**ICANN Transcription
New gTLD Subsequent Procedures Sub Team – Track 5 – Geographic Names at the Top Level
Wednesday 20 February 2019 at 0300 UTC**
Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
https://audio.icann.org/gnso/gnso-sub-pro-track5-geo-names-top-level-20feb19-en.mp3

Adobe Connect Recording: https://community.icann.org/x/oJUWBg

Attendance is on the wiki page: https://community.icann.org/x/oJUWBg

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

Michelle DeSmyter: Hello. I'd like to welcome everyone. Good morning, good afternoon, good evening, and welcome to the new gTLD Subsequent Procedures Sub Team Track 5 Geographic Names at the Top Level Call on the 20th of February, 2019.

In the interest of time today, there will be no roll call. Attendance will be taken via the Adobe Connect Room. So if you are only on the audio bridge today, would you please let yourself be known now?

Hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will hand the meeting back over to Martin Sutton. Please begin.

Martin Sutton: Thank you, Michelle. And welcome, everybody. I'm hoping that you've all had a number of weeks now for a Work Track 5 respite, and no doubt with the start of the new year, as well, there could be the potential for a number of changes that people might want to just flag in terms of their statements of interest. So just for the administrative purposes, as we start each call, I'll just give a moment if anybody has got a statement of interest to update to provide that now.

Okay. Seeing none, I do understand we've got a few people that may have connected to the incorrect Adobe Room. So we'll have a few more join us shortly.

But let me just read through the agenda that was sent out yesterday. So we're going to go through as the second item a bit of an overview of the comments that we've received, not in detail, but just give an overview; the approach for reviewing all of the public comments; and then we will get down to the work of reviewing the public comments. With that in mind, we've got this sectioned off in terms of focusing on general comments that have come in, and then we'll focus on preliminary recommendations and see how we progress with that. There was of course a number of other questions and proposals attached to our Initial Report, and they have received a lot of comments as well. So we'll be able to go through those in due course.

So with that, we'll wrap up with any other business. So I'll just give an opportunity for anybody to flag anything else that they would want to include or consider for today's agenda. Please raise your hand or if you're on the phone line come forward.

Okay. Hearing none, we shall move forward.

Well, let us just think back. We've gone through a long period of time of our internal discussions, which culminated in issuing a set of preliminary recommendations from our Work Track, together with questions and proposals. And they have been out for public comment. So hopefully you've had the opportunity and taken the opportunity to read through the comments that have come through. If not, I would urge you and encourage you to read through the comments that have been received.

As you can imagine, with regards to the level of interest that we've had, not only in participating within Work Track 5 and the observers that go with it, the actual public comment period has attracted a good array of interest and responses from the community. Now, with that, obviously to read through each of the comments I realize does take a fair amount of time, but that gives you the best context in which those comments have been offered to the group.

And we need to look at these as points where after all of our discussions and the different views that we have discussed through Work Track 5 group over the last year, is whether these comments coming in are different; whether they match towards the recommendations, preliminary recommendations, that we came forward with; or whether they are so diverse and overwhelming that we need to fully adjust some of those recommendations or create new recommendations.

So with that in mind, we're going to go through today and have the opportunity to view some of those comments. As I said earlier, I do hope

you've had the opportunity and taken the opportunity to review the comments received. There was about 50, I believe, submitted for Work Track 5, some of which are provided individually. Others are supplied in terms of supporting organizations and advisory committees of ICANN or other groups outside of ICANN itself. So it's encouraging, and I think we should be appreciative of the fact that there was a good deal of interest from the community to respond to the Initial Report that we all prepared and put out for comment.

So first of all, well done for that. I think that's a great start.

So what we do have now is the opportunity to go through those, as I say. But what I would like to do – and perhaps if I could call upon Cheryl of Jeff, just to make sure everybody is aware of the overarching process that is adopted for the PDP Working Group. I'm conscious that some of our members of the Work Track 5 may not participate in the broader working group. And there has been a lot of activity in terms of the Initial Report that was (inaudible).

Cheryl Langdon-Orr: I'm sorry, Martin. Other audio seemed to come in and wipe your audio out a little bit, Martin. Could you just repeat the last section of what you said? Thank you. And it's Cheryl, for the record, by the way.

Martin Sutton: Thanks, Cheryl. I was just starting to hear the background noise. So apologies for that. So if we could just make sure those that aren't talking, to make sure that you are on mute.

So the last point I was covering is the fact that we have a broad membership of Work Track 5, which is great. And not all the Work Track 5 members take part and participate in the broader working group for the PDP. So I think it would be useful if I could call upon Cheryl or Jeff just to outline the process that is being adopted to go through comments and to merge everything into a final report, essentially, at the end of the day, just so that everybody is aware of the overarching process that we are adopting. And if they have any questions, they can raise those now. So could I ask Jeff or Cheryl just to give an outline?

Jeff Neuman: Sure. This is Jeff. Cheryl, you want to go first, and then I'll jump in?

Cheryl Langdon-Orr: Okay. I'm sure we can do this as a two-handed exercise, Jeff. Cheryl Langdon-Orr, for the record. I might get the initial stuff started and then you can take it through to the full Working Group and outcomes out of it.

Just so the Work Track 5 participants, members and observers, etc., know, the activity has been in the other work tracks, Work Tracks 1 to 4. Just reminding you of course you are all part of a track within a complete PDP process.

We found it useful because of some degree of complexity and to some degree depth and amount of comments that have been drawn in on our topic – and certainly that's a very important reference for the excellent response you've got to your Initial Report on geographic names – is to go through as a group and look at and classify the types of responses you've got to recommendations, preliminary recommendations, you've made in your Initial Report and to comments that might be of a general nature that have been solicited in the public comment.

