

**ICANN  
Transcription  
New gTLD Subsequent Procedures PDP WG Work Track 5  
(Geographic Names at the top-level)  
Wednesday, 22 August 2018 at 20:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gns0/gns0-new-gtld-subsequent-track5-22aug18-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p26oygckkoi/>  
Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/5Q9pBQ>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gns0.icann.org/en/group-activities/calendar>

Julie: Great. Thank you so much. Okay, well, good morning, good afternoon, good evening, everyone. Welcome to the new gTLD subsequent procedures sub team Track 5, geographic names at the top level, call on Wednesday, the 22nd of August, 2018. In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect room. If you're only on the audio bridge at this time, would you please let yourself be known now?

Okay, hearing no names, I would like to remind all participants to please state your name before speaking for the transcription and recording purposes. And please keep your phones and microphones on mute when not speaking to avoid any background noise. And with this, I will turn it over to Annebeth Lange. Please begin.

Annebeth Lange: Thank you, Julie. And welcome, everyone. I think we'll just start with going through the agenda. So if you could just pull out the agenda on the slides that would be fine. So before we start this short review of the agenda, we have welcome and the stages of the draft recommendations of the two-letter ASCII strings and country and territory names. Then we will go to the non-AGB terms and then the other business.

So today's plan is to go through this and use most of the time on the non-AGB terms. Are there any changes in the statements of interest? I hear none. So then we go on to the next slide, please?

So before we go through the draft recommendations, a few words about the process. The co-chairs sensed some concern after the last meeting when we

went through the consensus process that the timelines are too aggressive and that work track members still have perspectives to share. The background for the presentation in the last meeting was first and foremost to explain the consensus process in more detail, especially for those stakeholders not used to this process.

However, in response to your concerns, we proposed an adjusted plan. So we will defer any consensus calls until after the initial report is published and the work track has had an opportunity to review public comments. We will include preliminary recommendations in the initial report based on best (ph) assessment of the group's perspective, making clear in the report that consensus calls were not taken. This approach follows the approach used for the full working group initial report, which is currently out for public comments. And we hope that the advantages of this will help avoid the group feeling locked into recommendations before considering public comments and provides more time for discussion in the coming months.

Next slide, please? We will give you an update on draft recommendations. Just to be clear, this is not a designation of consensus from the co-chairs. As explained in the slide where I revisited the process, the consensus calls and the co-leaders evaluation of consensus will be deferred until after the initial report is published. And there will be probably be questions to answer there as well for further discussion.

There has been active discussion on country and territory names on the mailing list, especially on the ISO 3166, the three-letter strings. But there does not yet seem to be agreement in favor of additional changes to the text. Before this meeting, the leadership team sent out a revised set of draft recommendations on two-letter ASCII strings and country and territory names, incorporating feedback that appears to have support from the group. Very little on the mailing list was new before the draft recommendations were sent out. People mostly restated arguments and positions that have been previously been presented. But however, the mail keeps coming on and new feedback on the revised recommendations is welcome on the mailing list.

It is time to get all relevant opinions on the table, so we can move on. Greg Shatan sent out some new thoughts just before the meeting started today, worthwhile looking into and discuss further on, on the mailing list.

So the summary of the changes we have done is mostly that we have revised the summary introductory text at the beginning of this document to clarify purpose and provide context. We have clarified in each of the recommendations that the recommendation applies to the top level only. There's still some confusion there. Noting that there is not yet agreement on preservation of translations, remove the element from the recommendations and added it as a question for community interest to include in the initial report. Revised recommendation seven to clarify the text following feedback on the mailing list and pulled the text the ICANN community may want to consider after the recommendation 22A, and added a pared down recommendation nine focused only on the scope of work for the PTP.

So we had hoped that this meeting should concentrate first and foremost on the non-AGB and we really encourage you to continue the discussion on these draft recommendations on the mailing list if you have new arguments to present. So if there any specific questions or comments on this, we will take them now and then Olga will take over as the co-lead and discuss the non-AGB elements. Thank you.

Olga, you have your hand up already.

Olga Cavalli:

Yeah, thank you. Thank you very much. Thank you all of you for being with us and good afternoon from me; very, very (inaudible). And good morning, good evening, good afternoon for all of you. I would like to comment something that it was kind of a nice experience sometimes to have time and participate in the regional RALO call of the ALAC. And Javier did a great job in explaining our work and updating. And it is important for the community to know that these changes in agreeing or decision making or consensus or whatever how you want to call it; we have to remember this is a GNSO PDP process. Whether there has been this great idea of organizing this work or carving a kind of multi-stakeholder period at the end; there are some processes that we have to follow. And that was important to state in that call.

And I think that the changes that we have agreed to do are important for giving the chances to all members of the community and all SOs and SGs to take a look to review. I encourage all of you to take your time, especially those colleagues from governments. Whichever your position is, take the time and give us your comments and your opinions. This is very important, especially in this stage of the evolution of the document. So this is what I wanted to let you know before moving on. I don't know if there are other comments, questions? Let me check here the chat if there is anything interesting.

Thank you, Cheryl for thanking us. And okay, so, I see my hand is an old hand. So I will write it down. And Christopher, please go ahead. The floor is yours.

Christopher:

Thank you, good evening, everybody. May I say that I regret that in the recommendations the staff has proposed to the delete the ICANN community's (inaudible), without the work stack proposing a specific way in which these strings can be delegated. It's quite clear to me that the only basis on which this is being proposed to everyone on the list, the only basis on which the ISO 3166 strings, all of them, can be delegated is on the basis of agreement with the government or other authority concerned. And as long as there are methods of which we're (inaudible) who I regret to say pursue a fantasy that these things will one day land in the zone of open discussions; the best solution is indeed to reverse them definitively. It's a shame. So I don't say they're valuable. I don't believe given the poor results of the previous round, I don't believe any of these strings are valuable in any significant sense. But I think that they're useful provided they're used by the theoretical entities for which they have been designated. I've posted on the list my views about this, about the (inaudible) standard. Thank you.

