
**ICANN
Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic
Names at the top-level)
Wednesday, 12 June 2019 at 20:00 UTC**

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ANDREA GLANDON:

Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Sub-Team Track 5 Geographic Names at the Top Level call, held on Wednesday, the 12th of June, 2019, at 20:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. I'd like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

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With this, I will turn it over to Martin Sutton. Please begin.

MARTIN SUTTON:

Thank you, Andrea. Good to everyone. To start with, I'll run through the agenda very shortly. But for the purposes of any changes to people's statement of interest, let's start with that if anything has anything to flag for the group today. So, if there's anybody, please raise your hand, or, if you're just on the telephone line, please put yourself in the queue.

Okay. Hearing none, fair enough. So the agenda was sent out, along with some of the documents that we'll run through for the first few items. We'll just do a reminder of the process where we are to make sure that those on the call that may have missed out for last week or the last couple of meetings are up to speed on that.

We'll also a document just to track the status of the preliminary recommendations that we've been running through, and then we'll start to go through just a regular substantive [inaudible] down to [inaudible] PICs that we've got listed here. So we'll follow this. It has changed slightly from the agenda that was sent out, mainly just my typo entries, I think. A and B were basically the same thing, so we've just converted that to one, where we'll be covering capital cities and sub-national place names and UNESCO items.

Then we want to revert back to discussions on languages. I'm pleased to see we've had some exchanges on the e-mail list today. If you haven't seen that already, it might be worthwhile having a peek and see what's been exchanged on the e-mail. So thanks to those, and we'll get onto that later.

Depending on how we progress through that, the final item, we'll look at Point 3: geographic terms that requires of support or non-objection dependent upon intended use.

If anybody's got any questions or points to raise now about the agenda, please go ahead and raise your hand.

Okay. Moving swiftly on then, there was a reminder of the process that we're undertaking at the moment. After all the comments that we had received, they were compiled and condensed into a review document to make sure that we could all understand or have the opportunity to clarify; so those comment and how they responded to the preliminary recommendations put forward in the initial report, as well as the individual proposals and questions. So we've done that initial review. That's now been condensed this document that we've been running through the last couple of minutes, where we're teasing out any substantive discussions that may be required due to some of the news or objections or recommendations that were put into the comments that we received.

This is an opportunity for us to delve a bit deeper. That's what we're trying to do. We're focusing on the preliminary recommendation at this stage. Where we saw there was relevance in the additional list of proposals – the 38 proposals that were included in the initial report – we cross-referred these into the relevant preliminary recommendations where applicable. We'll try to make that clear as we're going through.

Just to make sure this is clearly understood, this is not a run-through of consensus checks or anything like that. What we're trying to do is to go

through any substantive discussions that may lead us to alter or refine the preliminary recommendations that we published in the initial report. I hope that's clear and brings everybody up to speed.

There was the document that was attached here in display. Do read that through if you've not seen it before. We're all then at least keeping track of where we are on what intentions of the meetings and sessions are.

Are there any questions on that? Or I'm happy to move on.

I see none. Let's introduce a document that was circulated with the agenda. This is trying to just keep track of these kind of discussions, where we go into a bit more substance for any of the items raised through the public comment period. This is what we've called a review status tracking document. This simply highlights all the preliminary recommendations included in our report and indicates where we've discussed them at meetings, if there's any particular outcome thus far, or whether they're still open for discussions at this stage.

You'll see from here that the first one is still open because that's a very generalized preliminary recommendation covering a number of the rest of the preliminary recommendations. Until we've gone through the whole lot, we will need to come back to this one, just to see if this one needs to be refined at all in any way.

On Items 2 and 3, which related to the two-character codes and three-character codes, we've listed these and complete, and there was no changes to the recommendations based on the conversations that

we've had over the last couple of meeting and absent of any further feedback over list.

Then we move on to a number that we covered throughout the last meeting. These tended to be focused on the longform/shortform country names, the separable components of a country name list, separable country names list.

That takes us through, I think, Recommendations 8 and 9. These are commonly known names. There was some comments on the permutations and transposition elements. There's some items here where we got feedback or suggestions through the discussions on our last call that have been highlighted. The rest of these were not observed [to have] any exchanges on the list since our last meeting, but if anybody has any comments through from Preliminary Recommendation 4 through [29], I would highly recommend that you put those to the list or add them into the chat. We can review that later. In particular, on Preliminary Recommendation 8, where these suggestions exist for amending the text or adding text, it'd be useful to have any feedback from Work Track 5 members.

So this is introducing this document just so that we can easily track and see where we're at. Subject to any further comments or feedback for Preliminary Recommendations through [29], we'll hopefully look to close those off by the next meeting. I hope that's clear and helpful to track as we go along.

I see Christopher in the queue. Please go ahead.

CHRISTOPHER WILKINSON: Thank you, Martin. Good morning, good evening, good night for some of you. I've read this document, and I thank the staff for trying to boil down the comments. But I think the document is a little bit misleading on one or two points, and I would request that the next version be more specific.

The main problem with it is that all the comments are treated [on a par], whereas substantial volume of the comments are quite clearly from interested parties who have no interest in defending or supporting the interests of the populations that live in the areas of geographical names but are looking for the opportunity to apply for and eventually hijack other people's geographical names for different purposes.

