

**ICANN  
Transcription  
New gTLD Subsequent Procedures PDP WG Work Track 5  
(Geographic Names at the top-level)  
Wednesday, 14 November 2018 at 14:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-new-gtld-subsequent-track5-14nov18-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p23uvqc7867/>

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Martin Sutton: So, it's a few minutes past now, so that would be great if we could kick off the recording.

Andrea: Absolutely. Give me just a moment. Carrie, please start the recording, and let me know when it is done.

Operator: Recording has been started.

Andrea: Thank you. Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Sub-Team Track 5: Geographic Names at the Top Level call on Wednesday, the 14th of November, 2018 at 1400 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect room. At this time, we do have a few participants who are on audio-only: Cheryl Langdon-Orr, (inaudible), and Bram Fudzulani. If we have any other participants who are only on the audio bridge, please let yourself be known now. Thank you. Hearing no further names, I would like to remind all participants to please state your name before speaking for transcription purposes, and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I will turn it over to Martin Sutton. Please begin.

Martin Sutton: Thank you, Andrea, and thanks, everyone, for joining so promptly today. So, you'd have seen the agenda that was circulated around. Our focus remains today on completing the initial report for readiness to circulate for public comment. And so, first of all, as we typically do, just want to make sure that, if anybody's had any exciting changes to announce and update on their statements of interests since they were last on a Work Track 5 call, perhaps if they could come forward now, raise your hand, or if you're on the phone bridge, please speak up.

Okay. Hearing none, thanks very much. For those of you, since our last call and prior, have been diligently working through the initial report draft and offering some refinements, corrections, and some suggested amendments. We did, from the basis of our last call, circulate the key items that were under discussion and where we were seeking information for perhaps those that have put forward some comments that are included in the deliberations section, and also under one of the recommendations for further comment. So, (inaudible) thank those that participated in some of the e-mail exchanges, which again have been very helpful, and we can focus on those today.

So, as one of the items was focused on, one of the preliminary recommendations, we thought it would be sensible to focus in on that as part of the -- initial part of the agenda before then reviewing any of the other comments that remain to -- most of all are in the sort of deliberations sections and questions. And then, we'll have a chance for any other business (inaudible).

.....  
.....Now, we have been having comments posted last night and this morning, so we've tried to incorporate those as we've gone through today as best as we can, but there might be some that we still need to have a look at as we go through.

So, if we could go first of all to the recommendation -- preliminary recommendation 11, which regarded non-capital cities. Do we have -- okay, so somebody's just placing that onto the screen now. Now, let's just rewind a little bit here. We've had considerable discussions around non-capital cities and how we might wish to proceed, or some of the issues that are concerning different parties. The result of all of those discussions was that there wasn't a significant drive to maneuver it one way or the other, perhaps either for more stronger measures to reserve such items, or to relax the rules. There was a spread of comments. And through those deliberations, which are included within the report, the result was mainly that we didn't have a significant swing either way. So, it was a matter of just saying, okay, as far as we can see, then, this will have to remain as it was stipulated in the 2012 guidebook.

We mustn't forget also that the purpose of the initial report being distributed is to open up for a further public comment beyond the work track so that we could pull in any other issues or concerns or ideas that the community may have to address this, and so some of the questions that we've posed to help for the community to provide feedback.

Now, with the exchanges of e-mails in the last week or so, there's been some that have articulated the fact that they think recommendation 11 should remain in the report as is. Others want to see it tweaked a little bit. Others want it removed from the basis of comments that we have on the -- replied to the report by a couple people. So, I'm going to open this up now in terms of where anybody thinks that -- or would like to provide their point of view in terms of whether this recommendation 11 should be

removed or if we should retain it within the report as it is. And I'll open up the queue. (Inaudible), please go ahead.

Marita Moll: Yes, I just want to reiterate what I've already said on e-mail stream, that I would certainly -- I certainly don't think that we should remove this. Keep it in. Let people comment, and see what happens from there.

Martin Sutton: Thank you, Marita. Anybody else got a strong opinion either way? Anybody on the phone bridge? Okay. I know that we've got a -- okay, thank you. Susan's put a comment in, as well. I think on the basis of how it led up to be in the report like this, and as I explained earlier that the different positions (inaudible) and included in the deliberations section, and based on -- and the recent comments back, I think we should just proceed to retain it in this section without any other changes. We can then obviously allow comments to be returned, and we can go through those for (ph) significant ideas or concerns that are raised from that. Okay. Right.

Well, let's move on, then. So, we had a number of other comments. I'm just trying to think which comments (ph) we should go through. So, in the e-mail list that we had, we put out for any other comments or clarifications on some of the wording. So, I don't know if the page numbers have shifted, Emily, but on page 40, we had an item related to requiring further clarification for the term or meaning of unconditionally available. Assuming that page 40 is still the right page, perhaps if we could maneuver the document to -- oh, you're free to move the document -- no, you're not. Somebody's kindly moving it for us. Right, so thank you very much. So, on the screen now, there is an item which is contained under deliberations section, whereby a proposal was put forward by a Work Track member who believed that existing protections and restrictions included in the 2012 guide book should be reduced, and in terms of that there was this particular item. Once a gTLD is registered with an intended use that is geographic in nature, all other variations and translations of this term are unconditionally available for registration by any entity or person.

Now, the comments that came up previously was unconditionally available seemed a very broad term, and there was a request out for whoever put forward that proposal, if they could clarify what that was intended to mean. I don't think we've had any responses to that yet, so if anybody is aware that's on the call today, grateful if you could come forward. Emily?

Emily Barabas: Thanks, Martin. This is Emily Barabas from staff. So, there were a few comments that came in on both the substance of the proposal and about sort of clarifying the text. And so, what staff has tried to do here is clarify a little bit the text of the proposal based on some feedback from Greg Shatan that came in and also add to the benefits and drawbacks based on the different comments on the mailing list.

So, hopefully that incorporates the different perspective, noting that a number of people said I do support this or I don't support this proposal. Just reiterating that this is not a recommendation coming out of the Work Track. This is a part of the deliberation section. The deliberations include all kinds of proposals from many different perspectives with varying levels of support. So, if you oppose this proposal, that's fine. It's not necessarily going to go anywhere, just like any of the other proposals. So, that's just a bit of clarity.