Olga Cavalli:

Thank you, very much, Christopher. I personally had some difficulties in-- I got your voice, but there was a lot of noise in the line. I think I understood that you

made this comment in the list. So I will personally try to find them and capture your comments and include them in the document. Honestly, I didn't get all those comments that you made recently when you talked. My apologies for that. Maybe you can write something in chat and that will be easier for me.

Any other comments? I'm trying to check the chat. I'm trying to find-- I continue-- okay. So let's go to the non-AGB that you recognize or whatever you want to call them. Can we change to the next slide, please? So non-AGB terms and we had some questions in the back list today previous to this call and there was a question if this was not the scope of the work track 5. And the scope of the work track 5 is geographic terms. In general, this is what we have in working with what happens with the two-letter codes, with the three-letter codes, and also with cities which are not capital cities that has taken considerable time in our list and in our calls, which is necessary to discuss and to review all the different perspectives.

And the issue about non-AGB terms has been mentioned but not-- we have not gone into detail. So the idea from now on is to go into details about this issue. What does non-AGB term mean? Those geographic terms which were considered as geographic terms for some of us in the community or for some countries or for some communities; which were not part of the list included in the Applicant Guidebook. So that made a universe of about 5,000 names that were somehow protected or somehow not available for registration. But it happened to be some names which had geographic significance or community significance that were requested as TLDs and then some conflicts were present after the first round. So this is I would say not the most difficult part of our job. But I think it's the one with more diversity in respect of which kind of name, which is the origin of the name, which is the meaning for the community. So this perhaps is a little bit more challenging from what we have been talking until now.

So this is the non-AGB terms. So the scope of the work track members, we have seen that there should be additional protections in the next round. So certain kinds of terms that were not included in this universe of lists that I just mentioned before. So the work track has previously discussed several principles that may apply. And the program should allow eventually for the introduction of these new gTLDs. But the idea is to avoid conflicts and have predictability for both parties, and also for ICANN; so for the applicant, for the community eventually involved, or the country or whoever it is; and also for ICANN as having a predictable process for all the parties. So this is the idea.

So having said that, I have some questions for you and for debating (ph) with you and having your input. So what are the problems that we are trying to solve? Some examples, we have stated some examples here. I may give you some. Perhaps it could be good if we can compile and have a list from you of all the different examples that you have in mind. It doesn't have to be today. We can share more information in the list.

Cases referred from the 2012 round were different. The parties had different perspectives on whether a term was geographic in nature, resulted in uncertainty and increased cost. For example, (inaudible) for GDC (ph) question mark. Then Amazon and Patagonia; what are the specific problems here or otherwise? For

example, problems in the Applicant Guidebook itself (inaudible) to the Applicant Guidebook, lack of clarity around GAC advice, et cetera.

Just one example that would be perhaps my answer to this question, for example, Patagonia is a region comprised by six states or provinces of my country. But it is not included in any of these lists that are listed in the Applicant Guidebook. So this was a lack of clarity for those applying for the string. And for the country, it was a surprise, because we thought that everyone knew that Patagonia is a region of Argentina and Chile. So that lack of clarity in the process brought this conflict.

And another question, how could this problem be addressed or mitigated in the future? And I will go to some ideas that we have been talking for quite a long time within the GAC and for some time here in the group. Can we go to the next slide, please, before I give the floor to all of you?

So other questions for you; should additional types of strings have special treatment in the Applicant Guidebook? Which ones? On what basis? For example, names that are relevant for some communities which are not necessarily a region or a sub-region or a river. Can the scope of the category be effectively established and limited? How can we define these boundaries? How can these categories be defined? If we don't define them, why not having them? And as opposed to prevent a (inaudible) experience, would any changes to objections post delegation make a significant (inaudible) to mitigate issues?

That, let me tell you that in the first round, the experience that we had from the government, their perspective was that the objections were quite difficult. It was extremely expensive and it (inaudible) and I think in the international chamber of commerce, in Paris and English. So our country followed the process and we could present an objection. But let me tell you that for most of the countries that are not following closely on what happens in ICANN or has not even participated in ICANN, this type of objection perhaps should be articulated in a different way.

So let's go to the next point, categories previously mentioned. For example, geographic features such as mountains and rivers. How can we define them? Can we prepare a group of mountains and rivers that could be considered? Should national and regional terms not included in the 2012 Applicant Guidebook, what are some examples of names included in these proposed categories? Non-ASCII geographic terms not included in the Applicant Guidebook, what are some examples we hear? And important note, there have been several requests to include in our revision geographical indicators. That will be addressed as a separate issue and not as a non-AGB term. So we will keep that for the near future, after we discuss all these questions with you.

And before giving the floor to you, let me talk to you a little bit more. If we can go to the next slide, please? So as you know, in the internal group we had in the GAC we had been discussing this for a while. And many of the meetings were open to the community. And some of these ideas were raised and were debated, and also the work (inaudible) last year that I found very interesting. And some of us returned to some of these ideas there.

So I will summarize them somehow, so you have them in mind. Some proposed to have an advisory panel. Since this panel would provide advice about applicants, what can they do, who should they contact to assist and identify if a string is related to a geographic term as well as any applicable governments or public authorities. So this advisory panel would be a reference for those applicants. So that would allow them to be more secure in knowing if there is any conflict in the future with that string. It could be a new panel or additional responsibility for GNS (ph) panel.

The role of the GAC that members could give input on some geographic specificities. So the GAC could prepare a document, a table, or a living document, or a platform they could input some information that could be perhaps useful for the applicants, and so can leverage the expertise of some GAC members to help applicants determine if a string is related to a geographic term and which government or public authorities would be applicable. In my experience, part of the conflict that we had in the first round were because the governments were not consulted. Perhaps if the governments were consulted before applying for the string, perhaps at least agreement could have been achieved and everything could have been worked fine. So this input from GAC members and the advisory panel could help for achieving that.

And a long-standing idea that was back and forth, a repository of geographic names. Some people think it's expensive. Some people think it's very complicated to maintain and to have it. But some of us think that it could be a reference. We don't know if it's possible or not or how to maintain, who will input the information into the report authority. So that's something that has been presented as an idea.