I need to remind the whole WT5 of a fundamental requirement for many of us. That's that all geographical names are subject to the approval or non-objection of the local authorities concerned in those areas.

Secondly, the document is innocent of IDNs, whereas, in many categories of these names, exactly how they're protected varies and is not explained when it comes to the IDN versions of several different languages. I think this must covered. If we didn't any comments from the public consultation on the protection of the IDN version of all the names that we discuss here – I think it's a pity, but it seriously undermines the value of the operation because a very, very large proportion of the potential demand in the longer term for geographical names will be IDN.

I have some other more-detailed comments which I'll introduce later, but I seriously think that the presentation of the groups of responses must distinguish between the responders who are protecting their commercial interest in registering unprotected names from others. Thank you.

CHERYL LANGDON-ORR: Martin, you might be muted.

Yes, Robin, the timer was just behind the scenes there, but we are going to be running the timer. Fear not. It was on show earlier. Martin?

MARTIN SUTTON: Sorry. I was on mute when I was talking there. Sorry. Just in—

CHRISTOPHER WILKINSON: Sorry. I think I spoke for less than two minutes, but I don't see any timer now. Sorry if I missed something.

MARTIN SUTTON: Before I move on to Susan, let me just clarify something here to avoid any confusion, which I'm sure we're pretty clear at within the agenda that's been sent around and the documents. The document that I'm just referring to here picks up the preliminary recommendations from the initial report as worked on from Work Track 5. Those have been pushed out already. What this does is just track if we are making any changes to those preliminary recommendations. There may be more, and we

certainly have a conversation, hopefully today, to continue, which is regarding languages, and there is references to IDNs, I'm sure, within some of the conversation that are already going on in that respect. So there will be some elements there that I'm sure you'll be interested in, Christopher.

In terms of which commenters we're referring to, I can only refer you back to that this is multi-stakeholder, and we have a cross-section of the ICANN community that had been involved from Day 1 on this work track. We've also had public comment periods expanded further that are open to anybody to comment on that may not typically be involved in ICANN. We can work on that basis to try and tease through any changes and ideas. That's what we have. I think we've commented on that before, so hopefully we won't need to repeat that again.

Susan, if I could move to you, please.

SUSAN PAYNE:

Thank you. Really quickly, since there's obviously recording of all these calls, I just wanted to put on the record, because I feel like it's necessary, a strong objection to the inflammatory language that Christopher was using there in his attribution of what he considers to be improper motives and improper purposes from people like contracted parties and their participation in this working group.

Also, I just wanted to take issue with what I thought I heard him say to the effect that this working group has to recognize the obligation to get consent from governments for use of any of these names. Such an obligation doesn't exist. It may be something that Christopher wants to

see, but it doesn't exist. He isn't be factually and accurate when he states that.

Thanks very much.

MARTIN SUTTON:

Thanks, Susan. [Fully] noted. Thank you. I'm hoping that this serves as a path through the work that we've been doing and shows that you've been making progress and we continue to do that. Hopefully, we'll work through the rest of the agenda now for today and get back to the substantive discussions.

Before I do, just to check, does anybody have any questions at all about the tracking document?

Hearing none, let's move then through to the main summary document that we're working through. The section that we'll focus on first is the geographic terms. These relate to Recommendations 10, 12, and 13, specifically, where it relates to capital city names, sub-national place names, UNESCO, and the 49 areas. I think, based on the – I probably need to just switch my screen so I can see. Okay, I've got a slightly amended version – or this is updated; sorry – in front of me. As you can see, with regards to Recommendations 10, 12, and 13, there is support from many commenters to maintain the existing geographic names protections deployed in the 2012 round. There is still some reluctant support, where commenters do not believe governments have an exclusive legal basis in geographic names. There's more outright opposition from some commenters here, in particular against capital

city names and less so against sub-national names and UNESCO and 49 regions.

We've got a number of these items listed that we've pulled out that refer to new idea or concerns and divergence. Could we go to that section? I think this has been ... because we'll go back to – oh, sorry. That's it. I think it's there ... oh, sorry. Are we ... oh, we're way up the page. That's why I didn't recognize it. Sorry. I haven't got a printed version of this today, so I'm relying on the screen as well ... That's it. Okay.

Just as a reminder, the following categories will require support and non-objection. So it's anything that's going to represent a capital city name or any country or territory listed on the 3166-1 standard. An [expert] application for any string that's an exact match of sub-national place names and the UNESCO regions or places appearing on the composition of macro-geographical continental regions, geographic sub-regions, economic, and other groupings list ...

If we could just move down further – just as a reminder, we've already gone through an extensive list of comments. They will have been compiled in a document that we can always refer back to – this is just picking out some of the things and elements that might warrant further discussion within the group. There's a number here that's listed as Do Not Support the Restrictions. I think there was something here on the NCSG comments. There's particular comments regarding the burden of trying to receive non-objection or approval letters from authorities and governments. That might be something that we pick up again once we

go through the ideas for improving processes as well, which is propped up a few times.

They point out as well that it's unclear, in a situation where multiple cities, states, provinces that share common names, how that would be worked out as well in terms of this process. As we go down further on the list to references to the intended use provision, there are a number here that suggest that this should only be relevant purposes where it's intended to be used as a city name. But there again, there are things like INTA's comment there. They object to this recommendation as there's conflicts with established law. A more balanced approach would be to apply an intended use standard in respect of names which match capital cities.

