

ICANN Transcription

Cross-Community Working Group on Use of Country/Territory Names as TLDs

Monday 11 April 2016 at 2100 UTC

Note: The following is the output of transcribing from an audio recording of Cross-Community WG on Use of Country/Territory Names as TLDs call on the Tuesday 06 January 2015 at 15:00 UTC.

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:

<http://audio.icann.org/gnso/gnso-ctn-11apr16-en.mp3>

Coordinator: Excuse me, the recording has already started. You may proceed.

Michelle DeSmyter: Thank you very much, (Christine) Good morning, good afternoon and good evening. Welcome to the CWG CCTN meeting on the 11th of April at 2100 UTC. On the call today we do have Carlos Raul Gutierrez, Maxim Alzoba, Heather Forrest, Annebeth Lange, Jaap Akkerhuis, Laura Hutchinson, Ron Sherwood, Griffin Barnett, Sebastien Pensis, Colin O'Brien, Cheryl Langdon-Orr, Songitu Ekpe, Susan Payne.

We do have apologies from Jacqueline Morris, Ornulf Storm and Sanna Sahlman. From staff we have Lars Hoffman, Joke Braeken, and myself, Michelle DeSmyter. And I would like to remind you all to please state your name before speaking for transcription purposes. Thank you, over to you, Lars.

Lars Hoffman: Michelle. Thank you so much. Welcome, everybody. Good morning, good afternoon, good evening depending on where you are. It's a cloudy afternoon here in Colorado. Welcome to the call on the 11th of April, 2016. As you can

see in the agenda on the right here we only have really two and a half, let's say, agenda items. The discussion of the straw paper that's up in the Adobe Connect room as well. I have un-synced it so you should be able to scroll through at your own leisure.

There is the – it's a paper that was presented in Marrakesh. It contains some adjustments that I've made based on the feedback received. And it also has the feedback that was received from dotNO by our co-chair, Annebeth. And I believe it's also on the list but I will forward it to the list – to everybody's inbox right after this call.

In addition to that, in addition to Annebeth's – or dotNO's feedback, we have also received just one other note, which is from the Norwegian government indicating that they would be opposed to opening three-letter codes. However, they did, at this point, not yet provide a rationale for that. Annebeth, you might want to correct me. Over to you.

Annebeth Lange: Can you hear me now? Can you hear me, Lars?

Lars Hoffman: Yes. Yes, I can hear you.

((Crosstalk))

Annebeth Lange: I think that we have received comments from Panos Papaspiliopoulos from Greece government as well, from Panagiotis. Hello.

Lars Hoffman: Yes, yes, Annebeth. I don't think anybody else can confirm. I might have overlooked it.

Annebeth Lange: I have them. I have the document with his comments as well.

Lars Hoffman: Annebeth, can you forward that onto me? I will make sure that that gets incorporated into the current version.

Annebeth Lange: Okay, I will do that. I was sure that everybody had gotten – it seemed like he had sent it on the list. But of course I can forward it. And you also sent, again, the Greek government's input on the survey on three-letter codes to remind us. But I will send it at once directly to the list and to you.

Lars Hoffman: Okay, thank you. Has anybody else received this? Is this just my computer playing up or?

Heather Forrest: Lars, this is Heather. I wonder if...

Lars Hoffman: Hi, Heather.

Heather Forrest: I wonder if we have some confusion about the belated comments of Greece on the survey. But I don't think I've seen comments from Greece on the straw-woman, if you like.

Lars Hoffman: Okay. That's helpful. Thank you, Heather. Right, well Annebeth sent – forward this to the group. Jaap has...

Annebeth Lange: yes.

Lars Hoffman: ...also raised his hand.

((Crosstalk))

Lars Hoffman: Jaap, over to you.

Jaap Akkerhuis: Yes, I do have some comments and some notes I made in the document. But I've forgot to mail you, I realize now. And so let me first wait until we sort it out what's most – this document before I sent it as well, it will only add to the confusion this moment.

Lars Hoffman: Yes. Annebeth, is that an old hand or is this something else?

Annebeth Lange: Yes, I have found it and it seems here that it has been sent to the ccncrosscomm@icann.org.

Lars Hoffman: But, Annebeth, is that the – is that comment on the straw-woman proposal or is this comment on this survey?

Annebeth Lange: It's both. It's both. It's both. So it's – yeah.

Lars Hoffman: Okay.

((Crosstalk))

Annebeth Lange: I'll send it.

Lars Hoffman: Thank you. I will make sure then this gets incorporated into this – into the straw woman and that will be then updated to the list and then maybe...

Annebeth Lange: Yes.

