
MARRAKECH – At-Large Policy Workshop: WT5 Geo Names
Tuesday, June 25, 2019 – 08:30 to 10:15 WET
ICANN65 | Marrakech, Morocco

YESIM NAZLAR: Good morning, everyone. Welcome to our second day of ICANN 65. We would like to make a couple of announcements, but first I forgot to say my name. My name is Yesmin Nazlar from staff. So that was an example, a good example, to please remember to state your names before speaking for the transcription purposes.

Also, I would remind you that we have English, French, and Spanish interpretation available for today's session. Once you would like to speak, you would like to stand in the queue, please use your tent cards, and for – oh, I need to ...

UNIDENTIFIED FEMALE: [inaudible]

YESIM NAZLAR: ... distribute them as well. Sorry. Thank you very much.

JONATHAN ZUCK: Good morning, folks. Thanks for making it in early. I guess the way to have some fun with the translators would be something like, "Buenos dias." Je m'appelle Jonathan. [Cack de la]."

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

TIJANI BEN JEMAA: “Je m’appelle Jonathan.”

JONATHAN ZUCK: What did I say?

UNIDENTIFIED FEMALE: You said “hello so far.”

TIJANI BEN JEMAA: “Je m’appelle Jonathan.”

UNIDENTIFIED FEMALE: Yeah, that’s French. That’s good.

JONATHAN ZUCK: Yeah. Anyways, that’s enough messing with the translators. I’ll continue in English to make it easier for all of you. What we’re going to do today is a little bit of our homework for ongoing discussions with potentially partnering with the GAC and others and for our comments on geographic names because this is an issue on which we’ve had a lot of ongoing discussions on the list and multiple threads that go in multiple directions and then stall out and things like that. So we’re going to try and see if we can find some common principles, etc., that we can agree on and

have some consensus about so that, if we enter into a conversation with the GAC and they've done their homework, which is not a given, we can potentially find some opportunities for partnership, etc., and also tighten up our own talking points on the issue.

We are blessed to have two experts on this topic to get us started on this discussion—

UNIDENTIFIED MALE: Greg Shatan and Justine.

JONATHAN ZUCK: Exactly. Justine Chew and Greg Shatan. So I'm going to hand over the microphone over to Justine first to – what?

[JAVIR RUA-JOVET]: I'll do an introduction first.

JONATHAN ZUCK: Okay. You'll do an introduction first. All right, excellent. Let's try to make sure that we leave room for discussions, since that's our – so see what you can do to most effectively is introduce us to the issues that we need to discuss. Thanks, folks.

JAVIER RUA-JOVET: Buenos dias. Good morning. What else? Bonjour. My name is Javier Rua-Jovet with you guys. I'm with the ALAC. I'm accustomed to saying that in other groups. Thanks for this great chance to speak to ourselves on how to talk as a community, which is great.

If we can just jump to Slide 6 to get right through it, I want to just give a general introduction on the background of Work Track 5 and geo name, the general interests that are in discussion in this work track, and the status of where we are. Then Justine will also speak on more detail on details.

Work Track 5 focuses exclusively on the topic of geographic names at the top level – ASCII and IDN forms, top level, right of the dot. Nothing else. Right of the dot. Not france.com but .france. Work Track 5 is tasked to determine, if any, changes may need to made to existing policy. That includes the 2007 GNSO policy recommendations on the introduction of new gTLDs and B) the relevant rules contained in the 2012 AGB (Applicant Guidebook); some procedures there: geographic names review procedure, geographic names extended evaluation, objection procedures. Current policy: We generally talk about the 2012 guidebook but there's also some policy recommendations which are in 2007.

Next slide: 7. Just to make a point of the, I'd say, cross-community nature of Work Track 5, even the main PDP – with the PDP, as you

know, there are two leaders, Jeff Neuman from the GNSO and our very own Cheryl Langdon-Orr, who helped do an awesome job of herding everybody, herding all the felines.

Something similar and even better happens in Work Track 5. In Work Track 5, I'm there as ALAC. We also have great colleagues/co-leads from other groups, other constituencies: Annebeth Lange from ccNSO, Olga Cavalli from the GAC, and Martin Sutton from the GNSO. All these different co-leaders represent also the wide variety of visions in this topic of geographic names.

Next slide, please.

SEBASTIEN BACHOLLET: [inaudible]

JAVIER RUA-JOVET: Yeah. Go ahead.

