ICANN Transcription

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

Tuesday, 30 April 2019 at 2000 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://gnso.icann.org/sites/default/files/policy/2019/audio/audio-new-gtld-wt5-30apr19-en.mp3

Zoom Recording:
https://icann.zoom.us/recording/play/t2RlgWimPdHjnYKqzaaQWBslVpYcOz3mbdTW7RQOlnt7746dfLKhXoYEswGyeHgO?startTime=1556654434000

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

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: I would like to welcome everyone. Good morning, good afternoon, and good evening to all, and welcome to the New gTLD Subsequent Procedures sub team Work Track 5 call on 30 April 2019. In the interest of time, there will be no roll call. We have quite a few participants online today, so attendance will be taken via the Zoom room. If you're only dialed in on the audio bridge, would you please let yourself be known now.

Okay, hearing no names, I would like to remind all participants if you would please state your name before speaking for transcription purposes. Please keep your phones and microphones on mute when not speaking to avoid any background

noise. If you are dialed in on the phone bridge, you can mute your phone by pressing *6, and *6 will also unmute your phone.

With this, I'll hand the meeting back over to Martin Sutton. Please begin.

MARTIN SUTTON: Many thanks, Michelle. Welcome, everybody. We've got an hour's call ahead of us and the agenda is in front of you on the screen. So we'll just run through the agenda quickly and if anybody has any statements of interest updates, be ready to put your hand up soon. But what we'll be focusing on today is continuing a review of the public comments, and this is in the sections that are headed as proposals. If you remember, these were suggestions from within the group, so they weren't preliminary recommendations and rather than questions they were more like proposals or suggestions put forward by members of Work Track 5. What we want to do is to make sure that we understand and have allocated the right [judgment] or summary for those comments, and we'll continue through that.

We've still got quite a lot of work to do, so we will be going at a reasonable pace to get through the chunk of work today. And then toward the end, we'll cover any other business which includes how we propose to plan to cover the work over the next few meetings. Does anybody have anything else or questions about the agenda or anything to add that they would like to put forward now? I see no hands and hear no sound, so I'll carry on then.

Statements of interest are the standard administrative element here. Has anybody got any statement of interest changes that they would like everybody to be aware of? I hear none, see no hands, so we will continue. If we could move the screen to the worksheet. If you prefer to look at the worksheet itself and manage that, you've got the link available in the chat so please feel free to use that. We will be kicking off from where we left, which is on proposal f.1.2.5 worksheet and line 24. Do we need to swap the screens?

MICHELLE DESMYTER: In order to see the other screen, we have Steve sharing a screen as well as Julie. If you go to the top part of your screen, you see View Options with a dropdown arrow. You can toggle between the agenda which Julie has up and the document which Steve has up.

MARTIN SUTTON: Okay, thank you. So we can follow it onscreen, or you've got the link to follow directly. So the item we were discussing last time was regarding the development tool proposed for [prospective] applicants to indicate whether a string is eligible for delegation and whether there are issues that require further action in relation to geographic terms.

So we've gone through already a mixture of the comments, and the last two comments that relate to this are diverging – one from INTA and one from a group of registry operators where there's concern about the unnecessary requirement that this brings into play and the cost elements make it possibly outweigh any value.

So those are covered in divergence. So I think that those are fairly straightforward.

So we'll move on to 2 on line 26 which is relating to GAC members could assist applicants in identifying which governments and/or public authorities could be applicable in cases where an applicant must obtain a letter of government support or nonobjection.

I'm not going to read out all of these. You've had the document. You can go through in more detail if you haven't read it already. But we've tried to put these into the various assessment of agreement or divergence or concerns and new ideas. So those are the things I'll focus on. I'll group these together.

Here we'll see in this list that there is a variety of governments and related organizations and also ALAC, some geo registries, and the Registrar Stakeholder Group all support, were in agreement with the suggestion here. So I don't think there's anything to add to those. You can read those directly.

There is then IPC, a group of registries, the Brand Registry Group, the Business Constituency, and the Registry Stakeholder Group that are essentially in agreement but qualify with the fact that if it's still needed, then agree that this would be helpful. So it's about whether or not there would still be requirements for letters of approval or nonobjection. So again, you can read those comments specifically. But if anybody does have any suggestions that this doesn't quite fit the way we've allocated them, please do put your hand up and put forward your suggestion or concern.

