

**ICANN
Transcription
New gTLD Subsequent Procedures Geographic Names Webinar Session II
Tuesday, 25 April 2017 at 22:00 UTC**

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Jeff Neuman: Okay everyone. Hello. This is Jeff Neuman. Welcome to the Geo Names Webinar. This is the second of two webinars. We held one Geographic Names Webinar earlier today. And so this is going to be the second one. A lot of the material is going to be similar to the first one but there are some new presenters and a couple presenters that, unfortunately, will not be able to join us for the second webinar. I just want to, again, welcome everyone to this. It's really the first of its kind in dealing with this geographic names issue and we hope this is just a start of a multistakeholder collaboration on discussion of issues surrounding geographic names.

And there were over 180 people that had RSVPd to participate in these two webinars. We had well over 100 on the last one and it looks like so far we have about 34, 35 people on this one. So it's been a great turnout.

These sessions, both the earlier one and this one, are being recorded and they will be available at a link that will be sent to you after the webinar is done. And if you have not RSVPd, if you're just showing up because you've got the link and that's great, thanks for coming, but if you could please send a

message to an address that I will ask someone from ICANN staff to post right now to RSVP, that would be great so that you can get the follow up materials. And thank you, Emily, for posting that.

So the agenda for this webinar will be to just – I'll go over a little bit of an introduction, I should probably introduce myself. We'll also then go through a number of presentations on different viewpoints on the geographic names issue, and then we'll discuss any questions that you all have.

First, I do want to say that this topic is related to geographic names at the top level, although we understand that some members of the community may have some issues with geographic names at the second level, for these sessions, these webinars and for the sessions that we are planning in Johannesburg at ICANN 59 we're only going to be dealing with geographic names at the top level. And so if there are any questions or discussions that start on the second level, we will politely ask that we address those at a later time.

The reason we are here, or I should say my name, sorry, I'm Jeff Neuman; I'm one of the cochairs of the GNSO's Subsequent Procedures Policy Development Process along with Avri Doria, who's on the call as well, and she will be running the question and answer period later on this call.

Our mission is to come up with the – is to review the procedures that were used in the 2012 round as well as the policy that gave rise to those procedures to learn lessons from those procedures that were employed and then to come up with – through the community with the procedures that will likely govern the subsequent application windows for new gTLDs.

There are a number of efforts that are underway within the community that touch the issues surrounding geographic names at the top level. Of course there is a working group within the Governmental Advisory Committee, the GAC, that is talking about certain issues regarding geographic names. And

they will hopefully be here – Olga Cavalli – will hopefully be here a little bit later in the webinar to present. She's traveling by doing her best to make this session at least towards the end.

There's also an effort underway that is a Cross Community Working Group on the Use of Country and Territory Names at the Top Level. And they have just released, or they released their interim report, have a public comment period and that public comment period ended on April 21, so just a few days ago. And they will be, hopefully before ICANN 59, coming out with a final report or at least a summary of the public comments by then.

And of course the PDP, the policy development process, within the GNSO also has within its scope the issue of geographic names at the top level.

So what we are trying to do here really is to promote a cross community dialogue so that we can collaborate to understand different aspects of the geographic names issue to inform us and understand the various needs of the different stakeholders in this multistakeholder community, so that we could potentially develop proposals that we can discuss at the ICANN 59 face-to-face sessions in Johannesburg.

The geographic names issue really started, at least for the current issues we are dealing with, with the IDN Working Group in 2007, where they were really the first ones to call for a cross community group to discuss the issue of potential geographic names at the top level. That was followed shortly by a communiqué from the Governmental Advisory Committee in 2007 that stated that ICANN should avoid country, territory or place names and country, territory or regional language or people descriptions unless in agreement with the relevant governments or public authorities.

Around the same time, the GNSO had formed a Reserve Means Working Group that was also tasked with looking at names to reserve at the top level

meaning that those names could not be applied for in the – what ended up the 2012 round.

The Reserve Names Working Group, however, did not recommend to reserve any geographic names but rather believe that there would be a dispute resolution mechanism that would be developed to challenge any applications that were made for geographic terms.

Ultimately, the final report of the GNSO did not recommend or agree with the Reserve Names Working Group on not reserving any names at the top level with the exception of two characters at the top level because those were and still are associated with country code top-level domains.

After the GNSO had recommended that to the Board, I should say the ICANN staff began the process of developing the Applicant Guidebook and the rules by which, or I should say the procedures by which applicants can apply for new top-level domains. Ultimately in the finally Applicant Guidebook, the guidebook had recommended or, I'm sorry, the guidebook had required or prohibited new applicants for applying for any two letter characters at the top level but also prevented applicants from applying for certain names that were contained on very specific list that denoted country or territory names. And those were tied to the ISO lists.

For those that really want to know more about the history, you could refer to the CCWG report on the Use of Country and Territory Names where they go through a very extensive background on the history. There is some of that as well that's posted with a background paper that's on the page – the webpage where these materials, and the slides and presentations will be posted.

Since that time, since 2012, there have been no recommendations from the GNSO on the geographic names issue. With that said, in 2012 there were 66 applications that self identified as geographic names pursuant to the Applicant Guidebook. There was a Geographic Names Panel that was set up

to see if those geographic names have the requisite requirements which were either a letter of support from the applicable governmental authority or a letter of non objection.

It turned out that of the 63 that identified themselves – I'm sorry, the 66 that identified themselves as geographic, 56 of them had acceptable documentation and so far 54 of them have been delegated. It should be noted that there were three applicants that did not actually identify themselves as geographic terms but there were three terms that met the Applicant Guidebook and those were Tata, Bar and (Tui).

In addition to those geographic terms, or I should say applications that identify themselves as geographic, there were a number of strings that were subject to GAC early warning where one or more GAC members had expressed a concern with the geographic nature of these strings. And they are listed on Slide Number 5 including things like Swiss and Persian Gulf, capital, city, town, etcetera.

And in each of those cases there was some – or for most of those cases there was some resolution with the relevant governmental authorities or in some cases they are still subject to accountability measures or still on hold with ICANN.

So the next steps, I'll briefly go over that, really are to take all of the materials, background materials from this call. And there will be a few presenters actually proposing a potential path forward, is to take all those materials and to make sure that everyone has those materials, that we can do summaries of those materials. They will be translated into, or transcripts from these calls will be translated into the UN languages and sent to all of the participants on this call and to the community so that again, we can have productive face-to-face sessions in Johannesburg at ICANN 59 to try to come up with a multistakeholder proposal on how to move forward with geographic names.

So with that said, oh, sounds like there's a lot of noise there. If everyone can make sure that's not speaking that they mute their lines that would be great. Just a couple additional ground rules, please be mindful of the ICANN Standards of Behavior, that's listed at the link that's provided on Slide 8. And we will address questions during the Q&A period after the presentation to the extent that we can get to them. To the extent we are not able to get to all the questions they will be – we will have a record of them in writing and we will be asking each of the presenters to respond to any relevant questions in writing and sent out to the entire group.

We would ask that the questions during this webinar have a label that's shown on the slide so that we know that it's an actual question, although we encourage certainly any chat that wants to occur in the chat box. So if you could do the open parenthesis question, close parenthesis, that would be fantastic so that we can easily pull them out for the Q&A session.

