

**ICANN Transcription – Abu Dhabi
New gTLD Subsequent Procedures Working Group Part 1
Wednesday, 01 November 2017 08:30 GST**

Note: The following is the output of transcribing from an audio recording. 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. On page: <https://gnso.icann.org/en/group-activities/calendar>

Jeff Neuman: So welcome everyone. My name is Jeff Neuman. I'm one of the overall co-chairs of the Subsequent Procedures PDP Working Group. Next to me will be Cheryl Langdon-Orr, who had to kick off the ALAC meeting that's right next door, so she'll be here in a few minutes. Cheryl is the other overall Subsequent Procedures Working Group co-chair.

What I'm going to do to start with is just do some introductions around the table starting with the Work Track 5 leaders, newly appointed leaders, so they can just introduce themselves and the group – stakeholder group – sorry, supporting organization or advisory committee that they come from.

And I'd like to go around the table since there's not too many of us here to introduce ourselves just so everybody gets to know – if you could just state your name, your employer or affiliation and then just from which supporting organization – or which supporting organization or advisory committee you're – you associate with. So I'll start to my left.

Martin Sutton: Thank you, Jeff. Martin Sutton. And I'm from the GNSO. Thank you.

Olga Cavalli: Buenas dias. Good morning, everyone. I'm Olga Cavalli from Argentina appointed by the GAC.

Christopher Wilkinson: Hi, good morning. This is Christopher Wilkinson, I'm appointed by the At Large Advisory Committee.

Annebeth Lange: Good morning, everyone. I'm Annebeth Lange and appointed from ccNSO and I have Nick by my side to help me because my voice is so bad.

Nick Wenban-Smith: Yes, it's Nick Wenban-Smith. I'm from Nominet UK. I'm the voice of Annebeth for these purposes.

Sebastien Pensis: Good morning. Sebastien Pensis with EURid, the dotEU registry operator and I'm with the ccNSO.

Michael Flemming: Good morning, everyone. Michael Flemming with – oh sorry, with GMO Brights Consulting. I am here as part of the GNSO, I guess.

Christa Taylor: Good afternoon. Christa Taylor, dotTBA and also on Subsequent Procedures Work Track 1.

Philippe Fouquart: Good morning. Philippe Fouquart with Orange, the ISPCP and I'm the incoming GNSO Council.

Alan Greenberg: Perfect timing, Alan Greenberg, ALAC.

Chris Casavale: Chris Casavale, Nelson Mullins, with the IPC.

Jorge Cancio: Hello, good morning. Jorge Cancio, Swiss government and Swiss GAC representative here on an individual basis. Thank you.

Carlos Raúl Gutiérrez: Good morning, Carlos Gutiérrez Costa Rica, GNSO.

Susan Payne: Morning. Susan Payne from Valideus and a member of the IPC, so GNSO.

Donna Austin: Donna Austin from Neustar and part of the Registry Stakeholder Group.

(Catherine Markinson): Good morning. I'm (Catherine Markinson), from the Norwegian ccTLD operator, dotNO and from the ccNSO community.

Jim Prendergast: Good morning. Jim Prendergast with the Galway Strategy Group, I guess out of the GNSO.

Neil Dundas: Morning. Neil Dundas from DNS Africa representing the Geo TLD group.

Statton Hammock: Statton Hammock with Mark Monitor VC.

Mason Cole: Good morning. Mason Cole with Donuts, Registry Stakeholder Group.

Sam Demetrious: Sam Demetrious with VeriSign, also the Registry Stakeholder Group.

Wadson Tseng: Wadson Tseng Afiliias.

Bill Quinn: Bill Quinn with Microsoft also with the Registry Stakeholder Group and the BRG.

Katrin Ohlmer: Katrin Ohlmer with dotBerlin, dotHamburg, member of the GNSO and also representing the Geo TLD group.

Rubens Kuhl: Rubens Kuhl, NIC.br, GNSO Council and Work Track 4.

Luca Barbero: Hello. Luca Barbero, (unintelligible) Barbero, BRG.

Nick Wood: Nick Wood Com Laude and representing Marks, the European Trademark Owners Association.

Steve Chan: Steve Chan, ICANN Org.

Emily Barabas: Emily Barabas, ICANN Org.

Jeff Neuman: Okay, thanks everyone. And if anyone wants to introduce themselves and come up to the table, everyone's welcome, this is a completely open meeting. It's a completely open work track which we'll talk about. I see Heather over there wants to introduce herself.

Heather Forrest: Thanks. Heather Forrest, Intellectual Property Constituency and member of the GNSO Council.

Jeff Neuman: Thanks. Is there anyone else that wants to come up to the mic and introduce themselves? We have a standing mic here or you can come to the table. You don't have to, I'm not trying to put pressure on anyone. Okay, again, this meeting is completely open so if at any point in time you have some comments or questions you're more than welcome to come on up to the table or to the microphone, that's right here, right in front of us.

Welcome, everyone, and thank you for attending. It seems like we do have a pretty diverse attendance here, we have members from each of the different communities and that's great to see, and we'll keep trying to encourage additional participation. So, you know, welcome and it's good to get this finally kicked off.

So the first thing we'll go over is the agenda, which we can go to the next slide, essentially this session we have a lot of time for this session; it goes until noon. There will be a break somewhere around the 10:00, 10:15 timeframe so that we all don't have to be sitting in this room for 3.5 hours.

We are going to just do a general introduction of how we got here and then go into some background on the GNSO policy development process. I think this is important because there have been some letters that have gone back and forth from the different advisory committees and supporting organizations to the GNSO. We'll go through the GNSO policy development process, how it normally works and what areas there are flexibility on. And I'm hoping that

once we go through that most of the concerns that have been expressed in the community will have been addressed.

For those that have not been addressed, there will be a letter coming from the GNSO, I'm assuming the GNSO Council, that will address the outstanding items. I'd like to, as best as possible, not focus on those items in this meeting because we're really here to try to talk about substance and get us kicked off, and it's not that those other issues aren't important, they are, but they are issues that really are not dealing with the internal workings of this group but more the external relationships and the results of this – the process. So we will touch over those but at the end of the day we're hoping to keep the conversations focused on the substance.

Then we'll go into the framing of the terms of reference, that's the document that will have the scope and the milestones and objectives of this Work Track 5. It's a very important document which we'll be spending several weeks on. This is just really kicking it off and it will go out for comments so that there will be plenty of opportunity not just here but plenty of opportunity to make comments on the terms of reference. And then so the fourth item really is the – Items 3, 4 and 5 are all dealing with the terms of reference in different sections. And then we'll try to close this out.

One of the things I want to also mention is for those of you that just entered the room, there is – if you could, if you have a computer and you can log onto Adobe Connect, that would be great, not just because it helps us see the queue if anyone wants to speak, but also in this session there's going to be some unique features in Adobe Connect where we're going to try to get comments not through – generally there's usually just one chat pod, but here we're going to have several different ones relating to different areas. And at any point in time you can enter in comments in there and that will all help us for the ultimate terms of reference document and for moving forward.

So if we want to go to the next slide. So again this is just a repeat so as you know, with Work Track 5, this is a new work track that's part of the Subsequent Procedures Policy Development Process. We abbreviate that, call it SubPro so if you hear "SubPro" that's what it is. We will try to, during this session, keep our acronyms to a minimum, but if we're going to use acronyms we should all try to at least spell it out the first time and then continue to use the acronym.

As you saw to the left of me, we have four work track leaders, one leader that comes from the – each of the supporting organizations and advisory committees. I'm being very careful with my words, they're not here to represent those communities, or advocate on behalf of those communities, they are here to facilitate discussions amongst the community and to make sure that the views of their community are being heard and being considered. So the four people up here, Martin, Olga, Christopher and Annebeth, and Nick, who's Annebeth's voice today, are not here to advocate on behalf of any particular position. We're really just trying to facilitate the conversation.

And that's one of the unique things about the leadership positions of GNSO working groups. So they will, at times, I'm sure, try to get others to participate. If they know that there's a particular view, don't be surprised if they reach out to individual members or try to steer the conversation to make sure that those views are heard.

And welcome, Cheryl. Again, Cheryl was – I apologized for you earlier...

Cheryl Langdon-Orr: The only chance you're going to get.

Jeff Neuman: That's right. Who was at the ALAC and is now back here. So if we want to go to the next slide. Okay, so how did we get here? This actually is not a new issue, as many of you know, and of course some aspects of this issue have been discussed, you know, in many sessions all week.

