
ICANN Transcription

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

Wednesday, 17 April 2019 at 2000 UTC

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<https://audio.icann.org/gnso/gnso-sub-pro-track5-geo-names-top-level-17apr19-en.mp3>

Zoom Recording:

https://icann.zoom.us/recording/play/Wunh44DAvXm_dewEVET1a9zQN6iSRJtY7K1k86Y2_YRGclyqheV_BbM7hij_mWxa?startTime=1555531318000

Attendance is on the wiki page: <https://community.icann.org/x/ARZIBg>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

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JULIE BISLAND:

Alright. Good morning, good afternoon, good evening, everyone. Welcome to the new gTLD subsequent procedures subteam track five, geographic names at the top level call on Wednesday the 17th of April 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. And if you're only on the audio bridge at this time, could you please let yourself be known now? And I'm scrolling through, I don't see anyone on audio only.

So as a reminder, all participants, please state your name before speaking for transcription purposes, and please keep your phones

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and microphones on mute when not speaking to avoid background noise. Also, please keep your video off. There is a setting at the bottom. You can hover your mouse over the bottom of your screen and turn your video off, please.

Alright, with that, I will turn it over to Olga. You can begin. Thank you.

OLGA CAVALLI:

Thank you very much, Julie. This is Olga Cavalli from Buenos Aires. Good afternoon from this beautiful autumn afternoon in Buenos Aires. Good morning, good afternoon to you, colleagues. Thanks for joining us. We will keep on reviewing the document that has been commented by you and has been fantastically condensed and aggregated by the staff.

Remember that there is a color code in the document that refers to green, agreement, red, disagreement, blue, new ideas, and then you have yellow, orange, which is some concerns.

So I will be using a different screen for reading the document, which is easier, and I will keep on checking the chat, which is different, I have to get accustomed to this environment. But if you really see something that I'm missing or an important comment in the chat, please let me know.

I'm not sure which of our colleagues are with us today. Annebeth has a birthday so she's not joining. I think I saw Javier, and I'm not sure if Martin is here, but thanks to my co-leads in this Work Track 5 and many thanks to staff for all the work that they have done.

So, I see no special comments in the chat, so I will go to the document. If you look at the document, we will start in line 145, but as it corresponds to question eight, I will go up one second to question eight to read it so we are in context. Okay?

So question eight, which is in line 137, thank you, ladies. It says E8, in the 2012 round, applicants were required to obtain letters of support or nonobjection from the relevant governments or public authorities for an application for anything that is a representation in any language of the capital city name of any country or territory listed in the ISO 3166-1 standard.

In developing recommendations for future treatment of capital city names, Work Track 5 has considered several alternatives related to any language standard. Translations in United Nations languages, translations in united languages, and the official languages of the country, translation in official languages of the country, designations in official and commonly used language, translations in official and relevant national, regional and community languages, translation in principal, languages where the principal languages are the official [inaudible] statutory or de facto provincial languages of that country, a combination of two or more categories or a combination of two or more categories above.

In your view – this is the question – which alternative is the best option? Please explain. DO you have suggestions for alternatives not included in the list above? Please see deliberations if you want background for this part of the document, see the deliberations, there is a section, and pages of the document where there's context for this question.

So, this is the general – Paul McGrady is saying, “How do I see the document that [Olga is reading? Not really sure the button to push.”] Paul, I've just read question eight in line 137 just as a reference, and now I will go to the line that we have the follow-up, the revision that was made in the previous call, which is 145 line.

Remember that this exercise is about checking if all the comments were collected correctly, that they have been summarized in the right form. We are not in this call to open discussions again, we already had that opportunity before the document was prepared, and then through the comment period.

So I will go to line 145. There is a comment from governments of Argentina, Chile and Columbia, and [inaudible] there is a reference of an explanation made in question six about rules must protect all official and relevant national, regional and community languages, and there is no special colors, so emphasis on relevant and national and community languages.