Lars Hoffman: ...Jaap, you can provide comments based on that or do you want to make it on the call or do you want to email it onto the list afterwards?

Annebeth Lange: okay, thank you.

Lars Hoffman: Thanks. Okay so apparently we have also comments from Greece and some forthcoming comments from Jaap. However, obviously, even if you look at 17 people taking part on this call, and the amount of people that were present in the face to faces, it doesn't reflect the views of the comments and – from the broad community feedback that we are seeking I suppose at this point.

As a side note I mention also in Marrakesh that I would reach out to some other departments within ICANN to see whether those conditions that we talked about, that could be attached to potential opening of three-character codes and how this could be done in an effective and efficient way. And I have not yet received full feedback from the Compliance and the GDD departments that are concerned with these issues.

I – we have a conference call set up this week internally with staff to discuss this issue and I hope I'll be able to report fully back in – for our next meeting. I apologize for the delay. There was a Marrakesh hangover and the other departments were rather busy.

Laura, you've put your hand up. Laura, you might be on mute. Laura, we can't hear you. I don't know if there is a connection issue, just, you know, that you're trying to type into the chat. Just going to wait for a second for Laura to type out her question, her comments.

Annebeth Lange: Lars?

Lars Hoffman: Yes.

Annebeth Lange: It's Annebeth here again. I found the email and it's been sent to you on the CCN Cross Comm on the 7th of April.

Lars Hoffman: Okay, this is very strange. I mean, I have received the paper right now, Joke kindly forwarded it to me. But I have not received the email Panos. But, yeah, Annebeth, we will take care of it. You know, I mean, it will not get (unintelligible) obviously will be incorporated and taken fully into account.

Annebeth Lange: Yes.

Lars Hoffman: Laura is trying to dial back in. She has mic problems. So where we are right now is that we are still gathering comments on the proposal. And I'd like to

take this opportunity to encourage everybody to do two things. To, A, go through the paper and see what you can agree with and what you can't agree with. And if you can't agree especially in that case it would be great to hear your rationale. So it will then make it easier for the group to find solutions to issues whether it's – there is opposition among members.

And also, just looking at the queue very quickly, Annebeth, you're in there twice. There's one hand up and one green tick. I assume that's an old hand. And Jaap I think has just raised his hand as well. Jaap, over to you.

Jaap Akkerhuis: Yeah, I just want to point out that (unintelligible) email from the GAC was saying that they're actually (unintelligible) about anything. It just came in two hours ago.

Lars Hoffman: Yes, absolutely. No, I've seen that. But, you know, I was going to come for that under any other business. The GAC has indicated that they – contemplating this issue and they might just – or will discuss this hopefully in Helsinki. But there is no position taking it of yet. And obviously it's also not certain that there will be a position in Helsinki just beyond the agenda there. Very good. Thank you for the reminder, Jaap.

So, yes, so Heather also has got a hand up. Heather.

Heather Forrest: Thanks very much, Lars. And for chairing the meeting in the absence of any decision from the co-chairs. Very much appreciate it. I wonder if we might think about – we've just mentioned Helsinki and I suppose we're now, what, two months from Helsinki roughly. Should we perhaps be thinking about circulating the straw man more broadly when we get to Helsinki?

I'm mentioning that in the context of your previous comment about having input from the GAC. Technically speaking the GAC is not a member of the working group and I think at some point we want to open this up beyond ourselves. I think it would be very helpful if we had more comments from

within our working group members before we – and perhaps make edits on that basis, get to a place where we all feel a little bit more comfortable with this before we take it out to the broader community. But perhaps that's something that we can be working towards with that date in mind. Thank you.

Lars Hoffman: Thank you, Heather. Laura, you've got your hand up.

Laura Hutchinson: Hello, can you hear me now?

Lars Hoffman: We can. Thank you, Laura.

Laura Hutchinson: Yeah, great, I just want to say – and it's a really helpful paper, I wanted to thank you, Lars, for your hard work in putting this together. Personally for me it's been a great point to help me kind of get my thoughts in order. And to have a starting point rather than kind of starting from scratch to move this forward.

I just wanted to comment, you said you've kind of approached ICANN to think about contraction enforcement. It occurred to me kind of when looking over that section whether there was some mechanism that is already in existence around kind of government non-objection that we used for the first round.

And I wanted to see if there was some way we could – rather than kind of relying on contract enforcement and whether that's – not sure if that certainly is possible but whether we could use that kind of existing mechanism that was used in the first round in terms of if an applicant wanted to register a three-character code that corresponded with the (ISA) 3166 list whether we could then use the mechanism that a government would then have to non-object to that?

I'm happy to kind of submit formal comments if that would help you in terms of editing the document but I just wanted to kind of – it just occurred to me when you mentioned that now.

