

TRANSCRIPT

Study Group on Use of Names for Countries and Territories

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Paul Szyndler: Good afternoon, everyone. Thanks for joining. We've waited a couple of minutes and gone beyond start time, so I won't hold you up with heavily conflicted schedules and, especially, the folks on the phone. Is it just Henry there at the moment?

Henry Chan: Hi, everybody.

Paul Szyndler: Henry Chan. Excellent. And we've got a couple of apologies from Keith Davidson and Martin Boyle, who have deemed that internet governance is more important and have decided to go there instead. That wasn't their words; that was mine.

My name is Paul Szyndler, chair of this study group and general manager for international government affairs auDA. Thank you all for making some time to join along. Good to see that we're getting well into the process, and we're not completely dropping off all numbers of this group.

Today's session was one that I've sort of loosely deemed to be the fun one because we've sat and we've talked about the theoretical and what might happen, the policies that are out there, what country names may or may not appear in future or current processes. And then, of course, ICANN was good enough to give us the reveal back on the 13th of June. So what I wanted to do-- hello-- was pretty much devote this session to picking apart what's come out of the new gTLD process, not to target that process, not to target any of the applicants, but simply because this is the first opportunity we have to look at some data while we're still waiting on UNESCO on the survey process. We get to see what's actually come out and to see how that clashes or coincides with some of the categories or the taxonomy that we've developed earlier in the group.

And I've fully covered off my first half a dozen slides by talking then. Apologies. It's a bit small up on the screen, but we've already covered off the welcome and a couple of the apologies that we've received.

I just want to do a very quick status update and then devote the majority of this time to talking about the applications that have come in.

And then I just had a question at the end, an open one for everyone that's here about their perceptions on this study group and its deliverables and its recommendations, because, before we get to developing a final report and making recommendations, I just want to ensure there's a level of consistency across the room in terms of everyone's expectations because, throughout the course of this meeting, I've been made aware of those in the community that are starting to hear about this group, and they're not quite

sure about it. And what is this dreaded survey? Things like that-- I do want to make sure that it's, at least, consistent in this group and a mutual understanding of where we expect to get and what we're delivering to ccNSO council and back out to other constituencies when we finish.

The status update is very short. The survey is still with UNESCO at this stage. Obviously, the categories were finalized. The survey was finalized and agreed back in Costa Rica or possibly just before. And what has held us up now is really just logistical arrangements-- that the survey needs to be translated into the languages of the UN. That costs money. And, through the partnership agreement that ICANN and UNESCO have, ICANN has agreed to provide that funding. So it's simply a case of one team's legal area just chatting with another group's financial area, and they're working those details out.

I was comfortable with the delay to an extent because we still have, really, until the Toronto meeting. And then any input we get from the survey is still timely. But it really can't go much longer than that. So, if I do get any further updates, I'll share them with the group.

I've developed a brief progress report, and I've shared it with Bart. And I do need to send it out to the rest of the group. But it's just the usual two-pager on-- much like the FRI working group delivered where we're at and where we're going to go with our next steps.

There will be a few opportunities where I'll be speaking to various community members here in Prague but not as many as at our last meeting, simply because there's probably not a lot to update them on between meetings.

And then-- yeah. Well, the last one, obviously, is new gTLDs have been announced, or the applications have been announced. And there are a whole bunch of issues with that.

This is just my summary, which is completely illegible over this distance. But I like numbers, so I just did a little bit of a breakdown of the 1,930 applications that came in. And, just roughly speaking, 730 of them are contested, 731. And they're contesting for 230 screens. So you can see there's quite a concentration of-- a competition. This is the .AP and the .LLCs, et cetera, which have a considerable number of applicants going for each one.

Of more relevance to us, there are 66 geographic applications, almost entirely relating to cities, the vast majority of which do have some stated support or explicit support from the local council or the government in the city.

Community applications are 84.

And, interestingly, I hadn't seen anyone pull out how many three-letter codes were actually applied for. And it turns out it's 375 of the 1,900 three-letter codes. That's obviously highlighted because that ties back to the ISO list.

And then 49 of them are actually contested, and, again, another example there is .AP.

660 brands. I decided to highlight 911. I don't know whether that's just a fluke, but North America 911 applications but only 17 from Africa. Perhaps I'm just making my own observation about the geographical spread there. Asia Pacific was somewhere in the 300s (ph), 600-odd from Europe and 2,400 (ph) from Latin America, from memory.

And IDNs had a very good spread of different scripts. It wasn't heavily weighted towards one script but, actually, across 114 applications, with actually (inaudible) contested within that space.