Let's go to 146 line, there are comments from the Intellectual Property Constituency, IPC. They express some concerns. They do not object to requiring a letter of support or nonobjection from the relevant governments or public authorities for an application of any string that is an exact match or translation in official languages of the country or territory in question of the capital city name of any country or territory listed in the ISO 3166-1 standard. However, the Intellectual Property Constituency would support introducing the same intended use requirement for capital city names that is in place for noncapital city names, and now there is a comment made in orange, which means there are some concerns.

The IPC believes that the requirement letter of support or nonobjection from the relevant government or public authorities for exact matches of translations of a capital city name would not improve the predictability of the new gTLD program, rather that the range of potential translations expands the scope for future conflicts. Could have a chilling effect on applications and cannot be justified as protecting the names that these cities use to describe themselves.

[Other] concern is, further, the IPC notes that recommendation three of the GNSO recommendation provides that strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principle of law. Examples of these legal rights that are internationally recognized include but are not limited to rights defined in the Paris convention for the protection of industry property, [inaudible] the universal declaration of human rights, and the international covenant on civil and political rights, in particular, freedom of expression rights.

The IPC is concerned that expanding the scope of potential geographic names would infringe the existing private property rights of trademark owners.

There are comments in the chat about which document is being reviewed. It's the document that we have been reviewing in the previous calls. You have to go down to the section that is called questions for community input, and we are in line 147 now. Someone has their mic open.

Okay, let's go to 147, comments by International Trademark Association, INTA. It's regarding capital city names if they are to continue the subject of [a consent nonconstruction obligation,] and INTA recommends applying these two names in the official languages of the country in which the city is located. This sets an appropriate level of balance in protecting the interests of relevant city which is to precede concern.

I'm checking the chat. Okay, let's go to 148, comments from the United States regarding translation for capital city names, see the responses in question six, they're referred to, then they quoted here the United States believes that [inaudible] of country and territory names may be reserved to only in the United Nations languages and official languages of the country. We believe that any policy development involving translations should be handled in a strategic, targeted and limited manner that would create certainty and manage expectations for the TLD applicant and for third parties.

Comments in the chat. Okay. Let's go now to line 149. It's comments from a group of registries, Uniregistry, Minds Machines Group, Top Level Design, Amazon Registry Services, and Employ Media LLC.

There is some divergence, there are some comments in red as you can see. The group of registries does not believe applicants should be required to get letters of support or nonobjection for capital city names. However, if such letters are required, the translation should only be in the official languages of the country, and only if the intended use is of purposes associated with the capital city name.

Let's go to line 150. Comments from [inaudible] also text in red. To the extent that any restrictions are continued [where] geographic terms are reserved or require letters of approval or nonobjection, [inaudible] does not support the reservation of any translation for these categories.

Let's go to line 151. Comment from the Registrar Stakeholder Group, also some divergence, text in red. Does not believe any translations should be reserved. The Registrar Stakeholder Group is not in support of any of the options listed above, as we do not believe translations should be reserved.

152. I see some comments about using Zoom. We will get there. We need some training. Comment from the NCSG, also some divergence, text in red. Please see NCSG's responses for question six, nine and ten for our position on this issue relating to the requirement of government support for delegation of these names, translations and letter of support or nonobjection from government agencies.

Let's go now to line 153, which is a comment from – sorry, I cannot see [inaudible] let me see if I can see it here. It's so long. I think it's Registry Stakeholder Group. Yeah. Sorry. 153, Registry Stakeholder Group, there is support, so there are overarching comments about this issue. The Registry Stakeholder Group supports maintaining the reservation of certain strings at the top-level in the upcoming new gTLD procedures. Generally, the provisions in the regional applicant guidebook regarding geographic names were developed after significant discussion and compromise in the community. They have been largely [inaudible] Registry Stakeholder Group supports maintaining the

status quo. It is because it reflects both this compromise and the actual experience from the last round.

Some members of the constituency would support changes that [inaudible] or requirements and argue that there's no legal basis to withhold the strings in recommendation one to nine and to require letters of support or nonobjection in recommendations 10 to 13. Some members of the constituency support the proposed preliminary recommendations would prefer that letters of support or nonobjection in recommendations 10 and 13 are required independent from the intended use, and are of the opinion that it's up to the clarity and predictability of the application process.