The staff have become very adept at using a rough rule-of-thumb classification of whether things are in general agreement with a comment, a question, or a recommendation made; whether there's divergence; whether there is just disagreement; or whether there is a new idea. And they've also found in the other work tracks a use for color coding this to some extent so that a quick scan down the synopsis that is put into a spreadsheet for ease, that you can have a look and see whether there is overwhelming support for a particular thing or huge divergence for a particular thing that's being reviewed by the public commenters.

It's a first pass. It's a triage, a sifting-and-sorting exercise. It's not an opportunity for in-depth discussion, deliberation, or personal rebuttal on any of the issues raised by the commenters. It is a method of ensuring that we as a work track are satisfied that what we are looking at as we take it through to the full Work Group is a true and accurate rendition of what the public commenters have said to us and that a value judgment – an opinion, for the want of a better word – on whether or not any of the commentary is supportive or otherwise or bringing forward entirely new ideas that might then want to be considered and deliberated has been properly captured.

And with that, I want to really make sure that we all appreciate the considerable amount of work and expertise that our fabulous staff have brought to bear on this exercise. Work Track 5 has benefited from the other Work Tracks 1 to 4 and the activities of the sub-groups that have been running with relation to those initial reports and supplemental reports. They have really got an excellent system running now, and Jeff and I recommend it highly that you have a look through and you get yourself comfortable with the purpose.

And with that, I'm going to now hand it to Jeff, and he's going to take it from the triage point to getting it all integrated. Over to you, Jeff.

Jeff Neuman: Sure. And thanks, Cheryl. And I think – sorry. This is Jeff Neuman. Just to add to what she said, I think Cheryl covered almost all of it. The only other thing I would – oops. It sounds like there's some moving around there. The only other thing I would add to this is that if you see some comments in here with some new ideas that may be worth exploring further, take those ideas back to your respective groups, discuss them within your groups. Because when it comes time to have the substantive

conversations on those, it would be great to see some feedback on any of those new ideas that maybe your group or you have not thought about previously and may represent some areas of potential compromise where there are divergent views.

So after we go through this exercise of reviewing all the comments, we're going to prepare summaries that hopefully will be able to identify certain trends that we've found, areas where we think we have agreement in general, going forward, areas where we have divergence and, with those, are there room – is there room in those areas for some level of compromise? And so that's really the goal of this triage exercise, is to just identify those patterns so that when we do sit down and start drafting the final report we can make sure that we've taken adequate consideration of the comments and really spend the bulk of our time on areas where we think compromise may be possible.

So there you go. And as Cheryl says, of course please make sure that if you don't understand a comment or you seek some clarification, raise that here and we'll do what we can to make sure that the group that or person or entity where that comment came from has an opportunity to respond. Thank you.

Martin Sutton: Thank you both, Cheryl and Jeff. I appreciate that. And just before we step further forward then into beginning a review of the comments, did anybody have any questions or require any clarification of what we've just talked through?

Okay. Hearing none, let's move on. Let's get through to the work then that we've got ahead of us. So what –.

Olga Cavalli: Martin, Christopher has his hand up. Maybe he wants to say something?

Martin Sutton: Okay. Christopher, please go ahead.

Christopher Wilkinson: Hello. Good evening. Christopher Wilkinson, for the record. Nice to be back here after a long break. I've just been scrolling through. Thank you, David, for the link. I've been scrolling through some of the comments. There's a vast volume. I'm not sure how we're going to be able to synthesize and simplify the debate.

The first comment that I clicked on by chance was from the registries to the effect that only international law would apply to the geographical TLD issue. That is absurd. Let's be quite clear. We are in an area of very, very serious political disagreement. And if people – and apparently this came from the Amazon Registry, which has already always mystified me because there is no Amazon Registry to the best of my knowledge.

If we're going to start this process with comments like that, I think we're in deep trouble, but we'll do our best to sort this out. Thank you.

As a footnote, Steve, could somebody explain what it means in all these documents when it says the attachment was scrubbed? What does that mean? What was scrubbed? For me, something that's scrubbed, it isn't there anymore, but I don't understand. Maybe you could just give a technical explanation to the list as to what it means. It occurs quite often in these submissions, that the attachment has been scrubbed. I don't understand. Thank you.

Martin Sutton: Thanks, Christopher, and that's part of our job here is to go through these comments and to make sense of them, to clarify where we need to clarify them. But don't forget, we've also had a lot of the conversations and discussions within Work Track 5 over the last year. So one of the key objectives is to make sure that we focus on trying to see where what we've put forward as preliminary recommendations within Work Track 5, whether there is a strong sense that those are the way forward or whether we've missed something completely and that new ideas, new issues have come to the fore that we can review and consider. So that will be part of the work as we go through.

There are a lot of comments, and I'm pleased that that is the case. That means that we've had a good, broad input from the community, that we can make some strong judgments on what we've received as to how it corresponds with what we've put out as recommendations. Where we've also asked for some questions and more deeper thinking in certain topics, we've got the benefit of input from the community. So that is exactly the point of seeking those comments and for us now, as a work track, to go through them, understand them, see if there is anything that we need to alter from what has been put forward as preliminary recommendations. So that is the work ahead.

Thankfully, staff have compiled a lot of the comments into a single document. It's no mean task. It is helpful to us for being able to go through, but I do think it is helpful also for you to read the comments in full from the contributors to ensure that you understand the context of which all of their comments are provided, as when we split them out into certain sections it may not always carry through. So thanks, Christopher.

Christopher Wilkinson: Yes. Martin, thank you, as well. I think the chair should occupy less air time, but may I just add that it is very important from my point of view that the contributions in conference calls and on the list should be treated with equal weight to the contributions that have been made in writing to public consultation. Thank you.

Martin Sutton: So I have Jaap in the queue. Go ahead, Jaap.

Jaap Akkerhuis: I was already started into the chat, but when these comments are put into the file main list, the standard way of making things like Word documents, PDF, and stuff like that, is to turn the attachments into links you can click

on. And then (inaudible). So exactly we are doing that, not all (inaudible) can actually do it (inaudible). They can also be scrubbed for malware and other stuff so they are clean. So if it says it's scrubbed, click on the link below and then see (inaudible).