And I see a comment from Alan Greenberg. "Isn't the correct term 'delegated' and not 'registered'?" Probably, Alan. I apologize. I was trying to move quickly here as we got a bunch of feedback in over my night, so I will double-check that and correct it if it's wrong. Thanks.

Martin Sutton: Thank you, Emily. Yes, I see how that it's got the added comments now that have been applied, so thanks for that. Agree, Alan. I think once the gTLDs delegated would be more suitable for that phrase.

So, is there any questions or comments regarding that? I think Emily's been very clear in that this is the deliberations section. It was trying to capture what had been stated in conversations or input previously applied. So, we're just trying to make sure that these are captured correctly for the audience when it's issued. Alexander?

Alexander Schubert: Yes, hi, this is Alexander. I have two comments to that. First is we should make it much more clearer that this is not something the Work Track has come up with, but just some member. And it seems that right now we don't even know what -- which member. That's number one. Then, number two is we have to be careful. This opens a loophole. Right now, if we (inaudible) add country names or capital city names, as far as I understand, we have only -- or we intend only to protect the six UN languages, right? Or at least there are a couple of names they're protecting only in the native language or in the six UN languages. So, in other words, so one could do and register a capital name in some strange language that nobody knows, then this domain name is registered, or the city is registered, for geographical nature, which (inaudible) means that the original name, for example the English name or the local name, would be available. Do you understand what I mean?

Martin Sutton: Yes. Alexander, I don't think we're trying to attempt to decipher everything here. It's to make sure that--.

Alexander Schubert: --Yes, okay. Okay--.

Martin Sutton: --What was deliberated. And it is clearly stated in the report in this section, and of course I can't remember what the section title is called, but this is not any recommendation. There is a long list of proposals that emerged from the discussions. We've highlighted these. And underneath, you'll see that there's benefits and drawbacks tabulated, as well. So, we'll try to achieve the difficult task of trying to capture, but also give some of the feedback that was created at the time, and concerns or

the benefits that were expected to (inaudible) in doing such a thing so that the reader has a sense of what was discussed, the scale of those discussions, but this didn't emerge then as a recommendation. But what it may give is the audience more granular details of what has been covered, and it probably helps them respond to some of the questions that we've posed more effectively. Rather than repeating everything, they can draw out from some of the conversations that we've had. So, I accept that there will be concerns, and we could go off and have discussions about good and bad of that. It's just trying to make sure that we've captured the essence of the conversations into the report here, and then the reader can make judgment themselves. Okay. So, that -- and Alan, thanks again, another smart correction, if we could put that in, Emily, that available for application of the (inaudible), the text on that bullet rather than available for registration. I think that's a very clear adjustment. Thank you.

Okay, any more comments? Emily, I see your hand is up. It's down. Okay. I think the next one was just a page later. There was, regarding applicants to geographic names must apply to the GAC to permission. So, we had some comments regarding that, and really just for more clarification. Do we have anything further in on that item? It was on page 41. Right, so (inaudible) would too, yes. Thank you. So, there's quite a few questions posed on here, Jorge. What is the -- I can't read that fully. Where does this go?

Unidentified Participant: Martin, this is Emily from staff. Should I just do a quick summary of what we received?

Martin Sutton: Please do, yes. Thanks, Emily.

Emily Barabas: So, we've gotten a few comments from a few different people, eventually stating that they're not sure where this proposal came from, and that it's not very clear, and that they don't support keeping it. Those are comments from Jorge, Christopher, and Greg.

So, digging back a little bit, it's staff's understanding that this came out of a brainstorming session at one of the ICANN meetings. It may not have been -- may have showed up on a white board but not necessarily put forward by a Work Track member. So, I think it's up to the Work Track at this stage whether anyone is in a position to advocate for it, anyone wants to keep it in general. It's been the practice that, if people -- if there's a proposal that's been put forward, we just put it in the report to be complete. But, in this case, we've gotten a few people saying it's not clear where this came from or what the intent of it is. So, it may or may not be something worth keeping. So, I think a question for the group is whether anyone identifies with this, wants to clarify it, or if there's general agreement that it should be removed because maybe it's something that, at this stage, is not needed to be kept. Then again, this is just a proposal that's been put forward in discussions. It's not a recommendation. It's not rising to a level that there needs to be agreement, but this is the way to

go. It's just a question of whether this, as the proposals that's been put forward, should be considered in the deliberation. Thanks.

Martin Sutton: Okay. Thanks, Emily. So, with that in mind, Alexander, Alan, I'll put you in the queue. So, Alexander first.

Alexander Schubert: Okay, I'll keep it short. It might be that I am the source of this, but not in regard to generally all geographic names, but when we discuss the potential delegation of country names and countries' three-letter codes, I made the suggestion that we -- that one of the huddles, to be able to apply for a country name should be GAC permission. But, when it comes to generally geographic names, for example cities, I personally don't think it makes much sense that the GAC has to asked, plus we have to specify would it be the, GAC, or the GAC member of the country, if one is existing, and is that member very active, because there's a lot of countries that are in the GAC, but they are completely inactive or their member has no clue about nothing. So, I would advocate for the average geographic name. This suggestion doesn't make too much sense.

Martin Sutton: Okay. Thanks, Alexander, appreciate that. And let's see if then it's worth playing around with that to include but expand, or whether we hear from others that may suggest that we remove it. Alan?

Alan Greenberg: Thank you. My recollection is the GAC as an Advisory Committee has declined to take any role in operational decisions, in operational processes. So, I'm not sure the GAC would be interested in doing this regardless, just because they do not. For many of the reasons Alexander mentioned, they do not want to be put in the line of control for operational things. They will comment and take action in various ways, but not be part of an operational process. That's my recollection, in any case.

Martin Sutton: Thank you, Alan, yes. And still in the chart there, yes, Susan, we're on page 42 with -- but it's 42 with some of the changes that we've incorporated today, so it was originally page 41 if you're working from an older version. Okay. So, I don't see one, from the comments that are actually been posted onto the document or on the conversations today, any strong desire to retain that item. In its current form, it does look odd, and without sort of a further explanations and content that perhaps Alexander was suggesting. Does anybody have a strong desire to keep that, if I could ask somebody to come forward that thinks that that would be worthwhile retaining and essentially expanding? I'm not hearing any.