With regard to three-letter codes, preliminary recommendation three, the members of the constituency have opposed as stated in what – there are some numbers about comments, the practice of reserving three-character codes and have expressed in favor of making all three-character codes, ASCII as well as IDN, eligible for the use as gTLDs regardless of whether they are listed as alpha three codes in the ISO 3166-1 list.

The constituency wishes to reiterate its opinion which originates from the observation that there are no valid reasons that justify a process or policy of reserving three-letter codes. One, there is no basis for countries or country code operators to claim sovereignty ownership rights over three- codes. Three, using three characters or more for gTLDs and reserving two-characters for ccTLDs is consistent with current practice of the domain name system. Three, there exist several three-character gTLDs while there are no examples of three-character strings that are used as a ccTLD,

and reserving three-character strings for use by governments, public authorities or other entities risks creating confusion.

Restrictions on the use of a particular three-character string for a gTLD should be allowed only in a limited number of cases where international law or other agreed upon restrictions dictate an exception, for example the use of www.

Understanding this existing position, the Registry Stakeholder Group knows that some of its members may be able to support preliminary recommendation three because it reflects the compromise that was – it ends there. And see if I can manage to continue.

Okay, Registry Stakeholder Group comments on the – this is a link, and then – oh, I see, there is a link in-between. The compromise that was reached for the 2012 round. However, some members believe a new solution for the ISO 3166-1 alpha 3 codes should be sought in close cooperation with the GAC.

With regard to city and capital city names, we know the following opinions within the stakeholder group’s membership. Registries do not support any restriction on the use of city or capital city names and object to the requirement of letters of support or nonobjection. Registries do not support restrictions on the use of city or capital city names, however, could agree, should the community wish so, that letters of support or nonobjection are required for applications where the applicant declares that it intends to use the gTLD for purposes as associated with the city name.

UNIDENTIFIED MALE: I think there's a hand by Greg.

OLGA CAVALLI: Let me finish the document, this part, and I'll give you the floor. Thank you. Registries, and in particular geo TLD group members, request that letters of support or nonobjection are required independent from the intended use for city and capital city names that are listed in the United Nations demographic yearbook version 5 2015 or later in the list of capital cities or cities of 100,000 or more inhabitants, and there's a link there. So that's the comment from – I think that I'm finished – the Registry Stakeholder Group. Hand by Greg. Greg, go ahead, please.

UNIDENTIFIED MALE: It was an accidental hand by Greg, apparently.

OLGA CAVALLI: Where do you see the hands? I don't see them here. Just in the chat? Or is there a hand symbol that I don't see?

UNIDENTIFIED MALE: In the participants pod [inaudible] you can see. It's hard to do, but it's there somewhere.

OLGA CAVALLI: [inaudible]. Okay. I'll get accustomed one day. Okay, Greg, no worries. Christopher says no hands. Thank you. So I think it's the

end of question eight if I'm not mistaken, and I will see if there are some comments from colleagues. Comments, questions? No?

Okay, let's go to line 152, this is question E9, so I will read it, and then we will see all the comments and compile [inaudible] any other things that we have to review.

In the 2000 round, applicants were required to obtain letters of support or nonobjection from the relevant governments or public authorities as for an application for a city name where the applicant declares that it intends to use the gTLD for purposes associated with a city name. Their requirement applied if, A, it is clear from applicant's statements within the application that the applicant will use the TLD primarily for purposes associated with the city name, and B, the applied for string is a city name as listed on official city documents. Do you think that this requirement should be kept, eliminated or modified in subsequent procedures? Please explain.

Please see all the deliberations, and then there's a reference to the part of the document and pages where these deliberations were captured in the document that went for comment.

So let's go to line 155, comments from the Business Constituency. the Business Constituency supports retaining this requirement from the 2012 round of gTLD expansion, again, so long as the applicant has declared that it intends to use the gTLD for purposes associated with the city name.

