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New gTLD Subsequent Procedures - Work Track 5 – Session 1
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Annebeth Lange: Then we get started. Hello, everyone. It's nice to some people here even if we have a lot of collegians today and it's early Saturday morning and I suppose quite a lot of us have some jet lag still so welcome. Here with me is from - it's Emily Barabas from the staff, it's Javier Rúa-Jovet from ALAC, myself, Annebeth Lange from the ccNSO, Olga Cavalli from the GAC and Martin Sutton from the GNSO. We are all co-chairs in this Work Track 5, except from Emily, but really what we need together with Steve and Julie keeping this group together and do all the hard work, so thank you.

We have three sessions going through them this morning and we are a little late now but I think that will be okay, so for this first session we will go through the scope and mandate and update on where we are and where we're going and which approach we're taking to the initial report. In Session 2 we will focus discussion on topics and in the Session 3 we have discussion on the recent Board resolution. So please next slide.

As I presented the facilitator already we can go to this slide and as all know, Work Track 5 is the sub team of the New gTLD Subsequent Procedures Policy Development Process, the working group, this means that even if the co-leads represent four different stakeholder groups and we have members from different parts of the community, we have to abide to the GNSO policy rules for the PDPs.

It could be interesting here to see how you are represented today, could all of us representing ccTLDs raise their hands? How many from ccTLDs?

Martin Sutton: Three.

Annebeth Lange: There, wow.

Martin Sutton: They're all online.

Annebeth Lange: Let's hope they are online. And what about ALAC, At Large? Better. And the GAC? Two? Three?

Olga Cavalli: Three.

Annebeth Lange: Six? Okay. So the rest from GNSO? Raise your hands from GNSO and is it someone that hasn't raised their hand? Yes, okay welcome, everyone. How many of you are part of the Work Track 5 Working Group?

((Crosstalk))

Annebeth Lange: No, it's someone here that's not part of it, that good. We need some new voices also. Thank you. Yes, the overall working group, the path for the overall working group is to call upon the community's collective experience from the 2012 new gTLD program round and their task is if any changes need to be made to the existing 2007 New gTLD policy recommendations and this also includes the treatment of geographic names as TLDs, therefore a special work track was established to focus on this alone.

So Work Track 5 seeks to review the existing 2007 policy and the 2012 implementation rules related to the topic of geographic names at the top level, the Applicant Guidebook. The task is to determine if changes are needed and recommend revised or new policy or implementation guidance as appropriate. There were many discrepancies between the 2007 policy and

the 2012 implementation and the goal here must be to remove the differences so that the predictability for applicants can be as good as possible.

As for the Work Track 5 anyone can be a member or observer. And in the initial report you will find a total overview of who has signed up and participated. Next please. So what is the scope of work and what are we treating and what cannot be treated in this working group? And at least one thing we should not forget is that the scope of work of Work Track 5 includes geographic names at the top level only, top level only, and also other discussions on reserved names, if any, should be treated in the full working group.

It includes two character ASCII letter-letter combinations, country and territory names, which includes several categories as the three from ISO 3166-1, short and long form country name in ISO 3166-1 and some additional categories from Section 2.2.1.4 of the Applicant Guidebook. It also includes capital cities in the countries listed in ISO 3166-1, noncapital city names, sub national names, for example county, province, states in the ISO 3166-2, it includes UNESCO regions and names appearing in the composition of macro geographical continental regions, geographical sub regions and selected economic and other groupings as cited from that.

Other geographic names, such as geographic features not in the Applicant Guidebook, is also included in this working group's - work track's scope. Rivers, mountains, valleys, lakes, etcetera, and culturally significant terms related to geography. Next slide please. Work Track 5 has been meeting regularly for nearly a year, teleconferences every other week and face to face on ICANN meetings. Substantive deliberations have taken place on all topics within Work Track 5 scope of work and the members have been very active in meetings on chat and on mail and the staff has used all these material to compose a draft initial report in collaboration with the co-chairs.

This report was distributed to the members of the Work Track 5 the 12th of October to give time to read before ICANN 61 and I will not be as evil and ask you who has read it, that could be an interesting question as well, but if you haven't done it, please do. The work track - where are we now? The work track is considering the draft initial report which includes preliminary recommendations, options, suggestions from members and questions for later community input. And the work track plans to refine the initial report over the coming months and we as co-chairs encourage all members to report back to the group if all is covered; is something missing that we have been discussing? Have you forgotten something?

