SAN JUAN – GAC Discussion: New gTLD Subsequent Procedures, Work Track 5, Part 2
Sunday, March 11, 2018 – 10:30 to 11:30 AST
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UNIDENTIFIED SPEAKER: All right. Please take your seats. Welcome to day two of GAC plenary. And don't worry, there has been no coup. Olga is still [indiscernible] this morning she asked us vice chairs to fill in for her, so we will animate the GAC plenary session for this morning.

So the first session we have today in the GAC plenary is a continuation after session we had yesterday on Work Track 5 from the new GNSO procedures, PDP. Now I will do the strict new thing for this ICANN meeting to start our agenda item number 10. We will start number 10. It is -- we're a bit late, it's 10:50. We will start it now and have it until let's say 11:45, I think I think it's good timing. Okay for the recording? Olga.

OLGA CAVALLI: Thank you, some coffee helps us, so the idea for this continuation of the meeting we had this morning, because it was a Working Group about this issue also, my proposal is to review the excel file that is open for comments or additions that you want to make. And I will show it to you. It's quite a wide

document, but it's not so difficult if we debrief it ut if you see it as a whole. So my idea is to show it on the screen and navigate it and see what has been included here and perhaps we can read comments from other colleagues, the community and others.

Yes, you have to go to the first one and then enhance a little bit the text because as you can see we can scroll east and west and north and south, so the columns and reference in the left -- yeah, perfect, thanks so much. That's very useful.

How much time do we have? Until quarter to 12.

UNIDENTIFIED SPEAKER: Because we have the [indiscernible] session after, I think we're supposed to stop at 12. So let's say we have the session until 11:40.

OLGA CAVALLI: So we have 45 minutes to review the document. If you were in the previous session, you remember the PowerPoint I showed, categories of different names included in the 2007 in the GNSO PDP. Now we will go more into details about the three questions that were in each of the slides that I showed you. And we can review comments of our colleagues. I tried to summarize it somehow but I quit because I thought I couldn't. So I thought

perhaps we could review the document itself and see if you want to do additions in it.

So the first line in this is one of the slides that you showed you, what is the defined geographic term in the [reading] [indiscernible] which is the well known list of the two letter codes used for the ccTLDs so I won't read the b and c columns because we already reviewed them. I think we're missing two or three rows, ladies. Could you scroll down a little? No. Down. This will be difficult. Seven, six, go down. Yes. No, two three four in the left. What happened with the two letter codes were not permitted as gTLD in the guidebook. On this list used for the -- can I navigate from here, can I share my screen? Sorry for this, it's quite complicated. I will share my screen.

But I need it full screen. Can you do that perfect. Thank you so much. So as you can see, the b column and c column we already talked about that before and let's see the issues and remarks and the questions that were included in the PowerPoint and some comments. This is where I want to go now because the column b and c we already reviewed.

So in the 2012 applicant guidebook [reading] visually similar to any possible two character as key combinations, and a reference to another part of the applicant guidebook.

That's better? So is it a valid geographic term. This last has been the basis for the ccTLD since 2000 at ICANN, and I'm just reading comments from the community. You cannot pick and choose elements you want to use. Tied to a larger universe and has [reading] so it is somehow this clear should be not allowed. The positive impact or merits based on the applicant guidebook treatment that didn't allow this two letter codes to be used as new ccTLD. Several comments about that. This provision makes the difference between the ccTLD and gTLD, clear to users. Avoids confusion to the general understanding [reading]

So I think it's almost clear everyone agrees that is a ccTLD list. The negative impact based on the applicant guidebook treatment, the applicant guidebook said this list is not available. Negative is some ccTLD's essentially operate as gTLD's without the restrictions. Interesting comment. We know some ccTLD are considered gTLD in some cases and that's something that someone brought up as a comment. Some examples are tv, me, and others. They say -- Greg says the TLD are [reading] possible opportunities in the g space but difficult to assess. What was the rationale for this provision [reading] [refer to slide] how often are new two letter country codes added to the ISO 3166-1 list? What are the lost opportunities in the gTLD space as a result of this provision. And we have to remind the cross community working group on use of country and territory names reached

preliminary consensus in support of maintaining the status quo of two codes as exclusively reserves for country code TLD. The iso should be consulted on future treatment. Should we limit restriction to letter, letter combinations in the future? Work Track will need to determine whether it considers this in scope for Work Track 5. Otherwise, it will refer to the issue to Work Track 2,.