Lars Hoffman: Thank you, Laura. Yeah, it would be great if you could – if you could submit those comments on the list it would be super helpful I think. It's something that we thought about. And there's some pro and cons but it's definitely that issue that should be discussed I believe, before we, you know, is it part of the overall solution. Susan, you've got your hand up as well.

Susan Payne: Yes, hello. Susan Payne. I just wanted to quickly respond to that proposal. I, certainly from my perspective I'd be extremely imposed to going down the recent of the kind of government non-reflection path. That seems to me to be a sort of acknowledgement of the rights of government, which I think many of us wouldn't agree with.

But more specifically we've seen in the first round how that has created tremendous lack of certainty and confusion and difficulties for applicants. And I think the lack of certainty and the impact that that's had both at the top level and at the second level just says to me that we should try very hard to come up with criteria and not be trying to (unintelligible) governments and then essentially give ICANN the job of trying to negotiate between governments and applicants.

Lars Hoffman: Thank you, Susan. Heather, you've got your hand up.

Heather Forrest: Thanks very much, Lars. I – in addition to the comment I've just put into the chat about sharing Susan's concerns, one thing that I think Laura's comment raises – one question that it raises is (unintelligible) of government and the CC operator. I think our concern here is the CC and not government or any sort of purported claim to an interest that government might have. So to the extent that that's our concern, I think we try and figure out what we can do to address that concern, if it is indeed a genuine concern.

It would be very helpful to have more comments in from CC operators as to where they stand on the straw woman. And as Lars says, you know, having a

rationale for that would be very, very helpful because it's the rationale that we need to figure out, let's say, the solution to the problem rather than put a solution on and try and fit the problem and maybe not have a perfect fit. Thanks very much.

Lars Hoffman: Thank you, Heather. Annebeth, your hand is up as well. Is that an old hand?

Annebeth Lange: Yeah – yes and no. A comment to Heather that it – the governments they are also part of the cross community, aren't they? Because if you look at the members shouldn't it be from all communities?

((Crosstalk))

Annebeth Lange: ...in the list on the ccNSO page.

Heather Forrest: Yeah, can I just...

Lars Hoffman: Of course, Heather.

Heather Forrest: I'm not sure which comment of mine you're referring to, the comment that I made earlier about seeking input from the community more broadly, which I agree, absolutely, that's important. And we need to make the call not just to the GAC but to the other SOs and ACs. But are you referring to my immediately-previous comment about which concern are we trying to solve, let's say?

I mean, I think it's – I hope it's not too controversial to say that, you know, in not all cases if the CC aligned with the governments. And so the – in many cases the interest of the government can't be assumed to be equal to, equivalent to or the same as the interest of what's expressed by the governments, let's say. Thanks.

Annebeth Lange: I refer to your first comment, actually. I thought I heard you say that the governments are not the member of the cross community working group. But for the (unintelligible) the CCs and the governments I think...

((Crosstalk))

Lars Hoffman: Annebeth, you seem to have two microphones – you seem to have two microphones on. You sound like you're calling directly...

Annebeth Lange: Okay.

Lars Hoffman: ...from Valhalla.

Annebeth Lange: What can I do to...

Lars Hoffman: One microphone should be muted.

((Crosstalk))

Lars Hoffman: Your computer should be muted. There's a definite echo coming from your line.

Annebeth Lange: What – let's see.

Lars Hoffman: This is better.

Annebeth Lange: Is that enough? No...

Lars Hoffman: No, no.

Annebeth Lange: Getting some echo here. Is that better?

Lars Hoffman: Yes, it might be.

Annebeth Lange: Yeah, I try. Yes – no, it's still an echo here. I'm not sure – quite sure what to do here.

Lars Hoffman: Do you have your computer – the sound on your computer on? Is that – if you mute your computer there would...

((Crosstalk))

Annebeth Lange: Yes, I've done that but I have muted – yes, I've muted everything here. So I can't...

((Crosstalk))

Lars Hoffman: Go ahead, it does sound better now then.

Annebeth Lange: I try. I try. So as for the interest of the CCs and the government, I think that differs from country to country. In some countries they have quite the similar interest in what's going on. And in other countries they are very far from the interest from each other. So it's not a similar question from all countries, absolutely not.

And also I agree with you, actually, Heather, that the legal rights of the government, they don't have any legal rights. But as I know government from the time I worked there, is that this is politics, it's much more than legal questions. And that's what I'm afraid of that they will really start to discuss this and feel that they have a kind of a model political right to have some say in how the name of the country is used.

So that's – we have to figure out how to – what to do with that. I see that Panos is on now.