And the target for publication of the initial report is late November 2018, after the ICANN meeting, so we have time to get up what's been raised during the day today and during this week if there is some substantial that gets in that we don't have in the report it will be important to get it in now. The public comment period will run at a minimum of 40 days. We know that it will be sent out in a busy time of the year with Christmas coming, but we hope that 40 days still will be sufficient. And this is the time to really read it and give us your comments. And during the public comment period all community are encouraged to provide feedback, not only of course the Work Track 5 members.

Are there any questions so far? Okay, then we go through the draft initial report. The high level structure will be similar to the initial report published by the full working group earlier this year and the core of the report will include the following, what is the relevant 2007 policy and/or implementation guidance if any? How was it implemented in the 2012 round of the New gTLD Program? As mentioned earlier, there were discrepancies between the two. What are the preliminary recommendations and/or implementation guidelines? What are the preliminary recommendations on - sorry, what are the options and the consideration along with the associated benefits, drawbacks?

Here it is essential that the community really give feedback on what they think their experiences from last round, etcetera. What specific questions are the PDP working group seeking feedback on? It has a section with deliberations so that everyone can see the thoughts behind the recommendations based on the discussion that's been going on. Are there other activities in the community that may serve as a dependency or future input to this topic? We can mention here like what's going on in the rest of the ICANN like GDPR, its consumer protection influence to see if that can influence what we are discussing here.

And all things go together, also the ccNSO retirement PDP that's going on now has implications for what we are talking about in this group. It is vital to see that the world has changed since 2012 and even more since 2007 so that other elements than what was presented then might influence the choices we make now. Next slide please.

As mentioned before, Work Track 5 will follow the same procedure as all the other constituencies - all the work tracks that considering the new gTLD Subsequent Procedures PDP Working Group. And as was the case with this report of the full working group, no consensus calls will be taken prior to publication of the Work Track 5 initial report. The background for this approach is that taking consensus calls as this stage could have the unintended consequence of locking work track members into premature positions of support or opposition, non-support prior to asking for public comments from the community on those recommendations.

Another reason is to form such definitive positions at this early stage could easily have the adverse effect of being less open to modifications to those positions as a result of community input. If you have made up your mind too early it's often more difficult to listen to others, perhaps new arguments. After the public comments on Work Track 5 initial report have been received, a comprehensive review of those will be done. The Work Track 5 will then deliberate further on the preliminary recommendations.

The full working group will conduct a formal consensus call on all recommendations before the recommendations are integrated in the final report. This is what we are presenting here in the first session, so now we need input from you, questions, more that you'd like, what do you want to discuss here before we go on? We have time to get input here as well. And before we do that I will leave the work to my colleagues here for some more comments from them. Thank you. Javier, you start?

Javier Rúa-Jovet: Yes, first to take the opportunity to welcome online participants, they came in - the system came in a bit later than when we started the meeting but not that much so welcome to all. I restate Annebeth's, you know, welcoming you here and please, if you have any questions on what was just discussed, the introductory part of this meeting, please do so online or in the chat and we're monitoring that.

So to all a buenos dias, (unintelligible) Barcelona. This is - Barcelona, it's partly, you know, part of my heritage because my mother's family is either Catalonian or Southern French, they dispute that, the last name Jovet in Catalan is spelled with double L, in French it's with J so the French side is winning.

We're here, it's a big room. We want to be as engaged as possible with you. I think you want to be as engaged as possible with us. We're one work track. I think this big room we're scattered, this is your chance, this is our chance to enhance the work that's been going on, the report to just have your questions in there, your comments.

We have - we have a very tight, you know, schedule, a very tight work plan, very demanding and it is you that make up this - makes up this report. It is you that makes up this policies that we're discussing and I know it's early in the morning, we're all jet lagged, I'm very jet lagged, but we want to have your say here and I know it's difficult but please do please just jump in. This is

- it's hard to break the ice sometimes but we want to have a conversation so that's why I'm doing this in this way. So does anybody or any other members want to, you know, say something on what Annebeth just said on process, on where we're at? Olga.

Olga Cavalli: Hola. Buenos dias, nice to use the Spanish in…

Javier Rúa-Jovet:: I think Jorge has a hand up.

Olga Cavalli: Yes, one second. Just remarking buenos dias, good morning everyone. Thank you, Annebeth for the very detailed presentation of our work so far. Have in mind that we still have time for refining the document. I know it's long, it takes time also for us that we have been working with it intensively for all this month. Take your time, read it, the time to make comments and still give your input into the document is now. It will be for the group open until mid-November and then of course as usual in ICANN we will have the public comment period. But I think we can - we have to profit from our dynamic and our group and the experience that we have gathered together here so I'd like to stress that, make your voice heard, give us your comments, your input, your ideas. Thank you. Martin, you want to say something?

