina Rosette: Hi. Thank you, Christopher. Kristina Rosette for the transcript. I have a clarifying question about paragraph one in the - under the scope section in the Terms of Reference. And that is the first sentence refers to potential grounds for objection as an example of rules contained in the 2012 guidebook.

And there's - it's not - there's no clearly labelled section in the guidebook by that title that applies specifically to geographic names. So I'm hopeful that whoever drafted that or recommended the inclusion of that language could clarify what potential grounds for objection are being referenced here.

Christopher Wilkinson: Okay. Well, that's a very specific point. It wasn't exactly the kind of introductory comment that I was inviting. But I'll maybe assure you that I didn't write that. But on the other hand, there will be grounds for objection in certain circumstances, and I think we've already seen some of them. So I don't think this is entirely academic.

But Steve, could you enlighten us as to where the first draft for the terms of reference came from? Because some of the clauses that we will be discussing are new and answers have been made by the participants. But the original draft was - there was (unintelligible). Could you give us some guidance on that, Steve?

Steve Chan: Thanks, Christopher. This is Steve from staff. I'll go ahead and defer to Jeff for at least an initial response. Thanks.

Jeff Neuman: Thanks, Steve. Thanks, Christopher. Hopefully you guys can hear me. So I will take the blame for the very initial draft and starting to - wanting to get a skeleton draft under way. The question, Kristina, if I understand, are you saying that perhaps we

should not capitalize those potential grounds for objection because that wasn't the name of a specific section in the applicant guidebook?

There were - or is it more general in the sense of that we should be analyzing the 2012 guidebook such as review procedures -oh, sorry. Such as review procedure evaluation criteria. I'm just trying to think on the fly here because there is no section that's called potential grounds for objection.

Are you saying that if we are going to discuss future grounds for objection, we should make it clear that that didn't come from the guidebook, that that's really something new?

Kristina Rosette: Partly the latter, but also picking up on the point that Liz flagged in the comments, mainly I think we need to focus first on the affirmative such as how do we define what is a geographic name? How are they reviewed? How are they evaluated? And that once we get that fleshed out, then it's appropriate to - I think to then move just logically on to potential grounds for objection.

But it's both of those, namely there's no specific reference to potential grounds for objection with regard to geographic names in the 2012 guidebook. So it's really just kind of a cleaning up the drafting of that sentence.

Christopher Wilkinson: Do we have any other comments on this particular point? Martin, is that an old hand or a new hand?

Martin Sutton: It's a new hand, but not on the topic - on the question at the moment. So I'll hold until...

Christopher Wilkinson: If you come back - I'll come to you. The - I see Alan asking in the comments, in the chat to proceed to the substance of the call. But people are being rather reluctant to pick up on the substance of the call. So I think I'm going to proceed to review this by page.

The first part of the terms of reference is a description of the comments and how and why particularly the staff in the documents that you've got before you have suggested to implement and take account of the comments received. As a methodology, are we

all comfortable with that way of treating the comments through the submitted and the amendments that have been made?

There may of course be comment - the discussion about the results, but the comments received have - the staff particularly have tried very hard to implement the comments in the drafting. Though on two occasions, there are shortcuts which have not been fully accepted by certain participants.

The expression out of scope is a little awkward because we don't yet have a full agreement of what the scope is. So it's not quite clear how do we say something is out of scope. And for good reasons generally, the text has been amended to deal with questions by referring to more general language. I think that's - either that's kicking the can down the road.

But the terms of reference will almost inevitably be quite general. And to answer one of the questions about the definition of geographical names, it was - became clear several weeks ago that it would not be straightforward to agree to adjust definition in the terms of reference. And consequently, the terms would be - definition, among other matters would be a matter for the agenda of future meetings rather than of an agreed text at this stage.

But that being said, I take it that there are no further comments on the comments paragraph of the terms of reference. So we come back to the section on - yes. We come back to the section work track identification, which is pretty well boilerplate. Martin, you wanted to comment on this?

Martin Sutton: Well, it was one of your earlier comments I think and just to point out something in the chat. So you ask for -if anybody had more of an overview description of the terms of reference that they would like to share. Liz did post something back in the chat.

I probably lost it now with other bits in here, but it was a more general comment which was relevant in terms of some of the points you made there for even things like how to scope, and I'll come back to that in a minute. But essentially, it's talking about this is track to be able to raise issues, to discuss those issues and to work through to come to some hopefully sensible output.

And I think we'll lift the comment. I can't remember it verbatim for prior notes of the meeting. But I just wanted to mention that with our work of going through all of the comments, it was great to have lots of comments, but what we did mean to do is to clearly go through and understand how they apply in the terms of a PDP process.