So if you think the restriction of the use of ISO 3166-1 list should be restrictioned for the use of new rounds of new TLD's please go to the document and comment. Benedicto, please.

BENEDICTO FONSECA FILHO: Just one question. I was looking at different comments and one that strikes me is that there might be opportunities lost in gTLD space because of that provision. Could you maybe give more detail on the discussion on this if you have? I think that was a point made by Jeff knew man and others.

OLGA CAVALLI: I think that what it may mean -- and maybe my colleagues from [indiscernible] could help me. I think what Jeff is trying to say, there maybe two letter codes -- my interpretation -- that are not in the list and could be good for n TLD. But this is any interpretation. Martin Sutton, a co-lead of the Work Track 5.

MARTIN SUTTON: I think you are right in terms of the point of two character codes not on the iso list at the moment so there is no country code established for a certain number of two character strings. So should those be treated differently, could be one option. There was the other option with two characters which was whether letter, number combinations could be looked at as well. But I think from the general discussions within the group, the letter number combination would be something outside of the scope of the Work Track 5 deliberations.

OLGA CAVALLI: Does this answer your question, Benedicto? Thank you, very much Martin. Comments, questions? So if you have concerns or comments about the use of this two letter codes in future [indiscernible] please go to the document. It's a shared document. And I can share it again with you the link and make yourself known by the comment.

JORGE CANCIO: Was wondering if the requests for the GAC [indiscernible] could be perhaps a hurdle too high for some of our colleagues who might not be very familiar with how this Work Track 5 is working and how GNSO Working Groups normally work. And I was

wondering if it would be possible for the support staff and/or independent secretariat to prepare a compilation of comments. Let's say a form for compiling comments from GAC colleagues giving a certain deadline and certain introduction to each of the different geographic terms we are talking about why they were excluded in 2012 or why the non objection rule was applied in 2012 to some of them. So giving some context, some background but not only providing the information but also facilitating the recollection of their inputs. And if this could be made the compilation of all the inputs could then be made available to the Work Track 5, I don't know if directly or first being circulated to the GAC, and that would perhaps on one side provide the GAC members, colleagues with more effective opportunity of providing input and on the other hand the Work Track 5 would benefit from a wider range views from the GAC and they wouldn't only listen to what a very tiny number of more active GAC numbers is telling them in the meetings of the Work Track 5. Thank you.

OLGA CAVALLI: Thank you, Jorge. Perhaps we could prepare a table with some spaces to order the responses or comments. And I can help with that if someone would like to join me in preparing some document, maybe secretariat can help me. And Jorge also. You know what happens when you have an idea in a group. You

usually take the responsibility of doing that. So I can work on that with some of you if you want. I think at very good idea and I think it will facilitate the input from GAC colleagues.   Any comments to that? Any other volunteers? Okay. Let's think about it, and maybe we can share a document with you perhaps during this week.

Okay. As you can see, the excel file is brief -- if you debrief it step by step, not so complicated to analyze. So I will go to the second row with this number 6 in the file. Can you see it from there? Yes. So it's three code listed in the ISO 3166-1 Standard. Ads we reviewed in the previous session in the 2007 GNSO PDP, it was available but having in mind the applicant must resend the proposed strings not to reslate international launch we are talking about three letter codes. Argentina would be arg. Dot com is on the list [reading] [refer to slide] so those are remarks from members in the community, and -- is it a valid geographic term for the purpose of a new gTLD? Comments from several members and then positive impact based on the treatment in the applicant guidebook that did not allow the three letter code. Strong feeling in the community, alpha 3 list closely associated with country names. And negative impact, opportunities based on the treatment. So the negative impact of not using this three letter codes.

There are a number of potential uses excluded from the outset which could be perceived as a missed opportunity -- similar to what we talked about in the two letter code remarked on by Benedicto, for example [reading] I won't read the names, perspective applicant would be banned even if they had come to an agreement with the respective owner of the three letter code.

So for example someone comes to Argentina and talked to the government and agreed that the applicant could question arg, and if not allowed, that's an opportunity that's missed. The questions aright side what are the lost opportunities in the gTLD space as a result of this provision? Any countries that would have like today apply. And were transpositions of three letter codes allowed in the 2012 round? Ner is the alpha 3 for Niger but dot ren is not gTLD -- what happens if the ISO 3166-1 alpha 3 code changes over time.