Martin Sutton: If nobody else has anything to say, I'll happily fill the void. Welcome. And yes, I'm still jet lagged - hugely jet lagged for the hour trip here. So what I would say is that we've had - we have had, you know, many months now of discussions, we have prepared the draft initial report, we've moved the timelines to accommodate those discussions so we've worked really hard to try and make sure that the messages and input has been accommodated within Work Track 5, that's culminated with the draft report now which we would urge you to make sure you do read, check and, you know, as a Work Track 5 participant make sure that it does reflect those conversations. Whether you disagree with them or agree with them, at least they should reflect those conversations that we've had over the last nine to 10 months.

What I would also do is that, you know, whilst we reflect the different groups, GNSO, GAC, ccNSO, GNSO, ALAC within those groups there is very different views as well so there's many different constituencies and components that make up the GNSO for instance and even within those constituencies there is very differing opinions.

What would be helpful I think is as Work Track 5 participants is to help guide through those groups and provide them with information just so that they're prepared for the initial report to be published and to manage their expectations in trying to ensure that the responses are provided within the 40 day period. As we've alluded to already, it will hit the end of the year so there is a management of expectations there that we need to rely on each other to make sure we accomplish this still. It's been a lot of work and it would be good to keep to the existing timeline as much as we can. Thank you. Jorge, you had a question?

Jorge Cancio: Yes. Hello, good morning, buenos dias, (bon dia). This is Jorge Cancio from the Swiss government for the record. First of all I would like to thank staff and the coleads for the initial report, it must have been very difficult task to put everything together into these almost 90 pages so I just wanted to share my thank you with you.

The second point is even if I'm probably one of the active members of this working group, these 90 pages are really a challenge to read them through. I have to confess I wasn't able to do that; I just looked very quickly through diagonally you could say, so this leads me to my question and to my comment and my suggestion which is the initial report is okay, it's fine, it's worthy document for insiders or for those who have time to look into it but it's completely indigestible for outsiders. So I think - and if you look into the executive summary it's really like an introduction to the document and if you don't read the rest of the document you don't really understand what's going on or what is being proposed.

So I would really suggest and also thinking about my fellow colleagues in the GAC or my political supervisors also other people in the community who only have perhaps half an hour to look into this but they have an interest into it that you prepare very concise understandable outreach material which is self-explaining, which contains really the gist of everything which is contained in the - which is relevant in the initial report and that we use that in the outreach, in the public consultation because in the end the public consultation is like an outreach effort.

And here I would like to recall the very good material that was prepared in the CCWG Accountability when the first work stream recommendations went out to public consultation because that was also very huge report of hundreds of pages. But we had one or two PPTs, one or two short documents we could really show around in 15 minutes to other people to our political bosses and I think we need to do the same here, especially in my case coming from the GAC and knowing that as we have discussed so many times, geo names are linked to identity and of course being here and this has a special meaning also.

So I think that that should be something to be prepared. And I think staff with your guidance of the coleads is very well prepared to do that. And that's my initial remark, so thank you very much.

Javier Rúa-Jovet: Thank you for that. Javier Rúa-Jovet for the record. Yes, that's very important, thank you to - for us to even communicate with our own constituencies so that people get engaged with the report so if we - it would be great if others here can think about this, you know, what would be the ways to make digestible outreach materials just let's keep on talking about this throughout the day in and out of the meeting, maybe in the chat or the emails, I don't know if staff would like to maybe Emily, you know, what type of thing would be really helpful in terms of ideas from the work track?

Emily Barabas: Thanks. This is Emily Barabas from staff. So I think it's a dialogue, all of you know your stakeholder groups, your constituencies, your, you know, Jorge, you know the GAC really well and what people's needs are and what they have time for so I think you know, we can come up with, from the staff side, some initial materials, initial suggestions and then we're hoping to get your feedback as well is this the right level of detail? Is more needed? Is something different needed? And so forth.

So, you know, I really appreciate you bringing that up. I agree, there's a lot in there and it's not going to be easy for most people to read through. We want to be as complete as possible and make sure everyone's perspective is in there but most people are not going to have time to read a document like that so it is a challenge. So I think we'll - from the staff side brainstorm some initial outreach materials and then share those with the group and ask for your feedback and input so that you can give us, you know, your perspective on the folks you know who are going to need that outreach. Thanks.