And then I've had a bit of a dig down a little bit further into some that have turned up. And this-- I've really just taken this from the interchange that Keith facilitated. He raised a couple of issues on the list a few weeks ago, semi tongue-in-cheek. But anything that could be vaguely-- not associated with a country name, and I would admit that they're a bit of a stretch. But Finish-- that's Finish dishwashing liquid in this particular case, or dishwashing powder, whatever it might be. But that was one that was sort of blown up in terms of only being one character different from the domain name (ph) for folks from Finland.

Viking and Kiwi were included in the list as well. And, unfortunately, Keith's not here to speak to that. But they've got a double issue there because not only is it a common description of how New Zealanders would identify themselves, but they are going through a process of that having-- possibly being introduced as a TLD; Kiwi.NZed. So it's just something that's front and center of their minds.

And a story I'll share about New Holland, and I don't know whether I've got particular views about that one. But I raised-- I raised it. I hope my former government colleagues don't mind, but I raised it with the Australian GAC representatives and said - Well, what are you going to do about it? And they said - What? I said - New Holland. Oh, we didn't see that on the list. And they tweeted (ph) straight away as to the significance, which is basically what the Dutch called Australia when they were the first to find us. They're the lands that became Australia back in the 1600s. It is not and has never been an official name, but it was what the land mass and what eventually became the country was known as. And I simply raised it with them almost in jest, but their reaction was very-- they became very (unintelligible), and their reaction was very furious about-- We actually need to look into this. We need to make sure we're covered or where this comes up in the process.

So I apologize to everyone in this group if occasionally I sound a bit cynical or a bit protectionist about country names. But I'm simply putting my government hat on and channeling them and pretending-- well, what would my bosses--? How would my bosses feel? What would my bosses in government want me to do? And what would I start jumping up and down about? And I would personally have expected no concerns about New Holland, but that's not the reaction I got back from them. So it's sometimes through that prism that we need to remember to look at how names might be treated.

Beyond those, there were actually a few that I've come up with that are of particular interest. And, rather than just presenting them, I just wanted to get a feel of the room or views from different people about what this means. And what significance does this have for our deliberations? And should we say-- I'm sorry. We will not say anything. The study group, of course, will not say anything. It's not within our charge to do so. But, just, these are actually really concrete examples of some of the issues that we've raised in our typology.

So Google's gone ahead and has applied the .AND as an abbreviation of Android. They have applied for .R, and, from a brief scan of the application, it was simply a case of we are, they are-- it was something that's ludicrously broad as that, not something specific to represent a product. And .S, with the intention being biggest, fastest, strongest, et cetera. Again, that's exactly what was in the application. So the folks from Angora,

United Arab Emirates, and Estonia may have some-- may take some issue with those applications.

Now, I mean, are there any preliminary observations on those three or comments or thoughts that people have about what this means? I mean, this is immediately relevant to some of the discussions we've had.

Unidentified Participant: Just a more general comment maybe. But we need some clarification as to what's the status of the list we have now because I've discussed this with GAC colleagues, and we're not sure if this list is washed in a way. But, because we have clear-- (unintelligible)-- because (unintelligible), for example, that you need lateral approval for some country names or just the name. And, if they don't have that lateral approval, well, then they'll still be on this list. And we don't know that because it also creates difficulty for the GAC to offer early warning. Should we post an early warning and say, listen, you have some applicants that are three codes per country. So you have (unintelligible) doesn't have a support letter. Why are they on the list? They should not be on the list in the first place because they're not (unintelligible).

Looking at you all the time. I'm sorry for that.

I asked the chair of the GAC, and she said (unintelligible). She thought that, if an application was incomplete and missing a support letter, it should not be on the list. But, if they had a support letter, it would be on the list because then GAC would have to see if the right authority has written the support letter. So we have some questions that we will ask for the board (unintelligible) the status of the list. We are not quite sure actually because the three codes for country names should, of course, not be there in the first place.

Paul Szyndler: That's a very valid observation. There's a few people that wanted to speak. But Tony had his hand up. I think he could speak to that specific point. So, please.

Tony Harris: My name is Tony Harris. I'm from the ISP constituency and also an applicant in the new gTLD program. I don't mean to answer what was just said. But, basically, if I look at these strings you have up there, my first comment would be-- are they direct string contention with any of the listed geographical names in the ISO and whatever list specified in the guidebook? If that's not the case, I don't see why they should be a cause for concern. It would be-- obviously, there will be any number of strings that have currently been applied for and may well come up in future rounds where you have a sequence of characters that can be a part of a name-- of a fuller name, which would obviously have to do with a country or city. But how far can you go in blocking these applications without being unfair to the applicants. You have to have some ground rules before the applicant goes and puts down \$185,000 and invests perhaps twice that much in his business plan and activities.

