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## ICANN Transcription

### New gTLD Subsequent Procedures Sub Team – Work Track 5 – Geographic Names at the Top Level

**Wednesday 15, May 2019 at 2100 UTC**

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ANDREA GLANDON: 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, held on Wednesday, the 15<sup>th</sup> of May, 2019, at 20:00 UTC.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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In the interest of time there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourselves be known now?

Thank you. Hearing no 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 Annebeth Lange. You may begin.

ANNEBETH LANGE: Thank you, Andrea. Hello, everybody. Welcome to this evening call. At least in Norway it's evening. Is there any SOI updates that we should have before we start with the welcome?

[ANDREA GLANDON]: [No].

ANNEBETH LANGE: I have a little thing to share for myself because I have stopped my work as a permanent employee at Norid since I'm retiring this year. I've changed from special advisor to being a consultant for them. But I will still be on the ccNSO, representing in Work Track 5, doing the same work.

Anybody else have something to add?

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Hearing nothing, thank you and hello to everybody. I will be your Chair today. The agenda should now be on the screen. We will continue where we left off on the A so [far] and start with F232 Question 19 Variant 2.

What we are discussing is city names and the city needing support or non-objection. On Variant 2, the suggestion there is to change the text of Part A describing when support or non-objection applies to, “The geographic names panel determines that the foreseeable use of second-level domains by registrants will be to a significant degree for purposes associated with the city name.”

Before we do go on, I want to remind you all that what we are doing here are going through all these comments. We are trying to make sure that your comments have been represented correctly and, if not, to give you an opportunity to correct it. We are not discussing the substantive issues at this stage. We will come back to that later, preferably as soon as possible. We will try to group the answers tonight, such as agreement, divergence, etc., to go forward as quickly as possible. We do hope that you all have read through the material. You will have a chance to raise your hand, of course, with comments and questions, but I suggest that comments should be posted after each section. I then will stop and look for hands and ask you if there are any questions. I hope this is okay for you.

Let’s go on with Variant 2 on Question 19. Here we start with comments from ALAC. They are balanced support for and opposition against. Several governments and others do not

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support this suggestion. In Line 41 to 54, there is divergence all over.

Any comment to this? Any hands?

I see none. Then we go on with Variant 3. Variant 3 ... just a moment. It is to change the text of Part A to “The applicant is able, and we confirm that neither he nor his sales channel reuse the TLD as a geographic identifier.” .[Zone]GmbH supports a proposal. ALAC: a combination of divergent and agreement. From Line 58 to 70, all over divergent from several stakeholders. It seems like this has no support.

Any comments?

Seeing none, next we go to 20. Eliminate preventive protections from non-capital city names and focus instead on curative protections. All parties may raise issues with an application using objections. No letters of support or non-objection are required from governments or public authorities. Applicants may include evidence of support in an application. Groups, individuals, and other parties, including government, may file objections to applications. Objections by all parties must refer to international law, domestic law, ISO standards, or other objective measures that are relevant to the applicant and the application. Applicants take responsibility for ensuring that they submit applications which address loose points and avoid and objection. Objectors pay to make the objection and submit any objections within appropriate timeframes. Evaluators take objections into account in the evaluation and may discard objections. Work Track 5 has not yet discussed whether this proposal could rely exclusively on existing

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objections mechanisms or if it would require change to existing objections mechanisms or addition of new objection mechanisms.

From 72 to 78, it's agreement, mainly registries. 79: U.S. government agreement but with some concern. Other governments plus other stakeholders do not agree. Not support in Line 81 to 89.

Comments please?

I hope that the staff can make me aware if there is anything in the chat I need to be aware of.

MARTIN SUTTON: Annebeth, it's Martin. I've got my hand up.

ANNEBETH LANGE: I can't see you. Ah. Maarten, go ahead.

MARTIN SUTTON: Thank you. I'm just going to point out that – thanks for that summary on that last section – where there was non-support, I know you mentioned it was majority registries, but I would like to point out that there was some other groups, [inaudible] groups, such as the NCSG and IPC and the Business Constituency. So there was quite a diverse set there to. I just wanted to make sure that was clear, because otherwise people assume it's just registries [there].

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ANNEBETH LANGE: Sure. You're quite right. It's registries and IPC and more of the intellectual property protection.

MARTIN SUTTON: And NCSG.

ANNEBETH LANGE: Yeah.

MARTIN SUTTON: Okay. Thank you.

ANNEBETH LANGE: I think that, when we try to do this fairly quickly, it might be that someone is left out because it's impossible to read everything. It takes a long time.

MARTIN SUTTON: Yeah.

ANNEBETH LANGE: So I appreciate, if I've missed out someone that wants to make sure that they are in it as well. So, please, Martin, and others as well.

MARTIN SUTTON: [inaudible]

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ANNEBETH LANGE: Okay. Shall we go on to 21? That suggestion is to always require a letter of support of non-objection from the relevant governments or public authorities for non-capital city names, regardless of intended use.

Governments and a lot of others as well more connected to governments, perhaps, in Line 81, support this proposal. Agreements also in Line 92 to 98. In Line 99, ALAC flagged both agreement and opposition. The same with the Registry Stakeholder Group in Line 100. Some support, some oppose. From Line 101, we see the divergence to 108.

Any comments?

Seeing no hands, it's Line 22: Give small cities, towns, and geographic communities the first right to apply for a TLD associated with the place. Support from several governments and others in Line 110 to 113. ALAC in 113: as usual, some support and some opposition. From 115 to 125, we find the divergence. Some governments have no position on this.

Any comments?