Going further down, we've got other ideas here from .berlin and others to add further text where they feel that applications for these strings must be accompanied by documentation of support or non-objection [from] the relevant governments or public authorities independent from the intended use. Some of these, whilst we put them as new ideas, are probably not new to the conversations that we've had within Work Track 5 during the course of our work prior to publishing the initial report.

So there's some examples there. Before we go any further down this sheet, does anybody have any comments or areas that they feel warrant further discussion to consider any changes?

No? Okay. If we scroll down a bit further, we teased out some comments that were just specific to elements here. So whilst we've

batched some of these together because they are similar in nature and comments that were received, these were specific ones. For sub-national place names, there was some divergence in terms of comments from INTA, where it does not support the recommendation and views it as an example of preventative creep, whereby Group 6 solutions to speculative problems that have not risen they believe is unnecessary, burdensome, and in violation of established international law to grant governments property rights in a sub-national place name, thereby giving said governments to prevent others throughout the world from applying for a new gTLD which happens to share that name but is intended for a purpose unconnected with the geography.

There are others here that are listed that they don't feel there should be a need for. Letters of support and non-objections are broader here in terms of Recommendations 10 and 13. I think, just as we go down the next page, [with] BRG, their preliminary Recommendation 12 provides excessive and unwarranted rights to governments and local authorities, allowing them to veto or select a preferred applicant. In some cases, this could lead to applicants having to negotiate unreasonable terms with governments or local authorities to gain the document approval to proceed with their application.

So, again, it's still very mixed in comments. That's probably not surprising, given the conversations that we've had throughout Work Track 5.

Again, if I could open up the floor, is there anything that we're going through here that members of Work Track 5 feel warrants any changes to our existing preliminary recommendations for 10, 12, and 13?

Christopher?

CHRISTOPHER WILKINSON: Thank you. Just very briefly, I think, in relation to the passages that you have just discussed, there's too much emphasis on governments, both positive and negative. It's primarily, especially in the sub-national regions and towns, about the interests of the populations and the very local authorities that represent their interests. This is not about giving governments the legal rights at all. It's about the political and social fact that the populations of local net geographical names should have a prior right to the use of that name.

MARTIN SUTTON: So what are you suggesting, Christopher?

CHRISTOPHER WILKINSON: Well, in terms of the language, replace references to this business that some people don't like of giving governments legal rights. Replace all that stuff with giving rights of use to the populations in the communities represented by geographical names, giving them legal rights – or de facto rights, if you like, because lots of the other rights created by ICANN are not actually legal in that sense – to use their name and don't force them to use it immediately in case it's going to be hijacked or cybersquatted by registries and registrars in foreign countries. That's the sense in which they should all have the opportunity to approve or not object to the use of the name.

MARTIN SUTTON: Any comments from anyone else? We can't just change everybody's comments that they've provided us. This is all I'm reading out here: the comments provided by various parts of the community. In the actual preliminary recommendations, there's no language like that anyway.

CHRISTOPHER WILKINSON: Okay, but I think the staff and the co-leads, in the presentation and in the comments that you've received, should take what I've just said into account because, otherwise, the document just reads like an apology for hijacking other people's names. I just warn you that this sort of document, if it reaches outside this working group, or indeed reaches outside ICANN – that's very much how it's likely to be perceived.

MARTIN SUTTON: Anyone have any comments in regards to that? Any other co-leads have any thoughts?

CHERYL LANGDON-ORR: I think it's important that we – yes, Susan, I was going to pick up on the use of inflammatory terms again – realize that this document is a summary document as you are gathering your background and material from the public comments so that you can or cannot come to some sort of agreement on what may or may not be recommendations on changes or not from what happened in the 2012 round. This document shouldn't be sanitizing what is said by public commenters, so make sure we treat this document for what it is. As Martin quite accurately pointed out, the "likely" language, if it reflects what was used in the language in the call

for public comments, wouldn't be specifying governments, local authorities, or any type of nomenclature. So just make sure we the right interactions for the right reasons at the right time in the process. Thank you.

OLGA CAVALLI: Hi, Martin. This is Olga. Sorry I couldn't unmute before. Can I say something?

MARTIN SUTTON: Go ahead, and then I've got Kavouss after you.

OLGA CAVALLI: I think Christopher makes a valid point here. As far as we are not editing this document in relation to comments received but are just checking if all the comments were included, what he really tries to do is to avoid future conflicts with national governments and all these rules. So I think there is value in his comments, and we should try to accommodate it. I don't know if this is the stage to make changes to the document, but perhaps we can have them in mind for future edits that the document may have.

MARTIN SUTTON: Thanks for the comment. I think we've had – well, [one, my response back in] and a number of comments now that I've read in chat: why should be altering text from people who have taken the time and effort to comment, either individually or on the behalf of money? That's the

process that we adopt within the policy development work. This sounds to me like we've got to change input on the fly to an individual's or some people's interest. I think that's where we're coming [inaudible].

Kavouss?

OLGA CAVALLI:

Martin, if I may, just to clarify, I didn't say we have to do it now. I think there is value in the comments. There may be other opportunities within these documents to include these concerns. This is what I meant. Sorry if I was misunderstood.

MARTIN SUTTON:

[inaudible]. Okay. I've lost Kavouss' hand. I think he's take that down. Christopher?