SEBASTIEN BACHOLLET: It seems that there is a [prime] on the AC room – not AC, but whatever room – where we don't have the presentations. The people online can't get the presentation. Sorry.

JAVIER RUA-JOVET:

All right. Let's fix that. And I missed saying hi to everybody on the Zoom room. Welcome to this meeting. Thanks for joining us.

So if we can move forward, this is an invitation slide, Slide 8. Everybody that's interested in participating in Work Track 5 can. There's a link to the wiki – oh, we're [waiting for the presentation still]. Let's wait.

Okay. Everybody's welcome to join, but at the same time, we're quite advanced in the – thanks for that – process. Let's say 75% advanced. So anybody that wants to join can but will definitely want to do a lot of reading. But it's quite easy to join. I encourage everybody to join.

But at the same time, thinking about what this meeting today is for, another way to participate is to ask a community, and, if consensual points of view can come out of this group and the at-large At-Large – I know that's going to be difficult. It's a tough thing because At-Large is as varied as ICANN in many ways, so I would think that there are positions here on one side and one the other side. It's going to be tough to get consensus, but that's what we do here. So I have hope that we can do that.

9. Generally, again, geographic names at the top level, right of the dot. What are geographic names? Country and territory names. That's alpha-three on the 3166-1. That's the ISO list, the International Standards Organization list. We love lists. Alpha-

three on 3166-1, short and long form of those names in that same list. Other categories of the Applicant Guidebook include translation of country and territory names, permutations, transpositions, which are different arrangements of these names, separable components, and others. All of these are currently unavailable as TLDs – as gTLDs; let’s put it like that – so they cannot be delegated. I would say the current thinking of the work track as it progresses is to generally maintain this status for this category.

Capital cities in the same ISO list. City names, sub-national place names – provinces, states, etc. – categories, in order to be delegated or delegable, currently require some sort of documentation support or non-objection somehow from the relevant governmental authority. The current in the work track is to maintain this type of level of so-called protection or level of process for this type of delegation. Even the word “protection” would be controversial in Work Track 5 because, on the one side – I will talk about interests – some people in the work track ... the whole discussion of what needs to be protected, if anything, what rights are here – are there first rights – is an important conversation.

Another category are U.N. regions/UNESCO regions, also the so-called M49, which are statistical groupings in the U.N. For this type of – Asia, Africa – geographic names to be delegated, they

also require some sort of documentation of support/non-objection, but the formula here is majoritarian, over 60% from the support/non-objection from the relevant authorities in that geographical reasons. So a lot of countries. You need a lot of letters to come to ICANN for that.

Another major category – it’s always the elephant in the room – is the so-called non-AGB terms. One very famous one is .amazon, I would suppose. These are geographic features – areas, mountains, valleys – and these are perhaps some of the most, could you say, polarizing in English.

UNIDENTIFIED FEMALE: Contentious.

JAVIER RUA-JOVET: Contentious, yeah. Polarizing is the Spanish word.

UNIDENTIFIED MALE: [inaudible] in English, too.

JAVIER RUA-JOVET: Is it? So contentious not in a super-adversarial way, but they’re a point of contention. Some people in the work track really feel they should be very liberal, and others feel it should be really restrictive. So it’s one of the salient aspects of the work track.

[Slight ten. Just to switch to a] policy discussion, let's talk about – please change the slide to Slide 10. Policy discussions. It's always good to talk about interests because people have their interests and groups have their interests and that's the policies they want. Let's talk about some of that.

Governments in general protect national identity and protect important sub-national place names and other interests [and] avoid confusion between governmental/national TLDs and generic TLDs. Basically, the policies are maintained restrictions, maintained consent/non-objection authority on strings that governments care for. That's a clear side of Work Track 5.

Sometimes At-Large points of view gravitate towards some of these ideas, sometimes not. Many times not also. So I wouldn't say there's clear At-Large views on this. You would have some—

JONATHAN ZUCK: That's why we're here.

JAVIER RUA-JOVET: Yeah. Some very pro-governmental and pro-public interest in a governmental sense type of protection and others that are more liberal in the delegatability of strings.

The ccNSO: similar to governments. Avoid confusion between ccTLDs and gTLDs. Maintain market for ccTLDs. New gTLD applicants – another group. And expand the range of potentially available strings. Be liberal. Why is ICANN here? ICANN is here to delegate strings. Ensure clear, fair, predictable, timely decision-making process. A lot of focus on process. Let's have predictable processes. Let's not make up things as we go. It's what usually business interests want, and most reasonable people want some sort of predictable procedure that leads to predictable or generally predictable, non-adversarial results.