With that I think we are done with the ground rules and can get to the meat of this session of the webinar. And there's a little bit different order than we had it if you were on the first webinar, but that was to accommodate people's schedules. So the first presentation will be from Martin Sutton, who is the Chair of the Brand Registry Group. So, Martin, if you could begin?

Martin Sutton: Thanks, Jeff. Can you hear me?

Jeff Neuman: Yes, great. Thanks.

Martin Sutton: Great. And just a slight correction, It's actually Director of the Brand Registry Group. I would like to step on the chair's toes. But thank you, first of all for the opportunity to speak at the webinar today and present the BRG and Registry Group views.

For those that don't know me, I run the Brand Registry Group, which is a trade association interested dot brand registries. Our members are both

current and future applicants. And first of all, as I did in the first webinar, I just want to explain that dotBrand registries are both (unintelligible) familiar open commercial registries that have been used in the past. Essentially they're not used for (unintelligible) domain for third parties to use. Their purpose is to support and promote their brands with improved controlling security over their online presence and safeguard their online customers.

If we could move to the next slide please? Thank you. So with this in mind, the BRG has a clear position regarding the use of geographic terms at the top level, whereby we do not support any restrictions to the use of geographic terms for applicants that hold a matching trademark whereby that use of the TLD is to identify the brand but not to represent the geographic term and where there is no conflict with national or international law.

And I've got a number of points, six points, just to provide some rationale behind this – the BRG. Please go to the next slide. Firstly, (unintelligible) taking advantage of domain names for (unintelligible) use so they can create a trusted space and protect their consumers from many of the problems that exist across traditional open registries that we've experienced in the past.

Secondly, the words can have multiple uses therefore it's the actual context which is relevant and important as we go through this. And following this line of thought for the brand its terms will often coincide with geographic terms.

However, when it comes to top level domains we can find no justification for the geographic related use to take a priority over a brand-related use. It's one of the things that we draw out here. And just to give you an idea I've got a couple (unintelligible) to try and illustrate this further so if we can move to the next slide.

So Earth is a planet and (unintelligible) sense. It's soil in its generic sense but also a trademark for an amusement park service in the US. All of these

coexist without any confusion because they're used in different ways which people easily understand and associate with.

And Cleveland is an example of a trademark that matches a geographic term but there's relevant (unintelligible) relationship between these terms, manufacturing golf clubs in California, the Cleveland brand has no relationships with Cleveland in Ohio. And interestingly the city's name (unintelligible) Cleveland and also we don't believe names of individuals should take priority either.

So if we can move to the next slide, so this is also important. There's no evidence to suggest that the use of geographic terms by trademark owner creates any confusion or risks to online uses. And without this evidence it does not make sense to apply restrictions. We should remember that a dotBrand registry limits the registrants to being the brand owner and related parties vetted by that brand owner so the trusted.brand space provides greater control over the entire registry by the trademark owner and safeguarding the end users from any confusion or risk.

And next slide. And also (unintelligible) in depth coverage in later presentations, where – with no sovereign (unintelligible) ownership rights of governments, we certainly feel that there's no restrictions that should be (unintelligible). But based off that practices, with the two-character country codes which are essentially online real estate, these already (unintelligible) the applicable country and governments.

So any further (unintelligible) as far as we're concerned and (unintelligible). And lastly, there's already a suite of protected measures (unintelligible) available through challenge and dispute procedures together with the ongoing contractual obligations and applicable national and international laws that remain in force.

So that's a quick guide through (unintelligible) so if we just go to the final slide. And to reiterate, the BRG's position and so we didn't support any restrictions to the use of geographic terms (unintelligible) for the geographic (unintelligible).

Terri Agnew: Martin, this is Terri from staff. I'm so sorry to interrupt. But your audio is cutting out pretty severe at this time and we can no longer understand what's being said.

Martin Sutton: I do apologize. (Unintelligible).

Jeff Neuman: Okay, this is Jeff Neuman. I'll jump in here. Thanks, Martin. We do have your slides and we also have the recording from the first call. I think this last slide is a good summary of the BRG position and it's well stated on the slide so we'll move onto the next call and if you want to type anything into the chat that you weren't able to say, we could do that as well.

So up next is Alexander Schubert. Alexander, we tested you out before the microphone, it worked well, so you are up.

Alexander Schubert: Yes, hi. This is Alexander. I'm the cofounder of (unintelligible) and the founder of a company that strives to apply for a dotUSA in the next round. We are talking about geographic names and I would like to put a highlight on a small subset of that rather wide area of names. So I would like to talk about country and territory names and ISO 3166 ISO 3 codes as potential gTLD strings in the next round.

The second slide please. Okay, so a path to make both country and territory names or 3166 as a 3 code eligible. If we look at the 2012 round, then naturally the governments had headaches allowing country names or ISO 3 codes being applied as a TLD, and they wanted some kind of security mechanism that the names that are belonging to them, out of their view, I'm talking about the view of the GAC, would have a protection.

So at the end of the day, nothing that was offered seemed to calm them down. So as a result, those names were not eligible for registration at all. And I think if we continue like that, then this will simply stay. So there is a provision 2.2.1.4.1 that flat out says you cannot apply for a territory or country name and you cannot apply for ISO 3 code that is representing a nation.

So the only way to be able to apply for a country name or a three-letter code would be to strike that provision. And we have just heard the presentation of the brand owners who say well, what should happen, someone is applying for dotIsrael and Israel can always object. But when it comes to a country name, then I think it's much more useful like we had in the last round with cities, if the applicant is contacting the government beforehand, is laying out their plans as (unintelligible) who they are, what they're going to do and then they get a letter of non objection and then they can move forward.

So what I suggest is that this entire provision 2.2.1.4.1 should be deleted from the Applicant Guidebook and to have some kind of control for the governments over the country and three letter codes. If provision 2.2.1.4.2 Paragraph 3 would be amended so it includes the country and territory names and the other three ISO codes. And as a result, if you wanted to apply for such a name, you would have to provide a letter of non objection from the government.

And it makes sense because after all, it's not that the country or territory name belongs to that government, it belongs to the people who are living in that territory or let's say they are affiliating with – they're identifying with it. And they would like to have it put to good use. So these people who are living in this area have elected a government to represent them and that's the entity that has to be talked to, it's very natural.

As they (unintelligible) members who claim that is not enough protection, there might be alternatively, also provision to say okay, we need a letter of

non objection by the relevant GAC member. So if you have listened into GAC sessions of the last ICANN meetings, there were some GAC members claiming that they're not trapped in their own government and that it may be better if the GAC member itself has also to sign off.

And if you talk to ccTLD managers, they do not like the idea that there is a competition to their two letter ccTLD. So they view three letter gTLDs representing country codes as something that is very close to their two letter ccTLD, and there is a lot of ccTLD managers out there that flat out object the possibility that three letter country codes would be other gTLDs.

And I'm suggesting that then someone who's applying for a three letter code, should simply work together with the ccTLD manager or at least get a letter of non objection from them because if you are working against them that will be a disaster.