CHRISTOPHER WILKINSON:

Just a gloss on what has just been said, it's all very well that [a] document summarizes only the written comments received during the public consultation. You have a vast amount of information and comments and advice in Work Track 5 in our previous meetings. From my personal point of view, I think that, in its aggregate, is much more important than the results of the public consultation that we've received, some of which, with due respect – I hope this isn't inflammatory, Susan – I think is orchestrated. Thank you.

MARTIN SUTTON:

I'm really not sure what to say to that, Christopher. You've been party to this, and there are a number of different opinions. Just because your

opinion may not be the one that's taken forward or included seems to be the reason why we keep getting a repeat of a number of conversations. So I certainly object to your last comment.

Kavouss, please go ahead.

KAVOUSS ARASTEH:

Thank you very much. I think I understand the difficult job that you have before you. You are a member of the [inaudible]. You have to try to be [useful], and you have to try to provide facts and figures [inaudible.] What I understand, not only at this group but other groups, is that we, a number of people of this group, are spending a considerable amount of time to have consensus or, I would say, some conditional agreement on something, and we said this is a public comment. Then all of us have, in one or two comments, tried to [inaudible] down what we have agreed. We try, some of us, to use that opportunity to push our own views, which have not succeeded when we drafted the recommendation.

So the members of the teams should be quite careful about these situations and take into account that, sometimes at the meetings, like this particular non-physical, I would say, communication meeting, [inaudible] similar or same quality of [inaudible] because the number of participants of some groups are very little. They are influenced or they are dominated by those others are pushing for their own views. We are dealing with very, very sensitive subjects, and we should put aside any hostility with respect to particular groups or particular, I would say, categories of composing this group and be quite careful and not totally upside-down what we have agreed with one or two comments from

people saying, “We oppose this because our interest is in danger.” We have to see what remains our interest and whose interests we are talking about. The people that have legitimacy, total legitimacy – governments – speak on behalf of the people they have given the right to speak, but the others are speaking for themselves. So this is very, very important.

In my personal view, the equality of rights, equal footing, and the legitimacy is a more important issue, and you have to take into account. We should be quite careful about this. I have read this document. It more or less is in a quite balanced manner, and we should not try to destroy the balance that you tried to submit to say, yes, no changes to the 2012 round because of this [additional risk]. However, there is opposition at the end saying, yes, but we agreed to voluntarily or reluctantly do this, at the end saying, yes, there is still some people saying that government has no right, no legitimacy, or has [inaudible] how we qualify the opposition. Thank you.

MARTIN SUTTON: Thanks, Kavouss. Greg?

GREG SHATAN: Thanks. I have a little trepidation in contributing to this frolic and detour. I think we’ve lost relevance 10 or 15 minutes ago. But in any case, I think we need to reminded of what the task is that’s actually in front of us in this meeting on this document. I think redefining the multi-stakeholder model or making accusations of capture and hijacking and orchestration and whether some group is legitimate or not

legitimate and whether some stakeholders speak for more people than other stakeholders is not the subject matter of this meeting. As far as I understand, we're supposed to review the summary document to see that it accurately reflects what was put into it. I'll let the Chair summarize it again, but I really think we need to stay within our guardrails because, right now, we're driving all over the sand. So it's quite frustrating. Thank you.

MARTIN SUTTON:

Thanks, Greg. I appreciate that. It does tend to steer us off course quite regularly on our calls, so we do need to be respectful of that. Thank you for prompting me to push us back into line.

As we go through this, again, this is trying to identify if there's any conversations that Work Track 5 members would like to have on these particular items – these are in relation to Recommendations 10, 12, and 13 – to see if there is any need to adjust or refine the preliminary recommendations that we've put forward for those. This is just highlighting some of the comments which were more to do with new ideas or significant objections or significant support, just to flag these out. We have got all the backup documentation in a larger file [inaudible] as practical as possible to [get them to work].

Let me just carry on then because I think we're nearly through a lot of the teasing out of some of the comments. If anybody wants to expand or focus on any of these further ... Within the section on UNESCO and 49 areas, these were quoted from the Non-Commercial Stakeholder Group, where they think that applicants for a string list that is a UNESCO region

were appearing on the list I should just shorten here. They feel that this should be limited to ISO 3166-1 and [2]. And no other United Nation or international organizational groupings should be used. Their comment is that it's paramount to consider that different U.N agencies, regional groupings, and geographical regions differ. Including such organizations opens the door to broad interpretations and expansion to the list of names that cannot be delegated. So that was one point.

Then we've got one from Christopher. [inaudible] across border regions is probably broader than UNESCO's, that concepts such as mountain chains, river basins, archipelagos, deserts, forests, etc., may well come into play in the different parts of the world.

I'm happy to check if there's any comments or wishing to open up any of the discussions on those points.

None? Okay. For all of these, there was a similar set of proposals that received a combination of support and opposition A full combination here. So introduce an intended use provision, which were referenced in Proposal 17, 29, and 32. Introduce an intended-use provision and insert contractual provisions. This was suggested in Proposals 28 and 31. In there case, there was no identical proposal listed for capital city names, so it's just limited to the other two items. The third area was to eliminate the requirement for support and non-objection entirely, which were listed out of Proposals 18, 27, and 30. So there was, again, a typical mixture of support and opposition for these, which is a trend that we regularly see.