So, I -- sorry, I was just reading the chat. It seems like no one thinks the proposal plated was that GAC as a whole should be giving approval. Perhaps not. Alexander was suggesting that it might have been where individual GAC members are approached for approval. But, as he was explaining, it would be more down to three-character country codes or country name. Hi, Greg. The source we're quite unsure of here, but we believe it came from one of the discussion sessions at ICANN, so it might have been through the Flipboard sessions that we had with three groups separated out looking at particular aspects.

Okay. Well, I think we can remove that on the basis that there's no strong desire to retain that, and it does look a bit odd without any further clarification. So, let's move that one out. Okay, thank you.

So, the last one that was sent around on the e-mail list as a result of the previous call and conversations was on page 76 at that stage, again, deliberations of the report. And it was referencing a term called a bright line rule. There was some concerns as to what that meant, and it was not a common term in certain places. So, if we could move up to page 76 or beyond, just to try and find that reference point, and I think we'd have covered off the four items that were on the e-mails circulated, and then we can move on to any other recent comments that have come through.

Emily, has that been amended now, the term on there, "A clear and unambiguous rule?" So, we may have had some suggestions--.

Emily Barabas:

--Hi, Martin, this is Emily from staff. So, there was a suggestion from Greg that perhaps if the term "bright line" was confusing or not clear to people who were not familiar with U.S. law, that perhaps the term "unambiguous" or "clear and unambiguous" would have more or less the same meaning. So, staff has proposed there that perhaps that addresses some of the comments that came in from I believe Jorge and Christopher, correct, that that was unclear.

And then, the other thing that came in were there were some sort of substantive comments about this proposal, both positive and negative, and just scrolling to the next page, I think it's 78, staff has attempted to capture those substantive arguments about the proposal as pros and cons, as we did for some of the previous proposals that generated some further discussion. So, maybe that's something we can just go through briefly and see if there are any additional comments. Thanks.

Martin Sutton:

Okay, so thanks for the suggestion there for the terminology. I think that makes it easier and understandable all around, then. So, in the report here then, so we've got some pros and cons listed. Don't know whether - - do we need to go through these (inaudible)? So, on the benefit side, some believe that this proposal would increase predictability for applicants. Are these all new comments, Emily?

Emily Barabas:

Yes, they are.

Martin Sutton:

Yes, okay, thank you. In predictability, ensuring that the applicant guidebook defines the entire universe of geographic privileges and protections, and that there are no other processes by which acclaimed privilege or protection could be asserted. Another benefit highlighted, some believe that this proposal would reduce conflicts and disputes by creating a recognizable boundary between terms with geographic meaning that are subject to third-party processes and those that are not.

And finally, some believe that this proposal would eliminate the chilling effect caused by allowing objections to any application. And on the drawbacks listed, we've got somebody that this proposal would not be acceptable to governments and public authorities. Others believe that ICANN and the community have no grounds for determining which geo names are explicitly and expressly protected and which are not. And finally, some believe that the right to object to the fundamental right, that should not be limited by policy. So, I think the intention there is from those that have submitted comments, it's just to provide the different arguments that have been presented before. As long as that is comfortable for those that believe that that's been raised, we can keep all of those. Does anybody have any -- Alexander, please go ahead.

Alexander Schubert: Yes, sorry, it's again me, Alexander. And I hope I don't repeat myself, but during the entire process of discussing geo names and their protections, we have been told over and over and over again that we don't need to protect too many names through rules because there's always those curative rights. And (inaudible) are completely wrong. That's the objections, right? An objection is the curative right.

Now, we are being told, well, we should not put any names, plus we should not allow any objections anymore. So, the curative right thing goes away, as well. And what I would suggest is, if we adopt the bright line rule, then that must come with a much stronger rule frame, or frame of rules, for the protection of geo names, because if we say -- if a name is not exclusively protected, anyone can have it, and no objections can occur anymore, then we obviously need to protect way more names than we protect now.

But we cannot have both. We cannot say, oh, we have only a few entities protected, for example capital city names, and on the other hand we are saying we are also not allowing objections. That doesn't fit together. Finished.

Martin Sutton: Thanks, Alexander. I'm not sure that's how I interpreted this. I think, based on the fact that there would be lists that we continue to have protected or unavailable, it is one thing that's a preventative, curative. Yes, objections, but I'm sure that there are the mechanisms that we've already talked about in place that are curative, as well, even post-delegation. So, there is more than just the objection process to the application.

Alexander Schubert: So, I'm sorry that I interrupt, but I don't see that. And I gave an example, and I think it's even (inaudible) in this document right now. If somebody is going to apply for a big city, and he's managing to convince the geo names panel that he's not intending to use it for that city, then that's it. Nobody can do anything anymore. If we say objections are not allowed, then he gets that name, and nobody can challenge him. Or am I completely wrong?

Martin Sutton: I opened the comments. I think this is just trying to list down the different benefits and drawbacks here, so I would suggest that that is contained in some form in terms of somebody that ICANN community have no grounds for determining which geo names are explicitly and expressly protected and which are not. And somebody's got the right to object to the fundamental right, this should not be limited by policy. If there's something else that you think needs to be added into the drawbacks through the conversations that have been had, let us know what we could put in there. Again, this is deliberation, so we're not stripping this down to whether it's good, bad, or indifferent idea. It's just some of the proposals that were raised during the calls, and we try to capture the pros and cons, or benefits and drawbacks, as we've articulated it here. So, if you feel that there's something else that needs to be added into drawbacks, then that we can capture and add to this if we're missing it. Marita?

Marita Moll: Hi, Marital Moll for the record. I just had a discussion with the policy group at ALAC about some of these requiring getting tab permissions or not having for names. And as Alexander was explaining, I think that the concern is that who can pick up a name, like San Francisco, to sell sourdough bread if you want to, as long as you are not saying that you keep up the -- that you're going to use the name for the city. There is no geo that -- the proposed wording would suggest that it's not going to be the -- hopefully that's not going to be the applicant who is going to make this determination, that it would be made by a determination by a third party whether or not this application should go forward, because (inaudible) applicants obviously have their own biases in mind.