So following that we've seen standard agreement or a qualified agreement, we've then got a few which are highlighting concerns. There's the U.S. government. It's comment 15, line 41 in the spreadsheet. This just highlights as to whether GAC members could assist applicants with identifying which governments and/or public authorities would be applicable for those cases where an applicant would require a letter of support or nonobjection. We believe this obligation of providing assistance should fall to the affected parties (i.e., applicant and government at issue).

So there's a concern raised there and also INTA. Probably a similar one here. To the extent that there are obligations of consent/nonobjection INTA would support measures which assist potential applicants in identifying a point of contact. This seems unlikely to provide a solution to the difficulties previous applicant have encountered. It could only do so if all governments were under an obligation to make such contact information available and if, in the absence of any response, there were deemed consent. So points of concern raised there. I think that these will crop up again in further responses. [inaudible]

UNIDENTIFIED FEMALE: Martin, we have a hand up from Christopher.

MARTIN SUTTON: Christopher, please go ahead.

CHRISTOPHER WILKINSON: Hello. Good evening. Martin, on this point, I just want to report that earlier today – can you hear me?

MARTIN SUTTON: I can, yeah.

CHRISTOPHER WILKINSON: Yeah, good. Earlier today we had a PDP conference call, and I cited this issue as one of the problems basically undermining the objective and contradicting the objective of the PDP to make the process predictable. First of all, I don't attach great weight to many of the comments to which you have just referred because, frankly, they are incumbents and potential applicants and are arguing for their interests. If you go down this road, you will render hundreds of applications highly unpredictable.

MARTIN SUTTON: Christopher, sorry to interrupt, but just to make sure we're clear here. We're not dissecting all of the comments and putting an opinion forward as to whether we agree with those statements or not. [inaudible]

CHRISTOPHER WILKINSON: I'm not dissecting. I'm just drawing your attention to the consequences of these opinions. They will result, as I mentioned this morning, in a hundred [many Amazons]. You cannot go down this road of not requiring public authorizations and require predictability. That is a contradiction in political terms. Thank you.

MARTIN SUTTON: Right. Okay, thanks, Christopher. If we could just make sure we're sticking to a process here so we can get through it at a reasonable pace is, have we read and understood the comments? Have we categorized them appropriately or do we need to change anything? Because then when we start to put this all together with all of the other comments that we've had for the preliminary recommendations, we will see then whether there need to be adjustments based on some of the proposals that were put forward by team members in the initial report. So that's the focus today. If we could stick with that, we'll be able to carry through to hopefully complete the items on the list today.

CHRISTOPHER WILKINSON: Thank you, Martin. I will stick to that with reservations if necessary. Thank you.

UNIDENTIFIED FEMALE: Martin, we have [inaudible] [hands].

MARTIN SUTTON: Okay, Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes, good morning, good afternoon, and good evening. We have discussed that in different way in this morning's session. I fully agree with Christopher. We have to mention the consequence of this sort of opinion. We should not be kept silent and so on and so

forth. So I also join him in his reservations, and we have to really be quite careful. Thank you.

MARTIN SUTTON: Thanks, Kavouss. Paul?

PAUL MCGRADY: Thank you. I missed the first two or three minutes of the call because of an inbound surprise call. So I didn't get a chance to make people aware I'm in the process of changing my statement of interest. I have left Winston & Strawn and have joined Taft Stettinius & Hollister. It's a different law firm. Everything else pretty much stays the same on the statement of interest. Sorry to revert back on a housekeeping issue in the middle of an interesting discussion, but I didn't want the call to go further without making everyone aware. The statement of interest will reflect that as soon as I can figure out how to actually edit the darn thing. Thank you.

MARTIN SUTTON: Thanks, Paul. And thanks for updating us there. Much appreciated. On line 43 we move on to, this was relating to if government support/nonobjection is required for an application, provide mediation services to assist if the applicant disagrees with the response received by a government or public authority.

Within here the first block were mainly governments and related organizations which were directly in favor of such a suggestion. Then there were some agreements but with some concerns raised by two, in particular Registry Stakeholder Group and the U.S.

government. One was more focused on funding, how that would be covered for such a proposal, and the U.S. government referenced as to who would be able to conduct such mediation effectively for this scenario. So those were flagged there.

Then we've got some divergence, BRG. We flagged this as a new idea. BRG recommends that in the event of continuing any requirements for letters of support or nonobjection that any rejections by the government or local authority must provide their clearly articulated rationale, including the i) national or international law and ii) merits-based public policy reasons upon which it is based.