And so therefore that's where this artist element comes in and we've certainly - we've deviated away from the defined PDP process. And so a lot of our comments, whilst we tried to work them in where we felt that it was reasonable to do, others were not because of that particular point on the way that the PD process is set up.

So I just wanted to make that clear so that we can go through. But yes, if we start back to the document to make sure we have the people's comments, that would be helpful. Thank you.

Christopher Wilkinson: Okay. Thank you for that, Martin. That was some - so I think section one is read. Section two, problem statement, goals and objectives and scope. Now, here there have been very many comments. And the Wiki document has this kind of spider's web which purports to link each of the comments to the amendment that is shown. I take it you've all read this and some of you will have made comments.

Jeff Neuman: This is Jeff. Can I just jump in? Sorry.

Christopher Wilkinson: Yes.

Jeff Neuman: My hand has been up. Sorry. Let me just clear something up too. We sent out a clean version the other day. These comments here are just to that clean version that was received since we sent that clean version out. I'm trying to see if staff can replace this version. I'm not sure that they can, with the clean one that we sent out, because I think these comments are causing confusion.

These additions, this extra writing, these red lines are not from the co-leaders. They're from people that just went in and made suggestions. So I'm just looking to ICANN staff, if you can - Emily, is there a way to just post the former clean version so that we're not flooded with these comments?

Christopher Wilkinson: Thank you, Jeff. I didn't know that and bearing in mind the fact that I think I read all the emails that I get from - on the list or privately on this subject, I have not seen a clean version anywhere, which - and I've just spent a couple of hours this evening reading through every comment that has come in, some of which are illegible. So let's see what comes up on the screen.

Jeff Neuman: Just for reference, this is the version that was December 18. It was sent out via email. It was sent out by - let me just double check, Emily at - of course this would be my time. So it would be East Coast US time. It was 6.46 am East Coast US time. So that would be the clean version that should be up there now.

Christopher Wilkinson: Okay. That's no doubt an improvement. Thank you. But Martin, your job on the chat is essential now because I can't read - I can only read this in full screen. The text is too small. So and in full screen, I get no chat.

Martin Sutton: Okay. Don't worry.

Christopher Wilkinson: Thank you. So we then get to the - Jesus. This is - no, back up on to the problem statement, the goals and objectives and scope, the problem statement. This text contains an agreed amendments of the previous version. Is that - is everybody comfortable with that? I'm not quite sure what to do with the ((French Language Spoken 00:29:48)), the three little dots between phrases here.

Does this suggest that there is language there that's not reproduced or does it suggest that we're just invited to think about what should be there instead? Any comments on the problem statement?

Martin Sutton: Hi Christopher. I have my hand up, Christopher. It's Martin.

Christopher Wilkinson: Fine. Yes. Please take the floor, Martin.

Martin Sutton: So the particular comment there with the dots in between is paraphrasing part of the PDP process. So what's articulated in there, all the relevant points have been extracted and applied into the problem statement, okay?

Christopher Wilkinson: Right. Maybe we need a footnote somewhere just to explain that, but so okay.

That's a legitimate form of abbreviation of - for some of you, standard text. For a large number of the newcomers to this process here, this is a black box and we're still having to learn how to relate to the way in which the PDP functions. But that's a more general question which we don't need to discuss this evening. Okay. So we can proceed to the context and the objectives.

Martin Sutton: Now Christopher, we've got Nick in the queue after me. And so I'll put my hand down if you go to Nick.

Christopher Wilkinson: Thank you, Nick. I've gone out of the full screen. Please take the floor.

Nick Wenban-Smith: Thank you. I just have a comment around the introduction of this language referring back to changes which may need to be made to the policy recommendations was 2007. And it's sort of a practical question really because if I'm being pessimistic, I would say that it's unlikely outcome that there's not a huge amount of consensus recommendation arising out of this group for example, say hypothetically.

And in which case, are we effectively putting in our terms of reference, that the output of this gNSO policy process will be a restatement of the 2007 policy recommendations? Because for clarity, those say that there shouldn't be any protections among geographic terms at the top level because of the objection processes which will be made available.

Obviously that is not what is put into effect in terms of the 2012 applicant guidebook. And I thought that or I had thought that the purpose of this group was really to look at how the 2012 applicant guidebook worked well, didn't work well and for that to be the focus of this group.

And I wasn't sure what's the point of going back to look at the 2007 Policy from the gNSO on geographic names, which in the end wasn't put into effect in the last round, because otherwise we're just going to create I think quite a lot of work. I'm not quite sure the end to which that work would be directed.

Christopher Wilkinson: Thank you, Nick. That's very instructive comments. I confess, I've read the applicant guidebook's chapter on geographic names in some detail, but I've never seen the 2007 texts. And I'd be grateful if tomorrow, not now, one of the staff would send me a copy.