Could you switch to the last slide? So let's stay with the two letter label. In RFC 1591, (Postal) made clear that two letter labels are assigned to countries. But some people say, well, there are some two letter labels that can never be assigned to a country, for example, dotAA or dotZZ. These are labels – not many but there are some labels that are kind of a public use like the private IP space, 192.168, and so on, so forth. So no country could ever get the country code AA.

And why not giving it to, let's say, American Airlines, they have already AA.com. Well, I think that even if a letter combination cannot be assigned to a country, there should still no two letter characters be a gTLD, just to keep the old order.

And this shouldn't be a one-way so it should also the other way. If a three letter code is assigned as a TLD, it has to be a gTLD, it cannot be a ccTLD. If three letter codes could be ccTLDs as well, there would be a hell of confusion out there with the Internet user.

And with that I'm finished.

Jeff Neuman: Thanks, Alexander. Next we have Sebastien Ducos who is the Chair of the Geo TLD Group, which is an interest group within the Registry Stakeholder Group. Sebastien.

Sebastien Ducos: Hi, everybody. So I am Sebastien Ducos of the Geo TLD Group. We're a group that represents roughly half the geo TLDs that applied in this round as Jeff described them a bit earlier. And we also include dotCat and dotAsia the previous round.

Next slide please. So as we went through this previous round, I thought it would be interesting to give sort of a perspective from the group of how we lived and survived that first round. One of the things that Jeff mentioned before was a number of us applied for geo TLDs and were not recognized the geo TLDs either because the names that were applied for didn't exactly match one of the lists that was in the AGB, or, well, other reasons that basically then said didn't fit that criteria.

At the same time, there was a number of people that were considered geos or were given the option of being considered geos, but didn't have a profile of a geo there, the TLDs aim wasn't geographic at all. And these didn't reach out to governments.

So to us, this notion of geographic, and I'll get to it in the next slide, encompasses the two, so the idea of being a geographic is not only having a geographic name but also delivering a TLD service that is geographic, that is for the people of a certain locale.

And in – that concern, the government letter of support and non objection that was mandatory in that first round, did designate and was a useful tool in our

view to designate those that do represent if not directly a government, at least a community, geographic community endorsed by a local government.

Next slide please. So one of the things that we would suggest and I need to be very careful because there's a lot of voices also in the group that say please don't change anything to the AGB, this is at least a document that we know and we know how to work with so that the little possible changes would be better for everybody.

So to change the definition slightly of geo TLDs to include this idea that it's not just a name but it's a TLD that has a purpose of representing a geography or community, and also extends the potential TLDs beyond the list that were provided in the AGB to whatever abbreviation or short name that the TLD operator sees relevant and again, this being backed by local government that would give a letter of support or non objection so that not everybody can create any name to representing any sort of geography.

Again, the government behind it would support the fact that I'm thinking, for example, the Barcelona that was abbreviated to BCN, BCN actually does represent something in Barcelona and may not be known to the rest of the world and present in the list but it does mean something locally.

Next slide please. So second proposal is that waiver on the name limitation, whilst we would leave the list in the AGB as a representation of what a geographic is and if the name that is of concern is in the list then it is defined as a geographic but to expand the definition to acronyms and short names that are beyond the list as long as they're recognized by a local government.

Next slide please. We would also consider that in the case of a contention, on a given round, that priority be given to the geo, the one that has the government backing simply as – because they represent the greater good. Now, this doesn't impede negotiation with a possible other contender, but what we would ask is that no auction-based resolution would be imposed as

is in the case of other contentions simply because governments in general can't operate like that, they can't participate in auctions and won't be able to run that.

Now again, governments support being the key here to make a difference between somebody who could claim protection behind that geographic versus anybody else on the market. Next please.

And the last proposal is one that to a certain extent follows suggestions from the GAC of creating a system of early warning, of fair warning. My understanding for conversations that I've had with different members of that community, is the fact that the reveal as was organized in the previous round, created the situation where people were put in front of a fait accompli and with TLDs that they weren't happy about in a position that was too late to do much about it to start with, because – to start with because – sorry, I got distracted.

Going back to my thoughts. So to create a situation where if you are to apply for a name that belongs to one of the lists in the AGB, and by (unintelligible) the ones that describe geo TLDs that are applicable, you need to go and get in contact with the particular relevant region or locale and ensure that your application is not going to be met by a block refusal or at least work out a way to be able to have that application also working geographically.

I would assume that in most cases the relevant government would have no intention on applying, and in that case whoever is applying, geographic or not, would have the right away to be able to proceed and apply. It would give early warning to the local government to actually decide if they want or not to participate in such an application and would avoid any bad reveal surprise.

Now very sorry, this is a bit disjointed, things are happening around me. At the same time, we would insist on keeping the list that were provided in the original AGB to what they are, potentially adding one or two ISOs, I think,

maybe lists that are managed outside of this community but absolutely discourage any community run list. We see that as a big danger, first of all because it would not create any clarity in our view but only allow gaming on the program and for that reason we would discourage it.

I think that was my last slide and that's the end of me.

Jeff Neuman: Thanks, Sebastien. And to also, as I noted in the first webinar, your proposal Number 3, while also related to geographic names, we are also noting that issue for our policy development process Work Track 3 that deals with comments on contention sets and proposals on how to resolve contention sets, so we have noted that and we will make sure that that – the Geo TLD Group proposal is also discussed in that context.

Next we have Heather Forrest, Heather will be presenting a presentation on a legal view of the geographic names. And I apologize, I should say Doctor Heather Forrest. So, Heather, if you're on?

Heather Forrest: Thank you very much, Jeff. Can you hear me?

Jeff Neuman: Yes. Loud and clear.

Heather Forrest: Wonderful. For the record that's the first time and maybe the only time that Jeff has ever called me "Doctor" which is kind of nice. Welcome, everyone. And thank you very much to Jeff and Avri for this fantastic opportunity. As I said in the first webinar a few hours ago, I think this is an opportunity that I suppose is unfortunate in that it comes now in 2017 and not 2007. But I nevertheless think that the phrase, "better late than never" applies.

I would like to take this opportunity with my eight minutes, not so much to provide a position statement as it were in terms of what we should do specifically with geographic names in the DNS, but rather to provide some very high-level legal background in terms of what international law says.

There is a question of course as to why international law matters, and that is not something I'm going to specifically talk about today given the time constraints. In fact it's fairly challenging to talk about these things in only eight minutes. So I've prepared a background paper on international law. It too is very high-level; it's drafted for the ICANN community and nonlawyers in particular so it's not as heavily documented, let's say, with citations as the legal piece would ordinarily be documented. But I have made that available and happy to answer any questions about that or anything that I'm about to say.

To start off my context with context I suppose I should say that I was a practicing lawyer at the time that the new gTLD policy development process initially happened for the 2012 applications round and the policy, the GNSO policy that ultimately became the Applicant Guidebook.

I noticed that that time that it seemed that the policy was being developed or at least proposed that was based on assumptions around geographic names. And it seems to me that that was a very inappropriate and unfortunate thing to do when we could have stops to take the time to evaluate whether or not those assumptions were correct. And so I actually left legal practice and commenced a doctoral thesis in Switzerland on exactly that question, whether international law recognizes rights in geographic names.