But, the big concern around all of this is to try to make sure that there's no way people can use this system to scam, to scalp, to hold back names and sell them later, or any of that. That's a big concern. I don't know if we've got the wording exactly right there. It's still a very confusing as it's (inaudible) here, still very confusing way. But I guess that's what I wanted to say. I don't know if we've actually got there yet, but that's the concern.

Martin Sutton: Okay. Is there any suggestion in terms of the text, particularly in the sort of drawbacks and benefits to apply to this? Any suggestions are welcome, want to come forward. Alan?

Alan Greenberg: Thank you. I'm not sure I have suggestions, but I'd like to simply say that if we're trying to prevent something, then we should put rules in to prevent it, and not use roundabout ways that we hope will prevent it without actually mentioning it.

As an example, there is a really delectable cookie called Milano. Now, if I'm going to apply for a domain name to talk about the cookies, and later - - and I put that in as a requirement, one of the conditions of my application, then I cannot go and sell it to the city of Milano for \$14 million afterwards, because there's a condition in the contract saying it cannot be used as a city TLD, and there are presumably arbitration panels and stuff which will decide whether I'm talking about cookies or a city in Italy. And so, if we're trying to prevent that kind of use, then let's make sure we

have ironclad rules saying, if you are using a geographic name and you are claiming you are not going to use it in its geographic context, then that's a rule in the contract, and you will be bound by it. So, I guess I don't like rules that are set to avoid something which isn't mentioned in the rule. Let's make sure that we -- if we're trying to prohibit some specific type of action, that we have rules to make sure we're prohibiting that action. Thank you.

Martin Sutton: Thanks, Alan. I think the difficulty here is that this is capturing deliberations. This isn't -- as many of these later points are all about the deliberations and trying to capture those rather than these being recommendations of any sort. So, there are what some people have suggested, and then there's been some conversations and talking points, and those have been captured. So, we're not saying that this is put forward at all as a recommendation. But what I'm trying to capture is, is there anything that we need to do on this particular section to improve it for the reader so they can understand it and appreciate the conversations that have been had, and whether they want to draw from those in response to any of the questions that we've applied, then that's what I'm trying to make sure that we reach today. Because this is part of the report that we want to ensure gives a good reflection of the conversations that have taken place. Alexander?

Alexander Schubert: Yes, okay, it's Alexander again. As you (inaudible) for something to put in there so that you have something that you can add to the document, I'm just shooting into the blue, but what may be something that declares that the past we have said that objections are the curative rights that will safeguard geo names. And if we are (inaudible) the bright line, we are taking the safeguard away, and that's a drawback.

Martin Sutton: So, that's something that we want to articulate under the drawback column to reflect that. I mean, if you can think about any additional text that we just put into the drawback column and post it into the chat, that'll be great. Again, at this stage, I think we're just trying to hone the report ready for publication. So, any help there in terms of articulating that, and perhaps you can post it into the chat as a suggestion, then we can as a group review that, adjust the report if it's acceptable. And in the meantime, we can move to some other sections where we've got some amendments or proposed changes. Thanks. Thanks, Alexander.

Okay. Does anybody else have any comments on this section before we move on? And then we'll come back if there's any additional text. Okay, seeing none. Emily, I know we've been frantic -- or you have, not we -- you have been frantically trying to update the document with the most recent comments that have come in. Is it worth going through those from the top of the reports? I don't know is a horrendous number, but -- and most of them were more tidying up. There were no substantive elements. It was very much some corrections that needed to be applied. So, if there's anything that we can scroll through now, but in a sensible order would be good, I think.

Emily Barabas: Hi, Martin, this is Emily from staff. So, indeed, we do have quite a few comments that came in, so there's a couple of things we can do. The first is we can -- there are a number of items highlighted in purple that reflect updates that were made since last week's version of the report. Those are pretty straightforward, for the most part. Those are mostly things that were raised on the call last week, especially points of clarification on the questions section, the questions for community input. So, I think that maybe it's not the best use of our time to run through those, because if people are interested to go through them in detail, they can do that on their own. And I hope that they're pretty straightforward.

The other thing we can do is start to go through additional items that may be sort of outstanding or need further discussion. And I actually have an update to this document, because there are a few additional comments from Greg Shatan that I missed in the initial version that I sent around. So, I'm just saving it now. I'm going to bring it up. A number of the things that -- so Greg brought up a combination of things. Some of them are small edits and clarifications where it was obvious and clear and fairly straightforward. Staff went ahead and made those edits, but there's a number of places actually where he made some pretty substantive comments that would have a pretty big impact on the report itself. So, I think the question, maybe before we dive in, is to think about how we want to tackle this and how we want to approach it, if we want to go through each of these comments and try to dig into them just chronologically through the pages, or if there's another way we want to approach them, so maybe we can just first take a moment and think about what we want to do, because I think Greg is intending to bring in quite a few more comments. He's only made it partway through the paper. And that's also possible, that we're going to get substantive comments between now and Friday from others as well. So, I'll pause there and let everyone reflect a little on next steps. Thanks.

Martin Sutton: Okay. So, any feedback, anybody, in terms of how we want to approach this? Please, have your hand up or write in the chat. Emily, I just think one other exchange that we might just want to clarify in terms of the questions, we had one related to the exceptional reserved list. And I know that we've had some recent exchanges in terms of sending out the details of what that list incorporates and suggestions back. Perhaps we could cover that one, as that was part of output from the last meeting. And then, we'll work out the way to go through the comments that have been posted onto the documents thus far. Would that be sensible?

Emily Barabas: Sure, Martin. This is Emily from staff. So, let me just pull up this slightly-adjusted version of the document, and then we can go through the questions about exceptionally reserved names. Just one moment.

Martin Sutton: That's fine. We'll put on some "hold" music, and everybody can relax--.

Emily Barabas: --Here it comes. And noting from Cheryl that she says, "If we're expecting more substantive comments that may lead to changes, then perhaps

covering off some of those you have already is a good plan from a time management point of view. Okay.

Okay. So--.

Martin Sutton: --Cheryl (inaudible), so I wouldn't--.