But from what you say, I think it's the latter. There's absolutely no question in the minds of several constituencies and stakeholders that there should be no protection. The - I think this is sufficiently off the map that would not help to revert to that. Thank you.

Martin Sutton: Christopher, I've got my hand up and I'll be able to respond to Nick's comment and I think Greg and Jeff might be able to add to that as well. But if I just - if I could go in the queue and just explain.

Christopher Wilkinson: Yes. Go ahead, Martin.

Martin Sutton: Thanks, Christopher. We did cover this during the open session at the last ICANN meeting. So we a long tension going through the history of all of this. And one of the main points here is that we have policy in place that was approved in August 2007. The actual applicant guidebook included some changes that did not go through a policy process.

So if during our discussions of work track 5 in relation to geographic terms, we feel that those additional items should be built in as policy, then it's kind of going through a validation process that needs to be done so they can be formally adopted as policy. So the 2012 guidebook has elements in there that have not gone through the gNSO policy development process. That's the reason why it's referenced in here.

We did go through this, I do recall at the first meeting in ICANN60 was it? So hopefully that - we can resurface those and send those out. I just want to point out to Christopher, there already is a footnote regarding the full text language that we've just kind of shown on this paragraph.

So on the next page there's actually a footnote referencing where to find this in the PDP charter. Okay, and then I've got - we've got a - following me, so.

Christopher Wilkinson: Yes. Greg, (unintelligible). Greg, you have the floor.

Greg Shatan: Thank you. It's Greg Shatan. Can you hear me?

Christopher Wilkinson: Yes.

Greg Shatan: Okay. So first, on a procedural basis, the language that's here is quoted from the charter for this working group. The working group - neither the work track or the working group itself can change the charter. Could suggest changes to the charter, but those will go back to the gNSO Council.

Secondly, as Paul McGrady well notes in the chat, the gNSO council policy, which is really the - gNSO council policy stands until it is replaced with new policy.

Intervening implementation that ignores policy doesn't make the policy go away. So the fact that implementation that arguably violated policy, but places problem, let's say it's a bug features.

So and secondly - but I think that really covers the two points. The charter can't just say we don't like it, second and that's gNSO policy. We can't just say we don't like it. Thank you.

Christopher Wilkinson: I see. Jeff, you have a request for the floor. Steve, you guys really got to do something about this. I can't read this text.

Hadia Elminiawi: I have a comment.

Christopher Wilkinson: Yes. Go ahead please.

Hadia Elminiawi: And I had a comment with regard to the problem statement where it says - just a second. Let me see. We are saying here that the new gTLD subsequent procedures discussion group saw the issues to address in this working group as a clarifying, amending or overriding existing policy principles. I'm not sure actually that we are here to put overriding exist - to override existing policy principles.

What I think we are trying to do is to clarify, amend or create or develop a new policy principle recommendations or implementation guidance. But to put in place only the

existing ones, to put precedence for some policies over other existing policies. I do not really understand it. What I see is to clarify, amend or create new, but to put precedence for some policies to override existing ones. I'm not sure that we are here to do that. So I don't get this part.

Christopher Wilkinson: I see. I will say, I thought that the applicant guidebook had - was the reference point. Alan, in the chat, Alan Greenberg in the chat, you have raised this point. Would you like to comment further on it? Apparently not. So Nick is in the queue. Again, is that an old hand or a new hand, Nick?

Nick Wenban-Smith: I was just turning myself off mute. And all that noise.

Christopher Wilkinson: You're in an Uber cab?

Nick Wenban-Smith: That's fine. It was not me, I don't think. No, I just think it's - I understand the point in 2007 policy recommendations. And I think it's a different program statement if what I'm hearing is that the last rounds, the new gTLDs incorrectly implemented the policy recommendations.

And if that's the discussion, then that's a different discussion from trying to look at what didn't (unintelligible\_ satisfactorily in terms of the last applicant round. And I think it's worth having that clear. I don't know if - I'm not quite sure I understand procedurally the importance of having policy changes, going through policy processes and I'm trying to understand that.

But in practice, I'm not quite sure why we would go back and look at the application of the policy statements in 2007 which wasn't actually implement. And so I say just the practical question is, how much time are we going to be spending looking at the policy recommendations of 2007, which actually in the event didn't get put into the 2012 guidebook because (unintelligible) and that's where the more useful focus of our limited time and resources should be put. That's all.

Christopher Wilkinson: Okay. Thank you, Nick. Understood .Jeff Neuman next and then Alan Greenberg.

Jeff Neuman:

Yes. Thank you. This is Jeff Neuman. Just to address both Nick and Hadia, if I'm saying that right, or if I'm not, I apologize. So actually addressing Hadia first. This is a direct quote from the overall charter entire working group that includes five work tracks.