Paul Szyndler: And just three words or less. Either, yes, I agree with you, and, yes, they are. And this is only my reading of the list. So, obviously, not an authority of reference on what is a conflict and isn't. But those top three are actually on the ISO 3166 alpha 3 list, which, of course, violates-- that's a direct contradiction of part two, or the second criterion, to define what is a country or territory for the purposes of the new gTLD process. That's what the applicant guidebook says. There were many others that were similar and, as I said, 300-plus three-letter codes that I scrolled through. But those are ones that are actually on the ISO list. So there's no ambiguity there.

Tony Harris: I'm sorry. I didn't realize they were on the list. And, if they are on the list, they're in trouble.

Paul Szyndler: Annebeth, did you want to say something now?

Annebeth Lange: It's kind of been said, but they are on the list. These three are the problem. All other three-letter codes-- of course, they don't have a problem. But these have.

Then, back to the question (unintelligible). Since they are there, it kind of proves that it hasn't been washed because they should have seen that in the first place and taken them out before it was published. It shouldn't be necessary for the GAC to take them in an early warning. They should never be there.

Paul Szyndler: That is something we'll take under advisement and we'll certainly look into further. But I'm just conscious that I'm making people wait. So we'll come back to that one.

Chris Chaplow: Chris Chaplow, vice chair (unintelligible) BC. I think, to answer the question, it isn't a washed list is my understanding. It is the list of applicants, no more than that. Maybe an applicant wouldn't be valid if it doesn't send a check or the money hasn't arrived. But, from a cursory glance, just for the transcript (unintelligible), it's clause 22141, part one, that they offer three codes. So perhaps-- I don't know-- perhaps Google missed it. But it was an expensive miss, isn't it? (Unintelligible).

Paul Szyndler: Thank you for that clarification. And I will, as I'm sure others will, will seek to get further clarification on that. And, certainly, if somebody finds out some more, it would be great if they could share that with this list, as will I if I get some more information from that. It's interesting that we're getting a perspective from the chair of the GAC, which is Heather's perspective, or her understanding, nothing definitive at this stage. So that just means that there's a general lack of understanding in the community. And, certainly, from the perspective of the GAC, it's important that they have that understanding because they need to know what we're dealing with (unintelligible). And I know that you can certainly tell some constituents these things many times. But it is important that it be very clear at this time.

Tony, did you just briefly--?

Tony Harris: Just that the comment was made. They shouldn't be there on the applicant list. I think probably the answer is that application-- having gone through the application process myself, it's not the-- the software is not prepared to reject anything on the basis of these lists. The evaluators do that. That's my understanding anyhow.

Paul Szyndler: It would require human intervention. Yes.

Heather Forrest: This is Heather Forrest representing the IPC. My understanding, and this, of course, a question in the timelines. But administrative completeness check is the thing. It's not even the evaluation that falls into play here but the administrative completeness check in terms of picking up whether a government support letter was missed or this sort of thing. And, although ICANN hasn't really included that in its timelines to date, it's more recent ones, the 29 May and 30 May. It seems that that's scheduled for eight weeks after the close of the (unintelligible), which we're still in. So I assume that that process-- we have to assume that that process is still going on.

Unidentified Participant: Just a short comment that we initially had a 60-days early warning period so that, if the list is not washed in any way and (unintelligible) do this later on, then we will have a lot of work in the governance working on this list and making comments on applications that should never have been there. So I think we just ask the board for clarification on that. Now we don't have the (unintelligible) anymore. We have probably a much longer early warning phase in front. So we have a new preparedness. But, still, we will ask.

Paul Szyndler: Okay. I'll leave that one for the time being. But it is just-- I think the reason that it caught my attention so very much was we had in the course of this group headed off towards less likely examples, ones sitting more on the periphery. It would be highly unlikely if somebody applied for something-- and we got fairly out there with some of the ideas we discussed because it is our responsibility to discuss all possibilities or as many possibilities as we can. And, yet, from my perspective, I largely talked to ones that were set in concrete; that is, it is not-- you can't misinterpret the ISO list. It's a list and should therefore be straightforward. So I was very surprised, especially from (unintelligible) organizations to see something like this come up.

Again, IDN was another example. That is an application that has come in. And it's my understanding IDN isn't on the reserve list, much like TLD and others are. But, irrespective, it is the three-letter code for Indonesia. But it has come from an applicant in India that's looking at offering some sort of product or a space related to IDNs.

Less important, I also picked up-- maybe only because I've used it as an example before-- that BAR has appeared. There are two applicants for it. And it falls into a slightly different category because that's not on the ISO list. It's-- this gets back to lists and the fallibility of lists and what happens when things don't necessarily fit into a finite model that you'd set for it because, whilst you will see rather rapid Olympians racing in London for Barbados with BAR on there, and, certainly, they use that as a code in a number of other fora, not in ours. The ISO lists it as BRB. So there are no grounds there for an objection, according to the ISO list at least. But it is one that comes up-- it's a slightly different example because it isn't on the list that we've all been using as a fundamental.