And the slides that you see today are very high-level summary of my findings. It's fairly difficult, as you might imagine, to present sort of 500 pages of research in only three slides or eight minutes, but I will do my best and be happy to answer any questions in the follow-up.

So if I could have my next slide please? I think the primary assumption that was made in the Applicant Guidebook was that there were exclusive or priority rights of governments in geographic names. And out of those things

we have certain names that cannot be applied for at all, and we have a consent requirement attached to other types of geographic names.

And at the heart of that what you often hear is the phrase, “sovereign rights,” and in fact sovereignty is quite a different concept. It is a concept that lawyers have a hard time describing to each other. And so I don't want to waste too much of our time today trying to deal with those nuances. But I will say that when you go back to the materials around the concept of sovereignty, there is actually no link between sovereignty and the name of a country.

There is nothing that suggests that in order to be considered a sovereign country, a country by other countries, if you like, you don't have to have a name and conversely once you are considered a sovereign country, you don't actually have any rights that relate to your name in such a way that that would impact the DNS.

There are, on the other hand, provisions of international law that say that certain sovereign symbols should not be used as trademarks, but names are not included within the list of those sorts of sovereign symbols. And there's a very basic principle of international law interpretation that says talking about something, and not talking about others, means that you intentionally excluded those other things.

So what we get from that and a study of sovereignty more generally about how countries are formed and the organizations where that happens, the UN and so on and so forth, it seems that there really is not any link in the law between country names and sovereign rights or sovereignty. And if country names are not included then it certainly is the case that anything under a country name or other types of geographic name would not apply.

So I'll say this, in terms of that provision that I referenced that talks about restricting certain symbols from becoming trademarks, I've often heard it said that the easy solution would simply be to add names to that list. And the

problem with that is that really does not impact the DNS directly at all, it stops someone from using a name as a trademark but it doesn't stop them from using it in another context, commercial or noncommercial. So that's really not an immediate fix, if you like, to government concerns.

So the answer to the question, do governments have sovereign rights in geographic names, on the basis of my analysis over a number of years, is no. If I could have the next slide please?

The second question that comes out of that is you say, well, you know, do governments have rights in these names? No, okay, well do other people have rights in these names? And if so, how? What's the legal basis for that – for those rights? And in fact, we can point to very quickly in answer to that question in the form of trademark law, international trademark law does give the possibility at least of registering a geographic trademark; it doesn't say that you can't do so.

There are some countries whose national or domestic laws it's not possible to register geographic names as trademarks. But that's a choice that a country makes, it's not something that international law requires them to do.

What that means is to the extent that others have rights in these names it's very logical to say that clearly any rights that governments might have, even if not based in sovereignty, are clearly not exclusive. It's not possible to call something exclusive if more than one person may have a right to it. So that's an interesting position in terms of how we deal with that in policy.

The other possibilities here for whether other parties have rights, we can move to various areas, moved well beyond intellectual property law and move to other areas like consumer protection, unfair competition, those things are only helpful on a case-by-case basis, let's say, there's no way to craft any sort of general overarching rule, universal rule out of those things. It really would have to be an evaluation each one on its own merits.

Finally, the last thing I'll say about others having rights in geographic names, in 28 countries of the world there are laws in that country and in international law that sits over that that gives the possibility of others having right through what we call a geographical indication, which is the name of the product that specifically links to its geographical origin. We often think of things like wine and cheese in this context.

The challenge with that is that that international law only applies to 28 countries, and there are in fact far more than 28 countries in the world. So that means that we don't really have a framework, and international harmonized framework, that is helpful to us in the DNS.

At the same time, that again disproves any sort of exclusivity and any claim that governments might have to geographic names. Again something can't be exclusive if more than one person can have rights in it.

To sum up what this means for the DNS, if I could have my final slide please? Essentially what this means is if there is no – if there is no exclusivity and none of these provisions of international law that I've referred to and considered, have anything to do with priority either, let's say, what that means is that we really have no basis in international law to give any sort of exclusive reservation or priority to governments in terms of geographic domain names, whether that's country name or any other name.

The other thing that it means is that we can't have – we don't have any sort of grounds to justify refusal simply because whoever wants to use the name is not a government or affiliated with a government. Those conclusions unfortunately also apply in relation to geographical indications because, again, any sort of recognized rights are really only recognized in those 28 countries, and in fact the very principle of sovereignty is that law applies only for the countries that agree to it.

And so that gives us some challenges in terms of the DNS. It means that our baseline position that Jeff set out at the start of the call doesn't have any support in international law, and we want to consider how to deal with that.

So I will be happy to take any questions in writing or at the end, in fact, I'm sorry, I can't attend the Q&A at the end but I will be very glad to follow up via Emily and the team to any questions that you might have. So thank you very much, Jeff, back to you.

Jeff Neuman: Thank you, Doctor Forrest, for that. And I'll note that for the record that's the second time, so thank you very much for the presentation and for being on both of the calls in your time zone.

Next we have Thomas Lowenhaupt, who is going to present on the public interest and city TLDs. Tom, are you on the line?

Thomas Lowenhaupt: I think I am. You hear me?

Jeff Neuman: Absolutely. Great, thanks.

Thomas Lowenhaupt: All right, good. So, yes, I am Thomas Lowenhaupt and I'm with Connecting and NYC. I'm the founder of it. It's a New York State non for profit and is dedicated to the development of the dotNYC top-level domain as a public interest resource.

We are also – Connecting NYC is also an At Large structure affiliated with ICANN, and we hold special consultant to the status at the UN. Personally I've been involved with ICANN since 1998. And with the operation of the city of New York, as a planner and public official for more than 30 years.

Next slide please. I want to tell you a little bit about cities. Today more than half the world's population lives in cities and demographers predict that by 2050 75% of us will be in cities. The needs of cities are complex and vast.

The management, resources, governance, technology are huge consumers of these things. Also, I'd like to note that New York City existed before the United States as did London before the United Kingdom; Paris before France and on and on. Cities are where people are, where innovation and the future emerge.

Next slide please. My scare slide there, and you can go to the next one which want to talk about invasive species basically. And in that picture there we're seeing an alligator and a Burmese snake fight it out. And but I really want to talk about invasive technology. And to do so I need to introduce three people. Next slide please.

That first fellow there is Mayor Koch, he was the mayor of New York City from 1978 to 1990. He was our 105th mayor. I wasn't in City Hall the day this picture was taken, but I'm guessing the mayor was pondering ways to solve the multitude of problems presented by governing a great city.

Next slide please. This one probably doesn't need a lot of introduction here, but on the left is Bob – I'm sorry – on the left is Vint Cerf; on the right, Bob Kahn, two of the founding fathers of the Internet. Next slide.

So in a perfect world what would have happened would that Bob and/or Vint would have danced up the steps of city hall, tapped the mayor on the shoulder and offered to work with the city to try and figure out how the 'Net could be used to serve the city's needs. This didn't happen for a number of good reason. Next slide please.