And the last slide before I give the floor to you, please, can we go to the next slide? So some research that could be done by the applicants, by the applications; if they can demonstrate that they have researched and they have not found any reference to this name related with geographic sensitivities or community sensitivities. Applicant construct requirement if they applied for a string with a geographic term, the applicant is required to contact with the relevant government authority. This idea has been also discussed. Some doubts about who is the relevant government and authority and how to reach them. Not all the countries are active in ICANN. So that's another idea.

A support on non-exception requirement for non-AFB term, a letter for example for giving an okay for additional type of term. And mediation related to support non-objection letter, if a government support non-objection is required for certain applications, provide mediation services to assist if the applicant disagrees with the response received by a government or public authority. But it's interesting that in this case the applicant has shown them desire or the will to contact the authorities. And finally support and non-objection deadline in any circumstance where a letter of support non-objection is required from a relevant government authority establish a deadline by which the government must respond to their request. If no response is received, it is taken as non-objection. Basically this here--

- Annebeth Lange: It's Annebeth here, Olga. Can I just get a word? I think there is a quite a lot of people that want to cut in here. And it's a little too much text in a way. So I think perhaps we should go back one slide and let the people ask if-- just get their comments before we go on. So both Greg and Susan (ph) have their hands up.
- Olga Cavalli: Yeah. My idea was to present all the information and this is exactly the slide where I want to start receiving your comments and apologies for giving all this information. I think we all have this in mind. But I wanted for you to have a full picture of the different possibilities before giving the floor to you. Thank you very much in advance for pointing this out. So the floor is yours, Greg. Go ahead.
- Greg Shatan: Thank you. It's Greg Shatan, for the record. Frankly, I think there's a whole discussion that needs to be had before getting to any of these proposals. The full presentation seems to presume that there's a problem or that there's a problem of a certain type. It does not take into account the fact that the problem may well be one that is quite different, which is overreach by those who believe that because a term has a geographic meaning that it somehow needs some form of a proposal attached to it. One of the things that we need to discuss before we discuss any of these proposals is what, if any, other terms should receive any kind of special treatment? And if we're going to get any, the term AGB, non-AGB termed as a lump, is ridiculous.
- It's everything from a continent to a wide spot in the road or the name of a shrub. So this is really kind of-- it seems like this discussion has been captured a little bit. I thought it was interesting that examples were given of only one side when a problem was discussed and not the other side. Nobody's here to speak for Patagonia, the corporation, because they withdrew in disgust. But let's keep in mind that there's more than one side to that story. So of course the chair should be speaking from a neutral position. So I hope that will be more carefully followed in the future.
- So I don't think we need to discuss these proposals. I think there's a missing slide here in a sense, which is, is there a problem at all. And what is the problem? And what are we going to attach this problem to? As was said by several people in the chat, it's a problem that could be described as one of overreach or entitlement. I think one of the very important proposals we need to consider is to define once and for all that there are terms that are-- even if they have geographic significance, are not going to be given any special privilege or protection. That would be a cloudy-- that would have been reached. As a matter of fact, the Applicant Guidebook did not extend any such special protections. So maybe it was quite clear. The AGB was quite clear, just some people didn't like it. Now they're trying to change it. And that's fine. That's what we're here to discuss. But let's have the discussion from that point on and not from the point that's been set out. Thank you.
- Olga Cavalli: Greg, let me respectfully disagree with you. I just mentioned an example. And I think it's probably known. And this is where we requesting examples. And let me tell you that the representatives of all the applicants can participate in the calls. And I think they are-- (technical difficulty) and also is the AGB, Applicant Guidebook was really clear we wouldn't have any conflicts.

Christopher, the floor is yours.

Greg Shatan: Olga, can you put a specifier? Are you saying that in your role as a neutral chair or as a representative for a particular point of view? I'm a little concerned here that the hat either coming on and off, or you are failing to stay in the role of a neutral facilitator, as opposed to someone-- you should not be disagreeing with me. You should not be having an opinion as the chair. Thank you very much.

Olga Cavalli: I have opinion, of course. I am chair and I have opinion. I think the Applicant Guidebook has some-- can I talk? I think the Applicant Guidebook had some difficulties because there are conflicts and this is a fact. Patagonia is an example. It's a fact. And I can give you many others. So I don't think that I am prevented to express some information that is publically available that is known by everyone. And that is information that we all know and it's very important for this process and we are all here to let our opinions known. So I don't think there is a problem that I'm saying there were problems in the first round.

Christopher, the floor is yours.

Christopher Wilkinson: Good evening, Christopher Wilkinson for the record. Two points, just thank you. There was a little red line in an earlier slide to say that geographical indications should be treated separately. Let me say I fundamentally agree from the point of view of users of the geographical indications and that they are basically an aspect of intellectual property and should be treated as such. I don't think there's any serious (inaudible) between a geographical indication and the brand or a trademark, at least at the level of ICANN's policies. So I fundamentally agree that they should be treated separately from other geographical terms. That being said, I regret here we are in late August and nobody has got around to producing a quality statement on geographical indications. This will be a big problem for the new round, if it's not solved soon.

Regarding the subject of this discussion, Jeff Neuman asked me in a chat a few weeks ago, do you think that all geographical names should be protected. And I answered in an email, yes, as long as there are people on this WT side who think that people in the communities who would in the places that are named by geographical terms have no rights to them, then my position is that all geographical terms are protected and reserved. I accept that there is what Greg would describe as an extreme if not illegal position. That's my position. I'm quite prepared to negotiate terms and conditions for the release of geographical terms. But as long as some of our members think that they can get through this group the idea that there are no rights, then I think there are absolute rights. I think in 50 to 100 years' term, as long as you can't agree on this, don't delegate any of those names and wait until the people concerned need them. Thank you.

Olga Cavalli: Thank you very much, Christopher. Kavouss, your hand it up, welcome.