Annebeth Lange: Christopher.

Christopher Wilkinson: Thank you, Annebeth. Thank you, co-chairs. Christopher Wilkinson. I have read the report but I have 50 years track record of reading and writing large reports and I can assure you it's not pretty. Look, I've mentioned this on the list, you spend far too much time presenting and representing the 2007 and 2012 texts. Some of you, maybe the GNSO participants, think that was the bible; it was the apocrypha. There's lots that has to change and that is not sufficiently emphasized and clarified in the document.

Broadly speaking I fully support Jorge's comments and on a purely editorial matter, I have a lot of experience dealing - negotiating large documents in large meetings, and the first requirement is that the document has page numbers and the second requirement is that it has paragraph numbers so that each participant knows what they're talking about but more precisely

everybody else knows what they're talking about. This draft does not come up to scratch on that. There's really rather a funny thing most of the document, on my printout is (nominated) page 85 of 71. That's not possible.

And until we get a document with page numbers, at least with page numbers, I think the discussion and negotiation in this group will be handicapped. Thank you.

Javier Rúa-Jovet: Greg.

((Crosstalk))

Javier Rúa-Jovet: Yes, go ahead.

Emily Barabas: Hi, sorry, I'm just going to answer Christopher really quickly. This is Emily Barabas from staff. The page numbers seem to be working okay on my version so maybe we can take this offline and see if there might be something specific going on, but if others are having issues with that too please come and talk to us because it might be something about formatting or something like that.

Annebeth Lange: So, Christopher, I don't really understand that because I have my printed version here and it's page numbers no problem. So what you have printed out I'm not quite sure, because mine is 89 pages and it says page 33 of 89, page 39 of 89, etcetera. So page number is not missing.

Christopher Wilkinson: (Unintelligible).

Annebeth Lange: Perhaps as I printed out the PDP might be something in the technical things that went wrong, I'm not sure. But of course that is important and we also we note your paragraph comment. The problem with this is when you have this - what we try to do in the report even if a lot of people think that things should change, what we have to do is to take in all discussions from all parties and

that's what we have tried to reflect in the report and a lot of you will find that you don't agree, but that's something else.

When we are going further with this and try to find consensus for what we have been discussing, we know as also Martin mentioned that it is a lot of different opinions in this stakeholder group for all of us; it's within the different stakeholder groups and it's between the stakeholder groups. And that is kind of the problem. When we discussed this from 2007 to 2012, that was a long discussion and we ended up with the implementation rules or whatever you call it in 2012, it's not perfect, but that was also the kind of a compromise.

And what we will try to do now is to make, if possible, to make it even better but it should be something that we all agree on more or less. And if we can't do that then the question is what do we do then? Any more comments?

Javier Rúa-Jovet: Greg had his…

Greg Shatan: Thanks. Greg Shatan for the record. First, my document also prints out as up to 89 of 89 so presumably this is an error at the client side. So and I think in terms of the issue here, it's funny, decades after we've started using hypertext and links we still create two dimensional documents that just go from beginning to end. I remember there was this idea that you would drill down and get progressively more detail by clicking links in a document so that you could have a high level and then a medium level and then a completist level, it's too bad we still haven't figured out a way to do that. Maybe we shouldn't be dealing so much in printed paper as the Internet Corporation for Assigned Names and Number, not the Paper Industry Corporation.

But in any case, I think what we need to do is kind of go through and figure out what is the high level, what is the medium level, that is the low level and break it down. There's kind of even though this is a lot of alternative

proposals and not final recommendations you do need I think a cut to the chase version; it's somewhere in between the introductory and the complete.

You know, one could go through this thing with a couple different colored highlighters and say okay, this is the must-read, this is the explanation, this is the background and try to just kind of chop it up and rearrange it in a way that it is kind more of a three dimensional document. Maybe we even put it on the Internet with links so that you could go from the high level to the medium level to the complete level but I don't want to be radical. Thank you.

Annebeth Lange: Thank you, Greg.

((Crosstalk))

Annebeth Lange: Okay.

John Rodriguez: Good morning. My name is John Rodriguez and I am from the United States Government. Just wanted to echo some of the comments particularly comments from our Swiss GAC colleague. First off, I did want to give appreciation to our coleads for their extraordinary work as well as the work of the staff. The conversations that this Work Track 5 working group has been having over the last several months have been complex and complicated reflecting a wide range of divergent views within the work track. So the efforts to reflect all of those divergent views and positions that the Work Track 5 members have given over the numerous phone calls and meetings since the work track started has been extraordinary so I just wanted to add our kudos to the coleads and to the staff.