Steve, I see you've got your hand up.

STEVE CHAN: Thanks, Martin. I actually had a non-substantive element I just wanted to raise. There is a number signed in ending in 998. We are having trouble identifying who that is. If you'd be able to provide other verbal confirmation of you who are or in the Zoom chat, that would be great. Thank you very much.

TAYLOR BENTLEY: Apologies. This is Taylor Bentley from the government of Canada. I'm just on the line. Thank you.

MARTIN SUTTON: Thanks, Taylor, and thanks, Steve. So no further comments on that then? Okay. We can move off of this topic for a short while. We'll come back to the next one, which is Recommendation 11, but due to the fact that we've kicked off conversations on languages previously, I think, if we could just go back to the agenda, actually, it will be listed on there.

Let's have an opportunity to continue that discussion and take into account some of the conversations that were taking place on the list today. Where we left off on the languages is that there were a number of thoughts and conversations that we had on the actual meeting. Certainly, I think there was a good sense that the discussions led us towards the fact that there was an opportunity to make some improvements here: if we could focus the language requirements more specifically so that we didn't think that all languages needed to be

understood and interpreted for the [rules], bearing in mind that there's approximately 6,500 languages that are used around the world.

Here we're saying that the current requirement is an application for any string that is a representation in any language of the capital city of any country or territory listed on the ISO 3166 standard. So general acceptance and no objections towards just refining the language requirements to reflect more relevant and practical applicability. We were starting from a baseline where I think there was general comfort that taking the official language of the country, territory, and capital city would be a good starting point, together with translations of those terms into any of the six U.N. languages that we have. If you're not familiar with that, U.N. languages are Arabic, Chinese, English, French, Russian, and Spanish. So that's our starting point.

I noticed that Katrina finally put some suggestions into an e-mail earlier today. I haven't got that in front of me, but, Katrina, I wondered if you wouldn't mind just talking us through the added element that you would recommend for the language requirement. Would you mind talking to the group?

Are you with us? Maybe not. Let me just try to get the e-mail. I think – here we go. Katrina is suggesting that we make the following addition, which is transliterations into ASCII and conversion to DNS labels. Otherwise, capital cities such as Den Haag or Sao Tome would not be able to protect with the string Den Haag or Sao Tome. She caveats this with that a very limited edition can be clearly defined and identical to the way ICANN processed the red crossed and IOC names list.

[She] put forward a suggestion. I just wondered if we could start at that point. I know that there have been some exchanges on lists which were looking quite reasonable, but perhaps we could just start with that.

Anybody want to comment on that particular suggestion?

Is everybody happy to include that addition?

KAVOUSS ARASTEH: What addition? Could you kindly clarify? Thank you.

MARTIN SUTTON: I can hear somebody. I'm not sure if you're talking elsewhere.

CHRISTOPHER WILKINSON: That's Kavouss.

OLGA CAVALLI: I think it was Kavouss.

MARTIN SUTTON: Okay. So I've got Christopher and then Jaap. Christopher?

CHRISTOPHER WILKINSON: Well, I defer to Jaap because he hasn't spoken yet.

all in other scripts than those with which we are familiar. So I think fewer languages but more scripts is part of the solution. Thank you.

MARTIN SUTTON: Can I just clarify then, Christopher? If we're saying "official language," would that not be then local script rather [than] ASCII? So then that would be automatically an IDN. That's how I would interpret that. Would that be fair?

CHRISTOPHER WILKINSON: Well, first of all, I repeat: it has to be official languages in plural, even if it's Belgium.

MARTIN SUTTON: Yeah. [I got that].

CHRISTOPHER WILKINSON: There are three official languages.

MARTIN SUTTON: I got that. I'm just saying [inaudible] the scripts. If it there local—

CHRISTOPHER WILKINSON: Well, wait a minute. If you want the primary source of the language to be the local languages in their scripts, then we open up a subject which, to the best of my knowledge, could occupy experts in the field for several meeting. I've no further comment.

Take this simple concept of a three-character code. In Chinese, the three-character code is a sentence. Take the locally understood name of a country. I've never been to India or – well, I have been to India, but I've never been to south Asia for long enough to understand their languages and their scripts. I just think that there's a lacuna here. This Work Track 5 has not discussed the implications of the policies that we're recommending in IDN.

MARTIN SUTTON:

You're losing me. I might need to come back to you on that. Thanks for your response there. If I could refer to Greg and then Jaap – perhaps we we'll come back to that – they may have some comment on that.

Greg, please go ahead.

GREG SHATAN:

Thanks. I find myself very sympathetic and tending towards support of Katrina's suggestion and also the underlying rationale, that fact that it can be expressed on a list as was done for the red cross, for instance, which I participated in resolving, and is not some sort of nebulous landmine type of effect. I saw it as a very narrow proposal, first off, in terms of getting into only transliterations into ASCII and not into IDNs or into other languages or scripts. Basically, I see this is a technical issue. I'm not the technologist on this call, but it would seem that conversion to a DNS label and being ASCII-correct would seem to be generally useful in term of protection here. But it seems like maybe this has turned into something or is being seen as something much more broad. I hope that we can find some small ways to advance the balls without

getting into the things that tend to get us off into perpetuity of going in circles. Thanks.