I think which echoes some of the requirements that the board put to the GAC on a previous case.

And then this could help avoid the need for setting up a mediation service solely for this purpose.

Kavouss, is that an old hand or a new hand?

KAVOUSS ARASTEH: No, it is a new hand. [Can you please] [inaudible] argument how you put the government and applicant at the same footing, that applicant objects to the government. Who is the applicant that has such authority to object to the government representing tens of hundreds of millions of the people? Why you put them on the same level or same footing? Somebody speaking for himself or itself has the right to have the [inaudible] object? If a government has a requirement, that's a requirement. I have no problem you say that you provide rationale for the national or international law

or any public policy and so on and so forth. But this is not [the] arguable that people are saying that, no, this has nothing to do with public policy. Let me give you the case of .amazon.

MARTIN SUTTON: [Sorry.]

KAVOUSS ARASTEH: When it was discussed [if the IRT] mentioned that and no this is not public policy. I don't understand that. The public policy is the authority of the government. [This is] public policy. Why you put the applicant and the government at the same level? What is the argument? What is the rationale of that? Thank you.

MARTIN SUTTON: So in the last one I just read out, the Brand Registry Group comments? Is that one you're referring to, Kavouss?

KAVOUSS ARASTEH: Yes. I disagree with that comment. Thank you.

MARTIN SUTTON: So as I mentioned in response to Christopher's comment, everybody has their opinions. We're not really going through that opinion-based element at this stage. It's whether we have classified as a team whether it is something that we say is in agreement with the question that the Work Track team has put forward in the initial report, whether it is diverging from that, or

whether it is a concern or new idea. So as long as we've captured that information, that's what we're looking to achieve on these calls at the moment before we dissect as a group whether or not we can open up further discussions on these items that may sway our end result, so could influence the preliminary recommendations further or create new recommendations.

So I'll repeat that again and again as we go through this if we have to, but it is delaying us getting through the rest of the process of just ensuring that we appreciate whether it's been categorized effectively or whether we question that. Thanks, Kavouss. Christopher, your hand is up. Is it a comment as to whether it should be classified differently on any of these comments?

CHRISTOPHER WILKINSON: Look, Martin, the staff have done an excellent job. I don't think we need to spend any time on reclassifying or otherwise commenting on this. You're obliging us to spend a lot of valuable time on a nonquestion. Thank you.

MARTIN SUTTON: Thank you, Christopher. I don't know if anybody else in the Work Track has got the same concerns, but we have gone through this and made some adjustments as we've gone through where people have questioned whether it is correctly summarized and appropriately recorded for our records which will be used, obviously, as part of the background information to any final report that we issue. So it is important that we get this accurate.

We have made changes as we've gone through here. I am attempting to go through this at a reasonable pace by summarizing it but allowing, obviously, you all as Work Track participants to read and digest all of this, and that's great. So I'm happy just to keep summarizing rather than go through all the individual comments. Kavouss, is that a new hand?

KAVOUSS ARASTEH: Yes. I think you have to reflect the views. You could not say that you don't reflect the views. You have to reflect the views. Yes, we might be [in] the minority, but you have a legitimate argument which should be reflected. You should reflect it in one way or other. Views were expressed or some views [expressed] or some members they expressed a view. You have to do that. We should not keep silent. Sorry. Thank you.

MARTIN SUTTON: Has anybody else got anything to add, or can we carry on? Right, so where did we get to. So I think it's comment 9, line 52 in the spreadsheet. We've got concerns that have come up with some of these from ALAC pointing out potential issues with gaming and problems with endless disputes never being finalized. Business Constituency concerns that mediation with governments outside the jurisdiction will be complex and perhaps not effective. We have Registry Stakeholder Group with a mixture of support and divergence, divergence being since there is nothing to prevent willing parties to mediate. So there's a concern raised on that.

EN

We have a mixture of governments here that reflect nonsupport for this particular proposal. So that's Singapore, CITC, Portuguese government. We have geo TLDs here. We do support the proposal because of liability issues. [I've] got a question mark against here. It seems to indicate divergence, although the original comment says we do support. Katrin, I don't know if your on the call, whether it would be possible just to clarify that and confirm because there's some sort of ambiguity in some of the responses there. Otherwise, we can pick that up.

UNIDENTIFIED FEMALE: There's a hand from Annebeth as well or just [left]. And a hand from Kavouss. I don't know if it's new or old.