As I mentioned at the beginning, I did want to echo the comments from our Swiss colleague. While the document does reflect - does do an extraordinary job of reflecting the divergent views, it would be helpful to at least for some GAC members sake to have perhaps a more streamlined perspective just due to the - just for an easier I guess understanding for some GAC members,

but I did want to express support for that idea and then also to express appreciation for the efforts that the staff and coleads have done. Thank you.

Annebeth Lange: Thank you. Jim.

((Crosstalk))

Jim Prendergast: Yes, good morning. Jim Prendergast. With the size of the document, having been through the Work Track 1-4 process I think one of the things that really helped me and I believe a lot of other folks in the community digest that document which was much larger, was an Excel spreadsheet, sort of breakdown of what the key questions to the community were. So if something like that could be replicated for this I think that would help a lot. Extremely useful tool and I think, you know, even helps with the comments coming in helping people organize then which makes collection and dissemination and analysis of them much easier in the long run.

The other question I have is, in the event that the preliminary recommendations are either changed or new preliminary recommendations develop as a result of the feedback that comes from this initial report, what is the plan to get community feedback on the new or changed preliminary recommendations that the community had previously commented on? Thanks.

Martin Sutton: Thanks, Jim. Good question. At this stage I don't think we've articulated that in terms of what we expect back. We're still in the process of obviously finalizing the initial report but we will certainly build that back into a process and work that through. In terms of the other comments there I think it's ideal - the summary idea, you know, a two-pager, something like that, is going to benefit all pockets of the community, not just the go ahead so great idea there, the spreadsheet version I found very helpful with regards to 1-4 responses.

And certainly the format of the initial report is to try and mirror what we've done in Work Track 1-4 so people are familiar with what has happened in the past, what the deliberations have been and what the result of those deliberations have led us to. So I think in a practical sense, you know, it's working in that manner. We will need to figure out, you know, if there is adjustments and if there's significant adjustments, how do we work those through after the initial report comments are analyzed. But no definitive answer on that one just yet but thanks for that. Paul.

Paul McGrady: Thanks. Paul McGrady for the record. So after you see a movie like 10 or 15 times you start to remember the lines. Whenever we take something really big and try to smoosh it into something really small something invariably gets left out and then poor staff, everybody gets on the steamroller and tries to run staff over for leaving something out that they thought was important, right? And so and staff never does this intentionally but, you know, this tends to happen because people have different things that they think are important.

I think it might be helpful if we're going to task staff with the job of taking something really big and making it really small that we put together a really tiny group of people from each of the - I don't know how many groups are here, to basically look it over with staff and make sure that at least if something is left out that everybody can, you know, can take the bulldozer, steamroller, whatever my metaphor was. And I'm happy if the GNSO colleagues in the room are happy to serve on the tiny group if you guys want to do that, I think it would be a nice thing to do.

Martin Sutton: I think that's an excellent idea in terms of getting the work track members to assist with preparing that, thank you, Paul. And if there is others from other groups that want to volunteer either now or following this meeting we'll take that on board, is that okay? Yes?

((Crosstalk))

Martin Sutton: Thank you.

Annebeth Lange: We can send out something about that after the ICANN meeting so that could be a good idea. And also perhaps to work with a template spreadsheet with possible comments so you can use it as a help when you discuss with others. So we'll absolutely look into all these different suggestions and good intentions behind it, we understand that. We all want to come to a result so thanks for all good ideas.

And anyone else want to chip in in this? Olga.

Olga Cavalli: Thanks for the ideas from Jorge, Paul and the ideas from Greg about the spreadsheet. I'm talking without consulting but if we agree in a summary perhaps by the smaller group and we agree in the spreadsheet we could have them translated, that could help many colleagues in different constituencies to get the - the sense of the full report perhaps not many can read the full report and even if it's not the first or second language they use English is not the first or second language. If we can translate the summary and the spreadsheet that could be also good. I don't know if it's possible or not but just having that in mind, is that feasible if it's not too long?

Emily Barabas: Thanks, Olga. This is Emily Barabas from staff. Yes, it's definitely possible to do a spreadsheet template for input like we did for the full working group summaries and so forth. I think from the perspective of, you know, looking at the complete thing first and making sure it has everything and then working on the boiling it down it's helpful to do that in steps so making that spreadsheet, for example is probably the last step before we publish it just so that we're not editing a whole bunch of documents in parallel and worrying about keeping them in sync.