Martin Sutton: Thanks, Jaap. That's helpful to know. And that – some of you may not be aware, but where we've published the document, the Initial Report, that contains links in there to all of the comments that we've received. And as you click through each of those comments, there is references to scrubbed documents. So that's what we're talking about there.

So, okay. I see some comments in, but I'm inclined to move forward so that we do have air time for everybody to contribute to this. And as I said earlier, hopefully most of you have had the opportunity to track all the comments as they were coming through. And so some of these will not be unfamiliar to you.

What we're going to focus on first of all is the general comments. So above and beyond all of the numerical questions and rudimentary recommendations that were put out, we had, obviously, a number of responses that provided more generalized comments, over all, and that was their only submission or an introduction to the rationale behind their comments submitted and the individual answers to the questions put forward.

So what I would recommend is the document in front of you on the screen, on the Adobe Connect, may be small to read. If you can read that, fantastic. You've got better eyesight than I. But if not, do go to the link that's been provided earlier in the chat, or it's on the right-hand side under Agenda. Come paste that in, and you'll get to the working document and you'll be able to read that more easily.

So what I'm going to do here is just to give you a sense of how the document is compiled. We're go through the general comments. I'm not going to read everything out. You can obviously do that individually. What's helpful here is that staff have provided some highlights in here for you to focus on just so that you can get a general feel for what the comment coming in relates to in the overall comments submitted. So for example, the first one we've got from CENTR and AFNIC, that they support the implementations in 2012. So that's just a generalized statement of their comment.

And just highlighted here, "The rules applicable to geo names as TLDs in the Applicant Guidebook throughout 2012 generally worked well and struck the appropriate balance between the different interests at stake. It was the result of a long process with discussion between the different stakeholders." There's more information behind that that you can read, and you can delve into the full comments. But generally there, it's kind of saying 2012 was okay in terms of the Guidebook and the rules.

Similarly, we see from the ccNSO that they've submitted a similar comment regarding it is supportive of the implementation from 2012. They believe, "The rules in the Applicant Guidebook applicable to geographical names as TLDs worked relatively well and struck a reasonable balance between the different interests at stake." So again, similar comment.

Then we have APTLD. Again, just sort of framed into supports implementation from 2012.

We go for an individual, Tom Dale, that gives quite a bit of background information there on rationale. But against this background, toward the bottom, we just highlighted an emphasis here. "A general approach of retaining the 2012 Guidebook framework for geographical names with some adjustments is justified on the basis of simple practicality and minimal change until fundamental policy objectives are more clearly articulated on the basis of better data." So it's qualified. It says, "Further information behind that." But we've kind of captured that as generalized into supportive of the 2012 approach.

The next one is an individual submission from Government of Brazil. So it refers back to some of the GAC comments in the past and GAC advice and, particularly, some information or statements from ACTO. Again, that's all articulated there. You can read through that.

So if I just capture the highlighted points here, so if you're following the document we're on number 5 Line. So Brazil considers that, "An objection procedure based on GAC advice against the delegation of TLDs should be maintained insofar as it provides a useful tool for ensuring respect of the above principle where there is no express protection with ICANN of certain names with a geographical and cultural significance. Brazil also considers that requiring letters of support from the relevant public authorities for the delegation of TLD names associated with identifiable relevant communities – cities, provinces, states, countries, regions, individual countries or group of countries – will contribute to avoiding breaches of the above principle." So more information behind that, but there's a general agreement, but qualified, that 2012 is useful to retain at least.

Again – sorry. These are generalized comments, and we may then see them returned again to the specific comments that they refer to under their responses to the recommendations and questions.

So the next one would be Line 6, from Norid. "Supports existing rules in the 2012 Guidebook. The rules applicable to geo names as TLDs in the Applicant Guidebook 2012 generally worked well and struck the appropriate balance between the different interests at stake. This balance came about as a result of a long process with discussion between the different stakeholders. Although the treatment of geographical names in

the AGB was different from the new generic top-level domains policy recommendations from 2007, the AGB has served the community well."

They go on to say that they've got specific recommendations where they support the continuing reservation of strings. But if ever used, they should be under respective national authority. And again, we'll pick some of these points up individually under the comments. But specifically, they're calling out Recommendations 2 to 9, that "the exclusion of country names and variations thereof is consistent with the fact that such names are not generic names and should, therefore, not be applicable as gTLDs. If used at all, they should be under the policy authority of the respective national communities in analogy of ccTLDs."

I'll just do another couple of comments, because then it starts to change. But these are really kind of supporting comments still. I'm carrying on with Norid in terms of they've split out their recommendations for 10 to 13. In general, they believe that the support non-objection framework has worked well and should be maintained. And for – but over all, Recommendations 1 to 13 – sorry.

For governments of Argentina, Chile and Columbia – I'm not sure why it reads there on my list. These have been submitted together I think or they are a similar template I think, but it says, "Preliminary Recommendations 1 to 13, support."

So what we've seen already is a chunk of comments which seem to be resonating with a lot of the recommendations that we've put forward.

We'll go in to the next ones where you'll start to see where they're classified as perhaps opposition or variations to their potentially new ideas. As I go through this, though, if you feel that there is anything that you are unsure of or want clarification of or think we need further clarification of, do feel free to put your hand up and raise that question or comment. Otherwise, you're going to get really bored of my voice.

So if we move on to Line 10, whilst we received are individual submissions here, they were of sort of a template nature. So they all have been, for ease, put into the same box because they said the same thing. But these are from a number of governments you'll see listed there and other institutions, which are advising that there is support for most of the existing rules, but opposition to how the non-capital city names are treated, and support some of the proposals to make that process more robust. So, "The rules applicable to geo names in 2012 worked generally well and struck an appropriate balance between the different interests at stake. Therefore, they should be maintained, subject to the comments below."