This is just another small example. And I honestly don't know what I think about this one yet because I'd only poured through it over the last few days. But under three-letter codes, there are a number of transliterations applied for by VeriSign (ph). I'm sorry I'm naming names, but we all know this is who applied for it. -- which transliterate as either COM or, in some cases, .COM. The script actually means .COM. So this is Cyrillic and Hebrew and a whole bunch of other character sets. And it comes back to the issue of one we discussed, where we talk about the coexistence between ISO lists and should they be grandfathered. Or will they become less relevant as time goes by because the name space is now expanded, and you can have a more meaningful representation of your country or your business or your product than being, theoretically, limited to three letters because that's how people commonly understand the space at the moment. But, rather-- and how that coexists-- how the ISO list coexists with .COM, which is, of course, on the ISO list. That's not going to change anything. .COM is not going to disappear, even if it is on the list. And we generally talked about the acceptance of-- well, that is what is. And that's a grandfathered circumstance.

VeriSign then applied for all these transliterations, which, at least in my reading, I don't think are in violation of the rules on the list because, whilst the short or long form name of a country is protected in all languages, the reference to the ISO list is simply the ISO list, which is published in English and French, I think. And that's it. It's not the ISO list or other representations in other scripts. That's not the wording of the guidebook.

So, again, I'm not proposing there's anything wrong with it. It's just that-- I'm just highlighting that this is another interesting circumstance where somebody falls into a slightly different category. Why shouldn't VeriSign have all these versions of .COM. It's probably perfectly fine. But, yet, it is an ISO three-letter code. And countries are asserting their rights with regards to three-letter codes. And we grandfathered some. And then you come to this circumstance where there are some that are a little bit different.

So I'm not sure how I feel about this one yet. It's probably coming across in the way I tried to describe it. But it is just an intriguing circumstance, where VeriSign's internet real estate could legitimately expand in this space and that it will sort of change (unintelligible) or to be slightly different for round two. It would prohibit others from doing that. But, again, that's just a case-- this is one that's out there at the moment. And, no, I don't expect an interjection or a complaint from a government particularly about that one. It's just (unintelligible).

Annebeth Lange: Just a comment. It's kind of fun because we started all this because we wanted-- ICANN wanted a competition (ph) for .COM. That was the original intent. And, now, the same actor takes all the different scripts for .COM. So there goes the competition.

Paul Szyndler: A little bit of irony there. But that's fair enough, too, I guess, because who better than VeriSign? That may not give rise to a particular issue, but it was just one I wanted to highlight.

The next one, on the other hand-- sorry. There was just another quick one. Demonyms, or those references to countries-- to residents from a country-- that is, folks from Italy are Italian. Folks from Australia are Australian. Folks from the Netherlands are Dutch. Yeah. That's consistent. But, irrespective, there were applications for .IRISH and .SWISS. And, while I haven't yet had-- So what - people may ask. Fair enough. That is not a country name. But the competition for SWISS has come from government or, at least, agencies within the government. Part of the statement there, and I did go into some depth in reading their application-- it was both for the branding of the country, the products, things that come out of Switzerland, the association that they claim with quality that's associated with the term in a number of manufacturing or product fields but also because, and they actually said this, because their ccTLD is CH, and that counterintuitive to many people-- for folks that are not residents of Switzerland. They say all the Swiss understand it. Of course, they do. But that actually said, it's not particularly intuitive. So that's why we have an interest in .SWISS.

Sorry, Heather. Another comment?

Heather Forrest: One of the things to note on that one is the Swiss government has only just recently passed a number of initiatives. They call them the Swissness (ph) initiatives. They're rewritten trademark law to include (unintelligible) protections for geographic names above and beyond geographic origin-- the champagne and these sorts of things-- to really (unintelligible) geographic names into trade protection and trademark protection. And so this doesn't really come as a surprise. If you type into Google-- see if it will pull it right up, what the government's working on in this area.

Paul Szyndler: Thanks for the clarification. Good to understand some of the background of it. That's part of my education exercise. I'll speak to the Swiss GAC reps, hopefully, throughout the course of this meeting to see what their involvement or, at least, their understanding or awareness of this is.

And then, of course, the interesting counterpoint that one of their fairly significant brands, that of Swiss Air has gone alone itself and applied for SWISS as well. Now, again, I acknowledge that we're stretching the definition. Nobody's arguing that that is a country or territory. Of course, it is not. But it does get back to the concept itself or the concept of sovereignty or nation or government or a state may wish to exert. If they say it's theirs or they say that they have a right in it or they have an objection to somebody else having it, it's just handy for us to understand that, not to judge that or to say that's right or wrong but just because it's an interesting point.

The one I want to spend a bit of time on today was the application that came in for .THAI (ph).