But indeed I just wanted to say I think it is really helpful for the group to help us from the staff side boil down the key takeaways and have some agreement in the group so that no one feels like they're being left out or that

something they think is really important is not in the shorter document so that something really helpful to get feedback on.

We are doing our best to capture everything and keep it concise but, you know, I think we all know that that's a really challenging exercise and so it's iterative and we do appreciate the input. And I think the coleaders can also assist with sort of that process of thinking about big picture what are the takeaways from this group, what are the key recommendations that we're moving towards or key positions that we want to highlight and so forth. So I think that's something we'll take away to work on how to approach that. Thanks.

Annebeth Lange: It's Annebeth Lange here again. One thing we have to think about is that we have a timeline and experience show that putting a new group together can take time and to find the right people, etcetera, so we have to balance that and also the coleads will come in stronger and in doing this together with the staff as soon as we get the input from what happens this week and we get that into the report as well, we will go together with the staff and find a way to present it in a better way for you to use when you have the outreach and try to discuss it with your superiors or whatever you need it for. So we'll come back to that. We'll take every idea that come in here today and discuss it later. Any more comments on this? No?

Martin Sutton: Emily has one.

Annebeth Lange: Emily, sorry.

Emily Barabas: This is Emily Barabas from staff. I just wanted to add one more thing, another thing that's helpful from the group as we're doing this is if there are things you see in the report options for example that you feel like there actually isn't, you know, maybe someone threw out an idea but no one in the group actually supports it it's helpful to know that too and so as you're reading through and thinking about these things, you know, to the extent that it's great to present

everything but to the extent that there are things that can be - there's agreement that they should be sort of removed or boiled down or deemphasized, that's also really helpful.

So I think that's just something to think about as you're reading if you say, you know, I didn't hear anyone speak in support of this at all, maybe it's not really something we want to consider further; it really is helpful and okay to start eliminating things that are kind of just not in the running anymore. Thanks.

Annebeth Lange: It seems like it's no more comments here in this discussion more procedural, so do you have anything online? Yes, I think we should just keep on with the next session so save time. We don't know where the heavy discussions will come so all the time we have in addition would be good. So let's move on with the next session. Olga, is that for you?

Olga Cavalli: Thank you. So this comes more - part of the session with more input from your side, so you have been - if you have the time to review the full report it covers a lot of topics we have to try and I want to especially thank staff for their great job. I know we all coleads have put a lot of effort in this report and in this venture but their work is fundamental for our mission so thank you, Emily, Steve and Julie and all the staff for your great contribution.

So you have seen the initial report, it covers a number of topics that have been reviewed and talked along all this month. We may benefit from additional input from you in this session, so this important we stay - try to talk again of some of the things that we don't agree. I think Martin summarized it very well this morning when we started, within our own constituencies and group we have different views, we have different views in other community, but we have to come to a point that we have to produce a document. And it has to go into the policy. So that is something that we cannot avoid and we have to think about reaching that point.

So we have to share with you ideas, proposals, what is good, what is bad, so the idea of this session - can we go to the next one please? Let's review the topics for discussion in this session and we would like you to set the priorities, what you want to talk first. So the big things to talk about in this session, and we have a little bit more time than what we expected, is - are listed here on the screen, Alpha 3 code listed in the ISO 3166-1 standard at the top level; noncapital city names at the top level; terms not included in the 2012 Applicant Guidebook, what we call non-AGB terms at the top level; and other different categories that may come up.

So maybe we can ask each of them and see how many hands are up? What do you think, Martin?

Martin Sutton: I'd suggest that we actually first of all just check if there's other ideas to add to this list first. We've put these down as suggestions because these have received a lot of conversations during the Work Track 5 deliberations, but as we've got the opportunity for others that haven't been involved in Work Track 5 to have some input as well and join the conversation, it would be interesting first of all I think just to check if there is any other key discussions people would like to put on the list and then perhaps we do a show of hands just to prioritize these so that we cover them off in the allocated time.

So if anybody's got any other burning suggestions to come forward with, happy to take those now and we'll add those to the list.

((Crosstalk))

Martin Sutton: It's that jet lag isn't it? I know it is. I feel the same. So okay, well we'll look at these three items. If you want to go through and prioritize that's great?

Olga Cavalli: Okay, let's look at the three ones, not the new suggestions as there doesn't seem to be any at the moment. Which one would you like to talk first? I will name it and you raise your hand and then we decide, okay? So Alpha 3 code

listed in the ISO 3166, who is - who wants to talk about that first? It's not that we are not talking about the three of them, we are talking about all of them but which is the priority? Who like it? Nobody? Okay.