MARTIN SUTTON: Annebeth, it's Martin. I think, just on Line 114 for the ALAC comment, where there's a mix of both items, I think the main sentencing in green needs to be split between green and red to highlight. I think it's the second part that should be the divergence reference.

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ANNEBETH LANGE: Yeah. I see what you mean. That many trademarks correspond to city names and are protected by trademark registrations issued by the corresponding national government.

MARTIN SUTTON: That's it. Thank you.

ANNEBETH LANGE: Also, it's worth mentioning here that, every time we come to the Registry Stakeholder Group, and some other as well – IPC as well – sometimes they have made the kind of comment that goes for a lot of the questions we ask. So it's a little difficult to find out the exact thing for this particular question. Just be aware of that.

Let's go on to 23. Develop a list of large cities around the world and require that applicants obtain letters of support or non-objection from the relevant government or public authorities for strings on this list, regardless of the way the applicants intends to use the string. The list of large cities could be developed based on the following standards or a combination of these standards. Then there are some suggestions, like absolute population of the city, relative population of the city, and percentage of country population. And it could be others as well.

We have quite some support in Line 129 to 134. We have some divergence among the agreement from ALAC in Line 135 and likewise from the Registry Stakeholder Group in 136. No support



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from Line 137 to 146. This includes both governments, IP companies, and registries.

Comments?

It's difficult for me to see the hands here, so I hope you just take the mic you need to.

Okay. Then let's go to 25 ... no, 24. Sorry. Each country decides what it considers to be a city within its own country based on national laws and policies. If the country determines that a place fits in the city category, the applicants must obtain support/non-objection from the government. A variant on the above proposals that each country designates the set number of cities that they consider to be particularly significant, city names on the resulting list are subject to support/non-objection by the relevant governments or public authorities.

From Line 148 to 154, support from both governments and others. ALAC in line 155: both opinions/both opposition and agreement. Mostly divergence from Line 156 to 165. It's brand registries. It's registrar holding groups. It's the Business Constituency, the International Trademark Association, etc., and also the United States. So the government that differs most from the other governments is the United States in quite a lot of places here.

Any questions or comments on 24?

25. Reserve non-capital city names that have global recognition. If a city wants to apply for a gTLD, it can apply for a string containing the name of the city followed by the applicable country

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code. This would allow multiple cities with the same name located in different countries to obtain a gTLD.

Governments and others support this proposal in Line 167 to 170. In Line 171, .zoneGmbH has a divided view, both agreement and divergence. Also IPC has this divided view together with ALAC and the Registry Stakeholder Group. Full divergence/non-support from Line 175 to 183. This applies for both governments, registries, and others.

Comments?

I see none.

SUSAN PAYNE: Annebeth, hi. It's Susan. Could I get in the queue?

ANNEBETH LANGE: Yes, sure. Come on. Go on.

SUSAN PAYNE: Okay. I'm really sorry. I can't be on two pages at the same time on my laptop, but—

ANNEBETH LANGE: No, I know. It's difficult. So please [inaudible]

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SUSAN PAYNE: [inaudible] the comment from the IPC and the one that was above it. They were both categorized as some agreement, some divergence. I thought it would be helpful if it doesn't reflect. They're completely reversed from each other, so one supports the first part of that recommendation and not the second, and the other supports the second part and not the first.

ANNEBETH LANGE: Okay. [inaudible].

SUSAN PAYNE: That's quite fundamental, I think.

ANNEBETH LANGE: Yes, of course. It's good that you cut in because then this is on the transcript now so we know that. That is exactly the things we want to have – the comments from you – if we have misunderstood or I misunderstand, etc. So thank you.

Anyone else?

Okay. Then we go to 26. Raise awareness and increase knowledge among potential applicants about the opportunity to apply for TLDs. This has to do with implementation improvement, so we go over to a little other field here now. This proposal does not impact the level of protection restriction and could supplement any of the [above] proposals.

Quite a lot of support here from 185 to 198, but a few governments do not support 199 to 201. That goes for Georgia,

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governments of Argentina, China, and Columbia. Finland [is still included] and the Honduras, it seems.

Then we have gone through this section, F232. Are there any comments before we go onto the next?

MARTIN SUTTON: Annebeth, it's Martin.

ANNEBETH LANGE: Yes, go one, Martin, please.

MARTIN SUTTON: I just put a comment in the chat to Susan's comment on, I think, Item 24. I was just wondering whether the IPC comment, because of the nature of the question or proposal that it referred to – the first part is the main part, I would suggest, so should we [read in this that it's] divergent, not supported? I was posing that to Susan to see what [inaudible].

ANNEBETH LANGE: Okay. Susan, can you hear this and give us an answer?

SUSAN PAYNE: Yes. I think that's probably right, actually, Martin. Thank you. If the first part is about the global recognition part – that's the bit that most people are going to take away from this question – then, yeah, that bit is not agreed with. The only bit that was being

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agreed with was this notion that people might add on a country code in order to allow more than one applicant to distinguish themselves. But we point out that there's nothing that prevents that anyway. So this is already allowed. Provided that there's no string confusion, people can have a different add-on to a string, if you know what I mean.

ANNEBETH LANGE: Mm-hmm.

SUSAN PAYNE: So thank you very much for that. That's a much better way of categorizing it.

ANNEBETH LANGE: Thank you, Susan and Martin. That was really good.

MARTIN SUTTON: Thanks.

ANNEBETH LANGE: Okay. Then we go to the next section, [which is] also change in scope of protection. But here's it's 27 under F233. It's on the screen now. It's 27. Eliminate support/non-objection requirements for sub-national place names, such as counties, provinces, or states listed in ISO 3166 Part 2 standard.