So highlighted in red here, so you can really easily pick out the nature of this, in the case of non-capital city names, "The rule according to which

non-objection framework is not applicable when the alleged intended use is non-geographic should be suppressed, as it ignores the unique characters of the TLDs and creates wrong incentives to circumvent or game the requirements to contact and obtain the non-objection from the relevant public authorities. Accordingly, we also disagree with any proposals that suggest to extend the intended use rule to any other categories of geo names."

So this gives you a good example of how staff have managed to pull out the relevant points to make it easier for you to read through. As I say, it's still worthwhile reading through the full comments to understand the context in more detail.

So on to Line 11. This is from governments of Argentina, Chile and Columbia. Supports most of the rules. Some concerns about non-capital city names, but supports relevant preliminary recommendations. Suggests additional elements for potential geo names not identified as such in the 2012 AGB. "Rules of the Applicant Guidebook generated some important conflicts but also worked well in several aspects, especially those that related – those names which were not allowed to be requested as TLDs."

So there's kind of a positive element there that supports the 2012 Guidebook, and then there's this other element which says it needs some additional work on it. So, "Extending the intended use must not be allowed to any category of geo names, as it can generate confusions amongst final users. If implemented, applications may null or void the non-objection or relevant authorities. This applies, for example, in the case of non-capital city names and to other categories, as well." Okay.

Now we move on to – so there's more where they're kind of more – right. So Item 12 is some GAC response. So it reiterates the content of GAC advice previously offered; in particular, GAC principles regarding new gTLDs. Highlighted elements specific to geo names.

And I think here you'll notice a general comment is that, "GAC has not had an opportunity to discuss or agree on responses to the specific proposals and questions tabled in the Initial Report. We note there are different views within the GAC." So this is not a full GAC response to everything here. What it wants to do, though, is reiterate what's been offered before from the GAC as advice. In particular, we've highlighted here 2.2, "ICANN should avoid country, territory, or place names and country, territory, or regional language or people descriptions unless in agreement with the relevant governments or public authorities."

It goes on to the next line, which is providing text from the relevant GAC letters and communiques that talk about protections to be afforded, including contractual requirements. Also discuss three-letter ISO 3166

codes, previous advice from geographic names and how they should be handled in the context of new gTLDs.

Two points highlighted here. One, in green, is that, "Strings that are meaningful representations or abbreviations of the country name or territory name should not be allowed in the gTLD space." And the GAC interprets the power of 2.2 of the GAC gTLD principles, that "strings which are a meaningful representational or abbreviation of a country or territory name should be handled through the then-forthcoming ccTLD PDP and other geographical strings to be allowed in the gTLD space, if in agreement with the relevant government or public authority."

And then also, in a Helsinki communique, in blue here, it highlights, "encourages the community to continue in-depth analysis and discussion on all aspects related to a potential use of three-letter codes in ISO 3166 lists as gTLDs in future rounds; in particular, with regard to whether such a potential use is considered to be in the public interest or not."

Yes, Paul. Absolutely. So I'm just trying to keep tabs on comments and read all this very small print. We are walking through this document. We're not agreeing or disagreeing with what anybody has put in as a comment. What we're trying to do is make sure that we are picking up the salient points and that we can follow that through to understand whether we need to make adjustments to the recommendations and feed in some of the other content from the questions and proposals that were put forward, as well.

Okay. So I've gone through the GAC bits there. So that's from one of the advisory committees.

We've got another individual submission here from Portuguese, on Line 14, that just to highlight sort of in favor of the non-objection framework established for capital city names, sub-national and super-national regions, etc., worked well and should be maintained. But, however, in the red there, we've got, "In case of non-capital city names, or all according to which non-objection framework is non-applicable when the alleged intended use is non-geographic, should be suppressed, as it ignores the unique character of the TLDs, creates wrong incentives to circumvent/game the requirement to contact and obtain non-objection from the relevant public authorities." A similar comment that we've seen before, but again picked up here on this individual comment. And that they disagree with the proposals that suggest to extend the intended-use rule to any other categories of geo names. Okay.

Cheryl Langdon-Orr: Christopher's hand is up, Martin.

Martin Sutton: Thank you, Cheryl. Right. Christopher, please go ahead.

You may be on mute.

Christopher Wilkinson: Yes. Martin, thank you. Christopher Wilkinson. I just put my hand up spontaneously when you were talking about the three-character, alpha three 3166 codes, and I wanted to ask, what is the current position of Work Track 5 on the three-character currency codes?

Martin Sutton: So the position – I don't think that I can quote a position. We put that in as a question to the community. So that is in the process. We'll cover that in any comments that we received related to that or other particular geographic references that people think should be considered. So you may see that further down in the document. And I can't – off the top of my head I don't remember what proposal number that was. But if you read – we're not going to get to that today. The recommendations don't have reference to that, at all. That was contained with either – within the questions or proposals. So if you familiarize yourself with the content of the report that we as a group put out, it's in there. If anybody else is able to identify it quickly and post it into chat, that would be helpful, just to point Christopher in the right direction. Thanks, Christopher.

Okay.

Christopher Wilkinson: Just a comment, Martin. I think this is a mistake. I think the Work Track – it's a sufficiently obvious and sufficiently substantial issue that I think Work Track 5 should have a position. It is rather odd to ask for public comment on something which is, in the economic terms, more important than the three-character, 3166 codes. I think we run the risk of wasting a lot of people's time.

Martin Sutton: Please read through the Initial Report that we prepared as Work Track 5, because it is contained in there. It has the conversations and points and proposals. And in response to that, you can see what input the community provided in responses. We will get to that in due course, but I'm not going to change focus today. Thank you.