But in 2007 there – the GNSO recommended that geographic names be protected via objection mechanisms and not reserved. So in other words, what the GNSO said is look, we can't come up with a specific list of geographic names at this point in time, and that it opted for – instead of preventing those names from being applied for, the original policy actually said that there should be objection mechanisms that are developed to handle any geographic names disputes. And the one exception to that rule was that all two-letters were reserved for ccTLDs.

Because there were a number of concerns expressed by the community between, you know, 2007 and 2012, when the 2012 round kicked off, the Board decided on taking a different measure and those measures are reflected in the Applicant Guidebook. So just to summarize, and we'll talk about this a little bit – in more detail a little bit later, but country and territory names were prevented from registration so long as they were on a specific list.

And geographic names – other geographic names things like capital cities and other cities required either a letter of support or a letter of non-objection from the applicable government. So there were some protections in there for geographic names. The reason why we're addressing this – and this is a question that comes up a lot which is, you know, since this was settled in the Applicant Guidebook, and I just did air quotes, which nobody I guess following remotely can tell, you know, since this was settled in the Applicant Guidebook and through all those discussions, why we are we doing this again?

And the answer to that question is, that it was never – none of those policy – or none of the aspects of the Applicant Guidebook with respect to geographic names, other than the two letters, were actually handled through the GNSO policy development process. So even if we agree that that was the right way to handle these – this situation, in other words, the Applicant Guidebook got it right, we still need to enshrine that in GNSO policy. So that for future rounds,

and beyond, it's known that this is the way we have all chosen to go as a community, rather than just relying on a document that was produced by ICANN staff and generally accepted by the community. So I hope that makes sense.

We will be going over some areas that people may think have been decided, at least through the Guidebook, but that doesn't mean that we will not discuss those issues and try to, as best we can, enshrine them into the actual policy. Want to go to the next slide?

So prior to Work Track 5 being set up, there were a number of different efforts within the community all addressing geographic names at the top level. And they each had a different focus, they had a different scope, and one of those was a Cross Community Working Group on the Use Country and Territory Names. So it's a – it covered a part of our total scope of Work Track 5.

And so when the Subsequent Procedures PDP kicked off, we as part of that working group, did not address those same issues as we were waiting to see what if any output came out of that CCWG. The CCWG went through all of its natural cycles, produced its initial report, ultimately produced a final report. And in that final report, other than agreeing that the current two character reservation should remain in place, in other words, two characters at the top level should be reserved for country codes, other than that, there was no agreement on any other aspect.

And so the final report basically says that there's additional work that's needed, it should be consolidated into one effort, and as a result because the issue of geographic names at the top level was one of the issues within our charter, meaning our – the Subsequent Procedures Working Group – we decided to facilitate the creation of this work track.

So our main goal really of this is to consolidate all of the work that was going on in the community in addition to what I just talked about, the CCWG. Olga has an effort within the Governmental Advisory Committee. There's a working group within the GAC to discuss geographic names at the top level. And so that was another effort that was going on. And what we're trying to do here is to really consolidate the work into one place, collaborate with the community to see if we can reach consensus on solutions for Work Track 5.

So prior to this we've had two webinars, I think it was in April, on just general views around the community about geographic names at the top level and then we had two community sessions in – two cross communities session in Johannesburg at ICANN 59. Want to move to the next slide?

So our goal is to create a consensus-driven and inclusive outcome. In order to achieve that, recognizing that the GNSO policy development process is not – or is considered foreign to a number of the other stakeholder groups or supporting organizations and advisory committees, we thought one way to promote inclusiveness would be to ask each of the SOs, supporting organizations, and advisory committees, to nominate a person to help co-lead this work track. And the result of which we have up here.

We have posted a call for volunteers so for general membership in the group and we'll talk about how the group operates in a few minutes, went out on October 22. You're free at any point in time – or the community – anyone – is free to sign up at any point in time. We are trying to get everyone to volunteer by November 20. Of course that's not a hard and fast rule, if you – we always welcome new entrants into the group, although, you know, we will have started the work by then and anyone that joins after November 20 will be expected to have caught up through the archives so as we don't bring up topics that we have discussed prior especially topics that we believe have been settled in some way.

We're going to talk about, today, the elements of the terms of reference. We're going to discuss that. But the draft is going to be agreed upon and – or developed, I should say – and agreed upon by all the work track. And according to the GNSO policy, we'll push that up to the full policy development process working group just for its comments and approval as well.

This is not something that needs to go to the GNSO Council so it's really a matter of the Subsequent Procedures Working Group just agreeing to the terms of reference. You want to go to the next slide?

Okay, so the GNSO policy development process, this is a much feared term in the community but I assure you it won't bite too hard. And it actually is a very flexible mechanism for coming up with consensus-driven policy. There are a number of procedural safeguards for everyone that participates in the group. And hopefully over time you'll grow to perhaps even like the PDP. I won't necessarily say you'll love it, but you'll like it and understand why certain things are the way they are.

So if we want to go to the next slide, which is the cartoon, right? So I don't know if you can all read this from where you are, it's not important, I'll go over each of these steps. But again, if you want to log on to Adobe you can see this in front of you.

So a GNSO policy development process starts with the creation of – I should say the initiation by the GNSO Council. So the GNSO Council, when there's a desire within the community to start a policy development process, will ask the GNSO Council to produce an issue report. So usually it stems from some kind of concerns brought up either on mailing lists within a stakeholder group or constituency or one of these conferences or, you know, cross community working group session. And then the GNSO Council discusses the issue and says, you know what, let's have ICANN staff help us put together an issue

report that puts together, to the best of their knowledge, all the different aspects of that particular issue.

That issue report goes out for public comment, and then a final issue report is presented to the Council for the Council to decide whether or not to formally initiate the policy development process. So in this case in 2015, I think it started, although it was not completed until 2016, the Subsequent Procedures Policy Development Process, there was an issue report, there were comments, a final report and then the GNSO decided to initiate this policy development process along with a charter.

So that charter was approved by the Council as well and then we formed the overall policy development process working group. All GNSO PDP working groups are open, completely open, it doesn't matter what part of the community you come from, whether it's a stakeholder group, a constituency, an advisory committee, supporting organization, or none of the above, you are always welcome to come and join. There are two methods – or mechanisms to join the working group; it's either through a full participant or as an observer.

The only difference between observers and full participants, is that observers will generally not get invites to the – any of the conference calls and generally will not be allowed to post any emails to the mailing list. You can convert at any point in time from an observer to a full-fledged working group participant, at any point in time. So if you do have something you want to say on the mailing list, all you would do is you would send a note to the ICANN staff members that are in charge. So here we have Steve Chan, Emily Barabas and Julie Hedlund. Julie's at another session.

So you'd send a note to one of them and they would quickly add you to the mailing list as a full participant and then you can make your comment. So it's very flexible. You can, like I said, go from an observer to a full-fledged working group member at any time.

So the way that working groups operate is by consensus. And I want to spend a little bit of time here on what consensus is. And I don't remember if we have separate slides on this, we don't. Okay. So we generally do not vote in these working groups, either in the full working groups or in the work tracks. We measure consensus through level of support. And it's not level of support by individuals. So you'll notice at this table there's majority of the people at this table are from the GNSO, from one of the – thank you for going to the next slide.

So, however, that being said, the work track leaders, and the working group leaders, are all responsible to make sure that the different viewpoints of each of the separate communities, stakeholder groups, constituencies, advisory committees, however you want to define it, are heard and accounted for.

So even if there were 100 members of the GNSO at a particular meeting, where a decision is made, although we don't make decisions at a particular meeting, I'll go into that in a second, but let's say that ultimately when it calls for a – what we do a consensus call, if there's 100 GNSO members, and five ccNSO members, and let's say the five ccNSO members completely disagree with the 100 GNSO members, we're not going to say well, look, it was 100 to 5 and therefore overwhelming support for whatever the position was. That's not how consensus is measured, although I understand that's a concern expressed by the community.

If, for example, the ccNSO objected to the – whatever it was that was – the subject of the decision, a couple things would happen. Number 1, there's no way that the working group or the work track in this case, could declare a full consensus. That just couldn't happen or shouldn't happen and if it does, there are mechanisms to appeal that.

Second, the report that comes out on this particular decision must also clearly state the views of any group so that when this report is passed on to the full

working group and ultimately to the Council, that is very clearly noted that there was a community that was opposed to the recommendations. In addition, there's different levels of consensus defined within, as it says here, Annex 1 Section 3.6 of the GNSO Operating Procedures. Long story short, you have a full consensus, which is essentially unanimity, which we'd love to get to but we understand that's...