MARTIN SUTTON: Kavouss, is that a new hand?

UNIDENTIFIED FEMALE: Annebeth as well.

KAVOUSS ARASTEH: I see I have lowered the hand. I don't know. Is it okay now? I don't raise the hand.

UNIDENTIFIED FEMALE: I see it, but that's okay. And Annebeth also has her hand up.

MARTIN SUTTON: Annebeth, please go ahead.

ANNEBETH LANGE: I just wanted to point out what Katrin said, and that is part of this discussion. What we try to do now is to find out if some of the comments from our working group members have been misrepresented. Katrin's comment was just an example of that. That's the most important thing now. Then we go back to the different opinions in the discussion later. So if we could just try to [concentrate on] that, that will give us the path forward so it doesn't take too much time now before we can start that discussion. Thank you.

MARTIN SUTTON: Thanks, Annebeth. So that one we probably just need to get further clarification just to make sure. So if we move on, the next couple of comments are doubts whether the mediation could be effective. I think INTA points out there's nothing preventing parties from engaging to do so in their own right if they wish to do so. And then similarly NCSG has concerns that it's nonbinding and therefore could be ineffective. And a group of registry operators have no support for that as well. So those are how they've been categorized, and I think there's just the one there that we probably need to clarify further. Kavouss, hand raised again? Please go ahead.

EN

KAVOUSS ARASTEH: No. I'm sorry. I am not very used to this new system. Sometimes I made a mistake what is hand raised and what is not. Is it okay now? No hand raising? It is lowered. Is it okay.

MARTIN SUTTON: [Your hand is up.] I'll look at it as if you are waving at me. Thanks, Kavouss. We'll move on to proposal 4, line 63. Establish a program to heighten the awareness of governments and others regarding the gTLD program so that they will be more likely to seek or support a registration for the relevant geographic name. this could be accompanied by structured support and advice to maximize the opportunities for future applicants for geographic names.

In this, the first block there's a whole list of in agreement which is many government responses and geo TLD operators responding. If we go down further, I think comment 11, line 71 on the spreadsheet, there's a group of them with different qualifications here. So agreement but the panel would need to be formed from a group of stakeholders to ensure balanced presentation and understanding. Others suggest that it should really be part of the overall outreach program rather than separated out. So those comments have been coming in from IPC, ALAC, Registry Stakeholder Group.

U.S. government is in agreement. Actually, Steve or Julie, I don't know whether we're trying to group these together. If we could move that agreement one up to the bunch above, I think that would be easier to view through. Thanks. And then the group of

registries similar qualification, part of outreach rather than anything separate.

There are some concerns raised. Registrar Stakeholder Group not in support of ICANN facilitating. They believe that should be fully funded and covered by governments that want to cover that particular aspect. NCSG, emphasis on the government is certainly misplaced in this proposal. Moreover, despite the fact that ICANN delegated some of the earlier ccTLDs, ICANN's jurisdiction does not allow for some countries to apply for new gTLDs, especially if they are government entities. So there's some jurisdiction point raised which is [a bit different].

Those are flagged as concerns. Then just the last few comments are we've looked at this as a new idea from the BRG which is this should be incorporated into the overall new gTLD communications and awareness program rather than a separate program. I kind of think that moves up with a kind of an agreement with qualification. If others think that, we can I think group that there as well. That seems to resonate with the other ideas that it should be an overall combined effort for outreach and comms plans.

And then the last two are diverging which is INTA who opposes the proposal because it's incomplete and needs to be fully thought out and could be something that the GAC members can do themselves [inaudible] wider participation [inaudible] community. Whereas, Portuguese government doesn't support. No explanation there which seems a bit odd, out on its limb that one.

Okay, I see no hands, so I'll move on. Proposal 5, in any circumstance where a letter of support or nonobjection is required

from a relevant government authority, establish a deadline by which the government must respond to the request. If no response is received, this could be taken then as nonobjection.

So we have some mixtures here. We've got some government and related organizations along with that Brand Registry Group and the Business Constituency agree. So that's useful to go ahead with similar to some of the other governments.

There are some with qualifications, slight variances. For IPC, in agreement but suggest that this could bring its own challenges. ALAC supports provided that the applicant can show that the relevant government authority was given effective notice of the deadline and consequence of their not responding. So very much about making sure the process would work effectively and that there was a time for responses that was adequate and that they knew that they were approaching the right people.