Emily Barabas: --So, just a little context, maybe, first, the issue of exceptionally reserved names. So, this was a conversation that came up on the mailing list some time ago, and that's sort of been revived more recently discussing the category of -- on the ISO list of exceptionally reserved names. And initially, there were a few different issues that Jaap had raised on the list about the list that -- and actually, we'll go to the question section first, and then we may want to go into the deliberation section, because there's a suggested edit there, as well.

Oh, I'm sorry. This does not have the comments. While I'm bringing up the version with comments, I'll just talk through what it was. So, there was a question that was raised that stated that one of the Work Track members, in this case Jaap, had mentioned that he thought that maybe that list didn't exist on the code point list, and that it should be essentially removed from being a reserve name. And upon further clarification, we determined that that wasn't exactly what he was saying, and that he was actually just saying that there are some issues that he sees with the list itself, one of those issues being that not all designated codes are indeed related to country and territory names. So, for example, EU is a designated code on this list, and so is UN, for the United Nations.

So, I guess the question for the group is, is there a question that we want to ask with respect to this category in the initial report at this point, noting that the original formulation of that question doesn't actually make sense now that we have a little more information on the concern that was raised, or do we want to just put in the deliberation section that certain concerns were raised and leave people to provide additional feedback if they would like to do so. So, I think that's the gist of where we are with that one. And I'm bringing up the document now, so maybe people can start talking, and then this will come up shortly. Thanks.

Martin Sutton: Thank you, Emily. And I'm sure that you probably send the e-mails. And if you clicked on the links to the exceptionally reserved list, there's about a dozen terms that are on their -- they include UK, EU, UN for United Nationals, et cetera. It is just a handful. There are some kind of unusual ones. I can't remember what EU (inaudible), but what we had originally as a question was thankfully, therefore, can be removed on that basis, but we're clear on what the content is. Just waiting for the -- few moments there.

Emily Barabas: Hi, Martin, this is Emily. So, we're now on page 22, and the original question was, the 2012 applicant guidebook reserved any string that is a short- and long-form name association with a code that has been designated as exceptionally reserved by the ISO 3166 maintenance

agency. The original question was some Work Track members have stated that an exceptionally reserved list does not exist under the ISO 3166 standard, and therefore it is unclear what this provision references. Do you agree or disagree? Please explain. So, we now know that that's actually incorrect, and Jaap has clarified that. They may not be officially designated code points, but they are listed under the 3166 standards, so it's a bit of a technical point, as I understand it. And there was a comment from Nick, that perhaps we want to ask -- rather than asking as a question, put in the recommendations that we're recommending that the provision be clarified. And I think if that is the case, that the recommendation is adjusted and the work track request clarification, I think it's important to understanding what is unclear about the provision that needs to be changed, because upon clarifying with GDD staff, it does sound like the language of the provision was implemented as it's stated, essentially, that any code point in that list, regardless of whether it was a country or territory name, had as a reservation any of its short- or long-form names. So, if there was a short- or long-form name associated with the code, that was reserved, essentially.

Martin Sutton: So, it could be like United Nations or United Kingdom.

Emily Barabas: Right, so -- exactly. So, if the code UN is on the list, which it is, then United Nations, the short-form version, is reserved. I think the Work Track needs to decide is there a different question we want to be asking about this category, is there an adjustment to the recommendation, are there alternatives that people want to be proposing at this stage, and so forth. And I think that some of the issues that Jaap raised are now reflected in the deliberation section. But, if there's anything else that we want to do with respect to this issue, it's not too late to put that in. Thanks.

Martin Sutton: Thanks, Emily. So, as Emily mentioned there, we've incorporated those exchanges and clarifications into the deliberation section, but does it impact them, any of the preliminary recommendations? Does anybody feel -- or are we happy to proceed? So, sorry. Which part are we on here, Emily, that relates directly to these exceptionally reserved names?

Emily Barabas: Hey, Martin, this is Emily from staff. So, this is deleted question E-8 on the side there. This is the question that was deleted. And I'll scroll up actually, because Nick Wenban-Smith added a comment, sort of making an updated suggestion for the recommendation related to this process.

Martin Sutton: Right.

Emily Barabas: And I will pull that up so that we can take a look at that, as well. Just a minute. And I see Alan has his hand up. So, while I'm scrolling, maybe Alan can pitch in.

Martin Sutton: Please, Alan, go ahead.

- Alan Greenberg: Yes, thank you. And maybe the scrolling will help. I'm thoroughly confused at this point. Can someone summarize what is the issue that is raised that is still relevant about whether we should maintain that clause or not? Because I'm lost at this point.
- Martin Sutton: So, Alan, sorry. The issue was that we had a question listed that didn't -- I can't remember the full text of the question now -- but posed out to the community, which we were uncomfortable with issuing out, as it was. We didn't quite understand the detailed elements and sought clarification. There's been some exchanges on the e-mail list, where the exceptional reserve list has been posted, and we've clarified what some of the meanings were that Jaap has provided.
- As a result, we've essentially removed the question, so that's it in simple terms. But there were some other suggestions that have come through on the e-mail list, which I'm assuming we can now look at on here. And apologies. This is all a bit on the fly in terms of a lot of the comments coming in in the last sort of 24 hours. And so, we're just trying to cover these as best as we can whilst we've got the opportunity, and hopefully we can update any changes that we think are relevant then.
- So, Emily, sorry, I'm still confused here as to what I'm looking at and reading from.
- Alan Greenberg: Yes, it's Alan. If I may for a moment, my understanding was what you just said, that someone said the list doesn't exist there, so we shouldn't make reference to it. We've demonstrated the list does exist and there are short- and long-term names. So, the question is, is there still anything to discuss? And you said there's some new questions have been raised, so I guess we should look at them.
- Emily Barabas: Hi, Martin. I can hop in here if you like. This is Emily from staff. So, I've just put into chat some text that's been added to page 52 of the deliberations that clarify some of the points that Jaap has raised. So, here are the sort of issues or concerns that he's raised. And whether or not these are problems to solve I think is for the Work Track to determine, but he says that the codes on this list are not officially reserved code points, unlike the alpha-2 and alpha-3 codes, although the data is available about these codes, and they are indeed exceptionally reserved by the maintenance agency. He states that the list may be out of date and may require updating by ISO. He notes that not all exceptionally reserved codes have a short- and long-form name associated with them, so some of them are just codes with two letters and don't actually have a name. And if that's the case, if there's no name, then there's nothing reserved with respect to them.
- And some exceptionally reserved codes do not refer to a country or territory, for example the U.S. for the United Nations. And finally, some places that have more than one code associated with their name, for example Tristanza Quana (ph) has both an assigned two-letter code and also an exceptionally reserved code. So, these are things that he flagged

us as issues he sees with the exceptionally reserved list and using it as a standard for a reserved name. I think the question for the Work Track is what does the group want to do with this feedback? Is there anything other than noting these issues that Jaap has raised in the report? Is there something that needs to change in terms of recommendations, options, or questions? So, I hope that provides a little bit more of a zoomed-out overview of where we are now. I'll leave it to you to pick up. It looks like we have some comments. Thanks.