Kavouss Arasteh: Yes. Good morning, good afternoon, and good evening. First, a point of procedures. Olga, you and other co-chair, you have the right to comment on your own position and you also are the co-chair in order to facilitate discussions. Those people who criticize you, when they chaired the meeting, they consistently expressed their own personal views using the microphone as a chair. And now

they criticize you. I can give example of many of the chairs that they spend hours and minutes and so on and so forth monopolizing microphones and expressing their own personal view as a co-chair or as a chair. So you have the right to do that. The only thing you could say that in a capacity of participant, and express your views and this is expected. Then you change your hat and say, in the capacity of co-chair.

David McAuley is a good example of that. Many times he says that as a participant, and then says now I'll back to the chair. So I don't think that you should be criticized at all. You were very rightly (inaudible) and you have the right to give your opinions. This is point number one.

And point number two, I think the discussion is to discuss the structure. I'm not talking of soliciting that people could not give (inaudible). You are obviously co-chairs. Please kindly discuss your discussions. If the Applicant Guidebook was not clear, you have to identify which area was not clear and we have to see whether we could remedy that part. If you said that the Applicant Guidebook does not allow the government to comment, you should say why and where this was not allowed and how it was not allowed.

The third question and the last one, I'm sorry to be a little lengthy, I have raised this question several times. When the governments were consulted, was there so many areas that government objected to reply or there was very little? I think most of the time almost 95%, they collaborated and replied. So I don't understand the situation. And just on the last point, governments are just a focal point, facilitators. So anything from the government is from the people of the country. So we could not say government and governments. It's the people of the country, they authorize the government to speak on their behalf. So we should really understand that. Thank you very much. Please continue to express your own views if you have your own views in your own name of the Argentine and so and so forth. Then if you come back to the co-chair, express the views of the co-chair. Thank you.

Olga Cavalli:

Thank you, Kavouss. Thank you very much. I think I saw another hand there, Jorge, but it went away?

Okay, just to clarify, I'm just sharing with you some experiences and some information that we all know. I will refrain to any other of these examples in the future, as it seems to be problematic. Okay, so we have some questions here. And we have heard perhaps not about the questions, more about the process that we are exchanging and how we are exchanging ideas now. So perhaps if the group can kindly give us some ideas about what are the problems and how if you can give examples and if my examples are not acceptable, perhaps others can give examples. And what do you think about the questions that we have stated in these two slides, on this one and in the other one?

Okay. There is some noise in the line and perhaps someone should turn off the mic. There were comments from Christopher that I had difficulty to understand about the geographic indicators. Perhaps Christopher, you can share them in the chat, because I had some difficulties in hearing you. There was some noise on the line.

Okay. We still have time. Any other comments? Any other questions?

Then we'll go to the slide where we present the different options that we have several different members of the community have presented. No, the other one, next one. So any reactions to the three different ideas: the advisory panel, input from GAC members, or a repository of geographic names? I know that we-- about some of them, we have had several occasions to discuss and there are voices against and in favor. But perhaps we can hear more opinions about these three different options and then we can go to the next one.

Okay, if there are no comments, just have them in mind. Greg, please, go ahead.

Greg Shatan: Greg Shatan, for the record. This slide begins given the problems we have identified, what treatment/rules would be proportionate. I think that that seems to indicate that we should have some more clarity on the problems. And secondly, these proposals, the three here all refer to geographic names or geographic terms at least the first two, just refer to them as some sort of general category. As noted before, one of the main gating questions is which, if any, additional terms that have geographic significance should receive any sort of special consideration or preference of any type, and which ones shouldn't? So I think that needs to be dealt with before we really get to the idea of what proposals we would consider for those names that might be considered and the issue of whether it was appropriate or inappropriate to give protections to categories of geographic names beyond the categories that were in the AGB.

So I think that we're reaching this point prematurely, thank you.

Olga Cavalli: Greg, can I react to something, and maybe if I can clarify. So you think that there could be some terms that could be geographic but would not be protected or is it (inaudible)?

Greg Shatan: As a matter of fact, I don't think we've decided that any terms that are geographic, other than the ones in the AGB, should receive any level of additional protection. That's a discussion that we have to have before we decide what kind of protection. It might even be that the result of that discussion is that there is no list of geographic terms that's going to get any protection, in which case the discussion of specific proposals would be mute and a waste of time. So it seems that before we discuss specifics, we need to decide what the problem is and what the solution is. And definitely one of the solutions to one of the problems identified which you gave at least a partial example, is to clarify that there is no special right or privilege for a non-applicant to disrupt an application where there's a legitimate interest by the applicant in the string. But we need to get to those points first. You can't paint a wall until you decide you need to have the wall up. So let's stop discussing (inaudible). Thanks.

Olga Cavalli: Thank you, Greg. And well, the fact that we are analyzing all these different possibilities is because there were concerns in the first round and there were conflicts. So thinking that nothing has to be done, I think, perhaps we are analyzing things because we want to avoid the conflict. So perhaps this is

something that we have here to have in mind. I have Jeff (inaudible). Jeff, the floor is yours.

Jeff Neuman: Yeah, thanks. This is Jeff Neuman for the record, and just trying to help further the conversation. I had asked the staff to unlock the slides so everyone should hopefully be able to go through the slides. If we go back to slide 9 and-- or is it 8 and 9? On 8 and 9, and I know there weren't too many people that made comments. It was kind of quiet for a little bit. So the things that are on slides 8 and 9 have been identified by certain parties as being-- I'm not going to say problems. Because I know that that's kind of a loaded term. But some have identified the things that are on slides 8 and 9 as issues. Let's just call them issues.

And Greg is right in one respect to say that if you don't think (inaudible) a problem, it may not need to be a proposal to address. So one potential proposal that could be on a later slide could be that no change is needed. I don't know if that's listed as a separate proposal. I can't remember. But at the end of the day, to Greg, let's turn your question back on you. Because I think you may have reworded the question. And I think I had to reword in the chat. So there have been issues that have been identified. I'll call them issues, not problems. So the first question to Greg and to others; are these problems for which a solution-- for which we would need a solution? And then go from there.