And finally, cross community working group on use of country and territory names unable to reach consensus on the treatment of three letter codes. The iso should be consulted in future treatment. Great care must be taken not to confuse existing three letter country codes with geo names. Treatment should be maintained. [reading] [refer to slide]

So three letter codes, two letter codes that were not allowed in the first round. Let's go to the next one. Long form name lists in

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the iso 3166 standard or a translation of the long form name in any language. With the provision could have objection from the country. So we see the comments from the community. I deleted it all? You know how much I suffer with this.

Okay. Let's go. Iso draws from the US in term nothing database for this list. Only identified terms itself when there is a gap in the UN terminology database.

Is it a valid geographic term for the purpose after n gTLD. A useful reference point but not the only authoritative source of country names and may differ from other lists sources. This list has limitations. This is a valid geographic term. And that's all the comments. And positive impact or merit based on the applicant guidebook which didn't allow the use of this list. It was an easy predictable and objective standard to follow. And negative, so it was negative to have it banned. If a country wanted to apply for their long name as TLD were not allowed. [reading] is ID n ccTLD fast track out of scope in this discussion? [reading] read and treatment should be maintained, subsidiary and policy authority of the local national community [reading] should be respected.

And now we will go short to the short form of the name. Won't go in this column the reviewed them. Some comments about the positive impacts of having this not allowed in the applicant

guidebook. Similar positive impact [reading] [refer to slide] particular negative impact opportunities as long form names if a country wanted to apply they were not allowed. Potential missed opportunities. Is the ID n ccTLD Work Track out of so many in this discussion? [reading] [refer to slide]

So two letter codes, three letter codes, long form and short form of the names of the countries similar comments, are there lost students or this not allowing these names to be selected as nuvment TLD should be maintained. I think this short or long form association [reading] [refer to slide] this is quite the same, lost opportunities and treatment should be maintained.

So in general, all the comments are similar. And then we have [reading] [refer to slide] two columns are the same. Very similar comments as before. So I won't repeat that. The permutation or transposition of any names -- the same. The issue of electrons position refers only to the rearrange. [reading] [refer to slide] and there are some comments here. Because this provision does not specifically refer to terms on a particular list, it is less clear. Potential of missed opportunities -- we have more comments here.

Because this provision does not specifically refer to terms on a particular list, it is less clear. Potential missed opportunities but difficult to measure. [indiscernible] someone would want to ally

for islands cayman, therefore, hard to imagine a harm associated with reserves [reading] [refer to slide]

More comments below. Oh, this is challenging. Other examples with where the permutation is actually a used term or expression, does not seem to be the case for the examples given, was this an actual problem in the last round or are we trying to identify a hypothetical problem to fix, anyone want to apply and wasn't able to? Did the provision apply to translations in other languages. Let me open more comments. Long and short form name, in 20 an [reading]

And Work Track members found the phrasing of this provision confusing. [reading] [refer to slide] they should be used to address [indiscernible]

So this was more complex. A name by which a country a commonly known as demonstrated [reading] [refer to slide] we had an example of Holland and the Netherlands. Some level of predictability because there are specific sources of terms. Agree in theory but given the confusion among this group, the rules are not that easy to understand in practice and not predictable.

The negative impact of not allowing those countries to apply for these terms if they wanted to. Potential missed opportunity. A question arise, did any countries want to apply for any of these

terms? A strict definition of the treaty organization one can consult?

Okay. We have like 15 minutes. I think we will go through all the comments. Other geographic names, representation in any language. Not seeing -- okay. 11:30? Okay. We have six minutes. Okay. I wish I can go through all the documents so all you have a sense of the comments in it. We have other geographic names, representation in any language of a capitol city name, city names, city names, the UNESCO list. So the provisions in column b and c we reviewed them many remarks not many remarks, and you can check the comments here, not many, by the way, and about city names, I'll let you review them. I will share with you the link and the whole document if you want.