Brand applicants. Enable, protect, and use strings that support brand identity, including those that coincidentally match geographically significant terms.

Another interesting group of applicants which might be similar to governmental interests: people/communities associated with a geographic location or a feature. Should a people/community associated with a non-AGN have rights of first refusal or priority evaluation for that string? Is that issue even within the scope? I think it's within scope, but I think the work track is not moving in this direction so far. Again, the non-AGB terms are the hardest ones to get consensual ways forward on.

Other important concerns in the work track we have a lot of freedom of expression in the sense of not limiting the ability to

apply for a string and use that string for a purpose – business purpose or whatever purpose.

So those are interests that you can think about where you feel you gravitate more towards but then understand the other side, too. Understanding the other is the way to have a conversation.

Let's see what else. Where are we now? Slide 11. Slide 12, please. Where are we now generally? A supplemental initial report was published for public comment on December 5th, 2018 and an extended comment period closed on February 1st, 2019. A lot of comments were received – well 42. Not that many, but a good number of comments from the GNSO stakeholders groups and constituencies, as well as several SOs and ACs and also individual ccTLD managers and others.

Staff is great in Work Track 5 – Emily, Steve Chan – and the co-leads have worked on some policy-type of instruments and documents that are great to track the different commentaries and the different statuses of different items. If you join, you'll have the links. I won't give you the links now because, technically, you can't go in there if you're not a work track member right now. Basically, those tools categorize the different comments and whether there are really divergent types of worlds, like non-AGB terms, or some ways forward that have to do with maintenance of current policies and the policies that are on country and

territory names, like reservation of those terms and letters of support/non-objection for this second category of AGB terms, like capital cities and others. So those are categorized in the different levels of – I don’t want to say “consensus” because we haven’t done consensus call yet – well will – but general groupings in the general sense, or temperature maybe, of Work Track 5, which is a temperature that is conservative, I would say. It’s not a revolutionary work track. It’s a work track that is looking to build on things that worked in 2012 and try to avoid problems in the future. As we say in the different work tracks in the whole of ICANN, we don’t want to look for solutions for non-existent problems. Sometimes our conversations about solutions of thing that weren’t really problematic. So it’s always hard to stop.

The baseline, again, seems to be the 2012 guidebook. Moving away from that in a strong way will be the type of issue that will require a strong consensus on that movement.

I want to leave it there. Please, let’s just have a conversation. Justine is going to go into the weeds now on things. Thanks.

JUSTINE CHEW: Good morning, everyone. My name is Justine.

UNIDENTIFIED FEMALE: Bonjour.

JUSTINE CHEW: Bonjour. Thanks, Jonathan. I don't profess to be an expert in Work Track 5. I have the privilege of being the At-Large liaison for Subsequent Procedures, which is why I'm in this position. Anyways, we've got colleagues from Work Track 5 here who are welcome to chip in. I may not be entirely complete in my presentation, so please do chip in if you want to.

Thanks, Javier, for the introduction. That would actually nicely lead me into the substance of things. If we can go to the next slide, please, I'm actually going to concentrate the time that I've been allocated to update this session on some of the feedback that has come through the public comments mechanism in which ALAC participated in because we submitted an ALAC statement for Work Track 5.

UNIDENTIFIED MALE: [inaudible] too close to the mic.

JUSTINE CHEW: Okay. I'm too close to the mic. Good? Okay, thanks. I'm just going to try and concentrate on the issues or the items that have question marks or are still in contention. I'm not going to dwell on preliminary recommendations that have been basically okayed by the majority. So we're [all right] because At-Large

would be in the majority anyway, so there's nothing else to discuss over that.

This is the background on Work Track 5. I think Javier has gone through most of it. I just want to point out at this point that the work group is still doing its work. Originally, the working group anticipated that the final report would come out some time in quarter four, 2019, but we got confirmation yesterday from the Co-Chair that we don't think that's going to happen because we're looking at possibly doing another public comment.

Next slide, please. This just gives you an idea of how things are set up in the working group itself. We're focusing on Work Track 5: geographic names, and, as I said, in particular, our intervention in the supplemental report for Work Track 5.

Next slide, please. This list is the areas that Work Track 5 looks into, which has been spoken to by Javier already, so we can skip over this.

Next slide, please.

JAVIER RUA-JOVET: That's a better list than mine.