No comments in the chat. Let's go to line 156. It's a comment from the IPC, the Intellectual Property Constituency. There are some

preliminary recommendations that they include here. Supports requirement for letter of support, opposes requirement expanded to terms that match the name of a city anywhere in the world where not the intended use.

The IPC supports [to require] applicants to obtain letters of support of nonobjection from the relevant governments or public authorities for an application for a city name where the applicant declares in their application that it intends to use the gTLD for purposes associated with the city name, which is intended use.

We underscore that it must be the applicant's stated intent, and the government cannot choose to impose its own interpretation as to intent upon any application. Further, the stated requirement should be subject to the caveat where the TLD is being applied for as a brand, then any association the public may draw between the brand and the city, for example because of where a brand is located or where it was originally established shall not serve as a relevant association for these purposes.

The IPC would not support any requirement for the letter of support or nonobjection in respect of terms which match the name of a city anywhere in the world where this is not the intended context of use. Many names have multiple different meanings and uses which coexist in the real world, including the same term being used as the name, of a town, city or geographic feature in multiple countries and even within a single country, a term identifiable for geographic place and having a generic dictionary meaning, terms which are used by both geographic places and as brand names and trademarks, terms which are used by more than one brand owner for different fields of businesses or jurisdictions.

Expanding the scope of any consent nonobjection precondition would infringe on potential trademark rights and on the use of these terms on other legitimate context. The IPC would support leaving the definition of a city as it appears on official city documents. This limits the scope of a city to be in an area large and organized enough that warrants a public authority to conduct official business on behalf of people in the area. It also creates predictability for applicants as there will be a readily identifiable authority to contact for a letter of support or nonobjection.

And then [inaudible] comments in the chat. I see some comments from Greg, but I don't see hands. Okay, let's go to line 157, comments from the ALAC in respect of applications for city names, gTLDs, there is some support for keeping the applicability of the requirement of letters of support or nonobjection only if, A, it is clear from applicant's statement with the application that the applicant will use the TLD primarily for purposes associated with the city name.

There is also support for modifying this requirement for letters of support or nonobjection for the relevant governments or public authorities to apply to all applications for city name, gTLDs, irrespective of intended use statements submitted by applicants.

The support for modification stems from the considered position that each gTLD is a unique piece of internet real estate, and delegation to one party, for example the successful applicant, will necessarily exclude the control over it by other parties in the absence of any agreement for [sharing or control.]

There was also concern over uncertainty around, first, the definition of primary, and second, whether the limitation of not using the TLD primarily for purposes associated with the city name can be effectively prevented at the [SL.] What is SL? I don't know.

Hence, it is through that standard need for documents of support, nonobjection, from relevant governments or public authorities irrespective of intended use statements would offer less uncertainty. For clarity in both cases, there is no contention towards [inaudible] the applied for string is a city name as listed on official city documents.

Hands, comments? I see none. If I don't see them, please let me know. Let's move on to line 158, comments from the government of Spain [Swiss,] Federal Institute for Intellectual Property [inaudible] Icelandic Ministry of Foreign Affairs, German GAC, [Origin,] European Broadcasting Union, government of France, Association of European Regions for Origin Products – AREPO – and Republic of Peru.

This is line 158. Seek to suppress [disallow] the nonobjection element. General comment suggests improvement to the nonobjection process, see general comments for example in the case of noncapital city names, the rule according to which the nonobjection framework is not applicable when the alleged intended use is nongeographic should be suppressed as it creates [wrong] incentives to circumvent the application of the requirement to contact and obtain the nonobjection from relevant public authorities. There are some links to the commenters.

And no comments? Some comments from Greg in the chat. So let's go to line 159, which is comment from the Portuguese government. In the case of noncapital city names, the rule according to which the nonobjection framework is not applicable when the alleged intended use is nongeographic should be suppressed as it creates [wrong] incentives to circumvent the application of the requirement to contact and obtain the nonobjection from the relevant public authorities.

City names are geographical terms with national significance that should remain under the relevant authority with the attribution to safeguard it by the city's digital identity. I see no comments in the chat, no hands up. Let's go to line 160, comments from government of Argentina, Chile, and Colombia [inaudible].