Professor (ph) Kanchana there from .th. Please, join us at the table for the microphone.

Kanchana Kanchanasut: Because she's right, it's an interesting point. She's got an interesting case study, interesting for us perhaps, disconcerting for them, about the application that's coming for .THAI. And I won't work through it because, otherwise, I would be repeating it second hand. But you had a few points that you'd made about this was a Thai-based company. I think you mentioned Malaysia (ph) (unintelligible). I think it would be fascinating just to hear it in your own words, if you're happy to.

Unidentified Participant: Yeah. It's quite a very interesting case because the word Thai also represents a country in our own language because land, LAND, is an English word. So we normally refer to our country as Thai. And, in English, we say Thailand. So the application came from a company with a Malaysian registry and was centered in the category of community-based. They got a letter of support from the minister (unintelligible) himself without any knowledge of the staff in the ministry. And another letter was from (unintelligible) of the ministry of interior, which has nothing to do with the internet. And they got-- we got contacted from the prime minister office and several other ministers, who declined to support him. But they did not include that in the application. And, in the application, they say they will corroborate closely with (unintelligible). They came to talk to us, and we explained to them that this should not be done because we have two country codes in the ccTLD. This is not-- it's going to be confusing. So, right now, I heard that there's a GAC letter-- a GAC representative sent a letter to ICANN.

And another conflict that is interesting is that very word, THAI, is-- when you write it in Thai, it sounds exactly the same with our IDN ccTLD. So there are so many conflicts in this case. I don't know what will happen to our-- to this application.

Paul Szyndler: Thank you for that. It's a very interesting case study. Kanchana and I discussed it at some length a couple of days ago. And it's not so much that it may or may not be in violation of certain rules here or there, et cetera, but the way the process has created uncertainty for you-- there isn't any-- again, if it's not a washed list, if it's not filtered in any way, it left us up in the air. You're not really left with any certainty because it has a letter of government support. So that ticks one very significant box. And, if it is just a box of administrative completeness, well, that's fine. But that really does cause some concern to members of the community until it's further assessed.

Annebeth, you wanted to say something?

Annebeth Lange: Thank you. About the government letter, what the applicant guidebook says is that countries are out. It doesn't help with a letter from government.

The other thing-- cities, capitals, areas counted. But this is nothing of that. So, actually, if it had not been a country or the representation of a country, they wouldn't have needed a support letter. So this is a kind of confusion between words. So I would say-- not any conclusion at all, of course, but it seems for me that this is your way to say your own country name in your language, and, probably, it will go away. It shouldn't have been allowed if it really is a country. And, if it's not, you don't need the support because it's not a city.

Paul Szyndler: It's not a geographic term.

Annebeth Lange: It's a geographic thing, just like SWISS. It's the same in a way.

Paul Szyndler: That's a good point. And I was equally measured when we had our conversation. I felt like saying you should be fine. It should work out okay. And then-- I don't know. You don't know. And, of course, I'm not quite sure about this, but, in terms of the list that we have, it's obviously not an ISO-related term. I think it's not actually the official short form name of the country nor the long form. You refer to the country-- it's not exactly-- you're talking about the way in which Thai people refer to the country, and they use Thai. But both the long form and the short form are actually longer than that.

Unidentified Participant: I look at the guidebook. There is a separable (ph) name of the country. And Thailand was not listed in that list. But I read in the guidebook also that the list is maintained by ICANN staff. So our GAC-- I think he goes to ICANN asking them to add our entry to their list. That means that they want to reserve Thai Siam. This is our old country name. And the Kingdom of Thailand, which is the formal name of the country.

Paul Szyndler: Heather had her hand up I think.

Heather Forrest: I think there's an interesting question that perhaps, or certainly, exceeds this specific example, which is we have that comment in the guidebook, and it's a comment to 2.2.4.1.2, I think, that says this business with the letters of government support is really a domestic issue-- that it's up to every country to decide where a letter of support comes from and how many letters of support are needed at the various levels of government. So, if it's a city, do we need city and council, broader county, and national government, or this sort of thing.

So it strikes me that that raises an interesting question in terms of-- that suggests that ICANN won't act on its own to check up as to-- when we talk about this is an administrative completeness check. It's one thing to say, yes, a letter of support has been provided. But it's another thing entirely to say that the letter has come from the right government department, let's say. And it seems very clear in the guidebook that that will not be initiated by ICANN. That is something that an applicant undertakes to do by itself. And I think, conversely, we see in the next phase of this process that that's something, then, that the government, be it the GAC representative or otherwise, has to take upon him or herself to raise. But it raises an interesting point as to what level of intervention we'll have from ICANN in that, as well as the BAR or some of these three-letter codes. To the extent that an applicant has taken it upon themselves to designate their application as geographic, whether or not that fits within the letter of 2.2.4.1. That's another question. Anyone could have ticked that box in question 22 and said, yes, my application is geographic. So it raises some interesting issues as to what ICANN will do.