We've got an agreement here from NCSG, so we might want to lift that up to the other bulk of agreed similar – oh, we've got agreement and new idea here from – okay, sorry. I've missed one here which was the group of registries, Uniregistry, a qualified one as well. They link this to Proposal 2. So that kind of brings into force this getting to the right authority, the right contact within that authority. So it's coupled essentially with that.

Registrar Stakeholder Group supports but also suggests that the timeframe for governments to respond should not exceed 15 business days. Which is quite interesting because I think a later one says nine months from somewhere else.

EN

Another one with agreement and new ideas is from INTA. They're in favor, but for example it would seem appropriate that the relevant government authority should be notified at least twice and that the time to seek such approval is built in to the timeline for an application. So some add-on suggestions that have come back included in some of these comments.

If we move to comment 14, line 95 on the spreadsheet, agreement and concerns.

ANNEBETH LANGE: Martin, could I just refer you to a comment by Justine Chew to line 91? [inaudible] has [his] hand up as well.

MARTIN SUTTON: Okay, yes please. Sorry, Justine, please go ahead.

JUSTINE CHEW: Yes. Hi. Thanks. Hope you can hear me.

MARTIN SUTTON: Loud and clear. Thank you.

JUSTINE CHEW: Great. Sorry, I've just noticed that Steve has done what I requested which is just in brief in line 91 the ALAC comment, I just suggested that the proviso that's attached in the comment be marked as a new idea. Thank you.

MARTIN SUTTON: Thank you, Justine. Excellent. So that's gone ahead. Anybody should have any other thoughts or ideas, please [inaudible].

KAVOUSS ARASTEH: Martin, I raised the hand. Do you see me?

MARTIN SUTTON: No. No, your hand is down on my screen, but please go ahead.

KAVOUSS ARASTEH: Okay. Is it okay now?

UNIDENTIFIED FEMALE: Now it's up.

KAVOUSS ARASTEH: Yes, I had difficulty with this tacit agreement. No reply means agreement. I have serious difficulty with that. This is [disfavored] many government. They don't have staff to reply at the first applications. Non reply should constitute disagreement, but in order to avoid any deadlock then the intervention of the ICANN is required. And if they send a message saying that you have not replied to the request and if you don't reply within X days, your nonreply would be considered as agreement. That I agree. But the first nonreply is not agreement. I have raised it in Marrakech, and I have raised it in many other meetings. And ICANN is not the only

organization of the world that is dealing with this sort of request for agreement. There are many, many other organizations. They have similar course of action for certain activities. They require the reply of the government or a party. And the first nonreply is disagreement, and then in order to not to have a deadlock they go to the staff or ICANN. And once they send a message to the government that this is a 30-day deadline, if they don't reply, your nonreply means agreement. So I have mentioned [inaudible]. Please kindly reflect that. This is very important. Many government, they miss this situation because they don't have the staff. They don't have the machinery to reply. [inaudible] 90 days or 60 days or 15 days. I don't know what deadline you have put, but they miss [inaudible].

MARTIN SUTTON: Well, Kavouss, I think we come across some of those comments further on. So let's carry on through and we'll pick up some of those that were responded to. So thanks.

KAVOUSS ARASTEH: Okay. Please consider that [inaudible]. Thank you.

MARTIN SUTTON: So I was on comment 14, wasn't I? Agree that deadline could be applied but note the challenges that always have been inherent in this requirement, i.e., trying to identify who speaks behalf of the government or public authority at issue. This latter issue is one that should be addressed prior to any future rounds. That kind of

ties in again the Proposal 2 where it needs to be [hopefully] identified who should be referred to for these cases.

Carrying on through, Registry Stakeholder Group has a different slant. They've got a mixed agreement and disagreement. Some are concerned there that, for example, by deliberately contacting a person who is not authorized to provide such a letter on behalf of the government or authority could lead to a problem of gaming.

We have CITC. This refers to this timeframe again. We've heard 15 days from one and then nine months here from this one which is, again, raising the issue of trying to find the right people, get the process done. Everybody has different speeds to be able to achieve that, depending on how they're set up.

So all of those comments have been acknowledged through the responses that we've received. We go on through some similar comments from the geo TLDs regarding this issue of aiming the request to somebody that isn't authorized and could effect some gaming.

And then Singapore does not support the proposal to impose a deadline. So that's captured there.