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Here, in Line 6213, full agreement. The Registry Stakeholder Group, in Line 14, expresses a divided view, but some support/divergence. But as I said before, they have put a lot of things together in their answer, so it's a little difficult to see what they mean exactly here. We have full divergence from Line 31 to 42 from different stakeholder groups.

Martin, do you have a comment to the Registry Stakeholder Group? Do you know anything more there that you could add that makes it a little clearer?

MARTIN SUTTON: Sorry. It takes me a while to click through to the [inaudible].

ANNEBETH LANGE: Yeah. Sure.

MARTIN SUTTON: And [on] mute. I have nothing in particular to add. I think we do tend to find that there's a variance of comments within the Registry Stakeholder Group. The different models operate by registries, including geo TLDs, as well as open commercial, as well as brands. So it does mean that we regularly see a diverse response from them.

ANNEBETH LANGE: Yeah. Okay. Thank you. That's what my opinion was, too. Then we go come to 28.

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MARTIN SUTTON:           Annebeth, Steve has got his hand up.

ANNEBETH LANGE:         Steve? Thank you, Steve. Come on.

STEVE CHAN:             Thanks, Martin. Thanks, Annebeth. This is Steve Chan from staff. Just one follow-on comment for the ROI SG comment is just to note that you'll see a header here where it "See our overarching comment on the preliminary recommendations below." That's Comment #9 in this section. I just wanted to flag that that indicates that this block of text is essentially a repeat of their overarching comment and that it's been populated throughout the document, where they requested it be done. So to that extent, we've tried to highlight the relevant elements for each particular questions. We tried to do our best, but we might not have got that exactly right. But that's our intention: to make sure we flag the relevant bits. Thanks.

ANNEBETH LANGE:         Thank you, Steve. I agree. I think you have done a good job there. That's why, if the Registry Stakeholder Group has some comments to this, they have to get in with it. So thank you.

Then we go to 28. Applicants who intend to represent the connection to the authority of a sub-national place need to provide a letter of support/non-objection. However, if the applicant does

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not intend to represent the connection to the authority of the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the registry agreement that prevent the applicant from misrepresenting their connection or association to the geographic term.

We have support to this suggestion in Line 25 to 28, a balanced view in Line 29 and, in 30, from the IPC and the Registry Stakeholder Group, and full divergence from Line 31 to 42 from different stakeholder groups.

Any comments to this? Any hands?

Okay. Let's go on to 29. If the string corresponds to a sub-national place name, such as country, province, or state listed in ISO 3166 Part 2 standard, if the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any governments or public authorities.

There's agreement from several in line 44 to 49, qualified agreement from some registries in Line 50. Preferred Proposal 27: a group of registries. Then it's divergence from both registries, governments, and others from 52 to 61.

Any hands? Any comments?

I can't see anyone, so then we'll continue with Proposal Sections F234 ... Yes, it's up on the screen now. Eliminate support/non-objection requirements for strings listed as UNESCO regions or appearing on the compositional micro-geographical, continental



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regions, geographic sub-regions, and selected economic and other groupings list. Question 30.

Agreement: Line 6 to 13 from several stakeholders. Divided view from the Registry Stakeholder Group. Non-support from several stakeholder groups from Line 15 to 23, including ALAC.

Any comments?

I see there was a comment there in the chat. "I would just be cautious that, when we refer to governments, we aren't referring to all governments." Exactly right. That's true. It's a lot of governments that have sent in their comments but more that haven't done it. So that's a good comment, actually.

31. Applicants who intend to represent a connection to the authority of a UNESCO region or region appearing – oh, wasn't that what I just read? Yes, it is. Sorry. We'll go to the next one, 32. If the string corresponds to a name listed as a UNESCO region or appearing on the compositional micro-geographical, continental regions, geographical sub-regions, and selected economic and other groupings list but the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any government or public authority.

Steve, you have your hand up. Do we take that before I go on?

STEVE CHAN:

Sure. Thanks, Annebeth. I think we actually stepped through 31. We hadn't actually gone over that one yet.

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ANNEBETH LANGE:           Okay. I'll go back to it. I'll continue with 32 first and then we'll go back to it. It was a little confusing there. The text is so similar [in] the different greens.

For 32, there's agreement for 44 to 50, some of them qualified from different stakeholder groups. The Registry Stakeholder Group: balanced and overarching in 51, as usual. Divergence from several in Line 52 to 61.

Any comments before we go back again to 31?

Okay. Let's find that text ... Applicants who intend to represent a connection to authority of a UNESCO region, etc.. – that I have been reading a lot of time – need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the registry agreement that prevent the applicant from misrepresenting the connection or association to the geographic term.

Agreement in Line 25 to 38. Both divergence and agreement from IPC in Line 29. It wants to change the wording. Let's see there ... They have an agreement. If the IPC would support the introduction of an intended use test for exact matches of strings listed as UNESCO regions or appearing, etc., this would modify Preliminary Recommendation 13. Note also our comments in respect of that preliminary recommendation.

Balanced view from the Registry Stakeholder—

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MARTIN SUTTON:                 Sorry, Annebeth. It's Martin.

ANNEBETH LANGE:               Yes, come on. Martin, please.