JUSTINE CHEW:

It's got more text than yours. So this is the start of the interventions that I want to draw your attention to. In terms of what we have responded to and what I would like to bring to this group's attention in terms of an update and questions that have arisen out of the deliberation of the working group over the public comments that have been received, I've done up this table to make it easier for people to follow, but it's actually not that easy to follow. I had a great challenge trying to put this slide deck together, to be honest, because it's quite complicated, and, with the way the supplemental initial report is set up, it's just not very functional for people to follow.

I'm going to touch on the topics that are highlighted in purple or blue, whichever color you see – I'm a little bit colorblind, so it looks purple to me – which includes the ISO 3166-1 alpha-three codes, non-capital city names, an issue of language and translation, the definition of geographic names, and the non-AGB terms (AGB stands for Applicant Guidebook, obviously).

Moving onto the next slide, please, the first topic that we have is the ISO 3166-1 alpha-three codes. The reason why I bring this up is because, in the ALAC statement, we had advocated for these codes to be made available but subject to preventative protections, meaning to say that it needs to have a letter of support from the government or a public authority. Any applicant who wanted to apply for one of these codes would have to have

a letter of support from the government or a letter of non-objection from the government.

What has happened is that, when we went through all the public comments, a lot of them want the status quo, meaning to say that these codes should remain reserved at the top level and not be made available for delegation. That in a sense conflicts with what we have advocated for in the statement.

My question is, do we want a minority statement attached to this particular preliminary recommendation because of the fact that we have advocated for it to be made available?

I think I'm going through the entire slides before we have a discussion. We can always come back if you need to refer to something – what is that [bell] for?

JONATHAN ZUCK:

I'd really love to focus this in on a few issues, a substantive agreement on as opposed to a process issue like that about whether we want to have a minority statement. The issues on which we're divided and trying to become undivided on them I feel is the best use of a face-to-face if possible. Does that make sense?

JUSTINE CHEW: Undivided in terms of who? Because this is divided in Work Track 5.

JONATHAN ZUCK: In terms of us.

JUSTINE CHEW: In terms of us. Okay.

JONATHAN ZUCK: Yeah. I don't actually care what's going on in Work Track 5. It's more a question of – I'm speaking for myself. We are divided on this issue, it seems, so if there's a way to find points where we could become less divided ...

UNIDENTIFIED FEMALE: Jonathan, can you [inaudible]?

JONATHAN ZUCK: I guess I'm not entirely certain on where we're divided. One of the issues – and I'm not an expert on this, so that's why you guys are speaking – is, if it's a non-geographic use for a geographic name, does that still require a letter of permission? That sort of thing, I guess, is one of the questions out there. I don't know that my knowledge of this is up to date. I know that, when we tried to do

the comments on this, we were divided on a number of issues, but I'm not the expert on which. Sorry to mess you up here.

JUSTINE CHEW: That's all right. Actually, I have a perfectly good answer. This is the only one that doesn't deserve attention.

JONATHAN ZUCK: Okay.

JUSTINE CHEW: I just brought it up because it's one of those things I need clarification on in terms of how we're going to move forward because I'm a liaison for you guys on Work Track 5, so if there's something I need answered, I need answers. So that's why I'm just bringing it to your attention. Whether you want to answer now or through a personal conversation or through the CPWG, that's fine. I'm just raising—

JONATHAN ZUCK: Yeah. I think we can answer that process question more easily.

JUSTINE CHEW: Okay. Well, in that case, we can just move –

JONATHAN ZUCK: I want to get into a fight here about the substantive issues and see if we can—

JUSTINE CHEW: Okay. Let's move on to non-capital cities then, which is Slide #8.

UNIDENTIFIED MALE: [inaudible]

JUSTINE CHEW: Oh. That's why I'm asking. In terms of procedurally, are we going to go through the entire deck first before we discuss?

UNIDENTIFIED MALE: Go through it.

JUSTINE CHEW: Okay.

UNIDENTIFIED SPEAKERS: [inaudible]

UNIDENTIFIED MALE: All right. It seems that the speakers are going to run through a bunch of slides before we come to questions, so hold your

questions in reserve unless they are to this particular process. Otherwise, we will hold all questions to the end, and then we'll get into the discussion.

JONATHAN ZUCK: John, how long is this session?

JOHN LAPRISE: We have, what was it? Almost a half-hour allocated to discussions starting at 9:25. Justine's presentation runs another 15 minutes-ish.

JONATHAN ZUCK: Okay. Let's just make a hard stop at 9:25 [inaudible] actually discussing.