Okay, I'll move on to the next one. Thanks for this. We're going through quite well. We've only just done a few adjustments. So on Proposal 6, once a gTLD is delegated with an intended use that is geographic in nature, all other variations and translations of this term are unconditionally available for application by any entity or person. Objection procedures could potentially still apply.

So here we've got some support from BRG, Registrar Stakeholder Group, INTA, U.S. government, NCSG. That takes us down to about comment 6. There's a group of registry operators agree but do not agree with the use of the term unconditionally which is misleading since all gTLD applications are subject to conditions. So I suppose qualified that one.

Registry Stakeholder Group is in agreement with some qualifications and some divergence as well. So some can see merit in the proposal, and others believe that it could conflict with string similarity definition and do not support the proposal.

What else have we got? That rest are more divergence where there are some government and other related organizations and some registry operators that disagree. [So they] don't support that. So that goes through also to Business Constituency. I think I've got a question on here. It's on comment 12, line 113. It says BC does not support. The alternative favored by the BC is reserve as unavailable translations in official and commonly used languages. I just wonder, is that something that we should flag as a new idea or links at least to the translations questions that we are yet to come on to? I don't know if anybody has got any thoughts on that.

UNIDENTIFIED FEMALE: There's a hand up from Christopher, a new hand up.

MARTIN SUTTON: Thank you. Christopher, go ahead. I can't hear you, Christopher.

CHRISTOPHER WILKINSON: Okay, that might be better. The BC position, off the cuff I would say that is the norm and we should be discussing why it is that other interested parties deny that norm. Obviously, if a government – first of all, I've said this in writing before. A lot of our comments on the e-mail have been ignored in the preparation of these documents, but if one language version is authorized, ipso facto the other language versions will be subject to the same degree of authorization. Otherwise, we just fly in the face of political realities. I think it would be absurd to deny that. Thank you.

MARTIN SUTTON: So moving on to the next few. Again, I've grouped these earlier. There were governments and geo TLDs and also IPC and ALAC grouped in there as non-supportive of that Item 6.

So we'll move on to Item 7. An applicant for a string with geo meaning must provide notice to each relevant government or public authority that the applicant is applying for the string. The applicant is not required to obtain a letter of support and nonobjection. This proposal relies on curative mechanisms to protect geographic names in contrast with support/nonobjection requirements that are preventative in nature. Each government or public authority has a defined opportunity to object based on standards to be established. The right to object expires after a set period of time. Objections are filed through one of the existing objection processes or a variation on an existing process. A set of standards would need to be established to determine what constitutes a relevant government or public authority. This

proposal could apply to all of some of geographic names included in the 2012 guidebook.

With this one, there are quite a few concerns or qualified agreements. I think we'll need to just check through these and make sure we understand these. Business Constituency requires further clarification on this proposal which is unclear as currently written. It could become overly burdensome for an applicant, depending on the specific term in question, the number of government entities that may be implicated. The BC supports this notification requirement but only for geographic names that are among the specific categories of strings that are described by this PDP in Preliminary Recommendations 4 through 7.

ALAC feels that this measure could be appropriate for city names gTLD applications only except possibly in the case of very large cities that they would see that treated differently.

We have INTA with concerns and divergence. So don't believe that this is – this is an unnecessary requirement, they state. So this proposal is not sufficiently thought out and on its face appears completely unworkable, unrealistic for an applicant to know all possible geographic uses of a term around the world in order to identify relevant public authorities let alone who the contact person within them might be. The impact of inadvertently failing to contact one of them is not clear, especially given that this is not a requirement to obtain support or nonobjection.

Similarly, U.S. government has concerns and is divergent, so they disagree with this proposal and they do not know what is meant by the relevant government authority nor is there agreement within

Work Track 5 or the larger community on what is meant by a string with geographic meaning. We also question the basis for this proposal in the absence of a requirement of proposed use for purposes associated with the city name. A curative mechanism is preferable.

Then there's a group of divergent ones which come in from a variety of governments and related organizations and geo TLD operators and also includes Registrar Stakeholder Group. We've got an anomaly here I think, Julie and Steve, which is the Brand Registry Group. [Have we tabled that?] It's on comment 11, so it's just up a page there. Proposal unclear. Suggest that a mechanism would work like Trademark Clearinghouse to raise an alert. So it should only apply for intended use as geographic. So the proposal is unclear, they state. But it does quote underneath BRG does not support this proposal for any applications where intended use is not geographic. So I think we could add that into divergence. Thank you. Unless anybody has any other comments, I'll carry on.