So, moving through – we're nearly through the general comments, which will be a great start to get through and see if we've got any questions as we've come through the tail end of this. But on Line 15, this is the ALAC group providing comments. So, suggests approach for intended use, given that gTLDs are owned by one party. Prefers preventative protections managed through government public authority. Generally supports implementation from 2012 AGB, except Recommendations 3 and 11. And on those, obviously, we'll have more detail as we read through those recommendations and their specific responses.

There is a bit more information here that you can read through yourself, but just to highlight in green, "Despite some notable deficiencies and despite it bearing inconsistencies with the GNSO 2007 policies, which we are less concerned with, the 2012 AGB, as amended with the intervention of the Government Advisory Committee and the ICANN board, has

generally worked well in granting applications during the 2012 round." So there's again sort of a generalized supporting element to that. "In this respect, the exception of preliminaries Recommendations 3 and 11." So we'll need to go into a bit more detail in terms of those.

Okay. And then we go on to MARKS, as a group. And with – have I missed – ? I'm not sure if I've missed any here. I may have. No, I think I'm okay. So with MARKS, as far as the issue of the treatment of so-called geographic names at the top, they were for many years – there's nothing on this bit. I might be reading off an old version. So sorry if that's the case here.

Line 16. Steve, I don't know if there was anything to highlight in there as sort of supportive or not, but it's all the same color. Sorry. So their perspective is in terms of – is looking at it from a legal perspective.

Let me read the next bit because that's tagged, as well as well as MARKS. So, note disagreement with the 2012 protections under law but support preliminary recommendations. Opposes expansion of scope of protections. So they've outlined some of the issues that they've always been concerned about and highlighted in previous correspondence to ICANN. "And nevertheless, MARKS is prepared to support their continuing application for future rounds of new gTLDs and, thus, support the preliminary recommendations as set out in the Work Track 5 supplemental report. MARKS intends to oppose any proposals which would seek to expand the scope of the protection of geographic terms further than is already provided under the 2012 Guidebook. For the avoidance of doubt, also opposes any definition or use of the term 'geographic name' or term with geographic meaning that broadens the current group of names that are reserved, unavailable, or only available if accompanied by appropriate documentation of support on non-objection. To the extent that the Working Group is minded to expand the scope of protection for geographic name terms, then MARKS, in turn, would withdraw its support for the preliminary recommendations."

So I see. So they've highlighted the rationale that they've come forward with historically regarding this perspective of geographic terms. They are happy to take it forward, as is, but would oppose anything else. And if that was attempted, then they would retract that support. Okay.

Oh, I lied. There's a few more still, isn't there? I thought I'd got to the end of that. So Line 18. We've got International Trademark Association. So again it just seems to be articulating a number of rationale behind their position. Their overview statement, on a legal basis, recognition of the compromise in the 2012 Guidebook, and have concerns about any expansion of protection without basis." So if we just go to the green, you can read through the rest of the context.

But notwithstanding its position, "INTA recognizes the Guidebook was the result of a compromise carefully developed through the multi-stakeholder process, seeking to weigh interests such as trademark rights and principles of openness and freedom of expression against the concerns expressed by some governments in order to arrive at a fair balance and to create certainty for applicants and potential objectors by means of lists of specific terms. INTA may not agree with all the restrictions set out in the Guidebook but supports the multi-stakeholder process by which they were developed and cautions against expanding them, unless they comport with the established international legal framework as it applies to trademarks and geographical indications of origin."

So again we've kind of put that towards general agreement towards the 2012 – the recommendations they we've put forward, but there's some caveats to that.

Line 19. I'm not seeing any questions still. Registry Stakeholder Group. So one of the stakeholder groups has submitted that it, "Supports maintaining the reservation of certain strings at the top level. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective. Where the Registry Stakeholder Group supports maintaining the status quo, it is because it reflects both this compromise and the actual experience from the last round."

So there are some other aspects here. So in the red, with regard to three-letter codes, they specifically call those out. Registry Stakeholder Group members have opposed that Recommendation 3. "As stated in the previous Registry Stakeholder 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 on the ISO 3166. The Stakeholder Group wishes to reiterate this opinion, which originates from the observation that there are no valid versions that justify a process or policy of reserving three-letter codes. There is no basis for countries or country code operators to claim sovereignty or ownership rights over three-character codes. Using three-character codes or more for gTLDs and reserving two-character codes for ccTLDs is consistent with current practice of the domain name system. There exists several three-character gTLDs where there are no examples of three-character strings that are used as 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 on a limited number of cases where international law or other agreed-upon restrictions dictate an exception, as the example use of www, for example."

They then move on to say, "Registries do not support any restriction on the use of city or capital city names and object to the requirement of letters of support on non-objection. And registries do not support restrictions on the use of city or capital names; however, could agree, should the community wish so, that letters of support on non-objection are required for applications where the applicant declares that it intends to use the gTLD for purposes associated with the city name." And then an extra bit here in blue, which just highlights some alternative thinking, that, "Registries and, in particular, geoTLD group members, request that letters of support on non-objection are required independent from the intended use for city and capital names that are listed in the United Nations Demographic Yearbook 5, version of 2015, or later, in the list of capital cities or names of 100,000 or more inhabitants." And they give some examples of the list to use.

So there's some new ideas in there, potentially. There's mixed views. so I think you'll notice here that Registry Stakeholder Group also consists of different types of registries that have very diverse opinions on this topic, as well. So I think that's highlighted through the comments, in general, received from the Registry Stakeholder Group. Okay.

And then we have INTA. Another point here to add on that, "However, INTA recognizes that 2012...". I think that's a repeat, actually. Steve, am I wrong? Let's just check nothing there as carryover. I think that's a carryover from what we've already talked about INTA.

So, if we move to Business Constituency. We've got, supports existing framework in the Guidebook but strengthen existing procedures. Does not support additional terms. However, supports the use of full country and territory names as new gTLDs. And what they're also articulating is, do not create additional restrictions beyond what was in the 2012 Guidebook." So in green you'll see that the Business Constituency believes the Guidebook "provides sufficient procedures for addressing the use of geographic names. Any PDP examination of this section should focus on strengthening the existing procedures, rather than attempting to review the entire framework which was the result of four years of development and public comment and several consultations between the Board and GAC. In reviewing the existing procedures, the PDP should make clear that while GAC advice on geographic names is welcome, that advice must be consistent with national and international law."