This one work track is dealing with geographic names, but there's four others that are dealing with a whole host of other issues. And part of their work is to decide whether to - whether we've got the initial policy recommendations right or wrong. If they're wrong, do we override them? Do we clarify? Do we add new ones?

So it's just taken from a direct quote. If that's the issue, I mean, you know, if - there's no reason why we have to have the entire quote there. We did that because someone else had suggested that we put that quote in there. So now you have the dangers of someone suggesting that we put the quote in and then others are suggesting that we take the quote out. So at some point, we're going to have to just make a decision and go with it.

To address Nick's comment, what the work we do just to - if it were like what we're doing in other areas, we would take the 2007 policy. It's almost like a matrix. We'd have the 2007 policy. We'd have what was implemented in another column and then we would have another column as to, you know, the rationale for why they differed, right? Why what was implemented differed from what was in 2007. And then another column for our recommendation going forward, which could be keep it the way it was implemented in the guidebook.

It could be theory again that's applied to all five work tracks. It could be no, we had it right in the policy recommendations the first time around, and therefore go back to those. Or it could be neither the original policy in 2007 nor the implementation of 2012. Or right, let's do it a different way.

So I think we're not going to be approaching this as if the applicant guidebook never happened. We just, as Martin said, need to fully document what the policy is going to be going forward. And so part of that means that in order to dot the i's and cross the T's if you will, we need to document the new policy if that's what it's going to be.

So all of that said, what we're really trying to do here is ask - let me just finish. I ask

everyone to help us with this. The language here is not going to be perfect. There may be a word here or two that are not perfectly placed, but we need to get to a final terms of reference. And so if you have a suggestion, please make the suggestion in terms of different wordings so that we can move forward. Thank you.

Christopher Wilkinson: Thank you, Jeff. That was just under two minutes. Alan?

Alan Greenberg: Thank you. Can you hear me? Can you hear me?

Christopher Wilkinson: Yes, we can.

Alan Greenberg: Okay. My understanding...

Christopher Wilkinson: Yes, I can hear you, Jeff - Alan.

Alan Greenberg: My understanding was, for any given issue, if we do not make an explicit decision to change something, the applicant guidebook stands. The applicant guidebook has a lot more detail than the formal gNSO policy. So all of that detail, even if no one claims it was changing the policy, is part of how it was implemented last time.

So I think there's no way to go forward but to take the applicant guidebook and then make changes if necessary. The change might revert back to something in the original policy if we really dislike what was in the applicant guidebook. But I think that has the most detail and therefore that's the document that we have to use as the basis. And I thought that's what the charter was saying. Thank you.

Christopher Wilkinson: Okay. Alan, I think that's pretty close to where I was, but I'm relatively new to this and you've been through much of it in the recent years. Martin, you want to come back? You're on mute. You've unmuted.

Martin Sutton: Thank you, Christopher. Yes. I'm just start referring back. We did ask if there was some helpful alternative language that we could use in our notes that Kristina has kindly added some proposed language to replace paragraph one under scope following her earlier comment.

I think, if I just read this out, if it captures any thoughts, especially if it's (unintelligible).

Okay, I'll just try that again. So work track five will focus on developing proposed recommendations regarding geographic names at the top level, including both C and IDN form.

Work track five will one, consider what constitutes a geographic name and the specific context of the new gTLD program. Two, analyze relevant rules contained in the 2012 applicant guidebook, such as the geographic names review procedure. Geographic names extended evaluation and objection procedures. And three, take into account previous work related to geographic names with a community completed.

I think that captures an awful lot and steers us away from the hole that we were getting ourselves in a moment ago. So I would like for us just to see if there's other feedback. I know there's quite a number of comments in the chat. But I'd be interested if anybody's got any other thoughts (unintelligible) positives in the chat.

Christopher Wilkinson: Thank you, Martin. I think that's very helpful indeed. Kristina. May I say that I've already asked the staff to get out and provide for us the Information, and I hope it's an ICANN report, but the information about - in some detail about the implementation of the procedures.

I think there were three of them in that statement. Following the 2012 decisions, we need to know what was actually done in the name of geo names and the ways in which they were implemented or objected to or whatever. And until we have that in some detail, it's quite difficult to decide whether or not the applicant guidebook procedures were appropriate or not.

But I don't think - we don't have the information yet to be able to discuss that in any detail. Greg, you asked for the floor. I want to move on to the next chapter of this discussion because we're using our time. Greg?

Greg Shatan: Thanks. Greg Shatan again for the record. I think that the - to be clear, the scope statement needs to include reference for the 2007 policy as well as to the AGB. I think it is, you know, it's part of our charter and it's part of what needs to be considered.

And I don't want - this creates, as it stands, perhaps a tension between the scope and the problem statement, which is a bad thing, and the charter, which informs the problem statement. So we should bring them all into harmony and put in a reference just so that people don't later claim somehow that this definition of scope has, you know, taken gNSO policy and pitched it out the window between - somewhere between pages one and two. Thank you.