Martin Sutton: Thanks, Emily. Susan, and then Alan.

Susan Payne: Yes, thanks, hi. It's Susan Payne. And I hope I'm understanding this correctly, and no doubt Jaap, when he reviews the transcript, will correct it if we're still misunderstanding. But it seems to me that, to the extent that Jaap is talking about two-letter codes and whether they do or don't have a short-form name associated or whether a particular country has more one two-letter code, it doesn't seem to me, personally, that that really matters, because we've got all two-letter codes reserved anyway. But it does seem to me that perhaps the question is now raised by this in relation to an exceptionally reserved code that doesn't actually refer to a country or territory. So, Jaap has given us the example of the United Nations. And obviously, the WEN (ph) code is first because it's a two-letter code, and it may be appropriate that United Nations is also a reserve term and continues to be reserved.

But it at least raises a question of whether that should be the case, or at the very least whether we ought to seek input on the possibility of allowing the United Nations to come to ICANN and say it was reserved, but we would like to use it. Please delegate it to us. And that option doesn't exist with the country names. They're reserved, and there isn't that option to release them even to the country. But it seems to me, when we're not talking about a country name, should we be at least building in the possibility that the UN might want to operate. unitednations?

Martin Sutton: Thanks, Susan. In terms of UN, I'm not too sure. How does that differ to EU, which is already -- I know it was prior to new gTLDs, but perhaps your question on top of that, that is EU -- I mean U.K. was already out there, but that does mean that United Kingdom is protected, as well, based on the fact that it's the name associated with it. Keep thinking through that. Alan?

Alan Greenberg: Yes, thank you. I guess we're making something big out of this that I don't really see it needs. We have the case of EU that we are -- we treat it as a ccTLD. It is not subject to gTLD rules. And so, we are effectively saying that things that are reserved as two-letter codes could be used as ccTLDs, and maybe there's a procedure to do that if it's not a country code, not really a country or a territory. That's not our job. In terms of the longer names, that is our job, and all thought I agree that if United Nations is indeed a longer short-form of UN, that it might be nice -- we have established a rule saying countries cannot apply for their full name, and I don't see the need to spend a lot of time on one or two edge cases that

seem to fall nicely under the existing rules we have. And yes, should there every be a problem, we may need to revisit it, but I'm not sure we need to complicate our lives right now by revisiting that today. And I think the global rule we have for how to treat entries within the two-letter code points, whether they're exceptionally reserved or are indeed countries or territories, can just be left alone. And it doesn't seem like something we have -- doesn't seem like we have a problem today that we need to fix, so let's spend our time on the things that we need to fix. Thank you.

Martin Sutton: Thank you. I've got Emily, and then Paul. Emily? Maybe not. Must have been an old hand. Paul?

Paul McGrady: Thanks, Paul McGrady for the record. I wanted to take the opportunity to agree with Alan. I think that basically what we have to do is decide do we want to dig into this list and pick off the handful of little things that maybe we don't fit the idea, or do we want to leave it alone, keeping in mind that there's more than one way for ICANN to delegate a TLD. This program is one program. Obviously, the ccTLDs have their own way of getting delegated as they -- countries change their name or new countries are formed, or whatever. I suspect that the United Nations, if they wanted the .unitednations, they might not want to take part in the new GTLDs program, but would find some other way to get it done. The mysterious delegation of .onion is another example of -- that ICANN seems to have all kinds of ways besides this program to get things into the root that it wants in. So, I would suggest, like Alan said, that let's -- this is way down at the molecular level. We didn't really seem to have a problem with the way it was written in the last round, and with so much more to do, I suggest we live with the mystery and move on. Thanks.

Martin Sutton: Thanks, Paul. Emily, I think if we could capture some of that context to add to the deliberation section, that would round that off. So, I don't think we need to -- well, one, we've removed a question, so that's okay, and then we can add that into deliberations. But I think it's very reasonable for us to move on. Points noted. Thank you.

Okay. So, Emily, remind me, could you -- is it worthwhile now just running through and picking out any of the sort of more substantive comments that we may have been able to apply to the document thus far? And then we could focus on those for remainder of this call?

Emily Barabas: Hi, Martin, this is Emily from staff. So I think, yes, why don't we begin at the beginning, and substantive comments are highlighted in yellow. So, I'll just start at the beginning and see how far we make it, and then we can discuss where we want to go from here in terms of if we have additional substantive comments that we need to go through at this stage. Would you like me to just start at the top?

Martin Sutton: And I'd like -- yes, okay. And Alexander posted in -- hopefully we'll get to that as well later now, but if not, we can have a look at posting that into the set of drawbacks listed with the item that we discussed earlier. Okay.

Emily Barabas: Sure thing. We'll make sure to capture that. So, beginning at the beginning, there are mostly sort of non-substantive comments. I'll go through them quite quickly. There are a couple comments from Greg just clarifying some of the parentheticals on the first page and in the preamble, noting that there's still a fair amount of divergence. And so, rather than just focusing on the recommendations, highlighting that there are potential options for recommendations and in some cases preliminary recommendations, so I don't think any of that is terribly controversial.

The next set of edits, again, just sort of highlight that there are potential options for recommendations, and there will be additional deliberation that takes place. And I think the next set is a few pages long, so let's just keep going. Yes. Next set of edits were suggested that Greg made a couple of text edit suggestions to page 12 describing some of the history and statistics of the 2012 round. Again, I don't think any of that's terribly controversial, so I'm going to just keep scrolling, if that's okay.