So I think we just-- we need-- we're kind of going in a circle, because no one wanted to speak. So Greg, there have been some comments that have identified that the things that are mentioned on slides 8 and 9; do you think those are problems? If yes, explain. If no, explain. So I think it's a good discussion you kind of wanted to start. So let's go with that. Let's get different perspectives.

Olga Cavalli: Thank you, Jeff. (Inaudible)

Greg Shatan: I thought I was being asked a question, sorry.

Olga Cavalli: Do you want to answer now? Okay. Go ahead. Go ahead, Greg.

Greg Shatan: Greg Shatan for the record, just had to turn my mic back on. So I agree that there were issues that were raised by some. And the question is whether these are issues that require a solution and what solution they would require, more generally. All of these solutions fall on one side of the line, which is creating some sort of recourse or method for geographic protections. The issue may not be that. The issue may be that no special protection should be allowed. I saw mentioned of dot.Amazon in the chat. Maybe the issue was that the case that was raised against the application should not have been raised. And there was no clear indication that there was any basis within the system for that to be raised. Obviously, there's disagreement on that. But there's also not agreement on the opposite, which is that there is a problem that needs to have a forum and a cause of action, essentially that's identified in that regard.

So yes, I agree that we have to face the fact that we have differences of opinion on this and that we need to come to some sort of an understanding, if we have one. But we can't go from the point at which-- after which that discussion has

taken place and act as if we've decided that these issues require a set of discussions. One potential decision is clearly that no additional terms with geographic significance require any type of additional support, protection, preference, or the like. And we need to have that discussion. And I think it's also helpful, as Alexander has pointed out earlier that we need to break things down somewhat into siloes.

So we can't discuss every non-AGB term on an equal level. Thank you.

Olga Cavalli: Thank you, Greg, for your clarification. Kavouss, the floor is yours. Kavouss? Can you hear me?

Kavouss Arasteh: Yes, Olga. Yeah, I can hear you. I think (inaudible) should not interrupt others. I was speaking because I asked for the floor. You have given me the floor and someone came in and insulted me. I don't think this is correct. They should respect their chance. So I don't think (inaudible).

And then you have just some principles. I don't think that people should have long, long intervention on a particular subject. Let others speak. Reference was made that should we protect geographic names which are not in the Applicant Guidebook if yes, what protection. I don't understand this question. It implies that the Applicant Guidebook was perfect and addressed everything, which is not the case. So the question is not valid or was not valid. Thank you.

Olga Cavalli: Thank you, Kavouss. I would like to perhaps get your comments about a slide that I presented at the end of my first presentation. The options-- can I change the slide? Let me change? Oh, yeah. That's fantastic. So perhaps some reactions-- we had some reactions about or at least I offered this before for reactions about the advisory panel, the GAC member input, and geographic sensitivities and repository of geographic names. And if there are no more comments about that, let me show you the other slide, which is these other five different options.

Application research requirement, applicant contact requirement, support non-objection requirement for non-AGB term, mediation related to support non-objection letter, support non-objection deadline. So there have been several comments about the need or how to get support letters or if there are research requirements or perhaps your reactions about these different options could be useful for us then to move forward our work.

I'm talking about slide 11. Yes? Oh, I changed it myself. I don't know if this is for everyone. Sorry, Susan. I didn't know that you were not seeing the same that I see. So I was just trying to get your comments about what the five different ideas that are stated in slide 11 that I just changed-- at least I can see them in my screen.

Okay, I see none. And maybe we have to go to any other business. Any other business? Any other comments? Oh, before I go to any other business, I would like to talk about the geographic indicators. But I have Jeff on the queue. Jeff, go ahead, please.

Jeff Neuman:

Yeah, thanks. Call me someone who doesn't want to just let this conversation go. So in the spirit of trying to get a discussion going before we give up completely, I just thought that some of the lines in the chat just deserve to be discussed. So we're getting into a loop again. So for those of you that may remember months back, we started with how do we define a geographic term? And we ultimately stopped that exercise because nobody wanted to define a geographic term without understanding what are the implications of calling something geographic term. We're almost at the other side of the coin now. Which is, what if we have a geographic term that is not addressed or the treatment of which is not necessarily addressed to everyone's satisfaction in the guidebook, what do we do? What are the implications? And now people are saying, well we have to define what would be covered.

So I would like people to start-- and Greg, you kind of had the discussion of-- or you said you need to have the discussion of this and we need to have a discussion of that. And you didn't tell us your view on that discussion. What we're trying to elicit is what is your view. How do you feel? There are some people right now that are saying that there should not be any protections for non-AGB terms, I see people on the chat. And then there are others that are saying that anything that's remotely geographic, I think if I understood Christopher Wilkinson's comments, as anything that can be considered geographic needs to have something that addresses it.

That's the conversation we need to have. And I'm not seeing people speak up here as much as people either speak up on the list or get upset when flags are drafted or statements are made based on the conversation and they didn't mention it. So let's go. This is the conversation. Let's have it. Whatever your thoughts are, and as a neutral co-chair, I'm not going to raise my thoughts. So I think we should have it. So there's other people in the queue.

Olga Cavalli:

Jeff, before giving the floor to Greg, another question comes to my mind now that you're stating things perhaps in a different perspective. For those who think that there should no restrictions, which is a fair point of view and that-- what is their opinion about the possible conflicts that may arise? Because there was some restrictions in the Applicant Guidebook and perhaps a position is nothing is restricted. So based on this experience that maybe other new, perhaps, conflicts- - what would be the ideas of different conflicts arising? So this is something that comes to my mind. I just leave the question as a general thought. So Jeff, this is old hand, right? Or you want to say something?

Oh, okay. Greg, go ahead. The floor is yours.

Greg Shatan:

Olga, and thank you to Jeff. I'll try to at least come out with a starting proposition. My mind is open. But I'll start with the proposition that there should be no additional restrictions or preferences for any geographic name not already dealt with in the guidebook. And furthermore, that we need to clarify that there is no cause of action that there is no basis for these complaints that were made and that they should have been not allowed to go forward. But we can discuss whether there should be any bases, for instance, a specific legal right for a claim or a challenge. And that's a discussion worth having is how to define what constitutes an appropriate right or restriction, if any. But I start with the

presumption that although the AGB was not perfect, it did not fail to protect anything that should have been protected. Thank you.