Christopher Wilkinson: Okay. Well, I think we can leave this point at that stage for now. The co-leads will - or leaders will discuss this with the staff and no doubt before the next meeting, produce a revised text of the relevant part of this document.

But for now, I'd like to move on to the next section of - goodness me. The scrolling is completely out of control, zooming around. I just started to ask before we leave, whether there's any comments on this short paragraph about jurisdiction of the SOs and ACs.

Personally, I find jurisdiction rather strong word in this context as Greg will be aware. There are other meanings of jurisdiction. But the responsibilities of SOs and ACs. Do we need this text? Why is it there? Could anybody give us an explanation? I mean I happen to think that the responsibilities of the SOs and the ACs are already fairly well defined in the ICANN context and WT5 would be a little bit presumptive to start to discuss some - discuss this, but why is this text here?

Nobody has an answer. So we should leave that question hanging. Deliverables - Jeff has the floor.

Jeff Neuman: Yes. I have an answer as to why it's there. It doesn't mean it has to stay there. But the reason it's there is because in a number of discussions that took place over summer and on the webinars and all in preparation for this group, there were a number of people that questioned what constitutes a "gTLD" versus what constitutes a ccTLD?

And, you know, it is not a gTLD, if a geographic TLD is not a gTLD and it's not a ccTLD, then it's a different type of TLD that belongs into a different supporting organization and you name it, the discussions happened. This point is just to make it

clear that we are not going to bother with tackling what is a gTLD versus what is a ccTLD versus which supporting organization has any kind of jurisdiction over those issues.

It's - we're just not going to tackle those issues. Those are not issues for our working group.

Christopher Wilkinson: Okay. That presupposes that either it's not going to be discussed at all, or if it is being discussed, it should be discussed somewhere else. Okay. The - I just rest my point that jurisdiction is a grandiose term for this question of the allocation of responsibilities within ICANN. But I leave that thought with the staff and the drafters. So we have deliverables and reporting.

I hope this is not particularly controversial. Do Emily or Steve want to summarize the comments that you've received on this chapter of the document? Apparently not. Does anybody have any comments on deliverables and reporting? No. So we will assume that between the staff and the co-leads, there will be a draft of the WT5's report, which will be submitted for further discussion and to review as described here.

Reporting. This - the leads. I wish we would call them leaders of - this is not - for me, in the English language, lead is a dead weight. And lead, well my dog has a lead. Leads is not English. I don't know where this came from, but that's - maybe in California it's English.

Reporting. The leads of the work track handle the four WG co-chairs will brief the WG plenary group and the SOs and ACs on a regular basis. That sounds fairly automatic and natural. Updates will be included in the monthly newsletter. We've already had some of these newsletters.

Emily, do you want to have any comments about the kind of information that you need from participants to publish the newsletter? Emily is not asking for the floor. I think I'm correct in saying that Emily is editing the newsletter, but I may be wrong. No question - no request for the floor. So let's - yes, I think before...

Emily Barabas: I confirm. This is Emily. Christopher?

Christopher Wilkinson: Hello. Yes.

Emily Barabas: Hi.

Christopher Wilkinson: Emily, you have the floor if you like.

Emily Barabas: Sure. There's no additional information that we'll need from members. Regarding the updates for the newsletters. We can pull that from the call recordings and chat transcripts and email them before. So nothing additional needed there. That will come out once a month. Thanks.

Christopher Wilkinson: Okay. Well, such a newsletter is very useful for each of us vis-à-vis our own constituencies and stakeholders - stakeholder groups. Usually when I come across a newsletter of that kind, I send it to one or two of the lists that I'm a member of to make sure that the information is sort of more widely known and people are aware of it. So I think that's a useful function for such documents. Thank you, Emily.

Jesus. So I think we've actually got to the end of the document for practical purposes. I don't think the remaining paragraphs are of great interest until we get to the rules of engagement and the decision making methodologies. Here I think it's enough to report that - and you've seen this yourselves from the comments, that there are some participants who feel that the decision making methodologies are too closely linked to the PDP methodology and do not give enough credence or scope for the - what has emerged in recent - during the transition notably of - to the cross community methodology.

I think all the arguments are on the table and the - Jeff has explained more than once that this is a direct result of the constitutional structure of the PDP. And its work tracks, working groups and work tracks. So - well, first of all, we know for sure that some of the people who are as concerned about this issue are actually not on this call today.

So I'm asking whether there are any other comments, telling in mind my opening remarks that whatever your formal structure is, this subject and this work track is functioning in a different manner from the traditional gNSO PDP. I think that is a fact.

Whether the formal procedures and the method of working reflect that fact is - clearly is a matter of continuing concern for some of our participants. So Martin, I'm going to go out of full screen to see if there are any requests for the floor. Yes, Martin has asked for the floor. Martin?