And the first opportunity the city had to develop an – its Internet resources, came 30 years later when the dotNYC top level domain was issued to an unprepared city. To this day, the city of New York has not had a meaningful public hearing about the role of the dotNYC top level domain.

Today, unbeknownst to the public, the city is selling off its digital infrastructure, domains such as realestate.nyc, fashion.nyc, to the highest bidder. They are being sold without public interest requirements of any sorts, any sort. Next slide please.

So how might a city TLD be used? This slide, barely legible, shows 45 metrics for Brussels and how it might be used with a little imagination you'll have to put in here for nutrition, for shelter, for personal safety; second level domains used with a city top level domain. In New York we have something called the Mayor's Management Report with hundreds of indicators of the quality of city operation and city services. I think those are all areas where a city TLD can be used.

Next slide please. My top five areas for a city TLD is that it be user friendly and intuitive so that libraries.nyc goes to a page that tells you about the libraries in New York City; sports.nyc goes to a page leading you to information about sports in the city. It's essential but if it's any use at all that it provide identity and trust, city government can use it for service delivery for those hundreds of services that the city does with our 300,000 – city delivers with 300,000 employees and \$84 billion budget.

The TLD can be used for as infrastructure also giving names through everything in the city. And this final of my top five is kind of a branding thing. You know, right now we're all familiar with what happened with Wal-Mart moved into the outskirts of small towns and cities in the US and what happened when Amazon took on the bookstores. They were – the term they use is “disintermediation.” I believe that cities are in a weakened position with regard to the Internet and being found on it these days and that by having a city TLD they'll be able to protect themselves. The big D there is for defense.

The next slide please. So how do we get to a world where cities effectively use TLDs in the service of the public interest? Currently or the last time, they had a letter of support and non objection. I think that's totally insufficient. We

need broad engagement by all stakeholders. The first step should be to broaden and get more people involved. In a city you should have the city administration, individual Internet users, businesses, academia.

Different cities will vary in different ways. In New York you probably want to have labor unions and others. In a city that has – a tourist city that specializes in skiing, for example, you might have the tourist industry as part of the multistakeholder group. This multistakeholder group that creates the application would secondarily step in and be part of the ongoing governance process for that TLD, engaging all these other people in the ICANN process.

And the last slide I have there talks about what the public interest is. It's a little difficult to read but people will be able to download it. And I'd like to call – I will pick and post this question for later answer, but with the ICANN having moved away from the strong US government influence, perhaps it's time to think about nations – about the role of the nation states in the ICANN processes.

Must the GAC be composed only of nation states? Can the GAC and ICANN become more inclusive creating a space for cities to participate in the TLD governance and allocation process? Will the 50% of the world's population living in cities, be represented in Johannesburg at ICANN 59? I'm finished. Thank you very much for your attention.

Jeff Neuman: Thank you, Tom, and thanks for presenting on both this morning's seminar and this evening's seminar. Next we have the – we have John McElwaine who's from the International Trademark Association, and he will be presenting on behalf of the intellectual property community. John, if you're on, please go ahead.

John McElwaine: Yes, Jeff. You can hear me?

Jeff Neuman: Yes, great. Thanks.

John McElwaine: All right, great thanks. Well, John McElwaine for the record. And I'm the Chairman of INTA's Internet Community and I'm going to start by reading a joint statement that the Internet Community and our Geographic Indications Community put together, and then I'll get into some comments on everything, so we can move to the next slide please.

The International Trademark Association is increasingly concerned about the development of the reserved names listed and a government objection mechanism or consent requirement with regard to the use of geographic names at both the top and second levels of the Domain Name System.

Next slide. Any objection to the use of a geographic term that is determined to be of either national, cultural, geographic or religious significance to a particular country or region has no legal basis, whether under agreed principles of international law or national sovereignty.

The express recognition of private legal ownership rights in trademarks, trade names and geographical indications by sovereign states and by international treaties contradicts any governmental claim to exclusive rights in geographic domain names. No interpretation of the public interest as it relates to ICANN policy justifies disregard for the established international legal framework as it applies to trademarks and geographical indications of origin.

In particular, such an approach is inconsistent with the legal obligations of the 176 member states of the Paris Convention under Article 6 and in this regard would not be upheld by the national courts of those countries.

Next slide please. A thorough analysis of international law and legal principles on this issue must be undertaken and must be given proper deference in relation to the proposal from the Governmental Advisory Committee Working Group to Examine the Protection of Geographic Names

in any Future Expansion of gTLDs for a reserved names list or government objection mechanism/consent requirements.

Okay so the protection of geographic names under international law, we've heard from Dr. Forrest, geo names are not an exclusive sovereign right. The mere statement that a term is owned or wants to be owned by a country or region or culture within a country does not establish legal rights in that geographic related name.

Geo names can be protected if they fall into a category or protections such as trademark law, geographic indicators or if they are protected by a treaty or a statute.

So will flip to the next slide, I'll give you some examples of geo names, and how they can fall into these different categories. So the first example we have here is for Swiss, Swiss made, it is actually a geographic indicator and in the United States that means it is a certification mark which is owned by the Federation of Swiss Watch industries.

Next slide please. Here we have an example of the mark or the words, Swiss Cheese. Swiss is going to be generic for a type of cheese although even in some countries however, it can be a geographic indicator. So another example of the same word having two different levels of protection.

Next slide please. And here we have Swiss being used as a service mark for airline services so if a trademark being used to represent the goodwill and the brand of the Swiss Airlines Company.

Next slide please. So despite the popular belief that geo names are not – despite popular belief geo names are not GIs, and so what a geographic indication is, or GI, a geographic indication of origin identifies goods as originating in a territory known for a given quality, reputation or other characteristic associated with the goods.

And you can see that definition comes from the WTO TRIPS agreement and we heard Dr. Forrest talk about that a little bit. It's important to keep in mind that different countries have their own legal systems and schemes to protect geographic indications, but it is a very small subset of all geo names, so it's an important point to keep in mind.

Next slide please. So how does this relate to domain names? Firstly, in order for a geo name or even a geographic indication be included as a, for instance, in the Trademark Clearinghouse, or to be protected it must meet the legal framework of trademark law.

So for instance, in order to be protected at the first level or at the second level there must be a surreal review of that trademark so it either has a trademark registration, there has been a treaty orders been another law to protect that mark, that brand.

Trademark laws are not meant to benefit the brand owners, but they are consumer protection laws. Allowing an open-ended list of every possible term which might have a geographic significance is contrary to the goals of the new gTLD program, which is to promote free speech and expression, to give geo names, which are not legally protected such rights would create uncertainty, it would create the possibility for gaming, and it would create confusion in the domain name space.

Back over to you, Jeff.

Jeff Neuman: Thanks, John. On the schedule we have Olga Cavalli listed next to present a discussion going on at the GAC – in the GAC's working group On Protection of Geographic Names. At this point we are still trying to get a hold of Olga. We are told she's traveling, her plane just landed. She may still be in the plane, but we are hoping to get her on in just a few minutes.

So I'm going to ask that Paul McGrady, if he's ready, Paul if you – we are going to now skip Olga's presentation, go to Paul and then ask to see if Olga's on again before we go to Q&A. So, Paul, if you could start now, that would be great.