Olga Cavalli: Thank you, Greg. Annebeth, the floor is yours. Annebeth, can you hear me? Can you hear me, Annebeth? Is Annabeth lost?

Are you there? Let's give the floor to Jorge that's in the queue and then perhaps Annebeth, when you solve your problem, you can speak. Jorge, the floor is yours. Welcome.

Jorge Cancio: Hello? Do you hear me okay?

Olga Cavalli: Yes, Jorge. We can hear you.

Jorge Cancio: Hello. (Inaudible) good evening from Europe, from Switzerland to everyone. It's really late, so I had not connected my audio in the computer. Anyway, it's in the computer so I don't know how the audio works. But I think that the discussion was a bit going nowhere. And I thought that maybe I can also chime in and try to get into a more constructive mode. And let me share how I think. You know that we consider that something has to be done about these geo names or terms with geographic significance that fell out of the AGB. And this starts with the acknowledgement that we have had some issues with some terms with geographic significance in the 2012 round. And as we have commented, cases like dot.Amazon come to mind, that Patagonia. In the end, whatever the legal reasons behind those conflicts are, whatever the motivations for those conflicts, I think that the starting point is to acknowledge that there have been conflicts. And some of them after six years are still lingering on.

And if we want the expansion of the TLD space to be a process that is ongoing in the future and that we don't have to wait for rounds for so many years, I think that we have to learn from this experience and try to work those conflicts. So for me, really then the first step is to look at those cases and say, okay, there are in the case of Patagonia, it is the name of a region which I don't know the facts closely, which by whatever reason was not covered by the specific categories of the AGB of 2012.

In the case of dot.Amazon, it is a prominent feature of different countries in South America, the Amazon River that has indications for them. In other countries, for instance in Switzerland, we have some provisions under our IP law that prevent private parties from monopolizing the name of certain geographic features that identify a region. And those geographic features are-- well, in the case of Switzerland are a couple of mountains that are very well-known internationally. And we could have a couple of more cases where these issues could come up in the future.

So let's say the second step, to try to identify, okay, what are we talking about, in a more general sense beyond the specific cases we have seen in the 2012 rounds where there were issues. And as a third step, there comes really the discussion on what do we do about this. Do we do nothing? Do we just let it stay as it was? And we trust that the GAC early warning system or the GAC consensus advice or whatever other existing system will suffice to avoid such

conflicts? Or do we really think about what could be the tools for avoiding such conflicts in the future.

And we ourselves or I myself have proposed some of the tools or the solutions that come to my mind. And some of them are as simple as getting the applicant aware that the string he or she is going to apply has a geographic implication, because maybe they don't know or they don't know how important that geographic term may be to a certain community. The second step would be to get that applicant in touch with a relevant public authority so that they discuss the issue. And as a third step, you need some sort of resolution of conflict, if you want to avoid that the conflict goes in all directions. And there we have proposed that we have some sort of mediation or dispute resolution.

And to sum up and I stop with this, I think that there's really an added value in having a framework that gives some coverage to these non-AGB geographic terms and that increases the level of certainty for applicants being able to consult with an advisory panel on whether their string is geographic or not or has implication on being able to have an early contact. And having also the safety or the security that if there is a conflict, there is a very quick safe and cost-effective resolution procedure. So I think this would be more positive than leaving things like they are. Because in the future, I guess that cases like the ones we have witnessed will just multiply. So thank you very much. And I hope you take this in a constructive mode and I thank you very much for your attention. Thank you.

Olga Cavalli: Thank you, very much, Jorge. You summarized all the different options and thank you for that. Christopher, you're next in the queue. The floor is yours.

Christopher Wilkinson: Christopher Wilkinson for the record. I have very little to add. I would just urge Greg and his immediate colleagues in this respect to bear in mind the extreme version of what they have put forward will result in the complete blockage of the next round. This is a matter of political judgment and you can contest my political judgment. But there are several instances on the record where my political judgments have been confirmed.

We cannot get away with this. What you're proposing from the rest of the world's perspective is the 19th century land grab in the Western United States. It can't fly. It won't fly. And furthermore, I believe that Greg and several other members of the WT5 are actually representing the intellectual property interests in ICANN. What on earth is your interest in geographical names of other people's countries? Your trademarks are fully protected both in national law and international law and in ICANN practice. What on earth are you looking for? It doesn't make sense. Added to which as we've seen recently (inaudible) about a new TLD, this at best you get 5,000 names. What have you achieved? Please, I think-- I perceive community needs to go back to the drawing board and that we accept that they have been marvelously protected in many of these respects. But I see no rational interest in demanding the non-protection of geographical names. Thank you.

Olga Cavalli: Thank you, Christopher. Annebeth, are you available? Can you hear me?

Annebeth Lange: I will try again. Can you hear me now?

Olga Cavalli: Yes, very well.

Annebeth Lange: Thank you.

Olga Cavalli: Go ahead.

Annebeth Lange: Yeah, this is Annebeth again. I fell out of the audio. I would try to say what I have to say as a co-chair and I'll try to mix it with my feeling as a ccNSO person. So it's kind of far outside what I usually work with. But when I worked with the AGB in those times, it's clearly to see that the further down we come in the line, it's a kind of hierarchy starting with the countries, then the capitals, then the cities. And then further down the line, the more difficult it is. We have the ISO 3166 as a basis for some of what we do and that makes it easier in some of the categories. But in many ways, Kavouss asked, what is a non-AGB geographic name? And that actually could be anything. Because it's different for every country. Jorge has told us about the Swiss law. And in many other countries, they have specific laws protecting some geographic names. Others have not. But it's really difficult to find a way to protect it in advance. So Jorge and also Greg now as tried to find some solutions to take it-- to find some new ideas, how can we do this. Because we will never agree. What we hear here is that some people want to protect everything. Others don't want to protect anything, no protection from all the protection. And we know that that is impossible.