And then further, in red, highlighted in red, "Consistent with this view, the BC believes that no additional categories or terms should be protected or restricted beyond those included in the Applicant Guidebook. This includes geographic features, rivers, mountains, names of additional sub-national and regional places not included in the Guidebook, non-ASCII geographic terms, nor any term that can be considered geographic in nature or geographical indications. The BC supports the use of full country and territory names as new gTLDs, including removing any

(inaudible) for such names, generally, and not requiring any form of government pre-approval or non-objection."

Olga Cavalli: Martin, you have a hand up from Christopher.

Martin Sutton: Okay. Thanks, Olga. Christopher, yes. Please go ahead.

Christopher Wilkinson: Yes. Martin, I'm delighted to listen to these comments. I've printed out the documents, but the type (inaudible) is so small that I can't read it in real time. I shall do so in the next few days. But the main thing I feel is that both from the registry and the registrars constituencies and from the Business Community, they haven't been listening to the debates. Why is it that we have these block opinions referring back to 2012? The only thing I can think of is that this rumor that if there is no consensus we shall revert to the 2012 rules. That will destroy the process.

I really think that the message has to be passed subliminally or officially to some of these constituencies that they haven't read the rules, they haven't understood the extent to which the extension of the 2012 AGB to geographical names as they are now perceived globally is not possible. I don't want to repeat the arguments that several of us have made in the group over the last few months, if not a year, but I increasingly find that there are some constituencies who have a tin ear. They're not paying attention to what is being said. Thank you.

Martin Sutton: So Christopher, I'm not sure what to say in response to that. We're not in a position at this stage to go back and tell anybody that. And I feel that it would be quite insulting, actually, to go back to all of these community components of ICANN, and beyond, to tell them that they haven't listened. They've read the report. We've issued the report. They've kindly responded. What we need to do is to go through these comments, understand them, and see whether they correlate with some of the opinions and the output that we had as Work Track 5. I hope that makes sense.

Have you still got our hand up? Or is that the old hand?

I presume it's an old hand. Okay.

Let's move on. So – and what I would just remind you of, as well, is the importance of just appreciating some of the general comments here, is that these are not translated to each of the individual answers that they've given. So this sometimes offers a lot more context to the individual replies that they've given further on in their responses. So it is worthwhile running through this just to give yourself, familiarize yourself with that information.

So we've got a couple of additions here from APTLD, roughly categorized as "believes answers already exist to questions from RFC 1591." I'm not familiar with what is exactly in. "We also agree with the Working Group on

most of the questions posted to the community. However, some of them seem to have already been answered. More specifically, Question 1 that invokes rights and ownership has long been clarified in RFC 1591, which holds that concerns about rights and ownership at domains are inappropriate. It is appropriate to be concerned about responsibilities and service to the community. Likewise, we suggest that the question about the appropriate role of geographic communities and governments in respect to the said rights and ownership is self-explanatory, as such matters indisputedly fall under a given jurisdiction's domestic law."

We probably need to cross-reference that with Question 1 or move those comments into Question 1, as well, if we haven't done so already.

Okay. So 23 is continuation, or is that the same? No. That for what is a geographic name list, "National governments should determine if use matters. In regard to the Working Group's question as to 'What's a geographic name for the purpose of the program? Does the intended use of the string matter?', we are of the opinion that the U.N. documents" – and it lists, it provides a link to those – "provide an exhausted set of criteria which are fully applicable to the new gTLD program. That said, while the intended use of the string does matter, the ultimate decision should be made by a national government in pursuit and in full account of the public interest."

So these again, just to emphasize, in blue, new ideas. Just for some consideration then and may be applicable to some of the individual responses later on that we go through.

From Christopher Wilkinson, we've got "suggest that emphasis is on applicants instead of public interest. ICANN must respect local laws, take into consideration multilingual internet." So, "This discussion in Work Track 5 and previously among the ICANN community has opposed the public interests of the populations and institutions associated with a geographical name as against the interests of the applicants. That is, usually those private company who wish to become the registry for any future gTLD using a geographical name." So this note proposes that, "the general public interest should predominate in nearly all cases for several reasons," and then starts to articulate some of those points.

We then go on to CRTC. I don't think we've categorized – are these categorized, apply to definition of geographical names? So we've got notes listed here. So this maybe transferred across to definition of geographic names, where we raise questions and also to translation questions, as well. So we need to cross-populate that accordingly.

Okay. And then – so just if Steve or Julie can help me out, is there anything that needs to be highlighted from the other comments where we've not color coded anything or carried over as sort of an overview response? Some of these may be an unknown.

Steve Chan: Hi, Martin. This is Steve, from staff. So specifically for Lines 26 and 27 – Comments 26 and 27, those are just simply overview statements, and I don't think there's any – I'm not sure there's necessarily anything you need to highlight at this stage. Thanks.

Martin Sutton: Okay. But if anybody feels otherwise, you've got the opportunity to advise and make any suggestion.

And then we go to Brand Registry Group, on Line 28. So essentially, "current and future dot-brand applicants that coincide with geographic terms that are not representing themselves as the geographic place and will be unnecessarily impacted where any restrictions are applied, including those associated with three-character names or abbreviations, these future applicants need business certainty. They need a set of rules which they can follow, knowing that if they do so there will not be an unexpected objection. And it is not reasonable that they should be required to enter into a one-sided negotiation with one or multiple governments over the use of their own brand." So that's an alternative view.

The next one is Business Constituency, which "recognizes significance of geo names for nations, communities. However, trademark law allows usage of words that match geo terms" and a recognition of the importance of geographic names in that particular point. So it gives examples there.