MARTIN SUTTON:                 I was just thinking on the last point on the IPC. Do we need to flag that element of alternative languages [as a] new idea? I put that out to [inaudible]

ANNEBETH LANGE:               [inaudible] We can read the red ticks as well, so those one the phone can hear that as well. With respect to the proposal that protections will instead be achieved by inserting contractual requirements in the registry agreement, the IPC believes that it should be a matter of the applicant to determine whether to submit a public interest commitment in their initial application and reiterates that a name may have multiple different meanings and contexts which legitimately may co-exist. But in principle, the IPC does not support the idea that applicants should have the option to meet legitimate concerns identified [through] informal objection processes by means of contractual modifications, such as public interest commitments.

Then we go to further down. It was divergence from several in Line 31 to 42: governments and others.

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Do we have any more comments now? Steve had written, “Martin, is the edit on the screen what you had in mind?” This sentence you marked blue, Steve? I think it was that. From [Arasteh] to everyone, IPC is very proactive. Susan says to everyone, “I don’t think the blue sentence is a new idea.” Okay. Then Steve said, “Correct. That what I was asking about.”

Martin, could you clear up what you meant?

MARTIN SUTTON: Thanks, Annebeth. I thought it read something about changing the language when you were reading it out.

ANNEBETH LANGE: New idea but it’s ... yeah. Okay. It might be, but I misunderstood that.

MARTIN SUTTON: [inaudible]. I was flicking between document and Zoom at the time, so I just heard being read out the mention of that there would be support if there was a suggestion of language. Now I’m trying to read it on the screen [inaudible] working it. [inaudible].

SUSAN PAYNE: Hi. It’s Susan here. Can I [leap in] while you’re doing that?

ANNEBETH LANGE: Please help.

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SUSAN PAYNE: I'm not sure I know the answer. A very similar response was in one of the previous questions. I wasn't sure how to categorize it, which is why I didn't speak up. There's partial agreement, but the part that's being agreed to is essentially a kind of a modified version of the preliminary recommendation, which is what they're saying. But the question as asked is not agreed to. It's a problem with the categorization or trying to categorize something because this reads like, "We kind of agree with this proposal, but there's a bit of divergence." I don't think that's true. I think fundamentally we disagree with the specific part of this that is the change to the current.

ANNEBETH LANGE: Okay. Then, as Paul McGrady says here, it should be marked down as disagreement [inaudible] new idea and no agreement. Okay.

SUSAN PAYNE: In which case – apologies, Annebeth – on one of the previous questions, where the language was very, very, very similar, it was the same answer.

ANNEBETH LANGE: Okay. So do you want to tell us which part of us so that—

SUSAN PAYNE: I wish I could. I'll try.

ANNEBETH LANGE: Okay. I'm sure Steve will find it so that we can correct it so that it will be right.

Now he's marked the whole thing blue – the second paragraph there – “The IPC would support the introduction of an intended use test for exact matches.” That's marked as a new idea? Will this be right?

MARTIN SUTTON: It's Martin here. I think, leading on from what Susan has just said, this needs to be just allocated as divergent and supported. Otherwise, it dilutes what their intended response was, which is the first bit: not supported full-stop. I know it goes on to say some other things, but as Susan mentions, this tends to refer to preliminary recommendations which they've already responded to. If that's fair enough, I think we can just note this one down and any other that you've spotted earlier as non-supported, i.e., divergent, and leave it as that, rather than any reference to agreement. Does that seem reasonable, Susan and others?

SUSAN PAYNE: Yeah, I think so. Apologies. I'm trying to find the other section and I'm trying to toggle between the two. But, yes, I think that's right.

MARTIN SUTTON: Okay. Thank you.

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ANNEBETH LANGE: After reading it through again, I agree. I think we should take away that new idea and say the IPC does not support this proposal as written. So that's the main meaning here, and then they have written something more. It seems that that is the correct way to do it.

MARTIN SUTTON: Thank you. Paul McGrady has added a comment on that as well. So I think, if we could do that, Steve, and take out the new idea reference as well because that's just confusing it further. So [inaudible] just straightforward, non-supported/divergent comment. Thank you.

ANNEBETH LANGE: Right. Thanks, Martin and Susan. Then we go on to 32 or [inaudible]. 32 was what I took before, so we can skip that and go to—

MARTIN SIMON: We're onto the next section.

ANNEBETH LANGE: Yes, we are.

MARTIN SIMON: Okay. Well done.

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ANNEBETH LANGE:            Okay. Then we go to Proposal Sections F24. 33. This is about general comments and proposal terms not included in the 2012 Applicant Guidebook. We start with that there are five pages of discussion and no recommendations. Those participants who joined that [discussion] were saying this. Joint Work Track 5 primarily for their interest in this aspect of the subject will be forgiven for their understandable disappointment as a general comment to this section from Christopher Wilkinson.

Then we go to 33. Apply a clear and unambiguous rule that any geographic term that is not explicitly and expressly protected is unprotected. A lack of letter of support/non-objection alone will not be a course to hinder or suspend an application for such unprotected terms.

I hear someone speaking here. Hello?

I think there's someone not muting their line – you muted the line. Thank you, Andrea.

Then we go on. From Line 1 to 11, we find support. Some qualification to this support in Line 12 to 14. And in 15, we have ALAC's divided view: impressable support but some divergence. Not supported in Line 16 to 22. And also the overarching divided view by the Registry Stakeholder Group in Line 23.

Any comments here?

SUSAN PAYNE:            Hi, Annebeth. It's Susan. Sorry.



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ANNEBETH LANGE: Sure. Go ahead.

SUSAN PAYNE: Again, apologies. Let me go back to the page that I was looking at. It seems to me that the ALAC comments in #10 or Line 15 – isn't it kind of saying the same as BC and the group of registries? I'm reading this really quickly, so I may have got the wrong end of the stick, but it seems that they're agreeing and then they're saying, "But the list of what is protected can't be overbroad." I think the ALAC was saying that, too, but I may have been misreading it. And it's just that it's categorized differently. That's my point.