JOHN LAPRISE: All right.

JUSTINE CHEW: Sure.

JOHN LAPRISE: All right. So we will hard stop at 9:25 for discussion. Right now, just for reference, I have Sebastien and Ricardo in the queue. So I'm maintaining—

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Okay.

JUSTINE CHEW: I'm open to [suggestions].

UNIDENTIFIED MALE: [inaudible]

JOHN LAPRISE: We're going to hold until the end, and we'll go back on the slides for this.

JUSTINE CHEW: Can I actually suggest that staff put a link to my slides because, in that case – yeah. Okay. So if you have a link to my slides, please download the slides and have a look because I'm not going to go through a lot of the details. I put in a lot of details because I

wanted you to have background so that you can make an informed intervention. But obviously I don't have time to go through details, per se.

If I may move onto the next topic, which is in contention, which is the non-capital city names, again, this particular slide you see is background. I took pains to just highlight in terms of what are the camps or whether the [ports] of the responses that the public comments sit in. You see in the blue box that you have whether they agree. Some don't agree and so forth. I also took pains to indicate where At-Large sits in those spots. There have been suggestions out of the public comment. Again, I will leave you to read those.

Next slide, please. An important thing to note is that, basically, if there is no consensus on Work Track 5, then the status quo reminds. So if there's no consensus to change anything, then obviously the status quo remains. This particular slide is also background knowledge, so we can skim through it.

Can I get the next slide, please? This is also background knowledge. It's connected – the two. [Preliminary] Recommendation #11 is connected to Question E9 and Question E10, so that's why I put that table up in the beginning: to show you which items are connected to what.

We move onto the next slide. That's where I think the questions actually come up – no. Not yet. Okay. Next slide, please.

Again, next slide. This is all preliminary information.

Okay. Here we go. This pertains to Preliminary Recommendation 11, which related to Question E9 and Question E10. It basically talks about the current status being, do we continue to keep city names strings that match city names? This is non-capital city names. Do we continue to provide only preventative protection only if the applicant intends to use the string primarily for purposes associated with the city names? The city name is actually listed on official documents. So it's a two-limb test, but it would only apply – well, Limb A is the more important one, meaning that an applicant who applies for a city-name string is only required to get a letter of support or a letter of non-objection from the government or a public authority only if it intends to use that string primarily for purposes associated with a city name.

In terms of At-Large, we had a split to this question. Some of us thought that we should keep the status quo. Some of us thought that we should have a blanket protection for all city names. So the point of the intention of use is irrelevant. Whether the applicant decides to use it for purposes of its own brand or whatever, they still need to get a letter of support or a letter of non-objection from the government.

Out of the deliberations of the work track, I've curated some of these points you see in purple. There's been suggestions about – these attempt to bring the split ... because the split doesn't only occur in At-Large. It also occurs in Work Track 5, but it's parallel. So there has been a suggestion as to what about asking each government to provide a list of city names, like maybe 10-15 names, to be considered as [enjoy] names for purposes of new gTLDs, meaning that they will enjoy preventative protection. So they have to go and get a letter support or non-objection from the government or the public authority.

This is in context to some countries having national laws that require the protection of names. I think at least two countries that were cited were Switzerland and journey. These two countries actually have national laws that say that no one can use a city name in the country unless it's with the permission of the government. So there's a conflict in terms of ICANN at the global level and local laws. There are question around that that we have to resolve.

If we keep this list as exclusive to 10 to 15 names per country, then does that mean that all other names that don't fall in this list won't be subject to the intended-use preventative mechanism, or should it regardless?

With the issue about the preventative mechanism – when I say “preventative mechanism,” I’m talking about the requirement to get a letter of support or non-objection – there were comments about it being laborious because, if you approach a government and if the government decides not to move, then you’re stuck.

Then someone suggested that we can consider putting a time limit. We make the applicant go and get this letter. If the government doesn’t respond within X number of days, then non-response is equivalent to acquiescence. Therefore they can move forward.

Then there were comments about, “Let’s not provide a preventative mechanism. Let’s just rely on curative.” If that’s the case, then I suggested that we need to look at the objection procedures because, if you’re going to take away someone’s ability to say yes or no upfront, then you still need to provide a way after for them to say, “No, I have concerns.” That’s what the curative mechanism is for.