The remainder of this set, again, includes some governments, IPC, Registry Stakeholder Group, NCSG, another group of registry operators. There's divergence, so no support for that proposal from any of those.

Okay, I've lost my participants list. Got it back. No hands. I'll carry on. This is Number 8, if an applicant applies for a string that is confusingly similar to a geographic term that requires a letter of government support or nonobjection, the applicant should be required to obtain a letter of government support/nonobjection. As an example, a common misspelling of a geographic name would be considered confusingly similar.

I think again we see the usual split here. We've got many of the governments and related organizations agree with this suggestion along with geo TLD operators, ALAC.

Then we come down to comment 11 on 150 on the spreadsheet which is Registry Stakeholder Group. Mixed opinion there within the Registry Stakeholder Group. Some support; others don't.

Then we have divergence and concern raised by U.S. government which is on comment 12. Additional clarity is needed as to who would be making the determination of likelihood of confusion between a proposed string and the geographic term. Also, any such determination would need to take into consideration the two strings as well as the applicant's proposed uses. So do not agree with proposal requirement of a letter of support/nonobjection for the latter applicant.

Okay, so the rest of these also disagree with the proposal. So that's the Registrar Stakeholder Group, IPC, INTA, BRG, BC, NCSG, and the registry operations group.

Okay so I don't think there are any surprises there. Moving on to Item 9, at the end of the registry contract period – I've lost the screen. Has anything happened to...?

UNIDENTIFIED FEMALE: We've lost the screen. [inaudible]

UNIDENTIFIED FEMALE: I've lost it as well.

EN

UNIDENTIFIED FEMALE: Yeah, all of us lost it.

UNIDENTIFIED FEMALE: I'm sure staff are….

MARTIN SUTTON: We're back.

UNIDENTIFIED FEMALE: There we go.

MARTIN SUTTON: Excellent. Somebody almost unplugged us, but we're back. Don't worry. We got back up. Moving through on to 9. At the end of the registry contract period, a government entity has the option of becoming engaged and can add provisions to the contract that specify conditions rather than there being an assumption that the contract will be renewed.

I expect we'll be going through similar lists here. Some like it. Governments listed there early on and then there's a list of divergence not in support which includes geo TLDs, some governments, Brand Registry Group, Business Constituency, Registrar Stakeholder Group, IPC, INTA, ALAC, Registry Stakeholder Group, NCSG, and the group of registries.

Then there are some concerns flagged. I think on comment 15. Just one above, if we can just scroll back up one I think. We've got this listed as divergence. Oh, I thought we had a concern on that one. Oh, no, sorry. It's 15. I can see it now. Yeah. The U.S. government, we do not support this proposal allowing government entities to review and amend a gTLD registry agreement when it ends as a condition of renewal. This would create inherent government rights where they do not exist. Okay, do you want to highlight any of that in yellow to reflect the concern that's been [inaudible] there? Thank you. Excellent.

So the next one, Item 10, a TLD associated with geography should be incorporated within the jurisdiction of the relevant government and subject to local law.

Here we've got a few in agreement. So some support; others don't. We've got governments and geo TLDs and ALAC in support. And then we've got Registry Stakeholder Group where there's some divergence. So some members support; others are opposed to proposal 10. So that's listed in there.

Comment 7 is concern as well as divergence, so that's U.S. government. Disagree with the proposal. And the concern is the nature and meaning of this proposal is far from clear, including what is meant by the relevant government. Similarly the context for this proposal is unclear. So they don't feel comfortable with that one.

Then the rest of these are divergent, so not in support, which include some governments, BRG, the Business Constituency, Registrar Stakeholder Group, IPC, INTA, NCSG, registry ops

group. And then finally we have no position from some of the governments.

Okay so we've gone through f.1.2.5. Are we feeling as if we could do a few minutes more to get on to the next tab? And then we'll do AOB to wrap up in a couple of minutes. But I think we could probably clear through this as well.

So on 11, delegate alpha-3 codes on the ISO 3166 standard as gTLDs with the requirement of government support/nonobjection until a future process is designed specifically for the delegation of three-character codes.

We do support the proposal. So there's some in support from geo TLDs. ALAC strongly recommendations. So we've got blue in here. Is that a new idea that we need to reference in the next column, in the summary column? ALAC strongly recommends that ICANN have in place a procedure to prequalify applicants for any ISO 3166.