Paul Szyndler: Good observation. I'm certainly very happy to wander down the hypothetical track a little bit. Obviously, it's a relief for me that, for the purposes of this study group, that issue is not immediately relevant because, as Annebeth said, if it's a country name, forget it. It's out.

But, again, as an interesting hypothetical, there is a lack of clarity around how those letters of support will now be processed. Yes, there is early warning. But will there be aggressive-- not assessment by ICANN but pushing it back to governments or interested stakeholders to say this application has come in-- and it's a finite number. We know how many it is now. We know how many are geographic, and we know how many are community. To go back to those communities to find out who it should be and say - Is this legitimate? Is this the appropriate authority? Or will it simply be left to GAC, which, of course, is not representative of all governments of the world nor regularly engaged by all governments of the world to provide some sort of objection. Somebody at some stage-- is there an assessment process? I can't recall whether it was going-- whether there was a panel or an expert group that was looking at this. A geographic panel?

Unidentified Participant: (Unintelligible). There are so many countries who are not represented in the GAC. That is exactly why we put it in the guidebook. So we put a full stop on it also for the countries who are not aware of the whole ICANN/GAC thing. And, listening to this, I'm kind of worried now. Well, we're worried about many things about early warning, but it doesn't help because, now, we also have to look into probably-- if ICANN doesn't take any responsibility of taking out what's in the guidebook, what's the use of the guidebook, because (unintelligible) early warning (unintelligible) will have a lot of feedback. But, well, we will have a long ICANN/GAC meeting this week, so it will be discussed.

Paul Szyndler: And the reason I'm, again, cautiously saying, look, it doesn't apply to country and territory names at this time. But what if there was some impetus, some push, in the next round of the process? We don't expect it to go that way. But, for round two, countries and territories are fair game. And the same rules that are currently applied to geographic locations-- that is, you must have a letter of support-- are applied to countries and territories as well. You kind of want that process to be completely clear and unequivocal, and there would be no doubt about who will be doing what and who will be verifying what before that actually happens. And, obviously, it's not there for this round. It's just something to be aware of for the next.

Unidentified Participant: We have an example. I won't say the person who called me, but he said - I want this and this. And I said - Well, that's a geographical term. (unintelligible) guidebook (unintelligible). He said - Oh, that would be like waking and sleeping there? -- because I don't think this person is in the GAC. So he said - I'll always need this? I said yes. That's the whole point. It will stop you. It is a reassurance-- oh, no. Boring. So we falsely have put the mechanism there.

Paul Szyndler: And then, of course, it's just how the mechanism is implemented and who's steering the thing as to whether there's diligence behind it. And, obviously, I don't know. There's a lack of clarity there.

It's probably pertinent to share-- Heather can block her ears because I'm going to talk about (unintelligible) registry here for a little bit. But the example, again, in the Australian context of geographical terms with .MELBOURNE and .SYDNEY now I understand from Nominet's perspective, being both the policy body and maintaining registry operations, that they've taken a conscious decision to support a number of new

gTLDs, (unintelligible), for instance. And they're entirely entitled to do that. But, in our particular case, because Australia has a separated model where the registry operates under contract with (unintelligible), they can go off and do whatever they want to do, as long as they meet the contractual standards. Don't take your eye off the .AU ball. Continue to run .AU well and according to the guidelines that we've set. But then you can go ahead and do whatever else you want.

So (unintelligible) registry is now a supporting partner for Sydney and Melbourne. The driving entities behind that, though, were the local city councils; so, the Melbourne city council and the Sydney board/mayor's office or whatever it was and then also the state and territory governments. So there you go. There's two letters of support that are strong. The state government and the city's government has said we support these projects.

And then, of course, there was a point at which the federal government, my GAC colleagues, just picked up the phone or wrote them a letter saying - And when do you expect to get a letter-- when are you going to ask for endorsement from the federal minister for communications, because the Australian government should have a say in this as well. And, okay, that, in our country, creates a lot of issue between state and federal politics, and it's an ongoing thing. But the whole issue is there are some valid concerns from the federal level because what happens if this is run under a different set of rules and is not run with the diligence or the reliability that .AU has been run? Australians or, legitimately, people living in Sydney and Melbourne will have certain expectations about how their domain names act. And they're typically .AU names. They expect a similar standard of service, albeit under a different set of rules, for Sydney and Melbourne. And what the minister quite rightly saw was, if this (unintelligible) all over, then auDA or the minister would be getting letters and complaints, and auDA would probably be called on to do something to assist as well.

So it's just interesting from the-- there's a lack of clarity around the city names and the area names. And I'm just conscious of tracking that and how it plays out in this process to see if there's ever any liberalization towards country and territory names-- for it to be clear when we get to that stage.