In Line 30, so some varying views here, "To our knowledge no government has put forward any evidence to suggest that the use of a geographic term at the top level by a trademark owner creates any risk or confusion to users. In fact, in many cases the trademark owner is creating a trusted brand TLD space where registrants are limited to the registry operator, thus making confusion extremely unlikely."

And so a new idea is, "To the extent that there is risk of user or registrant confusion, we should develop a standard against which to manage these risks. For example, we can ensure that an applicant does not represent that it is endorsed by a city or is the official TLD of a city when this is not the case. Dot-brands operate in such a manner that there should not be any confusion between a brand and a TLD that is being operated in a geographic context."

Okay. I'll carry on. Line 31 is referencing it does not believe the Guidebook should give the GAC veto power to block geo-related terms. Just more information. "The Brand Registry Group supports for no restrictions where there is a matching trademark used as a brand, no conflict with national law." It provides rationale. So the context there is the rationale. But just to highlight, in blue, "The BRG does not support any restrictions to the use of geographical terms at the top level for applicants

that hold a matching trademark whereby the use of the TLD is to identify the brand and not to represent the geographic term and where there is no conflict with national or international law."

And some, I'll guess – ALAC, we've got, "questions agreement to expand gTLDs." So that's kind of a different area than the geoTLD Initial Report. "Suggests that if Work Track 5 does extend geo names protections, further community deliberations may be needed." So they've put some context around that, which we've included in the box there. But just in blue, to summarize, "By extension, it can be argued that many strings, codes, or names outside of those already described in the 2012 Guidebook with historical and economic significance or cultural values and sensitivities should also receive consideration as geographic names. In this respect, we think further community deliberations outside of the Working Group should be contemplated if Work Track 5 or the Working Group is unable to make any substantial recommendations on the recognition and treatment of geographic terms not included in the 2012 Guidebook." So that, I think, is something different that needed to be highlighted out of the general comments that have come forward.

Together with that, ALAC also, a summary of this – provided detailed responses but also prepared a summary of ALAC responses to preliminary recommendations, questions, and proposals. "Please see Pages 3 to 5 of their responses, following below." Okay. So that delves further down into the detail then, which we'll go through with the respective recommendations and questions.

The following is a group, which is more of a comment to read through.

Line 36 is, "the U.S. government does not believe there is international consensus granting governments rights in geo names. Believes governments' interests should be protected through curative measures." And then it gives a general overview of that.

NCSG, under Line 37, "supports existing policy from 2007 which envisaged no geographical reserved names." In particular, in red here, "In line with the policy recommendations, we believe that there should be no geographical reserved names (i.e., no exclusionary list, no presumptive right or registration, no separate administrative procedures, etc. We furthermore reject provisions requiring applications for certain strings to be accompanied by documentation of support or non-objection, because such an expansion of the number and type of reserved WHOIS is not sufficiently justified to outweigh the risks posed to the fundamental human rights to freedom of expression, innovation, and consumer choice. We believe that treating all strings equally regardless of their geographical status and allowing the existing processes to manage objections and disputes on a case-by-case basis creates a system that balances the rights and interests of stakeholders more fairly and transparently." So again diverse views on that.

Then 38 is Christopher Wilkinson. So there's nothing further to pull out there. So that's the information to read through, as is the following one and is the next one.

Just reading Line 40 there. Note this is not – "non-ASCII strings, IDNs, which are being considered in another Work Track." We may – that might be something that is covered automatically when we talk about translation. So that should come up there, Christopher, more apparently. So as local or national languages are discussed in those responses, that will also cover IDNs.

Country and territory. So that's more information. Christopher Wilkinson. Okay.

So Line 42 where there's concerns raised here. So supports most recommendations, except for 11. "Concern about no recommendations for non-AGB terms. Most of these recommendations are welcome as far as they go, subject to strong opposition to Recommendation 11, for the above reasons. There are, however, no other preliminary recommendations in the interim report at this stage."

So in the orange there is, "What is most remarkable about the above list is that in all cases one is tweaking the ISO 3166 standard and the provisions of the 2012 Guidebook, but that none of the recommendations address any categories of names that are not included in ISO 3166 or were not included in the Guidebook. This is an extremely sensitive situation because whilst one might have thought that names not related under the above conditions would simply not be available for delegation, whereas apparently ICANN staff and certainly many participants think that names that have not been included in the above categories should be openly available for application delegation, subject only to eventual opposition procedures and, if necessary, subject to voluntary public interest commitments. Unless this situation if formally clarified, there is considerable scope for disagreement as and when the next rounds eventually reach the (inaudible) of the general political and public spheres around the world." So those are concerns raised there. So those have been flagged.

And just the last one before my voice goes. Line 43, for Business Constituency. So, "support for letters – support non-objection for categories below only if intended use is geographical." So they've highlighted capital city names. "Applications for any string that is an exact match of a certain national place, such as country, province, or state listed in the 3166 standard" Sorry. There's #2 there. "City names where the applicant declares that it intends to use the TLD for purposes associated with city name." You can read the rest. They're following the list that we've already got. So they're articulating that it should be limited to those.

Okay. Right. So that's general comments. I hope that if you haven't read the comments yet, or even if you have, it gives you a further chance to be familiar with the general viewpoints coming in.

Does anybody have any questions or observations as we've gone through the general comments, before we have a chance to move forward with anything further? Is there any surprises so far that you may have gathered from any of those general comments? Or do you feel –? I'd be interested just to hear some people's opinions about whether they feel that it's unusual or does that reflect a lot of the conversations that we've already had within the Work Track 5 over the last year. Feel free to give my voice a break.

So everybody is comfortable that those are kind of understood and whether or not you may disagree or agree with the responses there, that at least they seem to have been reflected okay in the summaries.

Okay. Justine? Thank you.