But at the moment, that curative mechanisms is encompassed in the objection procedures, and there are limits to the objection procedures. There are certain criteria that you have to meet in order to be eligible to submit an objection. So that’s why I’m asking whether we need to look at this: if you’re going to take

away one right or one ability, then you have to make sure that ability is somehow compensated another way.

Next slide, please. So that's non-capital city names. Issue of translations. At the moment, translation in the AGB says that, basically, translations of all city names in all languages are protected – [sorry]. Capital city names. All languages. There are people who say that this is too wide and they want to limit that to something that is more manageable on the basis that we want to provide clarity to applicants because there's issues about how you expect an applicant to know whether the string that they've chosen could be a translation of some foreign language that they're not aware of. That's the basis of this argument.

Then there was suggestions on whether we should maybe limit to U.N. languages and official languages or languages that are spoken or used in capital cities. That's another possibility.

Next slide, please. Some people have said that we haven't touched enough on IDNs. I'll leave that open. In terms of geographic names, this is the overarching question that Work Track 5 has to grapple with, which is, what is a geographic name? What do people consider as a geographic name? Because, if we can answer that question, then everything else falls into place. We have trouble answering this because we just can't come to consensus about what should be a geographic name.

You see there's a long list of suggestions as to what could be deciphered as a geographic name.

UNIDENTIFIED FEMALE: [inaudible]

JUSTINE CHEW: Yes, but for some reason, it's – yeah. Okay. All right. So I leave that question open.

Next slide, please. Related to – yeah, just move on. Next slide, please.

Next slide. Related to the definition of geographic terms is kind of the opposite. If we can define what is a geographic name, then we know exactly what is not a geographic name. So it's two sides of the same coin. But because we haven't been able to define what is a geographic name, the question of what is a non-geographic name is still open. Therefore, there are a lot of terms that are included in the current version of the AGB. That's where you run into problems like Amazon, because Amazon is actually not provided for as a geo-name in the current AGB.

Then there's a question of, what other non-AGB terms should Work Track 5 consider recommending to be put into the new AGB? I've highlighted these two points here. One is something

that At-Large included in our statement, which is the ISO 40217 currency codes. Questions I would like to raise for people to think about is, do you think this is important? Why or why do you not think currency codes are important or not important? To me, I think they're important. Personally, I think they're important, but I know that there are some colleagues here who disagree, which is why I've brought it up to the attention of this group. Some people have said, how well do end users actually related to currency codes of their respective countries? Do they actually know what their currency codes are?

My response back would be, does it matter whether they know what their [country] codes are? The point being that they are actually currently used. All of us travel, so we have to go through currency exchange. Currency exchange uses currency codes. So why [shouldn't] it be important to end users?

I can foresee possibly a non-authorized third party, like a private company, applying for my country code, my currency code, and doing harmful things, possibly, because it's a private company. I'm not saying that would happen. I'm saying the risk is there. I could see harm being done if the currency codes are not protected. But obviously, a lot of people disagree with me.

Non-AGB terms. I can't actually cut off – is there any way you can scroll a little bit so I can see the body? Yeah, okay. So there are

other non-AGB terms that have not been determined, which is, what do we do with things like mountains, rivers, and terms with geographic indications? Do we want to protect them, or do we not want to protect them? If we don't want to protect them, would they be well-protected enough through curative mechanisms, meaning to say that you're relying on someone to object to an application which matches one of these names? If you want to protect them, that means that any applicant who applies for any of these names has to go to somebody for permission.

Next slide, please. I think this is the last one, really. There was a new issue that cropped up in the deliberations of Work Track 5, which is actually silent in the current 2012 Applicant Guidebook – I think Greg probably can help me on this if I'm wrong – which is, what should be done if there are two applications on the same non-capital city name string – so I'm using non-capital city names as an example – and at least one of the applicants is a community applicant which obtained a letter of support and the other one is a brand, which says, "I'm not intending to use it as a geographic name"? So obviously there's a contention. They applied for the same string. One says, "Hey, I've got the relevant government approval." The other one says, "Because I'm using it as a brand, I don't need government approval."

So the question is, does one of them get priority over the other? And what should be the process to determine that, really, if that were to happen?

Obviously, a supplemental question would be, would the same rule, whatever we “decide,” apply to the situation where you have two or more applicants [inaudible]? So you have three or four who are applying for the same string. What happens then?

The last one would be, could the same rule also apply if the two applications in respect to the same string but the string or the place name appears in two different countries? For example – it’s a bad example but I can’t think of another one – Paris. You have Paris, France, and you have Paris, Texas. Obviously they share the same name but they’re in two different countries. If one applicant were to apply for Paris coming from Texas another one applying for Paris coming from France or whatever, they both get approval of the governments. There isn’t a tie-breaker.