Okay. Preliminary recommendation two. So, here, Greg suggested that he add -- he suggested adding some or all to a sentence. Let's see, it's not very clear from what (inaudible), sorry. Okay, so the original sentence reads, "As described in recommendations 10 to 13, the Work Track recommends, or until decided otherwise, requiring applications for certain strings at the top level to be accompanied by documentation of support or non-objection from the relevant governments or public authorities. And he suggests editing it to requiring some or all applications. So, I think that's also probably not a terribly substantive edit, but I highlighted it in yellow here just because it is a change to a preliminary recommendation, so that would be something that people would just want to look at closely in case they do have concerns about it.

Preliminary recommendation three, they have a comment from Greg stating that he does not support -- I'll just read this out. He says he does not support this as a reserved list. Rather, it should be subject to intended use exclusion. These are not ccTLDs, nor is there any reason to believe they will be used as such on the foreseeable future. So, this is a pretty long substantive comment about preliminary recommendation three, and then sort of whether this should go forward as a recommendation. So, I guess at this point, the question is do we want to just -- I doubt people have had time to read through these types of comments. Do we want to try to talk through them? Do we want to give people more time to read and digest some of this feedback? Or just kind of highlight that this is an outstanding issue, and then keep going and come back to it when people have had a chance to think about it some more.

Martin Sutton: Emily, it's Martin here. I think this one we can probably clear relatively quickly in that this is probably going to need to be a comment in response to the initial report. Again, in terms of changing the substance of the preliminary recommendations from what we have had develop from within the group. But this stage I think is viable, so I think it's more of a comment that he's got a note, would be posted separately in the public

comment period. Does anybody disagree with that, or suggest otherwise?

All right. I see some other comments in here, so I've missed these. So, we've got some other things. Emily, as we go along (ph), if we just checkpoint question E-8, deleted under David's question there, we'll just cover that off briefly when we run through that. And Susan, against United Nations. Right. I think it might be difficult to go deeply into this, Susan, but again, this might be something that is worthwhile, considering for any comments being applied as a response to the initial report rather than something that we could now deliberate on and dissect for the initial report of location.

If you think otherwise, please raise your hand, or anybody else. But otherwise, I think that those seem to be now something that we would have to expect in responses to the initial report. And thanks, Marita. Okay, point noted. Okay. Oh, good point, yes. Marita, are we referring to the same comment, under 8.2.2 listed there at the moment, or is it previous one? Hi, Marita, yes, please go ahead.

Marita Moll:

Sorry, yes. I was trying to type my response in. This is getting really confusing. I can't scroll back, so by the time I've made a comment, I don't know which one I was commenting in. I just find your previous point, Martin, that this is not really the right place to start changing these things on a last-minute comment coming in at the 11th hour. I think people need a chance to look at some stuff. With just substantive changes, it shouldn't really go to the public comment process. And so, yes, I didn't think that -- thank you for scrolling -- that some or all comments at A.13, Greg suggested adding "some or all." I don't think we should do that. And I'm not sure about A.22 either. It just -- I don't think I'm the only one who has some reservations about opening this stuff up again at this point before we've had a chance to talk about it. Thank you.

Martin Sutton:

Thanks, Marita. I think that the previous one -- so A.13, sorry, we might need just to scroll down a little bit further to see the relevant text. So, this is saying, as described in recommendations 2 to 9, the work track recommends, unless or until decided otherwise, maintaining the reservation of certain strings at the top level in upcoming processes to delegate new gTLDs. Now, described in recommendations 10 to 13 the work track recommends (inaudible) decided -- sorry, can we just check what 10 and 13 relate to? Because I think if they -- what I think he's trying to stipulate here is that 10 to 13 doesn't require in all circumstances for support or non-objection letters. So, I think what his suggestion here is an edit to clarify that this is for requiring some or all applications for certain strings.

If we go to 10 to 13, if we can quickly scroll through that, that would be a useful check, because I'm not sure. Emily?

Martin Sutton:

Thanks, Martin. I can talk faster than I can type. So, 10 to 13 refer to categories of strings that require, in some or all cases, consent or non-

objection, or support or non-objection, excuse me. So, in some of those categories, it's always the case that support or non-objection is required, but at least in the current AGB and the current formulation of the recommendations, support or non-objection is sometimes required in the case of city names, specifically this is the intended use provision. So, I think he's just clarifying that it is sometimes the case that -- right, some applications require that support or non-objection, and in some cases all do. So, I don't think he's changing the meaning of it. I think it's just a point of clarification, but that's my understanding of his suggestion. Thanks.

Martin Sutton: That was my interpretation too, Emily. So, I didn't regard that as a substantive comment, and it wasn't changing anything that is included further into 10 of 13. It really just means it's -- clarifies essentially what is posted later on. So, I wouldn't suggest that one is substantive. I would agree, Marita, that A.22 at the bottom of the page showing here, is more of a point that would change the recommendation and would be substantive, and that really is something that we would expect people now to post as a comment in response to the initial report.

Okay, Alan, thanks very much, alternative areas (ph) as applicable in the -- to replace the 8.13 amendment that was proposed. Okay. I think we can take that as a good suggestion. And perhaps -- and once we've updated this and sent it out, some of those changes that we're -- we don't feel are substantive, we'll be able to review that.

Emily Barabas: Thanks, Martin. This is Emily Barabas from staff. So, we're now moving on to preliminary recommendation six. We've talked quite a bit about this, so I think -- I don't think there's much else we need to discuss here. It sounds like we have a path forward for that that will continue to move forward.

Martin Sutton: So, in the meantime then, we've got a question from John Rodriguez regarding consensus calls versus language in here, such as "Work Track recommends." Work Track is -- just for clarification, John, the Work Track is not the full working group. So, there has -- and it's covered off at the beginning of the report just the same way as Work Tracks 1 to 4 have been done, as well, articulating that these are recommendations, or preliminary recommendations, which have not undertaken any consensus calls at this stage with the full working group.