MARTIN SUTTON:

Thanks, Greg. I think it would be worthwhile continuing the conversation on the list and perhaps trying to understand better what restrictions or concerns that Jaap has raised and how that would impact it. Perhaps that is something that we can take offline now because I notice that there's some, including Jaap, who've had to leave the meeting today.

I think, like you, there was a sense from the e-mail and how Katrina put forward that idea that it was a workable option as set forth with the way that the others have been handled or it'd been devised in the first. Perhaps we just need to seek more clarification on that as to what might be the issues. Potentially, in principle, that idea is something that could be welcomed by the group. I certainly haven't seen any objections on the list so far, but I think, as long as everybody has an opportunity over the coming week to review that, to see any further exchanges that are provided on the list, I think we can come back to this next week as an opportunity to try and come to an agree within the Work Track 5 membership as to how to proceed or to develop a recommendation.

I think, at this stage, what we've got is a base which covers what we've already got in [the lines] today, plus the opportunity to extend that to Katrina's suggestion.

Did anybody else have any further comments? Greg, is that an old hand or is that a new one?

Okay. Kavouss, over to you.

KAVOUSS ARASTEH:

I think I could say that not all of us know sufficiently about the language and its implications throughout the work. I think we are embarking on something that most of us will not have sufficient knowledge of, and then we will decide that something will have some adverse effect.

Would it be possible that we seek advice of the people/experts, especially on the languages/scripts used in various countries and so on and so forth? There are some institutions. We know that. So I think, rather than trying to decide for the others on something that we may not know sufficiently, it might be better that we seek the opinions of the experts. So I'm launching that suggestion for consideration. Thank you.

MARTIN SUTTON:

Thanks, Kavouss. I think there is a couple points there. There's one which is, in principle, what would feel comfortable for the group to come up with as a recommendation towards the scope of languages that need to be protected/restricted for use? Secondly, how can that work in practice? So is it practical? Is there any technical issues with regards to those suggestions? I think we need to have the principle set of what we think would be a useful scope. If we think that that is where we're at now, we can feed that, I think, through to seek expert advice, certainly leveraging what Jaap was talking about. Also, if we refer back to what they've done with the red cross and IOC names, if we see how that's been tackled, is that something that can be leveraged easily? Or

what are the complications? We can bring that back to the table, either on the list during the course of the week, or at least for our next meeting with any responses that we've had. So I think that that's a useful action for us to take away.

What I didn't want to do was cut off any conversations here as to where we feel there is a comfortable scope of languages that we would want to include. I hope that's clear.

Kavouss, is that your old hand or is that a new one?

KAVOUSS ARASTEH:

This is a new one. I think there are some areas in the world or some entities that have more experience in speaking the language than us. For instance, if you consult the European Union, they use 28 languages in all of their documents. If you like at the GDPR, there have been all languages [inaudible] with the language. The U.N has a language department or division having the knowledge of that. These are two examples. We're not limited to those two. We need to seek advice/opinions of those who have better, deep knowledge of the language than some of us. I'm not criticizing anybody. Maybe one or two you know much more about it, but the majority do not have sufficient knowledge. So why not be seeking advice of those who use the language in their day-to-day actions, activities, and [duplications]? Thank you.

MARTIN SUTTON: Kavouss, you might need to still help me on this one, please. I'm just trying to understand what advice specifically you're suggesting that we seek. I wonder if you could just clarify that.

KAVOUSS ARASTEH: Yes. You just raised the question, saying you are going to use languages for this purpose and would like to know the scope of the implication of a language. In each country of the world, they have several languages. I don't know. I heard that, in India, there are many, many more than [inaudible] some other applicant [considers] five, six, seven. So you seek advice of these people. How do they treat the languages? What is the capitalization of language? Whenever there is more than one language, what do they use? If they want to select [inaudible] two languages in a multi-language country, perhaps one advice would be to take one language which is official or whatever and ask the country to select the second language and say that these are the two languages among all languages in that country. This [inaudible] wants to discuss the issue. I don't have a particular proposal, but I think we should [inaudible] that two languages or [inaudible] or one language and so on. So I think we have to earlier discussions, I don't whether on the list or whatever. But still I'm thinking that you consult other countries, other institutions, describing what you are going to do [inaudible] if they were [inaudible] that? Thank you.

MARTIN SUTTON: Kavouss, I'm just worried that that could be a very open and broad question, but we need to bring it back into the context of our work on

Work Track 5 and what we feel as a group is worth exploring without boiling the ocean. I'd rather make sure our work was focused on something which says we think is a good idea and how it impacts us on a technical level. Is it possible? That's where we can seek expert advice, I think, on that side of things. If the group feels that we need to explore some specific areas about languages, then we could share that on the list. So I think that that would certainly warrant some conversations on lists between Work Track 5 members, but I think we will need to come up with a significant reason and scope of work to see how that would tie in with what we're trying to address here.

I'm just reading through the chat. I haven't been following chat, so if any of the other co-leads have spotted anything that we need to flag on here, that would be good.

Dev, I've just noticed your comment on 639. I did have a look at that. Again, in terms of scope, I think there's about 190 languages on there. I think it was. It might be less. I think the point is, what is a practical and reasonable scope of languages that need to be protected when we think that, for a particular location, they will have official language or official languages.