Martin Sutton: Number 3.

Olga Cavalli: Noncapital city names? Christopher, uno, dos, tres, cuatro, cinco - cinco, noncapital city names. And the interesting topic about terms not included in the 2012 Applicant Guidebook. Uno, dos, tres, cuatro, cinco, seis. Oh, we have a tie.

((Crosstalk))

Annebeth Lange: Then a good question is…

((Crosstalk))

Annebeth Lange: …do the other one to talk about, those who didn't raise their hand?

Olga Cavalli: So we have 12 that raised hands and we have like 25 that didn't. Okay, they want to listen. Okay. So should we start with terms not included in the 2012 Applicant Guidebook? Okay. So we have - we'll open a queue. Christopher, I can't recall your name…

((Crosstalk))

Olga Cavalli: Oh, I thought you want to talk. Christopher, Jorge, you want to say something about it? Yes, why not. Jorge. Okay, Christopher and Jorge for the moment. Christopher, the floor is yours.

Christopher Wilkinson: So after all that we're on the third bullet, terms not included, right? I've made two points on the list which I would just like to include for the record. This is Christopher Wilkinson for the record. The first concerns

geographical indications which I consider should be treated on a par with trademarks in this context. And we've to date had very little input from either the intellectual property community or the staff about the - how that should be done.

If it is not done, and some people would like to see that geographical indications in the top level would be open to third party registration, I fear that we would walk straight into a - into a repeat of the dotWine scenario but at the top level and I think that would be damaging to this process and to ICANN. One possibility would be in effect for prior rights to have a sunrise and clear these issues of prior rights and out of the way in the next round before we go to the land rush of new applicants.

The second point to which with respect I have to refer rather a lot of economic and financial experience in years gone by, there is another Alpha 3 code list which is based on 3166 and it is the currency codes. If they are not protected in the same way that Alpha 3 country codes are protected, yet again we're going into an area of serious dispute with third parties. I've been told some members feel that the currency codes are out of scope from this work track, that's all very well. But on the other hand, all the currency codes are based on 3166 Alpha 2 codes so it looks fairly close.

But if it is not in this work track, I would only withdraw my proposal in this work track if I had definite knowledge and commitment from some other work track that this issue would be dealt with because you cannot have the three letter currency codes open for general registration as TLDs. The scope for financial fraud misrepresentation and currency manipulation is too great. No, thank you.

Olga Cavalli: Thank you, Christopher. Any reactions from colleagues about this? Now I was just asking if there were reactions about the suggestion of reviewing the currency codes and that. Should we say - Annebeth, you want to talk about it?

Annebeth Lange: Christopher, just one comment on the currencies, that if we say that it's not in the scope, if it's too far from geographic - from geographical names, since that's what we are treating here, all kind of other reserved names should be treated in the full working group. And it's kind of the same that we have left out here one digit one letter for not being geo names even if in the AGB 2012 it was two characters that was included. So that then that was moved over to the full working group in that case Work Track 2, but I think it will be a good idea to also raise this for the full working group. That's one thing.

And as for the geographical indications, it could be interesting to hear what kind of protection you are thinking about, how wide, how should it be done, so more about that would be welcome. Thank you.

Javier Rúa-Jovet: I say Greg and Jorge in that order.

Greg Shatan: Thanks. And Greg Shatan for the record. First with regard to - this is responding to Christopher largely, with regard to geographical indications, I think that treating them like trademarks would be an excellent idea to the extent that they are in fact trademarks. If they're not then we really can't. Geographical indications are protected in a number of different ways; in some countries as trademarks, in some countries as sort of neighboring rights as some countries with sui generis protection, in some countries with no protection or varying protections. There's no treaties unlike with trademarks that has the Madrid Convention and the Paris Convention.

So it's really not amenable to a kind of a global solution but I think the idea of treating them like trademarks in the sense that there are - and maybe we can even consider treating all of the geographic names like trademarks in that in the top level where there are absolutely no preventative rights given to trademark owners; everything has to be done by objection or contention set.

And that, you know, I think is a good model and I think we're, you know, a little bit drunk on preventive methodologies in this group and any time anybody brings up anything that occurs later in the process than, you know, hour zero there seems to be a distaste for it but I think that, you know, it's important to look at how this field whether it's geographical indications or geographical terms compares to other terms in which there are claimed rights or actual rights.