Cheryl Langdon-Orr: We can dream.

Jeff Neuman: Yes, we can dream, but we understand that it's very rare to get full consensus. The next level of consensus is called either just consensus or rough consensus; some refer to it as that. And that generally means that really almost all of the communities support the recommendations but there is a strong objection, let's say, from a defined community. So in this case, if the ccNSO said, no, no way, we disagree completely but everybody else said we agree with the recommendations, then we could declare a rough consensus but we would have to note the strong objection from the community. And of course, all of that ultimately gets passed on to the Board.

In addition if, let's say, there's another level of – I'm not going to call it consensus because that's not the word, but there's another status that's called strong support but also strong objection, that's where in general you have a majority of the group that supports the recommendation, but there are a number of groups, i.e. more than one, that object or have serious problems with those recommendations. And those will go to the Council as strong support but strong objection. And then of course the other level is either no support or lack of support – enough support to rise to the level of a recommendation.

So those are four different levels that we have built into the GNSO policy. The other thing I do want to say just out from the beginning, and I'm sure we'll cover this again, nothing that we do, even though we involve different communities within our policy development process, nothing is considered a

waiver or nothing gives up any other supporting organization or advisory committee's rights to do what it normally does with policy development processes.

When something goes to the Board, the GAC, for example, is always free to provide GAC advice. The ALAC is always free to provide its advice. The ccNSO is always free to provide either its advice, guidance or to do a ccNSO policy development process on this issue. So by participating in this group, you are by no means waiving any rights to your normal course of action.

That said, we hope that each of the – as work track leaders and as members of the work track, we really are asking you all to make sure that your organizations are represented or the beliefs or the recommendations are represented in this group to the best of your ability. So it would be – frankly it would be a huge surprise I guess to a lot of us, especially those on the work track, if everybody supported the recommendations after a number of months working on these issues, and then all of a sudden to have out of the blue based on something that wasn't presented to the working group, it would be a little bit of a surprise I would think if GAC advice or ccNSO advice were provided based on something that wasn't brought before the working group.

But that said, that's perfectly within those groups' right to do that. I would urge – it helps us a community to make sure that does not happen so that if you hear about some sort of concerns within your community, that you make sure that those are brought into the group's dealings and processes, because at the end of the day all of us have the same goal; we would all love to have a consensus-driven approach to the next round or rounds of top level domains.

I think that's, you know, I look around the table at a number of people that have participated in this for years and some that are new, I, you know, unless anyone's got a differing opinion, I think we're all looking for a solution that's the best of our ability solves or at least satisfies each of the communities involved at the end of the day.

So everyone here has good intentions and we're all trying to look out for or different interests. And if we come into this work track with an open mind, and try to really work on collaboration, compromise and consensus, I really have some high hopes for this group. Call me the optimist, even after 20 years of participating in these types of things, I still always have hope, otherwise I would just pack up my bags and go home.

So with that said, let's go onto the next slide. Okay, before we get there, I do want to address what happens after a working group comes up with its recommendations and a couple – we'll talk more about milestones here and delivering and reporting. And this one was actually still mine or is this – I'm just looking here. I think this one's mine. Can you go to the next slide?

Cheryl Langdon-Orr: We did a jump so we could cover consensus when you threw that into the mix early.

Jeff Neuman: Oh.

Cheryl Langdon-Orr: Given chance and I'll get back to where we should be.

Jeff Neuman: Oh okay, sorry. So I got confused, you guys are confusing me here. So okay so general – and this will be talked about more in depth. Each working group in the policy development process produces – are required to produce two deliverables that's at least two deliverables. There are – could always be additional deliverables added.

So at a very minimum, every working group is required to produce a preliminary report that goes out for public comment, and there are certain rules about that, you know, they have to be at least 42 days or 40 days, there's something in there. Forgive me for not knowing the exact number of days. But it has to go out for comment. Those comments are then assimilated by the working group and by ICANN staff so that we make sure that the

working group discusses all of those comments. And then ultimately at the end of the final recommendations are included in a final report.

Now this is a little bit interesting because it's a technically a work track within a working group so what we envision here at a very minimum is that there will be a preliminary report, but that preliminary report will not necessarily coincide with Work Tracks 1-4 when they put out there preliminary report. And in fact, we're pretty certain – we're pretty certain that Work Track 5 will be on its own schedule simply...

((Crosstalk))

Jeff Neuman: Yes, simply because Work Tracks 1-4 are aiming to get out their preliminary report by April of 2018, looking realistically at this, you know, I'd love to say we can produce a preliminary report by April, but we're not going to. And so one of the first items that the work track will have will be to develop a work plan as to when we think we can get out a preliminary report and ultimately a final report.

So in this case I'll just deal with Work Track 5. We will have a preliminary report and a final report. That doesn't mean that those are the only deliverables. For example, if we choose – or if the work track chooses to do a survey, chooses to do some other mechanism for public comment, chooses to hold webinars or do other things to solicit public comment, that's great. In fact, we encourage different ways to get public comments in. So there's a lot of flexibility in the GNSO PDP to have different mechanisms to solicit public comment. So even though those are the two minimum deliverables, there can be a lot more them if we choose.

Once the final report from this work track is completed, that report will go to the full policy development process working group for its approval. At this stage, anyone that's in the policy development process working group will – can review the recommendations and ultimately the overall working group will

then forward those recommendations on to the GNSO Council. Now, one of the next questions is, well, what if we do all this work in the work track, we send it up to the full working group and they want to change it? Or, you know, there are people that are just so head strong that they just want to oppose it?

Well a couple things, number one is hopefully we will have captured all of those interests and views in our work. And then the second is that the full working group may not change any of the recommendations that are contained within the work track. All they could do is send it back to the work track with a list of their issues. That is the full extent of what the full working group can do.

The other aspects are anyone within Work Track 5, or within the community, can join the full working group so it's not as if it's going to be a completely different set of people that are looking at this. So hopefully that will help for continuity. In addition, the – in addition, there are the measure of consensus within the working group is going to be done the same way as the measure of consensus within the work track. So we're not going to vote in the full working group, it's not going to be my – by majority vote, it's going to be by consensus and the same levels of measurement of consensus will be used.

Before I get onto what the Council does with it, are there any questions? I know this is a lot and it's a lot of talking. Anyone have any questions about the PDP up until this point? Jim, thanks.

Jim Prendergast: Yes, I'll give you a second to catch your breath. Jim Prendergast for the record. So help me understand the timing within the overall PDP working group? So assuming 1-4 get done, are they just sitting in the station waiting for the rest of the train, i.e. Work Track 5, to catch up? Is it going to be all moved to the Council together or is 1-4 get moved to the Council before 5 does? I'm still not sure how that works.

Jeff Neuman: Thanks, Jim. And it's a great question. So one of the first items is that the work track leaders will work on a work plan. And as you've asked the right question, presumably we would expect the other work tracks to complete at least the policy development prior to Work Track 5. That's probably going to be the way that it happens. In the case of that, then it'll be up to the full working group to decide whether to send – I can't answer that on behalf of the entire working group, but the working group will be presented with a choice of whether to forward Work Tracks 1-4 the final report directly onto the Council or not.

So I'd love to say what the answer is but I can't make that on behalf of the working group. I would hope that given that, you know, we don't want anyone, as you said, to just be sitting there not doing anything, that since the other work tracks are really working on very discrete issues, that really don't have a bearing necessarily on the issues of this group, then our hope is that that would go to the Council, ultimately to the Board, the Work Tracks 1-4 would go the Council and then the Board and start implementation of those even if Work Track 5 is still moving along.

There may be aspects of Work Track 5 that might have an impact on Work Tracks 1-4, so it wouldn't be a surprise to me to see let's say Work Track 3, for example, working on disputes and objections. It's not inconceivable that there may be a dispute or objection process that comes out of this, I'm not saying that there will be, I'm just saying it is possible, and if that does happen, then there may be a little bit of how do we get Work Track 3 involved to make sure that the processes and procedures of objections are aligned or, as Cheryl just said, meshed together? So there may be some issues here or there around the edges that other work tracks might be asked to do some additional work.

So I hope that answers it. It's a great subject to talk about with the full working group as we get closer to putting out our preliminary report and ultimately final report. Oh, sorry, Jorge, thank you.

Jorge Cancio: Hello. Good morning. And thank you for this presentation of the PDP procedures. I was wondering as the determination of consensus is so important for reaching really consensus in the wider working group, and also including all SOs and ACs, I was wondering who will be determining consensus within the Work Track 5? Will it be the co-leads together finding consensus amongst them?