Paul McGrady: Sure. Thank you, Jeff. This is Paul McGrady. And I just wanted to take a moment to thank everyone for such an interesting discussion tonight and for presenting their views. The idea that I've been submitting tonight is meant to be viewed as a compromise between various viewpoints expressed today and in the earlier webinar. And I think it should be considered as such.

I'm cautioning if anybody taking what I'm presenting as a new starting point for negotiations. I think that as long as it is viewed as a sketch of a proposed compromise that's where it will have its most efficacy. Again, it's not a set of promises made by anybody but rather just a proposal about the way forward.

What I'm presenting tonight is called the public interest commitment against the confusing use of geographic protected terms. The applicable terms that it would apply to our geographic and territorial terms protected under national legislation which I will refer to in the presentation as geographic protected terms.

The purpose of the proposal or Geo PIC, as I call it, is to address the governmental concern that an applied for string at the top level, which is identical to a geographic protected term, might be used in a manner that falsely suggests to the public that a connection exists between the TLD or its operator and the geographic protected term and or that the use is otherwise other nature as to mislead the public as to the existence of a connection between the TLD or its operator and the geographic protected term.

If we can go on to the next slide? One of the things that I think is the strongest point of the Geo PIC is its relatively lightweight structure. A lot of

these issues have already been dealt with in prior rounds. So the procedure is somewhat straightforward.

If an applicant applies for a TLD containing a geographic protected term, then ICANN can receive a timely objection to the TLD application from the GAC. We are currently thinking through, we talked about this in the prior call, there was some feedback in the chat, what are the options for what would constitute a GAC objection?

I suggest a couple of different things to think about. The first is GAC consensus advice; secondly perhaps an objection from five or more GAC members; or an objection from three or more GAC members. So again feedback on that point is most welcome.

The next step in the procedure is the TLD applicant agrees to a public interest commitment. That PIC would require that the TLD applicant not use the TLD in a manner that falsely suggested the public that a connection exists between the TLD or its operator and the geographic protected term.

The Geo PIC will be included in the TLD applicant's Registry Agreement if ICANN executes that with the applicant. And the Geo PIC will then be enforced in the same manner and process currently contained in the Registry Agreement for other PICs.

Most of us know this already, but it's worth saying that PICs are enforced a couple of ways in ICANN-land. First complaints to ICANN Contractual Compliance which might result in ICANN Clients action, and then also there is a formal PIC DRP complaint process, those are filed with the PIC DRP standing panel, which can make a formal ruling of compliance or noncompliance.

So that the proposed structure. Again, it's designed to alleviate burdens. I want to talk a bit about the benefits of alleviating the burdens while also providing some predictability.

Benefits generally include not a large additional expenditure of time or money for any of the parties to implement. Essentially it requires a similar effort that the GAC early warning process took in the first round. And of course any other idea of easing the burden on GAC members would be very welcome.

It does not require the development and maintenance of a repository. The Trademark Clearinghouse is a repository, and those of us that are involved in the RPM review understand that, you know, the repository idea comes with complexities and is not as straightforward as it might sound so what's nice about the Geo PIC is there's no requirement to develop and maintain that.

It does not create any new legal rights for any party. It offers some predictability for TLD applicants while respecting individual government concerns so the goal here is to balance things. It's consistent with permission less evolution of the Internet that has underpinned the philosophy of ICANN for the last 10 years.

And as we mentioned, it contains a familiar enforcement mechanism, the PIC, which we are – have already seen used both informally and formally so there is no need to build out some new dispute mechanism process.

So that is the idea behind the Geo PIC. It's meant to be lightweight, it's meant to be easy burden on the GAC, it's mean to provide predictability for applicants. And I very much look forward to getting feedback from this both on lists and in calls of the Subsequent Procedures group and also of course in Johannesburg in a few weeks. Thank you.

Jeff Neuman: Thanks, Paul. Thanks for the presentation and the proposal. I see we have some comments in the chat on that as well. And so we are still waiting for

Olga. We're told she's still not yet available. So just in case she's not able to come on the phone during this webinar, there was a presentation on the GAC subgroup's activities in the earlier webinar and so that's – the recording is online and of course her slides are – or I should say the GAC subgroup's slides are also online for you to look at and I would encourage everyone to go back in and to look at those and the materials that were provided.

So in the meantime, what we're going to do is go onto the question and answer period. There were a number of questions that were submitted or a couple of questions that were submitted in the chat and there's still room for additional questions to be asked if you'd like to ask them and then also to take a queue after we go over some of the questions that were already raised.

And for this segment, I'm going to turn it over to Avri Doria, also one of the cochairs of the Subsequent Procedures Working Group. So, Avri, it's all yours.

Avri Doria: Thanks, Jeff, this is Avri speaking. So anyhow what I'm going to do is first I'll go through the questions that came through during the discussions, during the presentations and after I read the question I'll give any of the presenters, especially the one that was directed to, perhaps a chance...

Olga Cavalli: Avri?

Avri Doria: Yes.

Olga Cavalli: This is Olga. Can you hear me?

Avri Doria: Oh, Olga, you're here. Fantastic. Let me...

Olga Cavalli: I'm in the airport, I'm just out of the plane. Sorry for being late but it was delayed somehow so it's...

((Crosstalk))

Avri Doria: Okay so are you feeling ready to give your presentation now?

Olga Cavalli: Yes, of course. I cannot see it but I know it by heart so when you...

((Crosstalk))

Avri Doria: You know it by heart.

Olga Cavalli: ...on the screen. Yes.

Avri Doria: Okay fantastic. So I'll stop with the Q&A stuff, we'll go back to it later. And the first – your first slide is now showing on the screen, just ask for the next slide as you go by.

Olga Cavalli: Okay.

Avri Doria: Okay thank you.

Olga Cavalli: No, thanks to you. And my apologies and thanks for your flexibility in changing the order of the presenters. The first slide is about why this group was created. We know there was some conflicts with some geographic names that were also used by brands in the first round. So in the Durban communiqué we decided to find ways to try to lower conflict with it and lower the uncertainty for both so for governments and for the applicants. This is why we created.

You may be seeing in the screen the text of the GAC communiqué at that time, so this is why this group was created. It is a GAC working group, it is not – unfortunately GAC working groups are not open to other participants although I am always for opening our activities, this is the most – usually the

rule of the GAC working group. But the meetings are open and all of our documents are open.

And I, for the time in the history of the GAC, I proposed that one of the working documents of the working group was open to comment, but (unintelligible) to go and it was quite of a new thing in the GAC. So this is the purpose of the working group.

In the second slide, if I'm not mistaken, are the objectives of this working group. And as I said, what we are trying to do is to find ways to lower uncertainty. I know, and I've been reading the PowerPoint and the PDFs in the wiki page of this webinar, I know that the Brands want their brands in their TLDs and I know that the IP specialists do not agree with some of our ideas.

The thing is that the conflicts were there and what we are trying to avoid is more conflicts and more uncertainty in the next round. This is what we want because different countries, different regions, different communities will feel that they – these names are important for them. So the conflicts will arise. And what we are trying to find out ways to lower this uncertainty and to lower the conflicts. This is the purpose of this working group.