ANNEBETH LANGE: Okay. I'll have a look at it. So, Steve, can you note that down so we take a look at it afterwards? Thank you, Susan. It's not easy to find the write way to interpret the comments.

MARTIN SUTTON: Annebeth, it's Martin.

ANNEBETH LANGE: Yes, go on.

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MARTIN SUTTON: I think this is a good one to try and work out what it would be, so, rereading that one now, are we saying it's agreement-qualified?

ANNEBETH LANGE: Before you go on, which number are you talking about? Because it's two numbers on the screen.

MARTIN SUTTON: Okay.

ANNEBETH LANGE: So just that we're agreeing on what we're talking about here.

MARTIN SUTTON: It's 15 on the spreadsheet, 10 in the actual document.

ANNEBETH LANGE: Okay. So 15 to the left and then 10: the ALAC [inaudible].

MARTIN SUTTON: [inaudible] comment there. And if we could hear from somebody from ALAC just to confirm if they're satisfied that that could be marked as agreement-qualified, that would be helpful. Justine is having a look, so thanks, Justine.

ANNEBETH LANGE: Yeah. This answers his point. Trying to see ... okay. Yeah, it's more. Yeah, I agree with you, Martin, because what they are

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saying is it's a kind of concern. That doesn't mean that it's non supported. It's more concern. So perhaps it should be a qualified agreement or orange for concern.

JUSTINE CHEW: Hi, Annebeth. It's Justine here.

ANNEBETH LANGE: Hi, Justine.

JUSTINE CHEW: I actually think that it should be divergence all together because what it says is we think that Proposal 33 is good in principle but we don't think it would work.

ANNEBETH LANGE: Okay.

JUSTINE CHEW: So therefore my position would be that it's divergent.

ANNEBETH LANGE: Good, good. You are the representative from ALAC, so you understand that better than us. It's often very difficult to find out from the text, so thank you for that. This is exactly what we need to do going through all these things.

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Okay, it's a comment from Greg Shatan here. "The full comment will hopefully be illuminating." What do you mean by that, Greg?

GREG SHATAN:

I guess Justine was looking at the full ALAC comment that might illuminate what [inaudible]. I'm not quite sure I understand the comment because the idea is that whatever defined list we have are the geographic terms and that anything outside of that would not be protected. So there's no need for an exhaustive list. The comment here seems to assume that the inability to build an exhaustive list is a problem, but I think that the proposal is actually aimed at solving that problem by saying that there won't be an exhaustive list, that instead there'll be an explicit list and that's the end of the list, that's the end of the story. So I don't know. The comment may be missing the point of the proposal. Thanks.

ANNEBETH LANGE:

Thank you, Greg. I see that Marita has said here on the chat, "That ALAC item? I think Justine has nailed it." And Cheryl – thanks, Justine. I think there was reserved concerns. Let's hope we get it right.

CHRISTOPHER WILKINSON:

Hi, Annebeth. I have my hand up.

ANNEBETH LANGE:

Hi, Christopher. Come on. Go on.

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CHRISTOPHER WILKINSON:

Very briefly, thank you, Justine for intervening on this point. I'm not speaking for ALAC but as an At-Large member. It is totally impractical, and in various situations would be extremely politically difficult to draw a line under what is or is not a reasonable geographical name. So think Justine is quite right to say that this comment from ALAC is basically disagreement. You can't do it, even, Greg, you'd like to. If we produce a list, the first thing that happens is that other people look at it and say, "Where am I?" And if you're not on the list, you make a fuss. Don't have lists. Thank you.

ANNEBETH LANGE:

Thank you, Christopher. There's a new comment from Susan here. "Thank, Justine. I was misunderstanding your comment, but it turns out that it was wrongly categorized in a different way."

Do we agree to go on? Susan asks, "Well, what would you have then, Christopher?" [inaudible]. "We need to remember the principle of predictability, and lists help immensely with that."

Actually, now we're going into discussing substantial issues, so we should keep to just discussing what the comment is. So that's been delivered, so we came back to do substantive issues. So if you can just agree on what ALAC means here, that would be good.

I think we should go on to 34. Provide an advice-free panel that applicants could contact to assist in identifying if a string is related to a geographic term. The panel could also help applicants identify which governments and/or public authorities would be applicable.

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Ultimately, the geographic names panel used to evaluate whether an applied-for string was a geographic TLD in the 2012 round could be made available to advise applicants before they submit applications. This is an implementation improvement.

Someone has not muted their line. Could everyone take a look and see?

Thank you. Then we go to the answer of this suggestion. Support in Line 25 to 30 from different stakeholder groups, but some concern from .berlinGmbH in Line 31, and others in Line 32. It raises legal issues in terms of liability. Some stakeholder groups have both concerns as well as opposition in Line 32 to 35, like the Registry Stakeholder Group. Some do not support the proposal. Others [inaudible] they could, but one for legal issues. This is the same thing that the Germans said here. Also, in 34, some concerns, and in 35, the same things going through. This proposal may be dependent upon the scope, scale, and complexity of the rules applied to geographic terms. At this stage, the BRG would not be supportive of this proposal. Some practical improvements can be made without creating a formal advisory panel which would introduce other challenges, such as composition, knowledge, and skills. That's the Brand Registry Group. The Registry Stakeholder Group: "If it's not possible to provide a simple list database for reference and an advisory panel is needed to identify a geographic term, then this process has been made overly complicated and will have a chilling effect on the industry as a whole." Accordingly, they do not support that proposal. Full divergence in line 36 to 40. Some have no position on this question.