And the second question is also a little bit related to what Jim mentioned, this is the timing as in all the GAC – I speak only on my own behalf but we have some conditions that were agreed by the whole of the GAC and were sent to you on our participation. So I guide myself on them, the GAC is a very special animal as the GNSO is a special animal with its constituencies. And we have mentioned in those conditions that both for the terms of reference and for the final recommendations we have to go back to the GAC as a whole to seek approval.

So just that you consider that because that means some time, not that we are not able to work intercessionally, because we are, and we have shown it, for instance, in the CCWG Accountability. But just that you know that perhaps we – or those who will be here from the GAC according to the possibilities may perhaps agree but it may go back to the GAC and I don't know, a delegate for – from a different country from South America or from Asia suddenly sees something that is problematic and we act with full consensus in the meaning of the GAC that nobody objects, and we are 170 countries so just that you bear that in mind.

And I would like to have your confirmation on the record on how the consensus is determined, thank you.

Jeff Neuman: Thanks, Jorge. Of course I'm not – I'm speaking as one of the overall co-chairs so I don't – can't speak for the GNSO Council but I will give you my responses as best I can and if anyone else wants to weigh in with their

responses, if you're from the Council, if you want to add in that would be great. So the first question of who measures consensus, a fantastic question, I probably should have said that.

So within this work track, it's going to be the four coleaders that are charged with the measurement of consensus, so not me, not Avri, but Martin, Olga, Christopher and Annebeth will be the ones that are tasked with measuring consensus according to the definitions that are in the operating guidelines.

The second question on the conditions by the GAC, so I said kind of at the outset there will be a letter coming from the GNSO to the other groups. That said – or addressing specifically each of the concerns. On the most of those conditions I think are subsumed within the normal GNSO Operating Procedures so things like I think the GAC said that nothing would waive its right to provide advice at a later point in time. That's already envisioned in the GNSO process so that's, you know, that's already built in.

On the question of formal approval of the terms of reference, so what I'll say to that is we have four coleaders here that are going to measure the consensus on the terms of reference, if you will, and at the end of the day the coleaders will establish when they believe the terms of reference are ready and final. What happens in between from each group as to whether there's formal approval or not, is I guess within that group's prerogative.

Technically there's nothing within the GNSO that requires us to wait for any groups' formal approval of the terms of reference, so the answer is that the GNSO is not going to wait for formal approval before moving forward but that said, you do have a work track leader that will hopefully A, be keeping the group up to date on what's going on. We'll have plenty of time to look at the terms of reference, and make comments so that if any changes need to be made, and hopefully those changes that are needed will be made.

So we're not going to wait for a full determination by the GAC to move forward, but there are mechanism to ensure that there's GAC input and into the process and into the terms of reference. And even if, let's say, Olga on behalf of the GAC says that look, you know, we think we're good with this but we do have to wait to get input from others or we – this is coming up for a consensus call within the GAC, we could still proceed in doing some work and if we have to make changes to the terms of reference for whatever reason, then so be it, we'll make those changes.

I just don't believe that the normal way of just stopping and lettering everything wait until a group goes back and finalizes their recommendations is the way to go; I think we'll miss a lot of valuable time when the key work is really done on the substance and not, you know, really what I think will be debated is the decision making. So I don't believe that any of that will stop us from doing the substance of our work. I hope that makes sense. If anyone else wants to weigh in from the Council or from other advisory committees, please.

Cheryl Langdon-Orr: Cheryl Langdon-Orr for the record. And why I said that is why I'm making this intervention, this is rather informal compared to the way we'll be proceeding in some of our calls. And those of you who are just identified in the Adobe Connect room with a moniker or your first name, I realize if you say, "Cheryl," the whole world will know it is me. But even I put my full name and monikers on. So a little bit later in today's proceeding we're going to be using chat as an important tool. And whilst it is by no means a requirement if you fully identify yourself in today's context, it might be nice if you're making something that you believe should be attributable, that it can be attributable to you.

And the other thing is of course, if you're making a intervention as we have had a couple of already, please do start off with the usual, "Hello, my name is and I am from," not just because we don't think we know each other, but because this one's part of the archive of the work of this group. This is some

of the foundational exercises. So it's just housekeeping, but I believe it is important to have it in. And I'll keep reminding you if you keep not doing it.

Jeff Neuman: Thanks, Cheryl. And in Adobe, and I just did it too, if you go up to the upper right hand side there is an arrow with a bunch of lines next to it so you can edit your information, so what I just did next to my name is I put "SubPro PDP Working Group co-chair." If you want to put your community that you represent either in parentheses or in some way you can easily edit your information.

Donna is next.

Donna Austin: Thanks, Jeff. Donna Austin from Neustar. Jorge, to your point, and I would hope that this group continues with the collaboration and doesn't get too hung up on the way that they do their business within their constituencies. Everyone is here in good faith and hopefully we can make progress because of that. One thing I would certainly – one hope for the GAC is that during this process we don't end up in a position where the GAC issues formal advice, which is going against the grain of something that's being discussed in this group. So to the extent that we don't have that problem that we would necessarily have to deal with because of the nature of GAC advice that turns up in a communiqué, I think it would be helpful for this group if that doesn't happen.

We – and we would hope that through the GAC and Olga's participation as the coleader, that that's the mechanism that information comes forward, not through GAC advice which will have implications for this group.

Jeff Neuman: Thanks, Donna. And to just expand a little bit, I know there's been some discussion within the GAC – the open sessions – that it's possible the GAC will nominate a few official reps, I may not be using the correct term, but some, yes, liaisons or something to this group to formally be able to represent the GAC.

Again, that's fine, that's perfectly within the rights of any group to do, that'll be used obviously when we do measure consensus. So you could have anyone or everyone participate from the GAC, you could designate people that are formally able to speak on behalf of the GAC, that's up to every group, just as there are people that even though they're here from the IPC, let's say, they're in the IPC, but they may not be representing the IPC; they may just be representing their own view or, you know, the view of their employer or just the view of one of their clients.

So it's very important that we understand when people make interventions, the assumption is you're making an intervention as an individual, that's the assumption. The assumption is not going to be that you're making an intervention so – not to pick on anyone, but let's say Sara Bockey over here, makes an intervention, Sara is a registrar, we do not – even though she's a registrar and even though she's with Go Daddy, we do not – when she makes an intervention it's not like it's an intervention on behalf of Go Daddy or the registrars, unless...

((Crosstalk))

Jeff Neuman: ...yes, unless she says it is. So I hope that helps as well. So, Jorge, when you make interventions, we're not assuming that's from the government of Switzerland, we're not – unless you say it is – and we're not assuming that that's on behalf of the GAC unless you say it is. Thanks. I know Olga's got a question and then Jorge, did you have a question, so Olga, Jorge...

Cheryl Langdon-Orr: Alan.

Jeff Neuman: ...and Alan. Oh Olga – sorry, Jorge, Alan and Nick. Great. Olga, please.

Olga Cavalli: Thank you, Jeff. And I want to thank Jorge because he made some questions and comments that I was thinking about so you read my mind and you are

already asked about it. What I would like to say is that the GAC is a large group with diverse views and perspectives of the same issue – about this issue. And we would like to have is a group of GAC members engaged actively, apart from myself, and apart from those that can be members and respond to the call for volunteers, to this group that could reflect the different perspectives of the GAC actively participating in the group.

So to avoid perhaps having GAC advice, but may happen, so responding to what Donna said, we would not like to have conflict but that happens and it happened with the first Applicant Guidebook. And what we are trying to do now is precisely that, to avoid that. But you have to have in mind that it's a large group, 170 plus countries with different interests, with different perspectives of the same issue so that we will work on that but it's part of the reality. Thank you.

Jeff Neuman: Thanks, Olga. Jorge, please.

Jorge Cancio: Thank you. Jorge Cancio for the record. Just going back to Donna and thanking Olga for having made my point, I will be very short. I think that the spirit of the conditions of the letter of the GAC is in the end. If we work like a CCWG and like the CCWG Accountability, which has been the experience with more activity, we can be pretty sure that if we really listen to what the – the members of the GAC say here and we really try to build bridges with them, if they are happy at the end of the day, this serves as a very good proxy that the rest of the GAC will be happy too. And that's how it worked in the CCWG.

So there's a relation of inverse proportionality in a way between the more we listen to each other here the less we have a risk that we may come back later on with GAC advice, which is completely different to what has been discussed here. And I live by that.