The next slide, I think it's about a proposal that was done by the Swiss – by the Swiss representative, the Swiss representative in the GAC. It is something that we have been talking about for a while. It comes back and forth this idea of a reported (unintelligible) name. The idea is to have one point of contact or one point of consultation where the – this geographic (unintelligible) name could be put together. The idea that was proposed by Swiss – the Swiss (unintelligible) is that it could be maintained by ICANN with inputs from different agencies like United Nations, WIPO or others or even the (unintelligible).

And it would be the first point of consultation for the applicant. And if the name is there then we believe that an early contacting between the applicant

and the interested party, whichever is the case, the community or region or country or city, could be interesting for lowering the uncertainty and maybe there could be an agreement in between two parties. This didn't happen in the first round with some names that we have several conflicts. We were never consulted before.

So then when the government knew they were not nice, they were not happy with this idea and then the conflict was there. And it's difficult to solve once it's (unintelligible). So we think that this reporting period could be, first point of contact in between the two parties and try to find a way out if there is any – if there is any conflict or the community or the country doesn't want the name to be taken.

Maybe you can change to the next one? I think there is the one with the cross and (unintelligible), you know, we have – the group is large. It has like 50 countries. And of course the interests of the countries are different, which is totally understandable. And there are some countries that are more in favor of this reporting period and some other country represented in the GAC that are not so much in favor.

So this summarizes how the different views that we have – divergent views that we have about this reporting period. Some think that it would be very difficult to maintain and very difficult to define because some names have different meanings and are written in different ways (unintelligible) and also means sometimes (unintelligible) so it is – it won't be easy but at least some of us believe that it could be interesting to think about if it's possible or not.

Other think that it could be a good way to lower the conflicts, the uncertainty and a good way to have a first consultation in between the two parties. I'm not going to (unintelligible) because I'm not seeing the – the – all the slides. But this is mostly what I wanted to tell you.

The last slide has all the links and several documents, we have (unintelligible) several documents – different documents with different focus. Some – all of them are available to you to check. The last slide has the links and it has also the – you can reach me by email or you can reach GAC Secretariat by email and they will divide all the documents and the presentations that we have been doing since 2013 when we started with this working group.

And I will stop here. I will stay online. I'm on my mobile in the airport so if there's any question and I can answer it, I'm here for answering them. And thank you very much for this opportunity.

Avri Doria:

Okay thank you, Olga. This is Avri speaking again. And what I'd like to suggest is I'll start going through the questions. It's too bad that you missed some of the earlier because there were discussions on various issues that I'm sure from a GAC perspective you might have had questions or comments and a proposal was made by Paul just before you spoke that as time goes on would be good to get your opinions on.

But let me go back to the questions. And so what I'll do is I'll read the questions that I've got now collected and then we'll go to open questions and once I've read the question I'll give any of the presenters a chance to respond. So Tom Lowenhaupt asked, "With ICANN having moved away from a strong United States government influence, perhaps it is time to rethink the role of nation states in the ICANN processes. Must the GAC be composed only of nation states? Can the GAC and the ICANN become more inclusive creating a space for cities to participate in the TLD governance and allocation process? Will the 50% plus of the world's population living in cities be represented in Johannesburg that ICANN 59?"

Thomas was one of the presenters but this question was asked while John was making his- giving his presentation. But would any of the presenters like to respond to this?

Olga Cavalli: Avri, this is Olga.

Avri Doria: Sure, please, Olga.

Olga Cavalli: I think this question is very interesting question. It goes a little bit beyond the geographic names issue, but it could be – I think it could be a good question to be made for the full community to be discussed at the community level.

Avri Doria: Okay, thank you. I see no other answers to that one. So I'll move onto the next one which was while Paul McGrady was speaking Mason Cole asked, "Paul, in your proposed scenario, does the GAC objection obviate the application or just triggered the need to add the PIC?"

Olga Cavalli: Can you repeat it for me? I didn't get it.

((Crosstalk))

Avri Doria: Sure, yes. And this one would be difficult for you because this was based on, unless you've seen it, Paul's recommendation for the Geo PICs. And so it was a question related to that. And Paul, "In your proposed scenario, does the GAC objection obviate the application or just triggers the need to add the PIC?"

And, Paul, perhaps you want to give a first comment on it?

Paul McGrady: Sure. Thanks, Avri. This is Paul McGrady. I think maybe for Olga's benefit, since she did miss the earlier presentation I might just very quickly walk through the entire procedure and then answer Mason's question. Does that make sense?

Avri Doria: Sure.

Olga Cavalli: Yes.

Paul McGrady: Okay. So in the proposed procedure if an applicant applies for a TLD containing a geographic protected term, and we defined that earlier as a term, geographic and territorial terms protected under national legislation, if an applicant applies for a geographic protected term and ICANN get a timely objection from the GAC, and we talked about various options there whether it GAC consensus advice, objections from five or more GAC members or perhaps the objection from three or more GAC members, then the applicant has to agree to a public interest commitment that requires the TLD applicant not use the TLD in a manner that falsely suggests to the public that a connection exists between the TLD and its operator in the geographic term.

And then that Geo PIC will be included in the Registry Agreement and enforced the way that PICs are already enforced, so there's no new mechanism. So to answer Mason's question directly, again, these aren't a series of promises or anything like that, just a sketch about a, you know, a potential way forward to reach compromise.

The objection would not obviate the application, rather the applicant would have a choice about whether to agree to the PIC or not, right? And so again the application would not be, you know, would not be, you know, deleted or anything like that but that applicant would need to (unintelligible) the PIC and that would be baked into the agreement. Thanks.

Avri Doria: Okay thank you. Paul, the next question came from Paul, it was while Olga was speaking. And it was, "Olga, what is the level of support within the GAC for this proposal?"

Olga Cavalli: Well, as I said, this is still a discussion in the working group. It has no consensus at the working group level so there is no – I cannot tell what will happen at the GAC level because it hasn't gone to the GAC so far. Although we have several comments from, as I said before, it's more or less divided;

some are – think that it's a burden, it's complicated and some others think that it could be good to lower uncertainty.

There is no full rejection to the idea. It has been around for a while. But it's still at the working group level. Once we achieved somehow come from the working group level it will go to the GAC. But this is still in the working group.

Avri Doria: Okay. Thank you. Now I've gotten four and five new questions in the comment area so I'll go through those but people can also raise their hands to speak. But the next question I had, and this one came up once we started the Q&A, was from Renata. And the question is, "I don't know who this question is for, but I wanted to know about the gray area between geographic names and other uses of the same name, for example the case of dotSS which was referred as dangerously being associated with Nazi SS instead of south Sudan. How is this dealt with in the new gTLD process – procedures and that the views of the GAC on this topic? Thanks."

So of the presenters, who would like to take a view on this and perhaps others that want to comment on it? Anyone? I see no hands. Do we just leave this question as a question to be answered later since no one has an answer for it now?

Olga Cavalli: Yes.

Avri Doria: Okay. So then the next one I have was from Martin Sutton, question – and this one's for Alexander. Alexander may not be here anymore, but I'll read it out and then we will ask him to approach it later. "Alexander, why would a ccTLD operator grant consent to a possible competitor to enter the marketplace? Why would ICANN want to grant ccTLD operators the right to exclude future competition in the marketplace? Seems dangerous."