And I think trademarks provides an excellent object lesson for us and the sky hasn't fallen as much as some trademark folks would prefer to have you know, reserve names list and, you know, famous trademarks list that is blocked out or subject to prior permission, hasn't happened. I hazard to say I don't see it happening; on the other hand I think if this group succeeds in having a big list of preventive measures ten I think probably we'll have to revisit it for trademarks as well and ultimately it'll just be a system of massive reservation system.

So that's - and I think the currency codes, I haven't seen that get any traction in here so I won't take the time. Thank you.

Olga Cavalli: Thank you. We have Jorge next.

Jorge Cancio: Yes. Thank you very much. Jorge Cancio, Swiss Government for the record. I'll try not to bore you with things we have been discussing for so much time, but I think that the - on this issue of non-AGB terms let's say that the main thought that drives me at least, and I would hope that this is something that we could agree on in this group is first the factual analysis of the 2012 round and which more or less shows that in that round those terms with geo implications that were not covered by the AGB rules presented higher degree of (conflictuality) so I think that's factual element to this and I hope we could agree on that.

The second thing is, and this is more kind of appreciation of that fact is that I don't think that those conflicts are good for this organization for ICANN because they normally pit applicants who have made huge investments into a string application against public authorities, sometimes countries, sometimes multiple countries in a region, multiple countries in a larger region and so and so forth. And when those conflicts arise ICANN is normally stuck in the middle. We have IRPs, we have Board decisions, we have Board resolutions, we have many letters going back and forth from authorities, applicants and ICANN is in the middle of a political struggle.

Third thought is geo names even if they are outside the AGB they might affect the identity of peoples, and that is really no joke. That is we may like it or not, we may agree with those reasons or not, but very important conflicts even here in Europe arise and are still lingering because of how a country is called, how a region is called and so on and so forth. So we shouldn't take that lightly.

So the next thought is if we take all those factors and I agree that some of them are perhaps more due to my government perspective of things, but many of them are factual and we look into the forthcoming round I think it would be unwise from us not to at least try to avoid some of these conflicts, some of these risks because they are out there whether we like them or not, whether they fit into our cultural or legal tradition or not. They are just out there.

And I think that it's especially important to have ex ante or preventative requirements or preventative measures because the sooner we get the parties at a table that might be affected by these kinds of conflicts, the easier it is to get to solutions because applicants won't have invested too heavily into their string; countries or public authorities won't be taken off guard and will have to get into a reactive mode in a let's say public conflict but they would be able to get on a table if those preventative requirements were there and to discuss the issue.

So I think that's really the goal is to prevent problems, conflicts, create a framework where all parties which might be interested in a string can at the very early stage get to win-win solutions for everyone. That's the goal. And as to the measures, I've already put them forward many times, I'm available for discussing them more but I leave it at this - the factual analysis and the goal we - I think we should strive to…

((Crosstalk))

Javier Rúa-Jovet: Thank you, Jorge. We have three minutes until the constitutional law coffee break that we have to take, important. So quickly, quickly, Greg, Jeff and Carlos, really quickly.

((Crosstalk))

Greg Shatan: Greg Shatan for the record. I'll go quickly. I think that one way we can avoid conflicts obviously is to pick a winner in advance but that is not a really good way to pick - to avoid conflicts. The conflicts exist in fact, so we can't just decide that we're going to, you know, create a right in the hands of public authorities to stop applicants in their tracks. That's the issue here is, you know, we're trying to pick a winner or we're trying to give a party a preference, a non-applicant party. And I think if people are interested in applying they should apply. But I think that picking winners and going, you know, we've already - that's essentially what we're trying to do is create a certain privilege and we - and to exercise - have an exercise as quickly as possible but I think that already creates a certain leverage at the table. Essentially you have a stranglehold…

((Crosstalk))

Greg Shatan: …in the hands of one party and the other party is stuck.

Javier Rúa-Jovet: Thanks.

Greg Shatan: We can't do that.

Javier Rúa-Jovet: Jeff, quickly. Carlos, you're after the break.

Jeff Neuman: I can defer. This is Jeff Neuman. I can defer until after the break.

Javier Rúa-Jovet: All right. So we're really right at the top of the 15 so we're going to have our coffee.

((Crosstalk))

Annebeth Lange: Thank you, all. Come back after the coffee. We have…

((Crosstalk))

Annebeth Lange: …jet-lagged people like myself. Thank you.

Emily Barabas: The coffee break ends at 10:30 so it's a 15-minute break and there should be coffee out in the hall so thanks for joining us and thanks for coming back. We'll see you in 15 minutes.

END