UNIDENTIFIED MALE: [inaudible]

JUSTINE CHEW: Well, yeah. I’m saying that Paris is a bad example, but I can’t think of anything else at the moment. So just for a second imagine that Paris is not the capital of France.

UNIDENTIFIED MALE: [inaudible]

JUSTINE CHEW: Okay. Well, let's use Ricardo's example then. He says there is a name of three places in three different continents. There you go – or countries. So, if there are three applications referring to three different places, and they all have the approvals of their public authorities, who wins? What happens?

I think that's the last one. Can we just go up and make sure I have covered ... come on. More. Up, up, up, Yeah. Cool. Thank you very much.

UNIDENTIFIED MALE: Thanks.

JONATHAN ZUCK: Thanks, Justine. As far as the discussion, what might make sense is thinking of this in terms of scenarios that might occur and how we would like those things to come out. So that last question is a good one: Here's a specific example of what might happen, and what would like the outcome of that to be? Because we can get from there, from a desired outcome, to trying to dictate what

policy is. If we start with the policy details, I think we'll get lost in those details.

I think of some of these scenarios that come up in the context of geo-names. One of them is that they all get bought up by domainers. That's one of the things that comes up a lot, that the names all get bought up by domainers and held until such time as indigenous communities or cities want to use them, and then they end up having to pay a premium, or worse, rent them or something like that, from these domainers in order to put up a site. So that's one scenario that I've heard mentioned that is interesting.

The other thing that I've heard from folks is that it's difficult to do intended use if—Marita brought up the point that the intended use thing doesn't work very well because, if you're Donuts, you're going to be put up .paris and in your application nowhere will you mention that it has anything to do with the region. It will just happen that most of the people that get domains from you are in Paris and are trying to use it as a geographic name. So your intention is not necessarily that it's a geographic name. you don't care. It's just another string in many, but does it end up having geographic implications?

The other issue that comes up is the kind of rent-seeking. Is this really a bunch of folks that are trying to find, "Yeah, I'll give you

one of these letters of non-objection as long as you pay me annually to use this string”? Some countries have used their country codes as generics, etc. How do we feel about that? It could be that, if we’re a big supporter of cities, we want them to have that income. I don’t know. That’s another scenario.

So the question is, how would we like that scenario to play out? If we can think about it in those terms, like things – I’m hoping other people have other ideas of scenarios. Those are just a few I thought of. I feel like that would be a good basis for discussion in this room, which is, given this set of circumstances, what would we like the outcome to be, instead of starting from absolutes or from specific policy objectives. Does that make sense to folks?

UNIDENTIFIED MALE: Totally.

JONATHAN ZUCK: All right. So are there other scenarios that you guys can think of that have come up as a result of these things that you can translate into, what if – like a word problem. This is a scenario, and then we can start asking the group, how would we feel? What is the end user implication and how would we feel we wanted that scenario to turn out? So I’d like to put that to the three of you to add to that list of scenarios. Let’s have those conversations.

JAVIER RUAN-JOVET: Quickly – you want to go?

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Oh, and I was Jonathan Zuck, until recently.

JOHN LAPRISE: We have a queue at this point. My queue as I read it is Sebastien, Ricardo, Sergio, Holy, Maureen, Yrjo, and Greg. We're going to run through that queue and give the three panelists time to think about Jonathan's question, and then they will have time to comment on that. So, beginning with Sebastien.

SEBASTIEN BACHOLLET: I will concentrate on the topic. I have other things to say, but maybe we will have another opportunity. First of all, I think that, on the question of the city names, ICANN uses the ISO-something list. Why don't we use a list set up by others? I have already made this proposal a long time ago [with] the IANA, with the airports, with the name of the city and the name with the three-letter code of the airport, like NYC, for example, or pierre for Paris and CDG and so on. Therefore, we can rely on somebody else and [its] city.

The second is that I don't understand why we still think that we need to have just one single applicant using a string. I know that it was, up to now, the case, but what was interesting about a discussion about .amazon is that, once the Board asked the different countries and the .amazon applicant to try to find a way to use it collectively. Why can't we go into that direction and have this as an open issue?

I really think that the question of – my last point is that I hope that we don't want to rebuild the domain name system so it's supporting [inaudible]. In other words, everything must fall to the g's. No. we need to leave some space for the c's, eventually to [expend] themselves. Then the three-letter code from the country, from others, must stay outside of the g world. Thank you.