Lars Hoffman: Thank you, Annebeth. Heather, do you want to reply?

Heather Forrest: I will, Lars. Look, I don't think it's probably the best opportunity to – I agree with Annebeth that, you know, there are politics involved, the discussion of legal rights. But I think that's probably not quite where I was going. My point was really picking up on some of the things that were said earlier to say, you know, let's figure out what the concern is and then try and address the concern.

And if the concern is confusion with a CC then that's a very different concern from the concern that Annebeth articulates. So if we want to worry about, you know, prevent confusion with a CC, and as of yet I'd like to see some feedback from other CC operators, then we need to figure out, you know, if the advice comes back that contractually that's difficult to work with then we try and figure out another way to address it. And that's where I was going. Thanks.

Lars Hoffman: Thank you very much, Heather. Okay is there anybody else who would like to add to the discussion at this point? That seems not to be the case. So what I draw from this is that two things so first of all we have put the straw woman on paper. We have – we have a starting point, I'll try not to qualify whether that's good or bad.

And we have received a couple of comments and I think it would be very good to receive more to see where people stand. And even if you are in favor I think it would be very helpful if you submitted your report. And if you submit your objection it would be great if you could provide rationale for that. And even better if you could potentially provide different solutions that could then be discussed by the group. This is supposed to be the start of the conversation, as you all know, and not the end.

And Carlos has just raised his hand. Carlos.

Carlos Raul Gutierrez: Reading Ornulf Storm's mail that he sent today from the Norwegian government, he speaks of an intercessional meeting of the GAC a few weeks' time and well before Helsinki. So my question is should we use the opportunity of this email from Ornulf and make a direct request to the GAC to be explicit about the rationale in terms – is this a government position or is this a joint government ccTLD position?

So we could go a step ahead, and before standing in Helsinki and asking ourselves if the GAC position is government only or if it includes ccTLDs in some cases, we should take the offensive right now and try to react officially to his mail and put this question very clearly forward to the intercessional meeting or eventually the discussion in Helsinki. Thank you.

Lars Hoffman: Thank you, Carlos. Just seeing in the chat that both Heather and Annebeth agree.

Heather Forrest: And also Panos.

Lars Hoffman: And also Panos, absolutely correct, and Ron as well. And Cheryl says, "yup" which is I think Australian for I agree. Right so back to where we were, paper, we need more comments and ideally have them backed up. For the next steps, so from a staff perspective I will include the comment submitted by Panos. And I will also wait for Jaap to submit his comments and then circulated a collated version to the list that you can then take back and hopefully read through again and see where you stand.

As I said before, the more feedback is going to be the better for the group to work and find a solution to this issue. And I would suggest – and I will also – I'm sorry, I said earlier we'll have another staff call this week to see and – what can be – whether there's anything that other departments think that could be done in terms of helpful additions to the straw man or potential solutions. I will report back on that to the group as well. And then I suggest

that we have our next meeting in two weeks' time hopefully with a few more comments and then go through them substantially.

And I could only encourage you as well at this point to think especially about the options at the end of the paper so that they, you know, the fact that if we open it up – A, why it should be opened up to three letter codes, and, B, what potential conditions should or could be attached to that. I think that is really the crux I think what this was standard for and in terms the more feedback we have I think the more fruitful and effective our discussions will be.

Right, I'm just reading through the chat very quickly. Right, Heather is encouraging Jaap to write comments on earlier recommendations but also on the history and background, obviously plus one I think from everybody on that. If there is nothing else and no further comments at this point, I'll be very happy to give you 29 minutes of your day back. I'm just waiting out – there's a couple of people typing in the chat.

A quick final note before I turn the call – Annebeth and Panos as well, if you're both still on the line, I've just been wondering whether it's possible that Panos is actually not subscribed to the mailing list and so when he sends things to the list it will just not go through. And I don't believe he will get an error notice for that. I already spoke to my colleague from the ccNSO Secretariat, we'll check that. That just might be one reason why it didn't come through. Otherwise it'll definitely be due to my computer.

Annebeth Lange: Good.

Lars Hoffman: And if he's not on the list we'll add him obviously to the list. Right, there's no further comments, no hands up. I'd like to thank you all for your time and you'll hear from me in due course. And we'll schedule the next call for two weeks from now which should be the 25th of April at 21 UTC like today. Thank you very much. Good afternoon, good evening and good day.

Annebeth Lange: Good evening.

Cheryl Langdon-Orr: And good morning...

((Crosstalk))

Cheryl Langdon-Orr: Bye, Lars.

((Crosstalk))

Annebeth Lange: Bye-bye.

Heather Forrest: Thanks, Lars, very much. Bye-bye, everyone.

((Crosstalk))

END