Seek to suppress or disallow nongeographic usage. When the intended use is nongeographic, should be suppressed as it cause confusion among the users, similar to other comments before.

Let's go to line 161, government from Brazil opposes the intended use prerequisite. The criteria of intended geographical use of the TLD as a prerequisite for the requirement of a letter of support or nonobjection should be withdrawn insofar as the regime for delegated TLDs regardless of their use [leads to the monopolization] of that TLD. This would deprive the relevant communities of the benefits of using a unique TLD name inextricably associated with their identity without them being consulted through the appropriate public authorities. Another problem with intended use criteria is that it requires monitoring or may be circumvented subsequently to a delegation.

Those were comments from the government of Brazil, and now we go to line 162, comments from United States. Here we see some text in blue, which means new idea, so I will first read the text in black. The United States does not agree with the special treatment according to geo names in the 2012 applicant guidebook. If this category is retained for future rounds, it should be amended to require a letter of support or nonobjection only where it is clear from the applicant's statement in its application that the proposed use of the string would create a false or deceptive association with the government or the public authority.

What may be considered purposes associated with the city name without more is unclear and overbroad, and could sweep in uses of a name that have no association with or connection with the government or public authorities of a city.

And this is text in blue, which is new idea. It also would be beneficial to insert a curative mechanism in the form of public interest commitment that would ensure that the gTLD would not be used in a way that would falsely create a connection with a city governmental authority.

There are some comments from Greg in the chat. Greg, you want to take the floor? No hand up? Okay, let's move on.

Let's go to line 163, comments from DotBERLIN GmbH and company [inaudible] Hamburg Top-Level Domain GmbH geo TLD group. There also text in blue here. [Supports same] requirements but uses specific list. We recommend modifying the requirement too.

And there comes the blue text as new idea. An application for a string which is representation of a city name of any country or territory according to the list at – there is a link to United Nations [inaudible] – an application for such a string will be subject to the geographic names requirements, for example will require documentation of support or nonobjection from the relevant governments of public authority if it is clear from the applicant's statements within the application that the applicant will use the TLD primarily for purposes associated with a city name, or B, the applied for string is a city name as listed on official city documents.

Let's go to line 164. Comments from [inaudible] GmbH supports same requirements but uses specific list. They recommend modifying the requirement too, and this is a text in blue so it's a new idea, an application for a string which is a representation of a city name of a country or territory according to the list at United Nations [inaudible] there's a link.

An application for such a string will be subject to the geographic name requirements, for example will require documentation of support or nonobjection from the relevant government or public authorities if, A, it is clear from applicant's statements with the application that the applicant will use the TLD primarily for purposes associated with the city name, or B, the applied for string is a city name as listed on official city documents.

No comments, no hands up. Let's move on. 165 line, comments from the Brand Registry Group, believes that it should be optional but have the curative mechanism. The BRG believes this

requirement should not be obligatory, and this is in blue, but optional to the applicant.

Absent of the support, nonobjection from a relevant government or local authority, the applicant takes the risk that other objection mechanisms could be triggered if the application raises significant concerns.

Let's move to line 166 which are comments from the International Trademark Association, INTA. INTA believes this requirement should be modified, even if a gTLD corresponds to a city name and will be associated with that city, that does not necessarily mean it is a cause for any concern. Many companies are named after cities and have their head office in the city so that a gTLD for the company name would be associated with the city.

INTA recommends this requirement be modified so that letters of support or nonobjection will not be required where the applicant has trademark rights in the gTLD string and will use the TLD for purposes associated with the brand. Those were comments by INTA.

And now we will move to comments by the – I cannot see, so much text. Hold on a second. Okay, I cannot see who is the comment from 168. If you can show me. My computer is just ...

UNIDENTIFIED MALE: There seems to be a hand up by Christopher, I think.

OLGA CAVALLI: Christopher, you want to make a comment? Please go ahead, Christopher. Christopher, can you hear me?

JULIE BISLAND: I'll check [inaudible].

OLGA CAVALLI: Check with him. When he's available, just let me know and I'll stop. So 168 is comment from the NCSG. Hold on one second please.