Jeff Neuman: Thanks, Jorge. I agree 100%, that's great. See, we're starting out in complete agreement.

Cheryl Langdon-Orr: Let's pick that up, shall we?

Jeff Neuman: Thanks. Alan. Thank you.

Alan Greenberg: Thank you. It sometimes strikes me that although our groups are constituted in very, very different ways, the – both the working methods and the – and the process ends up being not that different. If you look at the CCWGs where we each group has been formally asked to name representatives, and in the case of ALAC, we pick on for each of the ICANN geographic regions, these people are all speaking on their own behalf; they are not speaking on behalf of the ALAC, again, unless.

But on the other hand, we work really hard in shadow groups within At Large to try to make sure we understand each of their positions and when we can, we'll do negotiations in our own back room to try to get some sort of uniform position. That doesn't mean we don't have one or two people who say, "I don't agree," and they'll stand up in the main meeting and say so. But we do try. And the end result at least over the last couple of groups has been relatively positive.

We also are going to try not only to represent the geographic regions, but make sure that the diverse opinions with At Large are represented because it doesn't serve any of us well to have no voice for one of the opinions and then it gets raised after the fact. So it's going to be a challenge for all of us, and I think we have to look at it positively and hope that we can find our way through this mess, morass. Thank you.

Jeff Neuman: Thanks, Alan. Nick and then Martin, anyone else want to get added to the queue? Okay.

Nick Wenban-Smith: I just wanted to make a sort of specific point that unusually in my constituency, the ccNSO, this is Nick Wenban-Smith for the record, I need to get better at that. I'm actually a native English-speaker, and I've made the mistake and learned the hard way over many years that many of my friends and colleagues in the ccNSO who I would consider to be perfectly fluent in English, find this sort of dynamic discussion quite hard to follow with lots of acronyms, people speaking very quickly.

And I suppose what I'm asking for is a little bit of early signaling that – in terms of – and in the spirit of bringing everybody in my particular constituency along with us – is that in advance meetings if there are complicated written documents that they should be circulated in time for people to read and absorb them and have a think-about them and that we shouldn't be – I suppose we should be sympathetic if we're trying to get a dynamic intervention from people whose language is not native in English on a complicated area without any forewarning of it. And I think that's just the point I wanted to make.

And also it does help – and I have to make myself consciously speak slowly – but if people could speak slowly and clearly and not deviate into the sort of – I was going to say humor and complicated acronyms, but that's difficult, I know.

Jeff Neuman: Yes, thanks, Nick. And that's a great reminder. Hopefully I've been talking slow enough and not putting everyone to sleep. But also just to reiterate a point that'll be made later too is that any decisions that are made by this group will not be made on one call so it's not as if you miss a teleconference or that you'll miss making the decision.

The general rule we follow is that there has to be at least two readings or two calls and that in between at least, at the very minimum, in between those there needs to be full disclosure of that on the email list and then allow for discussion. So nothing is going to be – no decisions are going to be made

very quickly on one call and so hopefully that also addresses that either can't attend the calls or their calls are at a very obnoxious time in the evening or those that do not speak English as their native language it gives them time to hopefully be able to provide input on the recommendations.

So I see Martin, I'm sorry, I forgot your name, I apologize...

((Crosstalk))

Jeff Neuman: What's that?

((Crosstalk))

Jeff Neuman: Okay. And then I have Susan. So Martin first.

Martin Sutton: Thank you, Jeff. Martin Sutton. I'd just like to follow up on what Jorge was saying with regards to concerns of trying to engage with GAC in the process that will, in terms of feedback and bringing them along with the process of the work track.

It's not just within the GAC, and I think we've just heard also within ccNSO but also GNSO, it's made up of constituencies and stakeholder groups that have diverging opinions, and even within those groups there will be diverging opinions. So that's why it's important to bring all those parties to the work track to hear their views so that there's a shared understanding as we go through that work track as to what the outcomes will be. We've understood how we've reached those points of opinion and recommendations to take forward. Thank you.

Jeff Neuman: Yes, thanks Martin. Please.

Man 1: And that includes the GNSO indeed as an ISPCP member. And as an individual, by the way. My question is, is more on the – you referred to the

respective timeframes of the work tracks earlier and we'll come to the terms of reference in a moment. I was wondering as a work method whether they were meant to be mutually exclusive or whether we intend to identify dependencies between the work tracks whether they were redlines that shouldn't be crossed, that sort of thing, to ensure the consistency between the work tracks and make sure that these wouldn't step onto other people's shoes as it were. Thank you.

Jeff Neuman: Yes, thanks. This is Jeff Neuman. And great point. So when the team – the work track leaders and the working group are developing – sorry – the work track – are developing their work plan, and milestones, at that point in time they'll try to identify if there are any dependencies with any of the work tracks. And then we'll figure out how to incorporate those or make sure that where there are dependencies, certainly they're flagged and even if there is a preliminary and final report from Work Tracks 1-4 that come out, that in those reports the dependencies are noted so that we don't lose sight.

So that's a great, great point and one that we'll have to take great care at coming up with and discussing so that we don't forget about it.

Cheryl Langdon-Orr: The other benefit as well that at weekly meetings of all the co-leads of all the work tracks, there's this constant ability to watch each other's face and make sure that this is minimized as a risk, so that's already happening and that will continue.

Jeff Neuman: Great. Thank you. I next have Susan and then Steve, anybody else?

((Crosstalk))

Jeff Neuman: Oh Susan's hand is down, sorry. Great that one's quick. Steve, please.

Steve Chan: Thanks. This is Steve Chan from ICANN Org. And I just wanted to make a suggestion that many people are already in the AC room but if you get a

chance it'd be good to get logged in for a couple reasons; one is to make the lives of Jeff, Cheryl and then eventually the work track co-leads, to raise your hand in the room to get in the queue, it makes it easier for them to manage the queue. Then they don't have to look all around to try to find the – exactly the hand raised. But also Jeff mentioned in the beginning we'll eventually get to an interactive portion later in the agenda where we'll be asking questions and seeking feedback on a number of different areas. So Adobe Connect, login, it's real useful. Thanks.

Cheryl Langdon-Orr: It is your friend.

Jeff Neuman: Thanks, Steve. Anyone else with comments on the policy development process? I think I need to finish because I think I stopped at where it goes the Council. So I know I'll try to make this brief and then there may be some additional questions.

So where I left off – and actually there's some hands in the queue so we – Alan, is your hand a new hand or? No? And then we have Marita – Marita, sorry?

Cheryl Langdon-Orr: Alan's hand new?

Marita Moll: Sorry, I guess there's no roving mic. So yes, I'm Marita Moll. I'm a member of NCUC, also involved in At Large and I represent a community in Canada. With respect to the consensus thing, I'm just not sure, can you – I'm sure I'm not the only one that's kind of in the middle like that. Where do you fit in when it comes to the consensus building mechanism that you were describing, you know, the co-chairs of the various sections determine the consensus within the group. So where does someone like me fit into that? Am I making sense?

Jeff Neuman: I think so. Sorry, this is Jeff Neuman. So the coleaders up here are not determining consensus on behalf of their individual groups; they are charged with determining consensus within the overall Work Track 5. So Martin being

from the GNSO is not going to say, okay, is there consensus within the NCUC, consensus within the IPC? No, what they're going to do is take the overall group, look at who's supporting the recommendations, or I should say the other way around, who's objecting to the recommendations, on an overall basis, not on an individual within their respective communities.

Right, even though Martin is from the GNSO, and I keep touching his shoulder, even though he's from the GNSO, right now as a work track leader he's not, yes, he's neutral, he's not a GNSO work track leader if that makes sense.

Marita Moll: Yes, so I slightly misunderstood the way you described, so thank you.

Jeff Neuman: Great. No that's a great question too. Okay, queue is cleared, so once the final report goes to the GNSO Council, the GNSO Council has the same options that the overall working group had, which is to say that they cannot change any of the recommendations that are made by the working group, they either forward it straight to the Board and – or they reject it and send it back to the working group with their comments so – on what issues they have with the goal of trying to fix or address those issues.

So it's not – and this is especially the case where the working group instructs the Council that these recommendations are to be considered as a whole and not as individual recommendations. So when the working group sends the Work Track 5 recommendations to the Council, the Council will then determine whether to send it to the Board, and if not, to send it back with comments.

If the GNSO Council sends it to the Board with a super majority of the Council, then that will be treated as a consensus policy of the GNSO, and then the Board has certain obligations to the GNSO at that point whether to accept it or reject it with a super majority as well and only – the Board can't change any of the recommendations, it can only send it back. It's also at this

point in time when it goes to the Board that comments will again be sought from each of the supporting organizations and the advisory committees to – for its own views on the final recommendations that are sent from the GNSO to the Board.