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Christopher, you have your hand up. Go ahead, Christopher.

No? It was the old hand. It disappeared. Okay.

CHRISTOPHER WILKINSON: Old hand. I don't know how to disappear a hand here. I have to search the bloody screen.

ANNEBETH LANGE: You found it, so that's good. Any more comments from others?

No? Then we go to 35. Maintain a repository of geographic names reflecting terms that governments sensitive and/or important as geographic names. Countries and territories could contribute terms to this repository, but it would not require binding action on the part of potential applicants.

Support from some governments and others in Line 41 to 49. Concerns and divergence from the Brand Registry Group, the Registrar Stakeholder Group in Line 50 to 51, and full divergence from 52 to 59 from both registries and governments. The Registries Stakeholder Group have no position here.

Any hands? Any questions? We have something in the chat now. There's a discussion there on the list. It's a more substantive discussions, so we'll read the chat afterwards.

Any comments to 35?

We'll go on with 36. Leverage the expertise of GAC members to help applicants determine if a string is related to a geographic

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location. GAC members could also assist applicants in identifying which governments and/or public authorities would be applicable in cases where an application must obtain a letter of government support of non-objection.

Support from governments and others in Line 62 to 71, some qualified, while there are some concerns from the Non-Commercial Stakeholder Group, mingled with the support in Line 72. Concerns and divergence from the Brand Registries Group in 73, and divergence from 74 to 77. No position from the Registry Stakeholder Group.

Any comments? Something that should be picked out and read, Martin?

SUSAN PAYNE: Hi, Annebeth. It's Susan.

ANNEBETH LANGE: Yes, go ahead, Susan.

SUSAN PAYNE: [inaudible] comment then. It was what I was putting in the chat, but I can see it throughout, and perhaps it's been happening through all and all and I haven't really picked up on it. There have been a few comments where a group has given an explanation of what they're thinking and then said, "For these reasons, we don't agree," and it's been categorized as concerns and then divergence. But I think, really, the comment is divergence. It's



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divergence because of the reasons they've given. I don't know if it matters. If the order of the categorization doesn't really matter, than it doesn't matter. But it seems to me that they're divergence.

Some examples would be – if we scroll up on the page just above, I think there's one from the Registry Stakeholder Group, for example, though that wasn't the one I was looking at – oh, sorry. The Brand Registry Group, for example. There's a whole comment here from the Brand Registry Group which is categorized as concerns. Then it says, "Accordingly" – oh, no. Sorry. Not the Brand ... oh, weirdly, the comment seems to be from the Registrar Stakeholder Group, but it's called the Brand Registry Group's comment. So I don't know what's going on with that one, but you can see what I mean. There's a whole explanation of why they think it's not a runner. Then they say, "Accordingly, we don't support." So I think of that just as divergence.

ANNEBETH LANGE: Yeah, I understand what you mean. But I think it's a good thing to see ... When I read it, I read, accordingly, they do not support, and they give the reason why they don't. Then the sum must be that it is divergence. That's what you mean, isn't it?

SUSAN PAYNE: Yeah, that is what I mean. I just don't know what we will do with this summary. If we have something that says concerns and divergence, how are we treating that compared to just calling it

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divergence. But this has been the case for a number of these that we've been going through on this particular sheet.

ANNEBETH LANGE: Then we have to look into it and use that as an explanation and just take away the yellow text and call it all divergence, if that's the case.

SUSAN PAYNE: Yeah. I guess I'm asking. I'm not entirely sure what the right approach is. I'm not sure, as I said, if it matters. If it says concerns and divergence, are we, later on, when we start doing whatever we do next, going to treat this comment differently because it looks like—

ANNEBETH LANGE: [inaudible]

SUSAN PAYNE: Yeah. If you know what I mean.

ANNEBETH LANGE: I understand. Like Robin Gross says here, I would say that the Non-Commercial Stakeholder Group comment in #72 is closer to a qualified agreement rather than a simple agreement in order to not lose the point made. So it's difficult because the staff has, of

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course, tried to interpret what is written in the comments and to make note of your concerns, but ... And that's why we are going through all this: to see if we have represented it correctly or not. If not, it's up to you to say that we haven't. And then we correct it again.

Are there any more comments to read? I don't think so.

Okay. Let's go to 37. Require that an applicant demonstrates that it has researched whether the applied-for string has a geographic meaning and performed any outreach deemed necessary by the applicant prior to submitting the application. The proposal would be in addition to the existing measures related to the geographic panel. This is a change in scope of protections.

There's support from Line 80 to 86, and then we have a comment from ALAC, which perhaps should be a little different. There is a combination of agreement and concerns. If you could take a look on that: 87. "ALAC supports Proposal 37 in principle – it's the same way as they have written it in several other places – "although we have some concern over the level of research an applicant is required to demonstrate which would be considered adequate, especially translation of terms."

Is there anyone from ALAC that would like to comment on that?

No? Then we'll go ahead again. On Line 86 to 96, there is opposition by the Registry Stakeholder Group. Again, it takes no position in Line 97 due to the diversity of their membership.

Comments?

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MARTIN SUTTON:            Yeah. Annebeth?

ANNEBETH LANGE:        Yes, Martin. Go ahead.

MARTIN SUTTON:        Hi there. I think I'm picking up a repeat problem from the last section well, where the Brand Registry Group is quoted twice but we didn't say it twice. So that line on 91-stroke-12 is the Registrar Stakeholder Group, not the Brand Registry Group. We've already commented about—

ANNEBETH LANGE:        Okay.