So Justine's – "ALAC's comment. I'm uncomfortable with the remark. Suggest that 'if Work Track 5 does extend geo name protections, further community deliberations may be needed.' Because it is a little misleading since, in general, the ALAC statement is supportive, with protection of geo names. I request the remark be amended to suggest that if Work Track 5 does extend expansion of geo name availability, further community deliberations may be needed." Is that –? Thank you Justine. Is there anybody else that is able to comment from ALAC perspective? Does that seem a reasonable way to categorize that?

And Justine, is that something that we need to refer back? Or are you comfortable that we can take forward as an amendment as the meaning for ALAC's comment in the full context?

Okay. If you're typing, I'll wait for the response. In the meantime, I've got Steve and then Christopher. Steve?

Steve Chan: Thanks, Martin. This is Steve, from staff. And it's actually just in response or I guess in the question to what Justine suggested. I had actually put in a comment to the Adobe Connect just to seek clarification. By my reading, it was in the instance where the Work Track 5 cannot agree to – "is unable to make any substantive recommendations on the recognition of and treatment of geo names not included in the 2012 AGB." So the additional non-AGB terms. My reading is that – is essentially that if no agreement can be made on those non-AGB terms, then additional community discussion is needed. So I'm not sure if I read that right. I thought I did. But I'd appreciate, Justine, if you were able to provide some clarification, and we're happy to change the summary statement to how you believe it is appropriate. Thanks.

Martin Sutton: Okay. So Justine, do you want to respond to that? And then I'll go to Christopher if you're able to go on to the phone line.

Justine Chew: Sure. Thanks, Martin. This is Justine speaking. Just in response to Steve's comment, I think what you said is more or less accurate, which is why I'm suggesting we amend the remark to say "expansion of geo name availability." Because as I said, the ALAC statement is, in general, supportive of curative protections. So I hope that's clear. Thank you.

Martin Sutton: Thank you, Justine. So I think we can make that amendment straight away to the doc, Steve. Thank you.

Christopher, go ahead?

Christopher Wilkinson: Thank you. Christopher Wilkinson again. (inaudible) I asked for the floor essentially to confirm what Justine was saying, and she's just confirmed it. So that's done.

As I said earlier, that at the beginning of this process some of us were only interested in it on the basis of determining the policies and rules that would apply to geographical names that were not covered either by 3166 or by 2012 AGB. So I think some of you need to take (inaudible), that this is why we're here. And I think it's quite essential that ICANN recognize that policy of nearly 20 years ago doesn't work anymore. I don't want to go into details now because the call is nearly over. But some of you are still banging on about 2012 and even 2007. May I please advise you that this will not work politically internationally. And ICANN can (inaudible) to a great deal of difficulty internationally if we – if some of you persist in this direction. Please be sensible. Thank you.

Martin Sutton: So, Christopher, as part of Work Track 5, as a member, as with everybody else on the call and those that will no doubt follow up either on the recording or the information that is provided out, we've already built part of the program as the Initial Report. What we're now doing is assessing whether we've got it close to right or not right at all. In there, as you'll see, is a bunch of recommendations, and you've commented on those as well, as an individual. But our job is not to dissect those too much at this stage; it's to make sure that we understand what people are coming back with and if we sense that we're way off the mark and need to make some drastic adjustments or minor adjustments, as the case may be.

So if you can pinpoint any of the comments that have come through to suggest that we are way off the mark and we need to do some radical changes, please highlight those and make that known to the group. And very much welcome if you could put that to the list so that everybody can consider that.

At this stage, we are building up this report with all the comments. I think from what we've seen through the general comments – and I am generalizing here – is that there is quite a lot of positive remarks suggesting that the Applicant Guidebook is reasonable and that the preliminary recommendations that we as a group put forward in the Initial Report are fairly close. We need to go through that objectively with all of the responses and see whether that is not the case and how do we then address it. If not, we can go through these and see where there is – what we've heard here already is that people are willing to compromise on the basis that 2012 is already a compromise and that's whether they wanted more restrictions or less restrictions.

So that's just given us a general opinion. When we start going through to the individual questions and recommendations, we'll start to see more detail and ideas that people have put forward or severe rejections if we see that. So look out for lots of red to help identify any of those areas.

So I hope that's helpful.

So look, we're coming close to the end of the call now. So we've managed to get through a good section I think that introduces us all to the types of comments that we're receiving – that have been received. We've got a lot more work to do as we go through and review all of those and make some judgments on it and discuss them further. I would urge you if you haven't read the comments that have come through on the ICANN page to at least now start reviewing the document that the ICANN staff have prepared, which does help to bring that together and help us as we go through the review process. So please do that. A bit of homework, I know, but that's an important part of this work as a follow-up to all the tremendous work that's been done over a year.

So that's that. We'll have to carry over the preliminary recommendations to next month. Under AOB, could – Julie or Steve, would you mind just posting the upcoming Work Track 5 calls? So I think we've got one in a week's time. I can't remember if we've got one before ICANN – any more before ICANN 64. So if somebody wouldn't mind just adding that to the chat for everybody's information.

An just to remind everybody that ICANN 64 in Kobe, Saturday morning is devoted to Work Track 5. We hope to see as many of you that are able to attend join us on the Saturday morning, from 9:00 'til 12:15, I think it is. So do make sure that's in your calendar if you're attending. If you're unable to attend but can join us remotely, please do so. We will be working through the agenda for that and activities for the Work Track in the upcoming days and circulate that as soon as possible.

So the next call has been posted in there as 27th of February, 05:00 UTC. Okay. So we'll look forward to continuing this at that time.

Does anybody – we've got a couple of minutes – have any other business or comments to raise, questions, before we switch off?

Very quiet. Okay. Well, I've done enough bedtime reading for everybody. I hope it didn't send you all to sleep. And look forward to continuing this important work on our next call.

Thanks very much. We can close the call up.

Michelle DeSmyter: Thank you, Martin. The meeting has been adjourned. Have a great day, everyone.