Martin Sutton: Thanks, Kristina. Yes, thank you. So I was just going to just say, we've got plenty of people on the call. So I think we should open up and ask for any comments from that side whilst you've got them here. So if anybody has any comments to the decision making methodologies and rules of engagement, please feel free to state in the queue. So we've got Greg in the queue. Over to you, Greg.

Greg Shatan: Thanks. Greg Shatan for the record. I don't have any particular comments on this section because that - they reflect the reality that this is a work track within a DNSO PDP and there should be no changes made there. Any gNSO PDP or work track could be chaired or co-chaired by any person. They don't have to be a member of any gNSO stakeholder group.

Everybody can participate. They don't have to be a member of a gNSO stakeholder group. The gNSO exists to manage and develop gTLD policy. It's not a stakeholder group in and of itself. So the idea that this is somehow a quasi-cross-community working group is a nonstarter.

The community is engaged in - cross community working groups are non-gTLD policy issues and that's fine and that should continue. But this is what it is and it has always been something that is open to all. Can be run by anyone as long as it's managed by the gNSO council and follows the rules by which gTLD policy is set, and that's what we do. Thanks.

Martin Sutton: I'm back in the queue, Christopher if you can't see the screen yet.

Christopher Wilkinson: Yes. I've noticed. I was just going to ask you if that's a new hand. Go ahead.

Martin Sutton: Thanks, Christopher.

Christopher Wilkinson: Martin.

Martin Sutton: So I think I would mention again, at this point that, you know, through all of the comments that we did receive for the terms of reference, there were quite a few that we had to not carry through because of the fact that this is laid out as a PDP process. And like Greg just said, the whole point of the PDP process is that it's very inclusive.

It's just probably this one looks inclusive than others because we've done a lot of outreach to bring in many more people because we do understand that it affects a wider audience and there's a lot broader interest. So just sort of following on from Greg's comment there that, you know, this is inclusive, but what we have got is a substantial number of people coming into this group and to work through the issues. I just wanted to make that clear. Thank you. I'm in the queue.

Christopher Wilkinson: Yes. I see. Alan, I see your comment in the chat. My problem with - notably with some of these comments is that the initiator is not on the call. But so Alan, please go ahead.

Alan Greenberg: Yes. Thank you. I'm not commenting on what I put in the chat. I'm talking about the rules of engagement so to speak. There's no question, this is a gNSO PDP. And to be valid, it has to follow the gNSO PDP rules. I don't think anyone is questioning that today.

However, you will note that among other comments the GAC made, they had requested that this be run effectively under CCW rules - CWG rules, with appointed people and a balanced set of members. That is not possible, but our outcome is going to be viewed in the sense that if the GAC is totally unhappy with the outcome and says so, we're going to be - have a problem in that there's a good chance the gNSO recommendations may not be accepted by the board.

So I think we have to operate albeit with gNSO rules, try to make sure the outcomes are going to be at least somewhat equivalent to what they would have been in the CCWG that is trying to judge consensus properly to make sure that we don't end up in a confrontational situation after we've finished all of this work.

This is going to be a lot of work, and it would be nice if we actually end up with a

solution that's going to work for everyone, not end up in yet another confrontation.  
Thank you.

Christopher Wilkinson: Thank you very much, Alan. I think that's very well put. We're at 10:10. We've got 20 minutes left. And we were going to spend about 20 minutes discussing the rules and the risks of affecting geo names at the top level. I know that Martin has given some thought to the question of risk being presented in some detail at the last meeting.

Maybe Martin - if you all agree, we can proceed to the - to this point on the agenda. Martin, would you like to give some additional comments very shortly? And then we could open up a more - a broader discussion. Martin?

Martin Sutton: I'm happy to do that. Before we do though, I think it would be helpful if we just summarize where we are now with the terms of reference given the opportunity that we've had to go through today, suggestions that have been put forward and what we need to do to finalize terms of reference. So were we going to cover that at this point?

Christopher Wilkinson: Well, I could go out on a limb and make a proposal of, I think we will need one more meeting on this. Since there will be a hiatus over the Christmas and New Year period, I suggest that the co-leads and the staff should review again the current texts, examine to what extent the texts allows the group to work along the lines that Alan has just outlined, and that we have one more meeting in the New Year.

I don't - I'm not personally not prepared to say that this is definitive or we've gotten agreement, not least because there are quite a lot of people who've commented, but who are not on this call because of the IGF and other reasons.

Martin Sutton: May I respond to that, Christopher?

Christopher Wilkinson: Yes, of course.

Martin Sutton: Thanks. So I think we've had a lot of comments previously. We've been through those and, you know, I know that some haven't been able to be on this call, but they

will be able to catch up with the recordings of the meeting and the notes that are taken.