So again, I really want to stress the GAC can provide advice at that point in time, nothing prevents the GAC from providing advice directly to the Board on any of the work that we do, ALAC, same thing with the ccNSO. And even if there's a GNSO constituency that does not agree, certainly they are free to respond to the comment period. And so the Board will do with this report the same thing it does with any GNSO policy that's sent to the Board depending on whether it's got super majority or just majority support.

So I know I went over that fairly quick. Are there any questions on that last part? Okay, great so we can now move on to – I can stop doing the talking and we can now go to the next item on the agenda, which is the framing of the terms of reference, specifically the goals, objectives and scope. And for that I am turning it over to Martin Sutton.

Martin Sutton: Olga.

Jeff Neuman: Oh I'm sorry. I'm wrong. For that I'm turning it over to Olga Cavalli. Sorry. I apologize.

Olga Cavalli: No worries. We have discussed so many times the order that now we are totally confused, which is good.

((Crosstalk))

Olga Cavalli: Which is good. Before – if I may – before going into the – what we mean by terms of reference, I would like to also as background remind you that the GAC issued principles for new gTLDs in 2007, which is a document that it's

important for the GAC, and it was done – finished in March 2007 in the Lisbon meeting, a long time ago.

And also the GAC working group about protection of geographic names in new rounds of new gTLDs was established by the GAC communiqué in Durban in 2013, and since then we have been working. We never reached consensus but we managed to create a space for debate and dialogue I think not only for the GAC, because I myself tried very hard to open it to the community, was not easy, but I think at a point we achieved that, and so just have that in mind.

There are some documents in the GAC Website, I'm not sure if they're available or not but I will try to make them available for you as background information. So let's go to the – what we mean by terms of reference. As Jeff has already explained, this work track will develop its own terms of reference. We are here to start that work, and we will keep on working. And these terms of reference should be agreed by the different SOs and ACs that are part of it.

Let me see if I forget something. No. Now we will go through the different elements that these terms of reference should include or will include. Problem statement, the goals, the objectives and the scope of this – the work of this work track, the rules of engagement, how the decisions are making, we have talked about it but we will go again, and then what we will deliver, Jeff has already talked about it but we will go in more detail and maybe take some questions.

Can we go to the next slide please? So the problem – there was the Applicant Guidebook, long time to establish that I cannot see that, I will go to the slide. . No, no, I have it here no worries, what a geographic name means, it means different things for different parts of this diverse community, it's a different thing for government, a different thing for IP lawyer, a different thing for registrar or for an Internet company, which is ok. The problem is when we

establish rules and we make policy then we may have conflicts after that. For the Applicant Guidebook, you know, how long did it take to establish that document but then there were conflicts after the first round and so the idea is that it require changes or considerations. This is somehow what we have been trying to do at the GAC, in trying to revise, understand, at least have the list of the different perspectives of the same issue.

So there is interest from the different constituencies and SOs and ACs within ICANN, ALAC, ccNSO, GAC and GNSO. And I would like to comment the creation of this, which is I think is an innovative way of working. I hope it help us to understand each other better and have less conflicts at the end of the process and that's at least my personal hope. So on this efforts today have been different, we have been reviewing this and a few moments ago. But we think that this – this work track could put them all together and in this report.

And it says it have not been optimally coordinated, I think they were never coordinated. They were different. They were created from different moments, from different interests and after different conflicts, which is fine in such a large and diverse community as this is. Can we go to the next one? Should I continue or should I give the floor to – no? Continue, okay.

Problem statement, goals, objective and scope, what we want to achieve. It's dedicated to the singular geographic names at the top level. We will go in a minute and review what does it mean because different groups before have been doing different things about the same thing. A consensus driven set of recommendations, implementation guidance in a report, as Jeff said, in a report that should go to the GNSO as part of this more broad PDP that it's being developed about new gTLDs for this next round.

Comments, questions.

Jeff Neuman: This is Jeff Neuman. Just if you're logged into Adobe Connect right now, you'll see a bunch of extra chat pods. As Olga went through the problem

statement, and is going through the goals and objectives and then we'll look at the scope, what would be great is if you have comments on any of these topics, that you put into the individual pods that a related to that. So I see Maxim has just presented a comment in the problem statement, great. That's not to prevent you from raising your hand and making any comments that you want at the mics, but if you're not comfortable with that or even if you are comfortable with that, putting the comments into the chat pods are going to help us collect the information later on.

So strongly encourage everyone to log in and I'm sorry, Olga, for interrupting, I just wanted to mention that.

Cheryl Langdon-Orr: Just while you've got the mic open, you probably don't have to point it directionally at me, I can project to a mic at the back of the room. If you think about these chat pods as a little bit like a digital equivalent of the sticky – the stickies and sort of think of your – you're typing on a sticky and putting it up on a particular piece of the wall, this is your digital equivalent, so use them throughout the whole day. I just wanted to let them know that it's free for all, there's no wrong answers.

Olga Cavalli: Thank you, Jeff and Cheryl. I will say something that I always say to my students, there is no bad question, the bad question or comment is the one that you don't make. So go ahead with of course with (unintelligible) and all the rules that we already know, and make your comment, make your question. Put that in the chat or send an email or talk to us here in the mic because from that input we will start working on the terms of reference. And your input is very important, I want to say that several GAC members came to me and suggested some comments that I already proposed are in the – in the PowerPoint, but that doesn't have to be all. So don't be shy and don't keep for yourself your comment or questions, just write it there or let us know.

So the goals, as I said, is to build this report that will be focused on geographic names at the top level and seeking of course consensus-driven set of recommendations as much as consensus as possible. Yes.

((Crosstalk))

Olga Cavalli: Of course, the mic is yours. The floor is yours. I was looking at the screen, I'm so sorry.

((Crosstalk))

Alexander Schubert: My name is Alexander Schubert, cofounder of dotBerlin and potential applicant for an ISO 3166 (unintelligible) code element as the gTLD in the next round. And I have participated, and many of you as well, in the cross community group on finding a harmonized way to deal with (unintelligible) names, so that was for the last two or three years and it ended in, yes, essentially nothing. My question is, we are not trying to revive the attempt to create a harmonized approach for territory and country names, is that right?

((Crosstalk))

Cheryl Langdon-Orr: Yes, it's Cheryl Langdon-Orr for the record. If I understand your question correctly, you're asking us are we or are we not trying to create a harmonized system for recognizing country and territory names.

Alexander Schubert: Which the last cross constituency report tried to do...

((Crosstalk))

Cheryl Langdon-Orr: Which we failed to do in the cross community working group that was chartered between the ccNSO and the GNSO. Good question.

Olga Cavalli: A very good question, yes.

Christopher Wilkinson: Christopher Wilkinson for the record. We've heard in great detail how the GNSO PDP functions. I would just like to add – and I'll come to your question in a second, a couple of other considerations, first of all ICANN is in a bubble but it's not in isolation. We are dealing with an area which has a great history of geographical terms of all kinds, have been in the public domain and widely used by the general public in some cases for hundreds of years. That is a big grandfather. Actually I prefer to refer to grandmother because she tends to live longer.

The – my second point is that ISO 3166 is an international standard, it is an international standard which ICANN borrowed or our predecessors actually borrowed to use for country and territorial codes. It's not perfect but it's been widely used and there are some anomalies and exceptions and it has to be updated from time to time.

As an international standard, it is in the public domain with the specific purpose of representing countries and territories. Now we may find ways of – there may be exceptions, there may have been mistakes in the past, but for example, when the EU wishes to use the EU code as a ccTLD, we wrote to the ISO to ask their permission to use their – their – code for a TLD. I don't know – I've read the recent report, all 100 pages of it, and I'm sure that this group will try to resolve the problems that were – that were – that were recognized and documented at that time. But we do have to recognize that the starting point is that these codes are in the public domain, they're an international standard and it's not, in fact, up to ICANN and its constituencies to decide unilaterally how they should be used.

Cheryl Langdon-Orr: Cheryl Langdon-Orr for the record. I was part of the attempt to harmonized. I'm (unintelligible) and personally disappointed that that didn't happen but it didn't. And it's very much a matter for this work track and its members, should you wish to raise that again, then there's absolutely nothing stopping that. How fruitful that exercise would be would need to be

discussed, the risks associated with it, the likelihood of any different outcomes would need to be looked at. We are very much at the beginnings of this process. We're not going to build on but we need to respect and learn from the work that has gone before.