Okay, so there are some concerns marked in yellow, orange. Having in mind the need to ensure proper protections for freedom of expression as a universally recognized human right, given such protections are reiterated by ICANN in 2007 public policy principles of new gTLDs, principle G, the NCSG stands firm in its position that freedom of expression can only be restricted by law.

At the same time, this string evaluation process should be coherent with the internationally recognized principle of law. Moreover, the United Nations Human Rights Council in its 2012 resolution proclaimed that the same rights that people have offline must also be protected online, in particular, freedom of expression, which is applicable regardless of frontiers.

An applicant for new gTLDs is exercising his/her right to freedom of expression by lawful use of words. Reference to a city and usage of a city name falls under the scope of the right to freedom of expression. International law does not contain any specific requirements with regards to usage of city names, nor does it

mention the need to obtain prior permission of the government in this regard.

The NCSG believes that governments should have no priority rights to noncapital city names as compared to other applicants when it comes to allocation of new gTLDs. Those were comments marked as concerned.

Now, the NCSG strongly believes that any policy proposal regarding geographic names should take into consideration an intended use for the domain name reference to the intended use case and understanding of whether the gTLD will be used in good faith.

And here comes the text in blue, which is new idea. If at a later stage, it appears that a name is misused, there are curative rights mechanisms available to file an objection. The objection process should be seen as a sufficient means to address governments' concerns as to the application in the same way as it works for other stakeholders who have to closely monitor an application process and raise the concerns in a timely manner in order to prevent violation of their rights and interests.

Move on, there are some comments in orange, which is concerned. There are many cases of using the same name for many cities, making the requirement of obtaining prior nonobjection practically infeasible. Moreover, in some cases, an applicant might reside under one jurisdiction while applying for a gTLD [being] a city name which falls under another jurisdiction. In this case, getting a nonobjection from the competent authority to

whom the city name is relevant is likely to be cumbersome and time consuming for an applicant.

That was a comment marked as a concern. If an intended use is lawful and is not aimed at misinterpretation of a connection with [or] legal authority itself, then it should be permitted without placing any additional requirements on the applicant seeking to get a gTLD. On the other hand, misrepresenting intended use could be subject to [inaudible] restrictions without [constituting] a violation of the freedom of expression.

Therefore, the NCSG would recommend modification of the current requirement to obtain a letter of support or nonobjection when applying for a string containing a noncapital city name in subsequent procedures according to this proposal which the NCSG finds to be in compliance with internationally recognized warranties for freedom of expression, applicants who intend to represent a connection to the authority of a noncapital city will need to provide a letter of support [or nonobjection.]

There's some text in blue, which is a new idea. However, if the applicant does not intend to represent a connection to the authority of noncapital city names, protections will be enhanced by inserting contractual requirements into the registry agreement that prevent the applicant from misrepresenting their connection or association to the geographic term. As laid down in the supplemental report, this proposal changes the standard when a letter is needed for noncapital city names from usage associated with the city name to usage intended to represent a connection to the authority of the noncapital city name. It increases the

contractual requirements, and therefore enhanced protection of geographic places.

And there is text in – it's hard for me to navigate this document on this computer. Sorry, one second. There is some text in orange. The NCSG wants [thereby to avail itself] to this opportunity to remind ICANN Org of its commitment to support a universally recognized right to freedom of expression equally enjoyed by all applicants for the new gTLDs and to foster competition and transparency in the process of new gTLD allocation.

The NCSG also calls upon ICANN to eliminate existing and avoid placing new unnecessary or legally unjustified barriers for stakeholders other than government to apply for new gTLDs. So those were comments from the NCSG, now comments, hands up? I see none. Please let me know. Christopher, did you manage to get your mic?

Okay. If Christopher can talk, please let me know. So let's move on to line 169, if I am not mistaken. Comments from the Registrar Stakeholder Group. There's a concern that Registrar Stakeholder Group believes this requirement should be eliminated based on evidence previously provided in recommendation ten.