Plus what we're trying to say here is what levels of translation should we impose as a restriction? Now, there's quite a lot of comments where they said none at all, but perhaps at least start off with the fact that we already got a requirement in the 2012 guidebook which says every translation into every language. That didn't seem practical.

So, based on those conversations that we've had and a willingness to try and address this with a more practical solution and reasonable solution, what is the scope? We can always refer to these lists, but is 100 or so languages the scope that we need? Does everybody feel comfortable with that? Or is it something like the official language or languages plus the U.N. languages? Is that a practical and effective solution?

You're right, Greg. The U.S. has no official language. Very true.

So I think that's what we're trying to tease out here. Where we can turn towards other practical elements that could help us support that recommendation, such as the 639 list, perhaps we can include that at that stage. Thoughts and conversations across the work track would be good.

I've got Kavouss again. Please go ahead.

KAVOUSS ARASTEH:

I think if we could not agree on something we should [inaudible] to the extent possible the situation. It is better to invent something, and then we should just say the status quo: what was in 2012 and nothing. Unless we have a better idea. I don't think there is unique situation throughout the world. Maybe. I am not speaking on behalf of Greg, who says that, in the U.S.A, there's no official language. But in the [country] that I'm living in, there are four official languages, etc. In the country I am coming from, there is one official language – Persian – and several other languages. So I think the U.S.A would be an example of the entire world. So if we have to find something. If we don't find something, we

should [inaudible] the situation. It is better not to [agree on] anything.
Thank you.

MARTIN SUTTON:

Sorry, I was on mute. You're right. If we can't agree on something that's helpful to change the existing terms in the guidebook, then it remains. All we're saying that it is something that recognizes the group is an area that could be improved and made more effective, certainly in scope and practicability. It's not my decision. It's Work Track 5 members, so I'm not going to lead you down a certain path. This is your opportunity to put forward ideas to shape it into something better. Otherwise, we can it.

Any other comments?

Okay. Well, I suggest we close off that conversation and continue on the list. It was extremely good to see the conversation had earlier today, so let's continue that and see if there is some practical ways forward that you as a group would like to see some changes made there.

If we can revert back to the summary document, we'll just look at Recommendation 11 and see how far we get through that on today's call and leave a few minutes for AOB towards the end.

I think we're – are we further down the list? That's just a brief summary. I think we've got it down further in the pages towards the end ... okay. Excellent. Thank you.

Here we go one step further, which is looking at geographic terms that require letters of support and non-objection, depending upon intended

usage. This clearly takes us into the realms outside of the capital cities, into all cities.

In summary, the preliminary recommendation [says] the applicants for these strings must be accompanied by documentation of support or non-objection from the relevant government or public authorities. This is an application for a city name where the applicant declares that it intends to use the TLD for purposes associated with the city name. A city name will be subject to the geographic names requirements, so therefore it will require documentation of support or non-objection if it is clear from the applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name and B) the applied-for string is a city name as listed on the official city documents.

So that's as it stands. Again, there was a variety of comments back in support or objection of it. If we just go further down, we'll tease out some of the specific comments that may warrant the deliberation.

First of all, we've got .berlin having a top level and geo-TLD group, [.zone]. Here with it [is] divergence. No idea. We do not support the recommendation. We request to amend the recommendation as follows. An application for a string which is a representation of a city name of any country or territory according to a list – so there's a specific list here. Katrina, if you're able to provide a new link, I've been trying to access that but unsuccessfully. So if you've got a new link for that, that would be helpful. Then it carries on: an application for such a string would be subject to the geographic names requirement. And it then follows through.

So, in essence, this is taking some of the decision out of what is a city and applying a particular list of city names that have been drawn down from these particular stats.

Thank you, Katrina. Then we can share that with the group. Or, if you could circulate it on the e-mail to the group, that would be very helpful. That would just make sure everybody has visibility of the detailed elements of that particular list.

So that's the suggestion there. Happy to take any comments, or if Katrina wants to explain any further. Or other colleagues that have submitted that, please feel free to do. If not, I shall move on.

We've got the U.S. with a new idea. If this category is retained for future rounds, it should be amended to require a letter of support or non-objection only where it was clear from the application statements in its application that the proposed use of the string would create a false or deceptive association with a government or public authority. What may be considered purposes associated with a city name without more is unclear and overly broad and could sweep in uses of the name that have no association or connection with a government or public authorities of a city.

A further additional idea here: the BRG believes the requirement should not be obligatory but optional to the applicant. Absent of the support or non-objection from a relevant government or local authority, the applicant takes the risk that other objection mechanisms could be triggered if the application raises significant concerns. So that's looking at more curative processes that exist.

Well, I stop there for a minute because these are some variants when we go underneath. Does anybody have any comments or wish to discuss any of those ideas further? Either they like them? Don't like them? Or would like to know more?

Seeing none, okay. Let's move on down. This just teases out some of the additional proposals and suggestions that were put into the document. The first one here: however, if the applicant does not intend to represent connection to the authority of non-capital city names, protections will be enhanced by inserting contractual requirements to the registry agreement that prevent the applicant from misrepresenting their connection or association to the geographic term. This proposal changes the standard for when a letter is needed for non-capital city names from usage associated with the city name to usage intended to represent a connection to the authority of the non-capital city name. This proposal increases contractual requirements and therefore enhances protections for geographic places. That appears to have got primarily opposition in response.