There may be other reasons why other attempts failed or succeed. But I think it's really important that if we are in a role at this table here as co-leads, and this is to go to a question from Heather Forrest, which I'm going to read to the record because it is important. And it follows – it happens to be in the goals and objectives section, if you want to follow on. It is quite specific and it is very important to recognize.

Her question is, "Is it appropriate for co-leaders to be advocating particular substantive positions in this session?" And the answer is, in certainly my very humble opinion, if I could have one, not appropriate. If one wishes to put forward a personal perspective, as Jeff has said in his introductions, even as a co-lead we must make clear for the record that is what we are doing. But the co-leads, and Jeff and I have a job to – just a bit out of reach at the moment, we'll get a longer stick, well I'll get something longer than this, to say well, oh, hang on, just remember, you have to be impartial, you have to be neutral, you have to be sane to be in that position.

So the answer to that question, Heather, you're right, it is not appropriate. And we will do better. Annebeth, did you want to follow onto that?

Annebeth Lange: Yes, please. (Unintelligible) we're going to go through from the top and downwards, whether it will be a long discussion or not, we don't know, but it's there in the mandate.

Alexander Schubert: Good point. And obviously for – in the 2012 Applicant Guidebook there were rules for geographic names and they seemed to work quite fine, but there was a certain group of names accepted which were country and

territory names and the ISO 3 codes, and I think we certainly talk about them as well in this group here.

Jeff Neuman: Thanks, Alexander. So just to respond, there's a lot of background materials that were – when the work track really starts its work after this meeting, that we're going to be presenting on the certain issues that were – that groups had with the Applicant Guidebook. So Alexander, completely appreciate your view that there were no issues, and there are a number of people that have view. There are other opinions out there that believe that there were issues and so all of those will be presented. We're going to do an exhaustive search of materials and try to present them, sorry, to the group.

So Olga mentioned the – before the materials from the GAC. Those might now be behind the password protected site but we're going to try to get those materials out so that we can have everyone read those. So there was a report, there was a public comment period, there's all sorts of things from the GAC. There were the webinars from the GNSO, there was the – obviously the work from the CCWG, Cross Community Working Group on the Use of Country and Territory Names, and there were a number of geographic names in the 2012 round that for whatever reason were not handled in the Applicant Guidebook and had to be handled either through advice, a dispute mechanism, an objection, etcetera.

So there are elements that even if we think – even if we think the Applicant Guidebook was the right way to go, and that may very well be the outcome, or it may not be, if we think it's the right way to go, there are still some issues that I think we all agree on that were not covered by the Applicant Guidebook. And one of our goals is to provide more predictability to applicants as well as to others, on how those applications are going to be treated. So thank you, Alexander.

I'm going – I don't see anyone in the – oh sorry, I see Jim Prendergast in the queue. Thanks.

Jim Prendergast: Yes, thanks Jeff. Jim Prendergast. It's 10 o'clock in the morning and I've got a splitting headache from trying to keep up with all these boxes on a 12-inch screen. And while I'm doing that, I'm not listening to what you're saying. So I don't know if it's working for anybody else, but I can't keep up already and we're hardly into this. So is there another way to do this where we can sort of focus on one segment at a time?

Cheryl Langdon-Orr: Cheryl Langdon-Orr for the record. And (unintelligible) I did not realize, I had my – the eyes in the back of my head were closed so sorry, I will get them open, I promise. The best way is to in fact have it displayed on the larger screen, that is one way of coping because us all working on tiny screens doesn't help. If you are not comfortable at any hour of the day, let alone this one, multitasking in a number of things, just when you have a thought on the problem statement or the scope or the goals and objectives, then imagine yourself just going to that corner of the room with a sticky labels, or in this case to that box. It isn't – there's no entry and exit points and it doesn't matter where in the run of things you put something.

The minute before we close off today you could put something and it's going to have as much value when we look at all of this because there's a couple of tools that staff are going to look at using that we'll analyze and it'll give us ideas of hot spots just like having those sticky labels will be, what the high interest for the want of a better word, concerns and questions are. So it's really a matter of if you've got a thought and it gets down there, the value of that thought will be measured very effectively. So you're not trying to discuss a conversation, if you want to have a conversation, and have a debate, take it back into general chat.

Jeff Neuman: Can I go?

Cheryl Langdon-Orr: Yes.

Jeff Neuman: So the other thing that might help, maybe, again we're trying this for the first time so it's a unique experiment. It may or may not ever be done again. Why don't I recommend that if you have a comment that you want repeated or discussed in this room now, that you put it into the general chat. If you have a comment that you just want preserved for later, with the problem statement, goals and objectives, scope, that you put that in. But if you want it discussed and looked at by us in the room right now, you either also put it into the chat or you raise your hand. Why don't we try it that way? Does that make sense?

Cheryl Langdon-Orr: Yes, that works.

Jeff Neuman: So that we can all then focus on the general chat and you can focus on that and then we'll give some time just before – and just before the break and during the break that you can go in and review what's in the pods.

Cheryl Langdon-Orr: And the pods are a capture mechanism, really think of them as those sticky labels on the wall.

Jeff Neuman: Thanks. I have Karen Day in the queue, so Karen.

Karen Day: Just a request to staff that was put in the general chat earlier and it was somewhat accommodated. If you want us to focus on the general chat, can we make that bigger because right now that's the tiniest one here.

Cheryl Langdon-Orr: (Unintelligible).

Karen Day: Or the video – the audio – somebody had asked to ditch the audio stream cube.

Cheryl Langdon-Orr: Yes, ditch audio. That works. We can ditch video if you want it bigger, but ditch audio first makes sense. Thanks, Karen.

Jeff Neuman: Great, thanks. Again, this is our first time, any comments are greatly appreciated. And to the extent we can help you out and make it easier we're all about trying new stuff in this work track.

Okay, Olga, back to you did we – onto the next slide.

Olga Cavalli: Thank you, yes, next slide please, which is the scope. The scope – it's only at the top level, we're not talking about second level. Geographic names at the top level, country, territory names are the two of the three on 3166/1, short and long form in 3166/1, additional categories in Section 2.2.1.1.1 of AGB. Capital cities, 3166/1, city names, (unintelligible) names, country, provinces, states, 3166/2, UNESCO regions, other geographic names, this is a broad category, difficult to define.

Names such as geographic features, rivers, mountains, valleys, lakes, etcetera and economically or culturally significant terms related to geography and, for example, geographic indicators. The extent to which languages will receive protection in the same language, in different language the same region, the same name, the same river, can be written or spoken in a different way. So as you can see, the first three lines, the three categories are quite focused and establish in lists, but the other geographic names is quite broad.

By the way, for example, we have been talking about in the GAC of several times, and it's a proposal made by our colleagues from Switzerland of having a report of terms, because it's such a broad category and it brought some conflicts in the first round that that could be a way out, I'm not saying that that's something that is established but it's an idea of having a way for applicants to check if the name is an important name for a community, a country or other stakeholder.

Comments, questions? Jorge.

Jorge Cancio: Hello, this is Jorge Cancio for the record. I think it would be good to very clearly separate or identify what is covered under the AGB 2012 and what is not because I think one of the thoughts we should bear in mind is that we are not here to reinvent the wheel although we may want to review things and how it works. And there's very techy saying that I think it's very important to that if something isn't broken – if it ain't broke then don't fix it. So and that helps us if we see what is – what was already there and we identify it clearly it helps us in further work to see okay, on these categories, we can look what happened where we found issues and where not or where more or less it was acceptable and where not.

And on the others that were not covered it's kind of a different kettle of fish, a different kind of conversation because it can be so broad or less broad. So that's my point. Thank you.

Olga Cavalli: Heather in the queue.

Heather Forrest: Thank you. Heather Forrest. I just wanted to note that there's a rather lively discussion in the scope pod which I hadn't noticed before I put up my hand. To the extent that we're dealing with geographic names it's not clear to me and apparently to others, how languages fit into that scope. Thank you.

Olga Cavalli: We have now – who's in the queue? Jeff? Jeff and Susan.

Jeff Neuman: Thanks. And thanks for the comment on language. We're capturing that within the scope and may add that as another bullet point to discuss. My comment was – sorry, this is Jeff Neuman – my comment was – what was it? Oh to Jorge, sorry, I said at the beginning of this session that there are some items that we need to address simply because they're not enshrined into GNSO policy so even if something has been in all of our minds, settled with the Applicant Guidebook, we still need to have a discussion and make a recommendation because they're not GNSO policy yet.