This was on Alexander's proposal that for the three letters in addition to getting information from countries or from citizenry that there was a possibility

of also getting a requiring optionally a letter from the ccTLD. Okay, I don't see Alexander here, I certainly do not want to try to answer for him so...

Sebastien Ducos: Avri, this is Sebastien.

Avri Doria: Yes.

Sebastien Ducos: Alexander is gone.

((Crosstalk))

Sebastien Ducos: Yes, he left a message earlier saying that it was already two o'clock in the morning and he was going to bed.

Avri Doria: Yes.

Sebastien Ducos: So I don't know exactly what Alexander (unintelligible). I have to note that we have several members in the Geo TLD Group that are both ccTLDs and running Geo TLDs. Now, there's not obviously a complete fit between the CC, the country and the Geo TLDs that might be regions and cities, but there are some level of competitions there. And yet it exists and ccTLDs may embrace it, may decide that the competition is something that they're wanting to see.

The case that Alexander was talking about with dotUSA obviously would represent the same territory as the current dotUS, is a marginal example. Many of the – of the conflicts that we were talking about would be – could be for subgroups within a ccTLD.

Avri Doria: Okay, thank you. And this is Avri speaking. And while you were speaking it also crossed my mind that they may want to work on it cooperatively as one other possible scenario. But I'm just guessing. Okay, if there's any other comment on that question, if not I'll move on. Susan Payne asked a question, "Olga, you mentioned that there are divergent levels of support for this

proposal. In light of this, what do you see as the next steps for it, bearing in mind, one, the advice from Durban that you cited that ICANN should collaborate with the GAC; and two, your acknowledgment that non-GAC members cannot participate in your working group; and, three, the fact that Subsequent Procedures PDP is already underway considering policy on future TLD releases?”

So, Olga, can you hear that?

Olga Cavalli: Okay yes, I'm here. Yes. Well, the working with ICANN it's trying to inject part of our ideas, deliberations whether we still don't have a full consensus from the GAC, we still have some ideas going on into the PDP process. The thing that engaging into the PDP for the GAC it's quite complicated because those of us that are more familiar with ICANN with the GNSO PDP process are doing several other things. So what we have tried at the GAC leadership level is to engage some of the new vice chairs into this process.

I'm not sure if this is happening so far because the idea of cooperating with ICANN was through this PDP process trying to participate more actively. But as I said, it's not easy. There was some other question that I forgot in the middle – the second one was – well the group is – as I said, not other members to participate in the working group but the sessions are open. And if you have ideas that could construct a new outcome, some of us are very willing to receive them.

I personally, I'm always for openness and for inclusion. So for the moment, this is – the way that the GAC works and we have made some changes, I think for the good, but that's all that we can do for the moment. It's working in the working group. It is an internal working group of the GAC, it's not a cross community working group.

Avri Doria: Okay, thank you very much for that, Olga.

((Crosstalk))

Avri Doria: Can I ask a clarifying question? This is Avri again.

Olga Cavalli: Sure.

Avri Doria: When you say that the group is open, while the people that would attend wouldn't be members, do they have an opportunity to make comments and ask questions within those open meetings or are they there just as observers?

Olga Cavalli: Well that's a very good question and it came to my mind when I was speaking. If I'm chairing I would allow that, what further can I say?

Avri Doria: Okay, so it's at the discretion of the chair, understood. Okay, thank you. And I'll go to the next question, I think because I think you hit all of those in terms of working together. The next one I have was from (Liz Brazinski), and question, "There are a number of interested parties outside the GAC and the GAC working group is technically closed, do the GAC working group members plan to participate in and contribute to the Subsequent Procedures?"

And I think now that I read it, I think we've gotten part of an answer, perhaps Olga wants to add more. And we do have some GAC members who do participate in this Subsequent Procedures group, perhaps not as many as there are that might be interested, but we do have a few. Does anyone want to add a further answer to that one at this point or is it covered? Jeff, I see your hand. Please.

Jeff Neuman: Yes, thanks, Avri. And thanks, Olga, for that answer. And I just – I just wanted to add that I think by participating in this webinar and the commitment to participate in the face to face sessions in Johannesburg, is really helping and aiding the work done right now by the Subsequent Procedures PDP. And so I

think this is a great start and I think that by, you know, Olga agreeing to – being on this call and Jorge on the earlier one, I think the GAC is making great strides in participating and so I just hope that this collaboration just expands. I think we're making new inroads now and I think we're showing that we can do it successfully. Thanks.

Avri Doria: Okay, thank you Jeff. I want to say at this point we have about 20 minutes left. I have one more pre-sent in question and then if there are other questions I ask that people raise their hands. This one is from Robin Gross. And the question is, "How does the proposal from the GAC working group for geo names deal with Principle G in the Board and GAC approved new gTLD policy which states that applicants' free expression rights will be protected in the gTLD program?" And I can read that again if my getting stuck in the middle confused people. So I guess that would be directly to you again, Olga, in terms of how does the GAC proposal work with free expression rights.

Olga Cavalli: Well this is answering without a lot of thinking about it. It's – I think the communities and countries have also the right to express themselves. So that would be also in the discussion.

Avri Doria: Okay. Any follow up on that? Okay, at which point we're at the – I've run out of questions to read and I'd like to invite people to just basically ask any further questions they have about anything they've heard at all in the webinar today or if – you know, this one or if you happen to have a question from the previous one if you attended both, I'd like to invite that. And, Robin, I apologize for tripping over your question. I had seen the correct – the first correction but I had not seen the Board and GNSO-approved. And I know that, I just couldn't think quick enough while reading to make the change so I apologize.

Any questions, any further comments at all on this? Okay, I've got a note from Martin must go. In which case, as I have no questions, I have no points to make. I do want to thank everybody that participated, I want to thank all the

presenters especially those that presented twice. I hope this has been a useful use of your time.

And I hope people will treat these presentations as conversation starters, that none of the conversations end with anything that was said in this webinar but it really is the hope that now that those that felt that they had an idea to present, were given the ability to do so, that knowing what the various issues everyone has on the table are, we can, as we move forward towards Johannesburg and then within the meeting there, we'll be able to make some progress on these issues.

And Jeff, I see your hand so I'll give you the closing word.

Jeff Neuman: Thanks, Avri. And I obviously share your thanks to everyone that participated in both webinars. And just want to remind everyone because a lot of the – there'll be some follow up materials to this, I want to remind everyone to even if you have not RSVPd to send an email to geo-names-session@icann.org so we can both have a record of your attendance but also probably more importantly, to make sure you're on the list to receive the follow up materials and we will also be generating the list of questions that were submitted and following up with each of the presenters to provide a response if they were not able to do so at this point.

So again, thank you very much and I look forward to continuing to collaborate on this issue in – at ICANN 59 in Johannesburg. Thank you very much.

Olga Cavalli: Thank you, bye.

Avri Doria: Bye.

Terri Agnew: Thank you. Once again, the webinar has been adjourned. (Aryn), the operator, 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