Now it's line 170, comments from group of registries, Uniregsitry, Minds Machines Groups, Top Level Design, Amazon Registry Services and Employ Media LLC. The group of registries does not believe applicants should be required to get letters of support or nonobjection for city names. However, if such letters are required, the intended use requirement should remain.

And the last comment of this section E9 in line 171 is from RDSHN Honduras, support -it's in Spanish but I will translate. They are in agreement only when there is a conflict between the geography and the name of the place excluding the name of the TLDs.

Okay, we finished with E9, now we will start with E10. I want to see if there are comments, if Christopher could be able to talk or is able to talk, or if there are other comments or hands up. No?

Okay. Let's move on. E10. It's line 172. Let me adjust my screen so I can read it better. 172, section F232 of this report outlines a series of proposals that Work Track members have put forward for the future treatment of noncapital city names. What is your view of these proposals? Are there any that you support Work Track 5 considering further? Do you have alternate proposals you'd like Work Track 5 to consider? Please explain. Please see deliberations. And there's a reference of the document that has all these deliberations that were done before.

No comments? Okay. 173 line is comment from government of Spain, Swiss Federal Institute of Intellectual Property, SWITCH, Icelandic Ministry of [Foreign] Affairs, German GAC, Origin, European Broadcasting Union, Government of France, Association of European Regions for Origin Products –AREPO – and Republic of Peru.

So they referred to their answer to question nine, they quoted, seek to suppress the nonobjection element. General comment suggests improvements to the nonobjection process. See general comments. For example, in the case of noncapital city names, the

rule according to which the nonobjection framework is not applicable when the alleged intended use is nongeographic should be suppressed as it creates wrong incentives to circumvent the application of the requirement to contact and obtain the nonobjection from the relevant public authorities. There are some links after that text.

Justine Chew, you want me to translate again the comment made in Spanish? So I'll translate. They agree always when it [exceeds] a conflict between geography and the name of the place, excluding the TLDs. Was that okay? Thank you, Javier. So I'm translating just what it says.

[inaudible]. 174, right? Portuguese government comments. They also refer to the comments answers in question E9, and they quote, in the case of noncapital city names, the rule according to which the nonobjection framework is not applicable, when the alleged intended use is nongeographic, should be suppressed as it creates [wrong incentives] to circumvent the application of requirement to contact and obtain the nonobjection from the relevant public authorities. City names are geographical terms with national significance that should remain under the relevant authority with the active vision to safeguard the city's digital identity.

Let's move to any comments. No. I don't see the hands up, so please, if there is some, let me know.

JULIE BISLAND:

Christopher has his hand up again. I had lowered it.

OLGA CAVALLI: Christopher, can you –

JULIE BISLAND: [inaudible] try now?

OLGA CAVALLI: [Try again, rest] a little bit.

JULIE BISLAND: [inaudible].

OLGA CAVALLI: Okay.

CHRISTOPHER WILKINSON. Can you hear me?

OLGA CAVALLI: Yes, we can hear you. Welcome.

CHRISTOPHER WILKINSON. Hi. Well, I have to back up a little bit, but just very briefly. I think the INTA comments earlier ignore the fact that trademarks are issued on a geographical basis, and a sectoral basis. The effect of claiming a trademark right to a gTLD top-level massively expands the rights of the trademark holder way beyond the rights

of [wherever] granted by the governments and public authorities who created the trademark rights. So I think there are clauses in the INTA and other intellectual property interests in this affair that are pulling the blanket then claiming rights that they do not have.

The second point, regarding the NCSG, I'm very much in favor of freedom of expression. I think some of you over the last few years have benefited from my exercise of freedom of expression. This is essentially a political concept, and I think it's extremely important for our society and our democracy.

But freedom of expression does not extend to one party, hijacking the name of a third party for its own benefit. It's absolutely out of the question to extend the concept of freedom of expression to the idea that an application for a top-level domain could, through freedom of expression, obtain the name and could monopolize that name globally and indefinitely. No, that is a complete exaggeration of the concept of freedom of expression. And I say so in exercising my freedom of expression. Thank you.