Variant 2: Change the text. So A) It is clear from the applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name. [2]. The geographic names panel determines that the foreseeable use of second-level domains by registrants will be, to a significant degree, for purposes associated with the city name. That received near-universal opposition.

In Variant 3, change to the text: A) "It is clear from" – I won't repeat that bit again. Change that Section A to, "The applicant is able and will confirm that neither he nor his sales channels" – I think we should have

“he” or “she” – “will use the TLD as geographic identifier.” Again, there was pushback on that variant proposal as well.

Any comments?

I don’t see any. Please feel free to – I’ll try to keep an eye on the chat, but I’ll carry on.

Christopher? Far away.

Christopher, you’re on mute. Please go ahead.

CHRISTOPHER WILKINSON: Sorry. My apologies. Just to remind WT5 that, in previous discussions, there has been substantial opposition to the idea that, by declaring that you will not use the geographical name for geographical purposes, you’re somehow going to escape from the obligation to acquire prior authorization. The main effect of delegating a TLD for any purpose is to exclude definitely – and sometimes permanently – any alternative use. So this has been regarded as a one-way street which is not acceptable. Thank you.

MARTIN SUTTON: Anybody have a response to that?

Susan has replied in chat. So no such obligation exists. That’s what we’re hearing discussing. I think currently on the 2012 guidebook what we’re saying here is that there is that provision in for intended use. So that’s

whether or not that should be changed at all from the preliminary recommendation.

Robin has added, "Your proposal does not include any balancing of competing legitimate interests." Okay.

Feel free to jump in the queue if anybody wants to talk. Thanks, Greg. Off you go.

GREG SHATAN:

Thanks. Not really saying anything new but reminding folks that a string as a word or a phrase can have a number of different meanings. Just because one meaning is a geographic term, that does not make it de facto or always a geographic term if the other uses are equally legitimate. The idea that somehow everything is a geographic term, first and foremost, has no basis other than in the desires of some stakeholders. That's not to say their desires are imprudent, but they are not ones to base policy on. We've certainly decided that there are certain strings for the geographic meaning overrides any other potential meaning, such as country names. The further we get from those big mountain or biggest units, the further we get from being able to have any kind of agreement. And we also have more varied uses of strings.

Remember, we're regulating or discussing strings. Whether or not a string is acting as a geographic term or not is something that needs to be taken into account and cannot always be seen. We cannot be in the situation where, to a hammer, everything looks like a nail. Thanks.

MARTIN SUTTON:

Thanks, Greg. I think that covers some of the points that're raised in the next section, where there was a number of comments saying that there was a lack of rationale for protections. For instance, INTA states that, to the extent that there are preventive measures relating to non-capital city names, then INTA agrees that it is important to continue to bear in mind the intended use. Many city names have multiple legitimate uses and meanings. That is emphasized, again, I think in the next comment from BRG. I am halfway through there. In addition, there is a distinct lack of any substantive evidence that new gTLD operators confuse users or misrepresent a top-level domain that is used for non-geographic terms or that abuse is prevalent in these registries. Conversely, there are frequently cases of abuse recognized within existing ccTLDs which are the primary geographic-related registries. Hence the regular argument of causing confusion for users and increasing abuse if unfounded.

NCSG (Non-Commercial Stakeholder Group): It's unclear what would happen in the common situation where multiple cities, states, provinces, or other sub-national places share common names. Putting ICANN in the position of evaluating the validity of such claims would be an illegitimate expansion of mandate. Also, there's reference to the use of a city name. In response to the specific questions of E9 and E10, it falls under the scope of the right to freedom of expression. International law does not contain any specific requirements with regards to usage of city names. Nor does it mention the need to obtain prior permission of the government. In that regard, NCSG believes that government should no priority rights to non-capital city names as compared to other applicants when it comes to allocation of new gTLDs.

The Registrar Stakeholder Group does not support this recommendation. This presumes a city has some rights in the name in any context, which is not true, within other offline contexts.

If we just go a bit further down – I think we’re close to time. Actually, we are close to time. So the rest of that you’re free and welcome to view. I would also then recommend continuing any discussions. If you feel, from the comments and elements that have been draw out here as new ideas with regards to Recommendation 11, there is a need to adjust the preliminary recommendation, please feel free to share that on the list between now and the next meeting. We’ll pick that up on our next call.

I think I’ll close it there today. Thanks very much for everybody’s participation. We do need to just cover a bit of AOB. I think, essentially, that is for preparing for ICANN 65. A draft agenda is in play at the moment, and we’ll circulate that to members as soon as possible. On the Monday of ICANN 65, we’ll be holding two sessions in the morning for Work Track 5. Much of that will be continuing our work, so how far we get at our next meeting will probably dictate some of the things that we will take into the morning sessions that we have at ICANN 65.

Is there anything from the other co-leads? Or, Cheryl – I think Cheryl has had to disappear, but anything else to add at all from staff?

Okay. [Not – Javier?]

OLGA CAVALLI: Martin, this is Olga. Sorry. I am on my mobile, so I had problems reading and opening my mic with that chat. But you did a great job, so thank you for that.

MARTIN SUTTON: All right then. Thanks, everyone. Do please continue the conversations [that're] less specific to the topics that we're covering. I look forward to continuing our work next week. [inaudible]. Bye now.

[END OF TRANSCRIPTION]