So we have to find some way to deal with this. It has been suggested good publishing, long publishing; been suggested some time to react from the government. And even if the government in some countries perhaps have no kind of legal rights, it's other kind of rights that they feel that they should protect. And it has also been raised before, it will be a benefit for the situation that governments and applicants can talk together and try to find a way out of this.

So we have to try to find a new way to think, since we know that non-AGB terms can be anything from rivers and mountains, and it will differ from country to country. I hope this can give some new thoughts to someone. And I really urge you people to think about this and come to the microphone. Thank you.

Olga Cavalli: Thank you, Annebeth. I have-- I will give the floor to Susan, because she hasn't spoken yet, and then to you, Greg, if (technical difficulty). Susan, can you take the floor?

Susan Payne: Yeah, sure. Thank you. Hi, it's Susan Payne. Sorry, Greg, for leap-frogging. Yeah, the only point I really wanted to make was just that leaving aside this discussion about what terms this should apply to-- and I do agree with Greg to some extent that it feels a bit like the cart before a horse situation to be talking about solutions before we've identified what the solution to apply to. But to come back to the kind of proposals or the proposed solutions that are-- it just feels to me that all of these proposals that are listed come from a perspective of essentially the government has a veto and you have to get around that and you have to find a way to get them on your side. And that's borne out by the kind of example that Jorge Cancio has been giving around Switzerland and the idea that an agreement was reached in relation to the Swiss name. Well, really what he's talking about is the government raised some objections and the applicant who

was up against the government saw from his perspective the error of their ways and pulled out.

Now if the presumption is always when you're up against the government who's raising an objection, the agreement that you reach is that you pull out, well then that's not a solution. And all of these proposals are around-- all of these proposals on these two slides on 10 and 11 are really around the government having the primacy on these terms. And I think the various people have been making-- we've been talking about this for some time now. People have made other proposals, other suggestions that are more around the permitted kind of environment of there might be an objection process and what might be a solution to address the concerns. And none of those have been reflected here, even though these proposals and suggestions have been made before. So things like when you think about a dot.brand. If the dot.brand can give certain assurances about how they plan to use the TLD, then there's no problem about coming up against confusion and causing confusion on the public of the particular locality.

Now yes, potentially there is a problem in the sense that only one person can have a TLD. But there are variations of TLDs that can coexist perfectly readily. And I don't think we should keep focusing on how does the government get the primacy here. And I think the slides are not reflecting both sides of the argument at the moment. And those proposals or suggestions have been made before. Thanks. That's all.

Olga Cavalli: Thank you very much, Susan, and thank you very much, Greg, for letting Susan speak. Greg, the floor is yours.

Greg Shatan: Thank you. Greg Shatan for the record. First, I'm not in fact representing any brands or even an intellectual property perspective. I have served in the intellectual property constituency, but I'm sitting here in my individual capacity and I have at least as much sympathy with the view expressed in the chat by Robin Gross that this is a freedom of expression issue. Also this should be dealt with as an objection process issue based on defined standards, as opposed to all these kind of pre-application gating type of proposals. And so just to be clear what my motivations are, I'm not sitting here trying to protect brands. As a matter of fact, I'd be perfectly happy if there were geographic applications for TLDs by the truckload. And I do think we have an obligation to enhance awareness and to create a good pathway for those applications to come through, but basically creating set-asides and reservations I think is not (inaudible).

I think it is antithetical to the general policy process that we have. I'd rather-- I defined what might be a going-in position. But that is a position that, as I said, I can be persuaded to modify, again, depending on the type of tools we (inaudible). The fact that we don't create set-asides doesn't mean that geographic applications aren't valuable or valid. But it does mean that where there is more than one possible meaning to a string that the geographic meaning is not, by definition, the superior meaning, the meaning that needs to be protected against any other possible meaning, whether that other possible meaning is generic or a community or an object or a class of things or a brand, or some other geographic place.

The idea that we're going to basically reserve the entire-- some version of the atlas or the (inaudible) for first use based on what exactly-- I see policy or some suggestion that we're all going to get shut down. I don't think those are ways we started on this. But I do hope that we can have a fruitful discussion and I did make a suggestion of an alternate proposal and I think that this is ultimately something where we need to think about what the benefit of TLDs is not to second-level domain holders, but really to the billions that are using the internet. And it's a perfectly valid set of users for geographic TLDs. But where there is more than one use for a TLD and there is not necessarily a preference. And as Annebeth indicated, there are I think layers here. And some layers are at least more acceptable. You can find reasons why any other use would be disturbing. But I think we go beyond that layer and we're beyond that layer now in many ways and we need to split things up personally.

So I'll let others speak, but that's kind of where I am sitting here. Thanks.

Olga Cavalli: Thank you very much, Greg. And Steve, do you want to say something? Go ahead.

Steve Chan: Thanks, Olga. This is Steve Chan from staff. And at the risk-- and please let me know if I do overstep the staff role. I just wanted to express an observation about I guess what we see from the staff side. So if you look at some of these examples that are listed on slide 8, one thing that's consistent is that the AGB did not expressly prevent any of these names. So based on perhaps GAC advice or GAC early warning or some objection, there was a concern expressed that eventually perhaps at a board level, prevented these strings from moving forward. And so I guess what we are observing is that the perspective on what the problem is, is subjective in essence. So some might feel that the protections within the Applicant Guidebook are inadequate, while others as have expressed their opinion at the Adobe Connect chat, is that there is a potential overreach.

So I guess just the high level point I want to make is that the problem is perhaps hard to define and that's where we're struggling is because it's a sort of subjective thing based on your perspective. So I don't know if that helps, but just an observation from the staff side, thanks.

Olga Cavalli: Thank you very much, Steve. Greg, is this an old hand or new hand? Old hand? Jeff, you want to say something?