MARTIN SUTTON:        Thanks.

ANNEBETH LANGE:        Thank you. Thank you for noticing that. That's good. 38. If the applicant I applying for a geographic term, including terms not listed in the 2012 Applicant Guidebook, that applicant is required to contact/consult with relevant government authorities and provide evidence that it has done so.

Here there is support from governments and others in Line 99 through 107, but divergence from the Brand Registry Group and

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others in 108 to 115. And no position from the Registry Stakeholder Group.

Any comments here? We have actually come to the end of the agenda. We have gone through everything that was on the agenda for today, and we have only talked for an hour. So is there anything special of what we have gone through today that anyone would like to take up and go back to and discuss more thoroughly?

It's very quiet. Susan?

SUSAN PAYNE: [inaudible] Apologies to everyone who thought that they were going to be allowed to go to bed or whatever.

ANNEBETH LANGE: No, we have Any Other Business as well, so [inaudible].

SUSAN PAYNE: I just thought, since we have a pause or we have got to the end, could we perhaps go back to that notion of divergence and then ... what's the term? Oh, sorry. Concerns and divergence. Because, actually, if you stop just where you are now, you see you have the ALAC comment, which says, "We support in principle, but we've got some concerns." So that's agreement and concerns, and I agree with that categorization, but then when we go further up, there is some where it's categorized as concerns and then divergence. But I think it's just they've actually done what they

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were really supposed to do, which is not just say, “I support or I don’t support,” but they’ve explained their thinking. I don’t think it’s concerns. I think that’s not the same kind of qualification as we saw on the ALAC comment. I think that comment is divergence. But I would like to know if anyone agrees with me or disagrees. As I say, there are a number of that I categorize like this on this sheet in particular.

ANNEBETH LANGE: Perhaps from ALAC’s side it would be a good idea if they went through these things that we have discussed today and just make it clear what you really mean and if we have interpreted it wrongly. So several places, as you say, are a combination of either agreement and concern or divergence and concern. That’s the point, isn’t it?

SUSAN PAYNE: It’s kind of – right. Sorry. But actually it’s not really an ALAC point. It’s just we happened to have paused the scrolling of the document at a point where I was able to point to the ALAC comment as an alternative, which helped to explain my thinking. So it’s actually some of these Registrar Stakeholder Group comments. I think further up some of them are ones from the BRG or some other groups. I’m sorry. It’s hard to scroll through the document and—

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ANNEBETH LANGE: Susan, it's Annebeth. What I would suggest is that we, the Chairs, and the staff go through it and have a look at it and see if we can interpret the text in a better way, where these problems turn up.

SUSAN PAYNE: Yes, thank you.

ANNEBETH LANGE: We'll do that. Okay, so—

MARTIN SUTTON: Annebeth?

ANNEBETH LANGE: Yes, Martin, go ahead, and then Steve and [Arasteh].

MARTIN SUTTON: On the page where we are now, highlighted on the screen, I think these are two good examples that we could actually just clear up quite quickly. If nobody disagrees – say, for instance, with the 73/Line12, what's explaining there is that the main sentence, there highlighted in yellow or gold, is really the explanation behind making the statement, which is that the Registrar Stakeholder Group does not support this proposal. So I think, from reading this again, I would agree that we could quote that as divergence. It's not supported. It's divergent. It's not concerns that they've raised. It's an explanation of the response that they've given. So, unless others have different opinions, I think we could move ahead and

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just classify that one as divergent only and remove the concern because the concern is not about the proposal itself.

ANNEBETH LANGE: Agreed.

MARTIN SUTTON: Similarly, the one above it NCSG where they agree with the proposal. They are concerned that it would result in an expansion of the situations dah, dah, dah, dah, dah. So that one I'm still open on. I would need clarification. So I don't know whether we could be comfortable in revising that or if we've got people on the call that could clarify that for [inaudible]

ANNEBETH LANGE: Yeah. Robin? Isn't she on the call?

MARTIN SUTTON: I believe so.

ANNEBETH LANGE: Yeah. She says here #72 from the Non-Commercial Stakeholder Group is conditional agreement.

MARTIN SUTTON: In which case in our normal classifications could be put as "agreement (bracket) qualified"? Is that okay, Robin?



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ANNEBETH LANGE: I think that's what she's saying. "I'm not on audio," she writes. But she has written in the chat that 72 from them is a conditional agreement.

MARTIN SUTTON: Okay, good. So we could update those two. And Susan has quoted Line 34 and 35. So, if we move back up to 34 and 35 on the screen, we might be able to have a look at those.

ANNEBETH LANGE: Susan says 34 and 35. Yeah. And 50 and 51. Yeah.

MARTIN SUTTON: So 34, Line 10, is the BRG response. Reading that again, I would prefer to just quote that as divergent, Steve. Yes, it explains a bit around the reasoning for the position quoted, but essentially it's divergent. On 35, Line 11, we might have a look at that as well. But if you want, if we go back to the queue, there's Steve and [Arasteh].

ANNEBETH LANGE: Steve, go ahead.

STEVE CHAN: Thanks for this conversation. In the response I've provided to Susan, it's really a matter of whether or not the working group or

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the work track thinks it's an issue to differentiate between concerns and divergence. It sounds like it's falling on the side of that it does matter between calling it concerns or divergence.