Was there--? Did anyone else want to make any other general comments about where we are with gTLDs at the moment? I'd welcome others to raise examples; again, not picking on the process. It's just because it's the one that's right in front of us at the moment. We would do the same with the results that come back from the INESCO survey when they eventually come in. But I certainly think this has been a really-- and, particularly, the one we've got up there on the screen-- sorry, Henry. That's .THAI, for those on the phone. -- is a very pertinent example and one that, in terms of fleshing out our final report, because our job is, after all, to identify some of the issues that will arise or may arise out of the (unintelligible) country and territory names. That's a perfect case study to put in there. I don't think I've necessarily been able to find one so expansive where it is a claim to a country name, yet it doesn't necessarily fit under the official short form or long form title. It's not one of the check boxes in the applicant guidebook. And, yes, it does have government support. Not particularly relevant in this instance, but it is an interesting twist. And then the issue of it being a direct transliteration of the IDN. It's just an interesting example of what happens and what we need to consider in the future.

If there weren't any final comments on that, I just want to touch on briefly, as I mentioned, the outcomes of this working group and where we take our

recommendations and what our final report is to look like. I apologize for putting the rather long-winded-- apology for that-- cut and paste from our scope and purposes document, but this is precisely how what we were supposed to do is described. For the benefit of Henry-- we're supposed to, at the end of our work, deliver a comprehensive overview of issues arising or likely to arise in connection with applying for the current and proposed policies guidelines and procedures for allocation to (unintelligible) and categories of strings currently used or proposed to be used as TLDs that are either associated with countries and territories and/or are otherwise considered representations of country and territory names. That needs a full stop.

But, broadly speaking, (unintelligible) what we've done. We look at the ICANN policies. What does the gTLD process look like? What are the policies for IDN/PDP (ph) or ccPDP or the fast track look like? Come up with a whole bunch of examples, which we're already doing and have done. And this process has brought out some. What happens when-- this is the long-winded way of saying: What happens when you mesh the two together and you apply the policies that we have to some of the names and the representations that we've come up with?

Now, basically, at the end of it, that long, first sentence says: We develop an overview of the issues. So our final report is-- this is what is. This is the circumstance-- these are the circumstances at the moment. And this is what we observed from applying policies to what we see out there and what country names may come up. We've got a little bit of wriggle room there because we can then, as the next paragraph says, if we consider it appropriate, we can advise on a course of further actions.

So my literal reading of that is-- right, there are some problems here. There are some inconsistencies. This representation of a country would end up as a gTLD. This representation of a country would end up as a ccTLD, or it's ineligible for the IDN fast track process, like the example we gave with Russia, because of various rules. We make those observations. We don't judge that to be a problem, et cetera, but, rather, that there is an inconsistency. And then where do we go to resolve it?

I mean, do people in this group--? Does anyone hold strongly how far we go in terms of what we recommend or what our product should be or what you would like or what you will envisage our output to look like? It's intentionally an open-ended question at this stage because I don't want to predetermine the outcomes of the group, noting, of course, that the reporting in the first instance is to the ccNSO council because they're the ones that established this group. A very open question. But did anyone have a comment on that at the moment? (Unintelligible).

Unidentified Participant: It is a little early to say. But, if we-- our job is to identify potential problems and to try to find the ways-- what can happen. It's a lot of hypothetical things as well. We don't know yet. But, if we find a lot of problems, our way forward must be to advise the council to establish a working group. So the study group transfers, or new people come into a working group to find a way to solve the problems that we have identified. That's my take.

Paul Szyndler: Good. I see a few nodding heads. And thank you. That's, roughly speaking, the way I'm working towards. And we are assuming here that we come back and say - Oh, there are problems. The view of the study group by the end of the process could be there's no problems here; move on. But, yes, certainly, I don't think we would go much further than that. My expectation would be we could go so far as recommend additional work

and, perhaps, some scoping comments or some observations as to what that work might look like and what we would like developed.

Again, I'll take off the chair's hat and just offer my personal observation. If I were to want to see that we've delivered something meaningful, I would try to describe it to all constituents, being conscious that it's not just ccNSO people here by any means. We need to get to a place where the way in which country and territory names are treated in current or future or possible ICANN policy processes is consistent across all processes so that everybody's got a degree of confidence. It's predictable, and people will know-- if you're going to go up against country and territory, you need to know what it is and have a clear definition of that. Now that doesn't mean a list. That doesn't mean a set of rules. It might mean a framework. It might mean some guidelines. I'm not sure what it would be. But this is good for cc's because they know where their turf is and where it isn't. It's good for governments because they'd have a good idea or have a clearer idea of what they would asserting rights over. And it's good for people who actually want to make a dollar legitimately out of gTLDs because they would know. They've got some clarity when they're going to cross a line or when they're not because, obviously, Google didn't. So that's a valid point. If that's something that helps us have a greater understanding, it's going to be of use all of the community. And that's hopefully where I'd see us go.