OLGA CAVALLI:

Thank you very much, Christopher. And just a general reminder that we are just reviewing the compilation of the document, and as they have been ordered and summarized in a way that we have to check if all is in place [inaudible] and this categorization of [agreement, nonagreement,] the concerns and new ideas is reflecting the comments that were made. But your comments are well taken. Thank you.

Okay. Now we go to line 175, we have like seven minutes. It's a comment from Argentina, Chile, Colombia, [inaudible]. So [this requote] of question nine. When the intended use is nongeographic, should be suppressed as it can cause confusion among end users.

Now we go to line 176, comments from DotBERLIN GmbH and company [inaudible] Hamburg Top Level Domain GmbH TLD group. Supports proposal 21. We support proposal 21 as it gives cities and regions a say how their public resources are treated.

Move to 177. There are some comments from Greg in the chat that's about freedom of expressions. Okay. [inaudible] GmbH supports 19 variant 3 proposal 21 and proposal 23, proposal 26, some support for proposal 24 and 25, but lack predictability. We support proposal 19 variant 3 proposal 21 and proposal 23, as each of these proposals add to greater predictability and clarity. Proposal 24 and 25 have merits but lack the predictability. If governments were to provide such list well in advance – one year – of the application process, we would support these proposals. We support this proposal 26 funded with the surplus from the application fees from the last round.

Let's move to 179, comments from the Registrar Stakeholder Group. Supports proposal 20 –

UNIDENTIFIED MALE: [inaudible].

OLGA CAVALLI: Can you mute your mic, please? The Registrar Stakeholder Group does not believe that government support nonobjection should not be required for noncapital city names. Accordingly, we are supportive of proposal 20 which eliminates preventative protections and focus instead on curative protections. All parties may raise issues with an application using objections.

We go to Intellectual Property Constituency comments, Intellectual Property Constituency.

UNIDENTIFIED MALE: There's a question by Justine, Olga, in the chat. Justine is asking on line 171 to reconfirm her understanding on the comment there. Can you see the comment in the chat?

OLGA CAVALLI: Yeah, I can see it, but I just translate it as it is. I cannot speak for the commenter. I don't know, Javier, if you have another suggestion. I just translated it. Maybe, Justine, we can get in touch with the commenter and ask him for clarification.

I was in line 179, IPC may [inaudible]. Yes, I can send you the written translation if you want after the call. How many minutes do we have, staff?

JULIE BISLAND: It's two minutes to the hour.

OLGA CAVALLI:

Two minutes. Okay, perfect. Let's see the comments from the IPC, Intellectual Property Constituency, 179 line, opposes expanding scope of censorship of geo terms. The IPC's position on proposal 19 [to] 26 – there's some numbers of report – is set out below. We also refer to our overarching comment on the preliminary recommendations above. The IPC does not support expanding the scope of censorship of geographic terms in the DNS beyond what is currently in the applicant guidebook geo terms provision.

I think we still have time for one comment more from the United States. In line [190,] they refer to responses on question nine for their proposal in any further handling of noncapital city names, they quote, United States does not agree with the special treatment according to geo names in 2012 applicant guidebook. If this category is reiterated for future rounds, it should be amended to require a letter of support or nonobjection only where it is clear from the applicant's statements in [its] application that the proposed use of the string would create a false or deceptive association with the government or the public authority. What may be considered purposes associated with the city name without more isn't clear and overly broad and could [strip] end users of a name that have no association or connection with a government or public authorities of a city. It also would be beneficial to insert a curative mechanism in the form of public interest commitments that would ensure that the gTLD would not be used in any way that would falsely create a connection with a city government authority.

And we have reached the time. There's a comment from [Justine. Sure.] I am not asking for your answer but whether we need to seek a clarification. The same situation came up in the last call with some of their comments. Okay, we may seek clarification. I just translated literally what was written in Spanish into English. Thank you very much, people. You have been a good audience, quite quiet and respectful. Thank you for that. Have a very nice Easter holiday, and we keep on with the document next week. And also, have a nice weekend. Bye.

JULIE BISLAND: Thank you, Olga. Thanks everyone for joining. This meeting's adjourned.

[END OF TRANSCRIPTION]