But just to give you all a sense of what we've done for the summaries for the full working group when we've taken the outputs and gone through the sorting exercise with them, flagging something that's concerns as divergence as new idea is more to help with the summary documents, to pull out these things for the work track, or in that other case, the working group to consider. So, in that respect, it's really to help us pull out these items for the working group to consider. I don't know how to say this exactly, but in the exercises that we've done, if you call it concern or divergence, at that point it's not going to really matter because we're going to pull out those elements regardless.

To that extent, if you prefer that's all called divergence, that doesn't really bother us on the staff side one way or the other. But to give you a little context of why we do this is the first place, it's just so we have an easier way to pull things out and organize things and summarize things for you all to look at things in a more condensed manner. I don't know if that context helps, but if you prefer it all divergence, that certainly doesn't bother us. Thanks.

ANNEBETH LANGE:

Okay. I'm sure that those who have pointed out these things now have listened to you and will come with their comments to that. In the meantime, we have Arasteh and then Justine.

Arasteh? Kavouss? Can you hear me?

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Okay. Justine, can you go ahead? Then we'll try Arasteh afterwards.

JUSTINE CHEW: Sure, Annebeth. Thanks. I put it in the chat as well but I just want to [inaudible] [embody that]. In Line 87 or 8 on the spreadsheet in F2.4, the ALAC comment should be a qualified agreement with concerns? I've put it into the Google spreadsheet as well. Thanks.

ANNEBETH LANGE: That's good. Susan has said, "Thanks, Steve. That helps." Kavouss, are you there now?

Andrea, did you call up Kavouss again?

ANDREA GLANDON: Yes. Kavouss' line is connected.

ANNEBETH LANGE: Kavouss? Can't hear him. Okay. We'll see if he comes back. Are there any comments on this?

I can't see anyone's hands. Is there anyone who wants to raise anything under Any Other Business?

We are getting closer to ICANN 65, and we will have to think of how to use the time here. We have had some slots. We don't know still so far how many, but we think we will have two sessions probably on the first day. It would be a help for us if you have any

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good ideas on how to make the best of the time we have. So, if you could say something about that now or send us a message about it, we still have time to plan how we should use the time we have been given. So I think, in my view, it would be good to try to just say shortly we agree on or it seems we agree on and use the time for the difficult issues. We have to be clear that, if we can't find compromise and we can't go on discussing it forever, we have to try to look for compromises.

Anyone?

Nothing? Steve, could I ask you—

JUSTINE CHEW: Hi, Annebeth.

ANNEBETH LANGE: Justine, you asked if we should have any more topics. Is that it?

JUSTINE CHEW: Yes, that's right. Thanks.

ANNEBETH LANGE: So, Steve, could you enlighten us on what we have left before we go to the substantive issues to discuss that? You had a working plan that we saw yesterday.

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STEVE CHAN: Thanks, Annabeth. I think the co-leads will need to take a step back and figure out what the next steps are exactly. In terms of the more mechanical, non-substantive review of all the preliminary recommendations, options, questions, and proposals, that in fact is, as you all realize, is not complete. So I think, because of the substantial amount of material that was put out for public comment, it's going to take a little bit of thought on how to organize everything to ensure that the conversations are productive and constructive. I don't think we know exactly how that's going to be organized yet, and I think there's going to be some co-lead discussion to try to make sure that it's as productive as possible. Thanks.

ANNEBETH LANGE: Thank you, Steve. I agree. I totally agree. We still have some time. Some meetings are set up already. So just reserve your Wednesdays from the time between now and ICANN 65.

Anyone have something to add?

There will be remote access available for Work Track 5 meetings at ICANN for those who are not able to go.

CHRISTOPHER WILKINSON: Annabeth, this is Christopher, are you still hearing me?

ANNEBETH LANGE: Yes, we are. Come on.

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CHRISTOPHER WILKINSON: I'm not planning to come to Marrakech. Just to say that, from my point of view, a large proportion of the comments that we've seen here are unrealistic. My personal position is that it is so important to protect geographical names broadly described for the whole of the world's population as and when they wish and need them. But if we can't reach agreement on protecting geographical names, then I think the names that suffer from disagreement should be excluded. There is an assumption lurking in this work that, unless have criteria, all the other names are unprotected. That will never be accepted, and it is wrong from the point of view of future generations and in countries and languages and scripts around the world. So, if we can't reach agreement on the protection of geographical names, my position would be that they should be excluded. We'd do something else. The PDP has been going on for years doing something else, but the idea that, if we fail to agree that all these geographical names are unprotected and free for anybody, that will come back with grave opposition over generations to come. No. Thank you.

ANNEBETH LANGE: Thank you, Christopher. It is noted and it's recorded and it's on the transcript. So thank you for your view. Arasteh?

CHRISTOPHER WILKINSON: That is what I wanted. I want that to be on the record. Thank you.

ANNEBETH LANGE: And that's good. Arasteh? Kavouss? Are you there now?

No. It's very quiet. Okay, I think that, actually, we can quit ten minutes before time if there are no other comments.

Hearing none –

MARTIN SUTTON: Annebeth, it's Martin. Just to point out the comments that are coming through and just to make sure that people are aware of those, as well as the points that were heard. Just be aware that this is a group of diverse concerns and opinions, and they all need to be catered for. So we will no doubt have those more in-depth conversations as we move forward. But it would be nice if everybody has a few minutes back for their lives this evening or this morning or whenever it is. So thanks very much for guiding us through today's call, Annebeth.

ANNEBETH LANGE: Well, it's been a pleasure, as usual, to talk to all of you. Have a nice evening or morning or day. We'll talk again next week. Thank you and goodbye.

**[END OF TRANSCRIPTION]**