What we have got is some positive alternative language that was proposed. And apparently from glancing through the notes, that looks pretty well received. So that's under the scope, which is probably the area that received quite a lot of comments previously. So I think that that's one area of change where we've got proposed texts to swap in.

We've got some notes to go through probably from the conversations in terms of the earlier sections in here. But I don't think we've got an awful lot of substantive changes to make. So in view of that, I would propose that we look to send out a version based on the discussions today to circulate around the group as soon as possible for a final review.

We could do another reading, but to me that we've got quite a long way today through this, and it's been fairly positive in fine tuning the language. Does anybody else feel uncomfortable at this stage just on pursuing to get this to include the latest proposed texts and some monitor so we can buy a bit through the conversations we've had today to circulate and look for acceptance?

We could - yes, as Cheryl said, we could circulate it for approval on the list rather than wait until the next all, and we've got a number of weeks between now and the next call. So we could do it that way. It seems like something that we're close to and we should be able to magic forward to close this off before our next call. Jeff is in the queue. Perhaps Jeff has got a better comment than that.

Jeff Neuman: Yes. Thanks, Martin. This is Jeff. I agree with your plan going forward. I know that there are some new comments that have been received, but in reading through those, most of those duplicative of comments that were already received and either dealt with in the latest version or were not included because of decisions made by the co-leads, either because of, you know, what we can and cannot include in a gNSO group.

So to the extent something completely new comes in that hasn't even been mentioned before, we'll make sure we address it on the list. But I agree with your

plan, that we should present a final version out as soon as we can, by the end of this week, and that we use the first call to just ratify or the first week and first call back to ratify these terms of reference so we can move to the substance. Thanks.

Christopher Wilkinson: Jeff, I think by the end of this week is asking too much. But I think that will just precipitate another round of critical comments. But I would say the first week in January. I would say...

Martin Sutton: Christopher, my hand is up still. It's a new.

Christopher Wilkinson: Yes, go ahead Martin.

Martin Sutton: I think we can work with staff to - thanks. I think we can work with staff to just go through the comments today. Anything that's new, so different to the comments that we considered and made decisions on already, and so we have got a list of the rationale behind all of that, which, you know, at a push we could go through, but we don't need to do that.

I don't think that's really with everybody on the call. But we could actually send around the final rationale with a new version of the document, taking on board the comments today. So as I say, I don't think there's a substantial amount of comments and changes that we are considering here from the document that we've just gone through.

So I think that it would be helpful if we could push that through as quickly as possible and perhaps review that between the co-leaders or co-leads by the end of this week to circulate to members for their review.

Christopher Wilkinson: Well, in the - I'm not quite sure we can do that that quickly. I will certainly join that discussion. I should tell the meeting that there's one point that's deriving from the CCWG work that personally I absolutely oppose the expression, minority view. I think that has to be changed to a dissenting view, which does not include the value judgements that it is a minority view that could be - that can be ignored.

Martin Sutton: We can take that - okay. Christopher, we can take that back to our discussions to finalize the document.

Christopher Wilkinson: Yes. Okay. Well, how we fit in another meeting with the co - with the staff and the co-leads before Christmas is problematic.

Martin Sutton: We can do that via email. So we don't need calls to circulate a revised document. So we can do that via email. But anyway, I think the main point here is that we'll, as quickly as possible, take on board the notes and comments today and issue a fresh version of the terms of reference to the members as soon as possible.

Christopher Wilkinson: I think we - I think in that case, we need to have a - I think we need to have a clause in the comments section that and in fact encapsulates what the advice that Alan gave us, because my recollection is that several SOs and ACs have asked for the opportunity to agree to the terms of reference.

And I don't want to see language in the terms of reference which other SOs and ACs would consider in any sense of in your face of gNSO imposing its jurisdiction on the rest of the ICANN community. I think that would backfire and I think gNSO would be well advised to reconsider their points of view if that is the case.

We still have a few minutes left, and we wanted to have a discussion on the risks and rules of geographic names.

Martin Sutton: Christopher, (unintelligible) queue, we still have Alan and Greg.

Christopher Wilkinson: Okay, Alan is - no, Jeff is next. Is that correct? Yes. Jeff.

Jeff Neuman: Yes. Thank you. A couple of points and then, you know, let's knock it into a discussion now about minority views please. Let's just put that one on the table. We'll have a separate conversation with Christopher on that, about gNSO rules. But I'm going to say, and I was going to mention this even before Christopher said anything.

The chairs, myself and Cheryl, have already responded to the GAC, the ccNSO and the ALAC about one of the issues of approving the terms of reference. That's not provided for in the gNSO rules. So there is no opportunity for formal approval.