But I'll leave it as an open-ended question. I'll raise it a couple of times. We don't need to get to it yet. But I do want everyone to keep it in mind because I am aware that, in the context of the community, there are some that will expect or fear that this study group will come back and say country names should forever be protected and here is the long master list of what is a country and territory name and they shall never be touched for any process. Some fear or expect that will be the outcome. So it's certainly our responsibility to help clarify that to the rest of the community.

Our time's pretty much up. I didn't have any other comments. Heather's got her hand up. Certainly welcome any further remarks before we wrap up.

Heather Forrest: Thanks, Paul. Just to ask a quick question. I'm just going to scroll up my notes to remind myself. One of the first slides that we had up had to do with progress reports. If, for those of us who don't have the benefit of-- who come from GNSO constituencies and are representing those constituencies, is there--? What is the status of the progress report, let's say? We don't have the benefit of the ccNSO meeting to have that update.

Paul Szyndler: Okay. Well, thank you. In terms of what I referred to-- I'll get to that. I talked about briefing community members in Prague. It's an interesting point that I've actually spoken to the GAC and I've spoken to the GNSO and made presentations about our work and haven't done so to the ccNSO yet. So, when I speak to them tomorrow, this will be the first time. So, please, don't feel like you're behind the times there in any way because the last time this group met, it was basically a few of us sitting up at the front of the stage in Singapore saying - This is what will become the study group.

So I will do a presentation, and it's basically going to be these slides, and you've all seen them before. So that will be good to cover that off.

The progress report is just a very brief mechanism, which I initially intended to be much longer than it was. With Bart's encouragement, I've held it down to two pages, which is simply a statement that this is what the group has done to date and, roughly speaking, these are our next steps and the timeframe that we expect to get to. I haven't even

shared that with the full membership of this group. But we'll have a look at it. We'll just double check I haven't misrepresented anything and then send it to everyone here. And then everyone is more than welcome to send it-- circulate it out amongst the constituencies. Don't get too excited, obviously. It's nothing more than a couple of pages. But we will most definitely share that. And that (unintelligible).

Unidentified Participant: Sorry. That was my question, just to clarify. So, is that a this-week thing? Should I go back to constituency and say this is--?

Paul Szyndler: Yeah. Bart and I have to sit down and have a look to make sure I haven't messed anything up, and that's it. So yep.

Unidentified Participant: (Inaudible) my time than anything else.

Unidentified Participant: No worries.

Paul Szyndler: (Inaudible) doing everything last minute.

Unidentified Participant: I didn't catch. Just bad hearing. You said you briefed the GAC. Have you briefed the GNSO? The meeting schedule is just swamped right now, and it's all these overlapping sessions. So I might have missed it.

Paul Szyndler: It was not at this meeting. But, I mean, it was actually so far in advance that it was at the Costa Rica meeting.

Unidentified Participant: Okay.

Paul Szyndler: And that was GAC in full plenary there with a ccNSO/GAC joint session. And then, basically, it was one of the issues covered off on our GNSO council/ccNSO council lunches. And, to be honest, it actually wasn't that much short of where we're at now because we've been (unintelligible) period or, at least, we've been discussing hypotheticals, which are important but not immediately relevant in terms of progressing with outputs to the community. So that would be (unintelligible).

Absence of any last comments, thanks very much for your time, everyone. We do have one more. Sorry.

Unidentified Participant: This is just a question. Is it possible to get a copy of your number four chart, which I think summarizes everything and categorizes it? I just wanted to share-- is it possible to share it with ALAC?

Paul Szyndler: Yes; absolutely And that is completely intent-- and I'm also conscious of the fact that ALAC is one of the groups that we haven't-- I didn't actually sit down and make time or haven't had time. But we will to actually say this is what we're working through, because it is important we do that. All materials are obviously available on our site. But, yes, I will, in particular, make that available for them to disseminate. And very happy for everyone to share. There's nothing that is Chatham House rules or-- I know. I apologize that these meetings are normally marked as closed sessions, but it's not the case. There is not anything that-- from the purposes of this working group that can't be shared with others. Even our minutes and our transcripts are up on the ccNSO site, which is not behind the firewall. So, certainly, happy to share everything.

Thank you, all, again for your time. We will have a brief session on Thursday. Keep an eye out on your e-mails because there's a possibility of rescheduling. Look, we'll see how we go at this stage. We'll have a conversation. We may not need it. But we'll keep the opportunity open. And I'll certainly let you know where and when as soon as we know. Thank you.

Thank you, Henry.

Henry Chan:

Thanks, Paul. Bye-bye.