So, we have caveated all of this upfront within the report just to clarify. I hope that's okay. He's typing, so we'll -- okay. Thanks, John. Emily, if you can run through this one?

Emily Barabas: Thanks, Martin. This is Emily from staff. We're on page 18 now. And this is some suggestions from Greg regarding preliminary recommendation 13. So, he notes that -- he says this resource is no longer known by this name. So, just to back up for a second, the text of a preliminary recommendation in that bullet there is directly taken from the 2012 AGB in terms of the provision. And he states that this resource is

no longer known by this name. The hard copy has not been published since 1999, and the online version does not use this name. Nonetheless, it seems people, but not the UN, so far as I can tell, still use it out of force of habit. Using this title also creates an ambiguity, since the list now includes intermediary regions, which are part of sub-regions. I suggest adding intermediary regions explicitly to avoid future disputes.

And then, he suggests changing the text of this bullet to state, rather than an application per string, list it as UNESCO region or appearing on the composition of macro-geographical continental regions, geographical sub-regions, and selected economic and other groupings. He suggests using the text and application for a string listed as a UNESCO Rrgion or appearing as a geographic region -- sub-region, intermediary region, or other grouping on the standard country or area codes for statistical use lists maintained by the United Nations Statistical Commission and commonly referred to as the M-49 standards. And he provided an alternate link there.

So, this is something that staff hasn't had a chance to process or research at all, so I don't know if there are any initial thoughts or reactions to this. But it certainly is a change to the recommendation, so it's something that needs to be reviewed. Thanks.

- Martin Sutton: Yes, so I think that's going to be the first time many have read that element, so I think, first, anything that we may draw out as substantive like this one, particularly for preliminary recommendations, we'll need to pull out and ask for any -- or if we could just -- actually, Emily, if we could take that out and just think of putting in relevant word -- proposed wording and issuing that as it is acceptable amendment so that the wider group has a chance to have a look at that. I think that will be helpful, and to coincide with all responses back by Friday, as with any other remaining points.
- Emily Barabas: Thanks, Martin. We'll circulate an e-mail with Greg's suggestion and explanation and see if others have any feedback on that.
- Martin Sutton: I mean, when I read that through there, it doesn't seem to be changing the real core element of that recommendation, or the -- it seems to be updating it with relevant terminology and text. And there was one category that it incorporates now, so it seems as if it brings it more to a modern, up-to-date reference point. But I would need to check that, as well. I'm not clear on all of those terms that have been created there.
- Emily Barabas: Okay. So, on page 20, the next comment is with respect to a question for community input, E-2. And Greg suggested adding a sentence or a question, "Is geographic name the proper term to use," and his comment on that was, "I think we need to ask this question, this very use of the terms creates issues versus EG term with geographic meaning, since it creates the impression that the strings in question are uniquely a geographic name. So, that's an item for discussion.

Martin Sutton: I'm not sure I really get that. I'll open it up for anybody that might have a comment regarding that, but again, now we're into -- this is deliberation section, is it? Sorry, Emily, could you just clarify this deliberation section we've moved into?

Emily Barabas: This is the questions for community input section. And this was -- there was a series of questions about the term "geographic name" and how it should be defined. And Greg is suggesting adding an additional question, whether the term "geographic name" is the proper term to use in referring to the subject matter I guess of this Work Track and the applicable provisions in the AGB. I think what he's saying here, although I don't want to speak for him, is that if you use the term geographic names, it assumes that any connotation of that string -- its geographic name essentially, regardless of whether the string is being used in other contexts, where the term with geographic meaning could also be a term with other meanings, and therefore I think it's getting at sort of the question of intended use and that different people have different interpretations of that.

So, I don't know that there's any harm in adding an additional question, is the term "geographic name" a proper term to use, because it's just another question for others to respond to.

Martin Sutton: (Inaudible) noise. Okay. Thanks for tuning out there. So, Alexander, (inaudible)?

Alexander Schubert: Yes. It's Alexander. Well, on the one hand, it seems to make sense. Those questions seems to make sense. On the other hand, it could change the entire mission of our Work Track if we are now starting to change the term geographic -- what was the term? It was geographic name.

Martin Sutton: Yes, name.

Alexander Schubert: Yes. So, I mean, and just to ask, is this the right term or not?

(Audio Gap)

Martin Sutton: Okay, that's unusual. Can everybody hear me still okay, or--?

Alan Greenberg: --I can hear you.

Martin Sutton: Thanks, Alan. Okay. Well, we're actually drawing very close to end of time, so I don't think there's any further point in going through additional points here on the call. What I would say is that, as quickly as the comments are coming in at the moment, we're trying to add those in, and can push those out to the group. Emily, I think we'll need to work on a suitable response to some of the comments that have already come in. And based on the conversations today, to see if we can make any adjustments before sending the latest version out. But we do need

responses back in by the Friday of this week to stay on course so that we can deliver the initial report.

So, I do want to thank you all for all your efforts to go through the report, contribute to that, to challenge it so that we've got something that we are, as a group, happy to put out for public comment. So, do appreciate that. We're almost there, so it's a bit milestone for us to get to the initial report publication. Thank you for that. No doubt there'll be lots more work after that point in time, but the main focus now is to complete any final adjustments that we need to to the text, and then we'll be looking to move that out in the coming week.

So, Alan, I've got a hand up from you, and I think we'll have to close on that, so over to you.

Alan Greenberg: Yes. Just a quick comment. I appreciate all the work that you and Emily are doing to push to get these changes integrated. If I could ask that, immediately before a meeting, if we have a new version, that it be sent out via e-mail so we can look at our private versions and not be constrained to the small Adobe Connect screen.

Martin Sutton: Indeed. Yes, point taken, and apologies for that. It's just trying to change it around as the comments are coming through.

Alan Greenberg: Understood.

Martin Sutton: So, you are short on time for this one. Okay. Well, thanks very much, everybody, for your input today. Really appreciate that, and enjoy the rest of your day or evening.

Alan Greenberg: Thanks. Productive call. Bye-bye.

Martin Sutton: Bye.

Unidentified Participant: Thanks, everyone.

Unidentified Participant: (Inaudible.)

Andrea: Thank you. This concludes today's conference. Please remember to disconnect all lines, and have a wonderful rest of your day.