That said, I would strongly encourage each of you that belong to ccNSO or the ALAC or the GAC, to forward these near final terms of reference terms to your group so that you can discuss it and bring back any strong concerns in the next couple of weeks so that we can make this a better product if we can. We will not be waiting for a formal vote of any stakeholder group. I'm sorry, of any SO or AC on this.

So you all who are participating are your liaisons, if you will, to those groups to make sure that you can help provide the comments and feedback necessary. And also to serve as champions of the group to your respective SOs and ACs. So if you see an issue, please bring it up with us as a group, as opposed to having a letter come later, a month later about your unhappiness about the way something is operating. We'd love to hear concerns now. Thank you.

Christopher Wilkinson: Alan?

Alan Greenberg: Thank you. To be clear, the G - the ALAC in its statement to the gNSO regarding this work track said, we reserve the right to approve the outcomes of the overall work track. We made no reference to the terms of reference. I don't believe the GAC did either, although I don't have their document in front of me.

I don't think there was even a full understanding there would be a cons - even such a concept of terms of reference when we answered the original document. Certainly the ALAC did not consider that. Thank you.

Christopher Wilkinson: Thank you for the correction, Alan. Greg?

Greg Shatan: Greg Shatan for the record. Two points. First, the - while we're not going to get into discussions of remit in this group, the gNSO's remit is just this. The management and development of gTLD policy, so suggesting that we somehow shouldn't assert our remit seems bizarre.

Obviously we need to work and want to work in a way that's collaborative. And if you look at materials, it still indicates that we can operate in a global multi-stakeholder session and not in a parochial fashion. But at the same time, you know, the gNSO is

not a stakeholder group. It is not a group of like-minded people from the same walks of life.

There are some that are inextricably opposed to each other in many ways, but yet we collaborate on the management and development of PDPs and that is what we do. Some people may be confused because different groups kind of have different membership criteria. But this group exists to do this work. So and there can't be any softening of that remit.

Second, I would suggest some review would be highly necessary for the leaders of this group with regard to the PDP regulation and the charter and other - and working group guidelines. And particularly the sections on the neutral voice of the chair I know this is a new experience for many, but I think that these are well written and time tested rules.

And I think - and they're also the rules that we need to live by. So let's, you know, try to move forward in a way that understands what process we are in fact in. Thanks.

Christopher Wilkinson: Now, the - we do not have any time left for a discussion on the rules and risks for geographic names. I think we have to defer that point to the next meeting. So I would just ask whether there are any other business that anybody wishes to raise.

Martin Sutton: Christopher, I've got my hand up.

Christopher Wilkinson: Yes, Martin.

Martin Sutton: Okay. I know we haven't got time today - now to go through, drawing out the risk elements as we had planned. But I think one of the AOBs noted is to continue doing work by email between the calls. So we will be doing a map of the terms of reference.

But perhaps we'll all say, look in terms of how to incorporate some homework if you like, to draw out the risks, that members of this group consider to be their concerns and issues when considering geographic terms at the top level. So I think, because we've run out of time, let's do something between now and the next meeting, which helps members to start feeding back in information and their thoughts about the key

issues that we - that they think need to be addressed when looking at geographic terms at top level.

And perhaps at the next meeting, we also spend some time on the element of defining the geographic terms, which I think is a recurring aspect here from the conversations on the TOL. Thank you.

Christopher Wilkinson: Yes. Thank you, Martin. I think that would be very helpful. I take it that Greg is suggesting, and I think it was fairly explicit that I have not been sufficiently neutral on today's discussion. In relation to what I really think, I think I have been extremely neutral, and maybe your suggestion would be an opportunity to open up a discussion, a substantive discussion about the - yes, the politics, the economics and the geography of this issue, which to date I have not seen thoroughly discussed at all.

With that so, if I have your agreement, I would ask the staff to terminate the recording and wish you all a very happy Christmas and a very prosperous new year. And look forward to first of all, extensive consultations on email in the next week or two and of following up at our next meeting in the New Year. Steve, have we actually got a date fixed for the first meeting next year or not?

Steve Chan: Thanks, Christopher. This is Steve Chan with staff. We do have a date assigned from...

((Crosstalk))

Christopher Wilkinson: Sorry. Steve, you said you have - you do have a date?

Steve Chan: Yes. I heard Martin come in I think. But just to quickly finish my thought. Terri from staff posted the time details for the next call. It will take place on 17 January, Wednesday at 0500 UTC. And continuing our practice, it will be for 90 minutes. Thanks.

Christopher Wilkinson: An early morning call. Okay. Thank you all very much indeed. I look forward to discussing further with you next year.

Kristina Rosette: Thanks, Christopher. Thanks, Martin. Thanks, everyone. Bye for now.

Terri Agnew: Thank you. Once again, the meeting has been adjourned. Operator Leo, if you could please stop all recordings. Everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

END