Jeff Neuman: Yeah, thanks. And maybe I'm kind of overstepping as well. There's a lot of back and forth statements on here and I would love for people to consider it from a hypothetical which will come to reality at some point. So forget what's happened in the past. Just push that aside, because we're talking about the future. So we know that as was just said by Steve, there are going to be some things that are not necessarily thought of in advance that someone will have an issue with. So if you look at the hypothetical I kind of put up on the chat, or at least myself in maybe two roles.

But let's say that you are an applicant. You're a chocolate maker. You live in Switzerland. You want to apply for dot.madeupchocolate. And it turns out that there is a-- you apply for it and now you find out that there's that

madeupchocolate happens to be a geographic location in Canada and the government of Canada is not too happy. Again, I'm totally making it up. It could be anywhere in the world. It doesn't matter where. The question is, what would you do in this situation? What should ICANN do in this situation? Maybe it's nothing. Maybe it's an allowed objection-- maybe it's whatever it is. Just put yourself in that position. And ultimately the goal is to create a predictable process that leads to a predictable outcome in this situation.

Again, as a co-chair, I'm not going to prescribe what that outcome is or should be. But if people, if we just push aside what's happened in the past and then think about what an ideal solution from our own perspective would be, think about that, come to a discussion with those thoughts in mind or even come back with emails after this meeting. And say, you know what? This is what I think should happen. That will move us forward. But I think we're kind of stuck in the past and we're spending a lot more time criticizing other people's proposals without coming up with our own. And I think we need to spend some time coming up with our own.

There are some proposals that are already on the slides. There may be a lot of others. But let's think about this and let's see if we can move this forward with a constructive proposal. Thanks.

Olga Cavalli:

Thank you very much, Jeff. I think this idea of predictability is a fair one and very constructive one. So now we have only 10 minutes left. So let me go to-- I don't know if you can all see it. It's slide number 12. It's about geographic indicator. So I will stick to the text so I'm not improvising. So work track members have provided several arguments in support of additional rules for geographic indications as a category with clear boundaries. From this respect, the boundaries of the category can be clearly documented, therefore increasing its predictability.

Geographical indications are an important component of the economy in many regions and therefore their protection will affect the livelihoods of many internet users. Geographic indications are generally protected by applicable local law. So this is something that has been raised in some face-to-face meetings by some members of the community. So can we ask the group here in the call for additional perspectives about this geographical indication? And just have in mind that we will be discussing this soon. But if you can give us some short input now, it could be very good. And I see Greg. This is a new hand, Greg?

Greg Shatan:

My apologies, Greg Shatan for the record. I'm looking for the slide with the arguments against additional rules for geographic indications. Because I think those were raised as well. Since they're not there, I'll provide very briefly. First, that is the category without the boundaries, protections of geographical indications vary massively from country to country. There is no standard terminology, no treaties; no overall common basis for protection. And secondly, that the protection under local law, again varies widely if they're protected at all. So there are more arguments against it as well and I look forward to fleshing them out on both sides. But I thought we'd at least start with a bit of counterpoint. Thank you.

Olga Cavalli: Thank you, Greg. There was kind of a noise. I'm not sure if I got all your comments. But thank you for that. Any other comments about geographical indications? Is it okay if we go further and we view that and we open the discussion to the group that I would perhaps like to get a sense from the group if this is a good idea. Kavouss, your hand is up. Go ahead.

Kavouss Arasteh: Olga, can I talk?

Olga Cavalli: Sure, of course. Go ahead.

Kavouss Arasteh: Yeah. Somebody said that we limit these discussions to the mail in this. I don't believe so. There has been many, many (inaudible) views in the mailing list and there is no outcome of that. Alexander sends pages of good reasons and arguments. But what is that-- the outcome of that? Unless sometime look at all those things and to put some sort of re-consolidations among those things and put some views and some briefs, just asking that go and discuss on the mailing list does not give us any way forward. So I don't think that the mailing list is effective unless we have some outcome. So I don't agree with that. Thank you.

Olga Cavalli: Thank you very much, Kavouss. I have Christopher and then we will go to any other business. Christopher, the floor is yours.

Christopher Wilkinson: Hello, Christopher Wilkinson for the record. Gosh, it's getting a bit late here. Look, first of all, thank you all to the co-chairs and the staff for bringing this onto the agenda. I asked for this to be put on the agenda some time ago and here we are. Thank you very much.

I think under additional perspectives collectively we do need more facts. I think the facts exist. This is a very well-known and well-documented issue. It does not only affect European economies. It affects several economies in other parts of the world who have important rights based on geographical indications. But I think this staff and the work track need to collect together some basic facts.

That being said, as you will have gathered from my previous postings, I do give primacy in this area to at least the local law, even if it varies from country to country, Greg. A basic principle which is written into the ICANN articles of incorporation for this purpose, among others, is that ICANN will respect applicable local law. And we should do so. Thank you.

Olga Cavalli: Thank you, Christopher. And I think your point is interesting that more information should be shared among our group and in the list before we can summarize something or include something in our document. Kavouss, is this a new hand or the old hand? I think it's an old hand from Kavouss.

Okay, we are almost finishing our call and I think we have any other business; any other comments, additional or final comments? I hear none. And Kavouss, is this a new hand? Okay, I cannot hear you. So if we have no more comments--

Kavouss Arasteh: Excuse me, yes. I'm sorry. I'm very sorry. If there are any (inaudible), at least we have some brief of what was discussed. Because we've been discussing many,

many things and there is no brief. So put something. What are the briefs? Thank you.

Olga Cavalli: I think there are notes from the call that have been taken by staff and co-leads and staff will work in approving all the documents and the outcomes from the call. So stay tuned for that. And we can keep on talking about this issue. It's difficult. We have so many different views and different perspectives that we should try to move forward and get a good outcome of our deliberation. So I thank all of you for your attention, for your patience and I wish you a good night, a good morning, wherever you are. And see you online in two weeks. Thank you very much. And see you in the email list all the time. Thank you. Bye-bye.

Annebeth Lange: Bye-bye, everyone, and thank you.

Julie: Thanks, everyone, for joining today. Have a good afternoon, good evening. You can stop the recording.