The Guidebook is not GNSO policy. The only GNSO policy on this is from 2007. I'm not saying we change anything that's in the Guidebook, that's not what I'm trying to say, but to the extent that we like something in the Guidebook, even those we need to document in GNSO policy so that it's preserved for future rounds and when we're all not here and, you know, others are taking the reins.

So that's – if it seems like we're re-addressing something, we will certainly point out what materials there already are on it, what discussions took place not just, you know, not just now but also prior to the Guidebook being developed, because there were lots of discussions on these between the community and others. So like I said, if it seems like we're re-addressing it, it's not because we necessarily think that there were problems, it's just that we need to enshrine that into policy. Thanks.

Olga Cavalli: Thanks, Jeff. Susan is next.

Susan Payne: Thanks. Hi, it's Susan Payne. Looking at the scope, I suppose I'm finding the bullet that says "Other geographic names such as geographic features and economically and culturally significant terms relating to the geography," extremely broad. And I'm not suggesting that we shouldn't be having a conversation about any of those items, but I'm not entirely sure personally what is intended to be covered by the economically and culturally significant terms. Again, that may be something that we obviously get onto but it's hard to make a comment about scope when I don't really know what exactly is being envisaged by that term. So I don't know if you could give anymore guidance on that?

Olga Cavalli: I wish I could. This is the purpose of our dialogue, I think.

((Crosstalk))

Olga Cavalli: Christopher, you want to say something?

Christopher Wilkinson: Well the – not quite sure who wrote that. But I think the – I think the outside world would expect us to address it. On the other hand, the – if you've ever turned over the pages of the (unintelligible) of an atlas, it's as you say, rather broad. But there are clearly some geographic features and certainly economically or culturally significant terms which are sensitive and would – and we need to be aware of that.

The – regarding languages, I would just say that looking around the room, we don't yet have a very strong participation from the IDN community, but sooner or later you will have to deal with the question as to whether or not geographic terms, country names, are protected in their original IDN language and in certain parts of the world, and you'll tell me I'm making things more complicated than they need to be, but I think it's fair to say that in certain parts of the world the same geographic feature is presented in different IDNs and even in different spellings in ASCII. So there is going to be an issue there down the road. That's why it's in.

Susan Payne: Could I just ask a bit more clarification? I mean, you've got some examples on the kind of – on the economically significant for example, because I'm not sure what you mean by that.

Olga Cavalli: Geographic indicators for example.

Susan Payne: Geographic indicators are already on the list separately, so...

((Crosstalk))

Olga Cavalli: Well maybe we could put together or for example some geographic names have a brand at the national level registered by several companies. While one TLD must have that name instead of 200 companies having the same name at the national level, companies that are legally registered, paying

taxes, as an example. But I don't think we have to go into the debate now, because that's part of the work we have to do.

Susan Payne: Yes, I'm not trying to have the debate, I'm trying to understand what you're asking us to consider in terms of do we agree with the scope or not because I'm trying to understand what you think is in scope.

Christopher Wilkinson: Well (unintelligible) Cheryl's admonition to keep my hat on, because I'm not going to take it off...

((Crosstalk))

Christopher Wilkinson: I'm speaking as – in terms of what I understand the facts to be as the background to our work, it's not a personal opinion. One test could be that geographic features and etcetera are in the public domain, but geographic indicators certainly covers those that are already protected by local applicable law. That would be an interesting test to use. But I'm not swearing by that, I just thought of it to try and help you to understand where the text is coming from.

Olga Cavalli: Yes, please, can you give me your name, I don't know it.

Liz Williams: Yes, it's Liz Williams speaking. Just a couple of things on this – just a couple of observations in terms of scope. I was just thinking about UNESCO particularly and looking for objective lists against which we can test things. And of course World Heritage list is one of those things. One of – observation I also wanted to make is I think perhaps – and I don't want to speak for anyone else – but in the back of my mind, this kind of scoping is about prevention, of stopping an applicant registering a top level domain, stopping the application of something.

And I'd like to flip that on its head and see if we can't look for opportunities in the subsequent rounds to think of these things in a way of enabling other

applicants of different types to be applying for different things that were missed in the last round, in the last round, in the last round. So I don't want this to be seen as a preventative mechanism, I want it to be seen as an engagement process, as a way in which we reach out to, for example, one of my favorite World Heritage sites in the world is Angkor Wat. There's an – Angkor Wat in Cambodia, for example.

So there's a great – in the Australian context, the Barrier Reef, and we need all the help we can get on the Barrier Reef. So there's an opportunity here for us to not be thinking downward, but outward in the way in which we scope this kind of discussion and then at the same time we have to think about permissions because again, as an observation, where we might have slipped up in the 2012 round, and then previous rounds, is that we perhaps didn't fail but perhaps we weren't clear enough in who was responsible for saying, yes, that's all right, go ahead, in a positive way.

So – and one of the, you know, the proving of government support was problematic for many applications around geographic terms, problem around permissions around – we won't even mention rivers today, but other elements of geographically significant things is essentially about permission and entitlement. So if we had clear in our process how we wanted to set up a system of permission, cooperation, collaboration rather than confrontation, the expectation of confrontation and dispute resolution and arbitration and that kind of processing is what's got us into a sticky pickle.

And so maybe, as I say, thinking about this scope as an enabling scope not something that's a negative and on the back foot, might help us get through many of these elements. And I – just observations, no solutions, but I'd hope that we could think about things in perhaps a little bit of a different way.

Olga Cavalli: Thank you very much. And welcome dialogue. There are several people in the queue. I will give the floor to Jeff and see if we go to the break or we give them the floor.

Jeff Neuman: How many people do we have in the queue right now?

Olga Cavalli: We have Jorge, Cheryl, Ashley and Michael Flemming.

((Crosstalk))

Jeff Neuman: Okay so we're going to cut the queue – we've got to get people out to a break, otherwise they take everything away. So...

((Crosstalk))

Jeff Neuman: Why don't we hear from people that haven't spoken yet, that's on the queue, and then the other people we will have first when we come back. Does that make sense?

Olga Cavalli: Ashley, the floor is yours.

Ashley Heineman: Hi. Ashley Heineman, US GAC representative speaking as myself. Just a comment on the scope here, and to follow up on some of the earlier conversations with respect to economically and culturally significant terms. My – it's great to have conversations but my only concern is having references to this in a scope – a scoping exercise that my understanding is that a scope is supposed to provide clarity with respect to what's being discussed.

And this doesn't necessarily provide clarity unless we can, you know, talk in terms that we all understand, I'm not sure this is actually something that is helpful to include in a scope statement. Also, and I might need to pull up my PTO colleague here, we have some questions about the reference of geographic indicators.

John Rodriguez: Hi, good morning. My name is John Rodriguez, and I'm with the US Patent and Trademark Office. Thank you for the opportunity. A quick question regarding the reference to geographic indicators, I wanted to see a clarification of that was referring to what we call geographical indications which is the term of art which is the – which is a form of intellectual property, geographical indications. And I wanted to confirm whether that was the point that was being referred to by geographic indicators.

And if so, just a word of caution, that topic of geographical indications is a topic that is being discussed in other fora such as the World Trade Organization and at the World Intellectual Property Organization, or WIPO, and there has been a lot of discussion on that particular issue, it is a sensitive issue. So just a word of wise, so to speak, that if we are intending – and I'm not saying whether we should or shouldn't, at this point yet, just a word of caution – of advisement that we should proceed cautiously and seriously give strong consideration whether or not that is a topic that we would want this group to engage in, that issue of geographical indications. Thanks so much.

Olga Cavalli: Thank you.

((Crosstalk))

Olga Cavalli: Jeff, Cheryl, Jorge, they already have spoken.

((Crosstalk))

Olga Cavalli: Michael hasn't, so sorry.

Michael Flemming: Thank you. I'll just make this very quick. Michael Flemming in my personal capacity. I just want to kind of remove this misconception that these – this discussion is somehow to be a preventive measure for the future because I know that we're all aware that certain geographical names can be used with government support or non-objection as defined in the Applicant

Guidebook. So this concept – I think the idea of cooperation is already entangled in here. So I just want to make sure that we have that in the back of our heads as we move forward. Thank you.

Olga Cavalli: Thank you. Should we...

Jeff Neuman: Yes, let's because break stuff will get moved soon so why don't we go for a 15-minute break. I have 10:23 on my clock so 15 minutes is 10:38, we'll start promptly at 10:38. Thank you.

END