UNIDENTIFIED FEMALE: Martin, you have a hand up from Christopher.

MARTIN SUTTON: Christopher, go ahead.

CHRISTOPHER WILKINSON: Hi, just a point on the jurisdiction point which you just skipped over. I think historically I am at the origin of this proposal

on jurisdiction. One of the objectives, of course, is to prevent what has come to be called portfolio registrations of TLDs.

MARTIN SUTTON: Carry on.

CHRISTOPHER WILKINSON: That's all I need to say. I'm totally opposed to the creation of portfolios of TLDs, especially if they're speculative. And the purpose of this jurisdiction proposal is to ensure that the TLD for a geographical name, whoever is the registry, is incorporated in the jurisdiction to which it attaches. And that will make it much more difficult to have portfolio applications. Thank you.

MARTIN SUTTON: [inaudible] So we're coming up toward the hour, so I don't think we're going to cover anything further. The next few sections are fairly light in content. Not in meaning, but in terms of amounts to read. So I would recommend that if you haven't gone through that so far, please take the opportunity to do that before our next meeting. And if there's anything to highlight as a change that you feel needs to be recorded in the comments or summaries, please flag that either at the next meeting or beforehand over e-mail, and that would be much appreciated.

Now obviously this has taken quite a lot of time to go through just the process of clarifying what the comments are, how we've summarized them, and how we feel whether they're in agreement of some of the questions or proposals that were put forward in our

report. So this is having a knock-on impact of where we would hope to converge with the rest of the working groups. So we would like to propose from the leadership that we start to resume 90-minute calls so that we can get through the rest of this within the next two to three meetings. So that is our suggestion going forward is that we push for 90-minute meetings for the next upcoming meetings. Does anybody have strong concerns about that or opinions that they would like to flag on the call? [Kavouss]?

[KAVOUSS ARASTEH]: This morning we had one hour and a half. Tonight we have one hour. I have objection with 90 minutes. Thank you.

MARTIN SUTTON: I'm hoping we captured that. I'm sorry. I didn't hear all of it, but we'll go back through and capture that on the recording. Any other comments? Christopher?

CHRISTOPHER WILKINSON: Yes, thank you, Martin. I've struggled over this document for hours. May I say that I have reading glasses, and they are good for most purposes. But the font presented in this document is far too small. It's almost illegible. The pale yellow and pale green text are totally illegible. So I place a general reservation on my interpretation of this bloody document. But if the staff could at least republish it with a larger font and legible colors, we could perhaps make some progress more quickly.

I also have an AOB point, but I will take that when the chair has….

MARTIN SUTTON: So we're off on the hour, Christopher. So if it's a short AOB that can be covered, please go through very quickly so that we can….

CHRISTOPHER WILKINSON: It can be very quickly. This is about ISO 4217, the three-letter currency codes. As I understand it, Work Track 5 has decided, against my advice, that this is out of scope for Work Track 5 and it should be referred to the PDP. This morning I raised a question in the PDP and was told that this was a matter of litigation in Work Track 5. If Work Track 5 does not wish to address ISO 4217 and the three-letter currency codes, could the co-leads please write formally to Jeff Neuman and Cheryl Langdon-Orr to tell them thus and ask the PDP to address the question of the three-letter currency codes? Thank you.

MARTIN SUTTON: If we can carry that comment over, we will discuss it within the leadership group. I think that's been covered repeatedly beforehand, but we'll just check. I wasn't able to attend the call this morning, so I'm not aware of what you're referring to. But we'll pick up on the recording.

So thanks, everybody. Just in terms of your document, Christopher, I mean, these are designed so that you can read them locally on your own laptop. So you can play around with the font size. You know, just the screen size. So you don't have to change the font. Just explode the spreadsheet.

CHRISTOPHER WILKINSON: Well, as a matter of fact, I've been trying that for the past half hour, and none of the buttons on the Zoom screen respond.

MARTIN SUTTON: Okay. Well, we'll see if there's anything we can do in Zoom. But I think you'd have to actually download the document. But we are, I'm afraid, out of time so unable to do system support at this stage.

But I do appreciate everybody's input and following through on the work on Work Track 5 and look forward to our next meeting next week. If somebody could quickly remind us date/time, that would be really helpful. I haven't got it in front of me. Well, we'll just send it around anyway as a reminder straight after the meeting. All right, we're right out of time. Thank you very much, everybody. We'll close the call.

[END OF TRANSCRIPTION]