What I would like to stress -- you had here it says existing terms. This is something I read to you in the previous session, about those names not in any list. This is a comment made by one GAC member. So have in mind there are names not in the list and conflicts in the first round. And this additional terms, part of the file, and it says rivers, mountains, plains, and other names related with geographic significance not included in this list. So I will share with you the excel file. And I will check with my colleagues in the Work Track 5. How much time we have to make comments and also if we can take the suggestion made by

our colleague Jorge from Switzerland of perhaps preparing some intermediate document to gather comments from colleagues before sending them to the file. Useful, and I will give the floor thank you.

BELGIUM: We are not part of the Working Group, this is a specific question. I would like to insist on the fact that because certain states are not Working Group members in Work Track 5, well, that doesn't mean a lack of interest on our behalf. It reflects lack of resources. We would like a new procedure by which public interest may be protected, government interests may be protected. And I would like this on the GAC communique, but what happens when a name is not recognized as a geo name. What would happen on a new round for a dot orange, what happens if this name is not considered a country code or a geo name but just a common name? Has the group addressed this topic or are you going to at a later stage?

OLGA CAVALLI: Was included in the applicant guidebook and the 2007 PDP. So if some GAC members want to broaden the perspective, the moment is now to include them. As we have included this comment in the additional part that says additional geo terms. There will be a time that the report will come to the GAC as

comments but it would be good for us to comment as much as possible before, so the work is easier for all of us and the whole community to review the report. Other questions, comments? Benedicto?

BENEDICTO FONSECA FILHO: I think Morocco, was before [indiscernible]

MOROCCO: Morocco speaking. I am the representative, and I would like to raise a point here about the review of names by which certain countries are known. Either historically or through international treaties. Unfortunately for us, the proposal that we see on this excel file does not provide an exact meaning for these kinds of expressions because the paragraph that is included in the applicant guidebook says after an introduction that certain character strings should be considered as a country or territory name by which it is known, and that has to be proven. That is recognized by an organization or a treaty. There are two problems with this review. On the one hand we have the issue of the word or the term through which the name after country is identified. That is not a problem for us. But then, on the other hand, in this explanation, we see some adjustments, some modifications to this proposal. So countries do not need to be recognized by treaties, because they are countries. Secondly,

most of the names used are historic names, and these names for some countries are protected and for others they are not protected. Another problem is that oftentimes these names are used for several countries. That leads to us another problem. Another concern we have is that sometimes country names do not only refer to a country but also to a region. And regions and territories are [indiscernible] within another proposal.

UNIDENTIFIED SPEAKER: Olga, if you want to answer this in another discussion.

UNIDENTIFIED SPEAKER: I want to be very brief, because as Belgium has done, would like to repeat something I said before. That important the discussions would not take place in a silo or encapsulated way. The second comment is in regard to one comment we see repeated many times that refer to missed opportunities. And week this is something to be considered but certainly this is not the main aspect to guide the GAC approach to this. I think that reflects [indiscernible] other part of the community, which is not, as I understand, the more GAC approach, more based on a political assessment. And I think the overall balance should reflect many other aspect, the commercial aspect, the political aspect, I think they are trying to achieve the right balance. So this is a concept that is important, but I would suggest we

should not be guided by that kind of assessment. In case there are some restrictions being applied unnecessarily, I think it would be just and common sense to review those restrictions. For example, I've seen examples of cases in which the very countries that are completely attached to that name should be refrained. I think that's the kind of restriction that should be removed and maybe even the restrictions with regard to the numbers, I think these are things that should be entertained, provided that the main parameters -- and finally, I would like to support the proposal made by George. For us to develop texts, comments.   I think the issue raised by Belgium is a very important one. We would like to give thought on that and whether we could as GAC include those concerns in such a common document to be developed, thank you.

OLGA CAVALLI: Thank you for the comments, and Belgium and Brazil, and to Martin who pointed me that the comments in the Google docs should be done by the Working Group. So I think preparing something and giving input to the shared file is the right way forward, so thank you very much for your attention and participation. The floor to you.

UNIDENTIFIED SPEAKER: Thank you, so much, Olga, because the [indiscernible] chaired the [indiscernible] group and in the Work Track 5 subgroup. Thank you, so much, Olga, for your dedication.

So now we're closing our discussion on agenda item number 10, our continued discussion on new gTLDs. So this is now adjourned, and we will proceed with the next agenda items once the technical team gives me the signal to go ahead. In the meantime, I will ask the [indiscernible] leadership to come with us if you are here.

[END OF TRANSCRIPTION]