JOHN LAPRISE: Ricardo?

RICARDO HOLMQUIST: I just want a clarification. You mentioned a preventative mechanism for the three-letter code. Who [do you ask for this] three-letter code? Because, if this is not country-related, this is not city-related, who do you ask [for] this preventative mechanism? That's what was on the screen at that time. That's why I wanted to talk at that time because it was this slide. It talked

about preventative mechanism for the three-letter code. Whom do you ask [for] it if it doesn't belong to anyone?

The other question, now that I already have my hand up, [inaudible] WT5 for asking countries to have 10 or 15 cities to be protected. But it's not the same to have an Iceland of 150,000 inhabitants that may be of one or two cities. No more than this. Then there's the United States, with 50 cities that are capital for their states. Then they have usually two or three cities that are large enough. For the United States, maybe it'll be 100. For Saint Vincent and the Grenadines, it'll be two.

JUSTINE CHEW: I think I can only respond to your first question. I think your first question was in relation to ISO 3166 codes. Those relate to country names, three-letter codes that correspond to countries. Those are currently not available.

UNIDENTIFIED MALE: [inaudible]

JUSTINE CHEW: We advocated for them to be made available but subject to preventative protection, meaning to say that, if anyone wanted to apply for those three-letter codes that are in the ISO 3166-1 list,

then we would have to get permission from the government – basically get a letter of support or letter of non-objection.

UNIDENTIFIED MALE: [inaudible]

JUSTINE CHEW: Yes because anything that’s outside of the code is already available anyway.

JOHN LAPRISE: Holly?

UNIDENTIFIED SPEAKERS: [inaudible]

HOLLY RAICHE: Just a thought. If you look at the consumer trust report, there are two sentences in it. But when the consumer expectations were badly taken into account, the expectation of consumers is that there would be a relationship between the name and the actual website they get to, which suggests that, if you’re looking from an end user’s point of view, their expectation is they’re going to get to something they expect to because of the name.

So, if we're going to start from somewhere, what are the expectations? Is it that amazon is going to get you to books, or is that amazon is going to get you to an area? It's a question we have to ask if we're talking from the end user perspective. Thank you.

JUSTINE CHEW: Just a quick response to Holly's comment. We do have people who think both ways, and that is the issue.

HOLLY RAICHE: I know. I [inaudible].

JOHN LAPRISE: Sergio?

JAVIER RUA-JOVET: Javier Rua-Jovet—

JOHN LAPRISE: Oh, sorry.

SERGIO SALINAS PORTO: Some thoughts. As I've said oftentimes, geo names, both two and three letters or characters, related to rivers, cities, countries, territories – geographic areas in general – should be protected for

government use. This is because it is possible to have several letters in order to have an endless number in different combinations for an endless number of domain names. This is related to something that was discussed before.

In 2012, .cba, which for the Argentinians represents the city of Cordoba, which is the same case for Columbia and other countries, it was granted because nobody else applied for it. It was given to the Australian Commonwealth Bank. At that time, together with .patagonia and .amazon, there were the three issues that we discussed, I remember, at that meeting, where we posted a statement.

Let me go back again to my initial thought. How can we find a way to push for the enforcement of the protection? This is highly relevant. We relate this to the issue of currencies. I read in the e-mails what Justine referred to, and I agree with Justine. I think it is very relevant for this to be taken into account because it has a direct impact on end users. If anyone is going to manipulate these domain names, it can create financial harm for many people. I wanted to make this comment.

If I may, let me ask you just one question. There are several people in the Latin American and Caribbean region who would like to be members of Work Track 5, as I said to Javier. My question is, will we have translation services/interpretation services in Work

Track 5 so that people can be involved and be members of those meetings?

JAVIER RUA-ROVET: Of course, please participate. In terms of translation, we don't have translation in Work Track 5. We can fight for it, but we're a long way into the process. But come and join. Whenever needed, I'll translate for you.

JOHN LAPRISE: Maureen?

BILL JOURIS: Actually, no. That's just a tent card that was handy. Just for another example – maybe it's an American problem more than anything else – in the United States, we seemed to have had a lot of people with very little imagination. So they would move and name their new town the same as the town they came from. There's a large town in Pennsylvania called Pittsburgh. A little bit up the road from me in California is another town also called Pittsburgh.

If we're going to say, "Well, you have to get permission from the government of the city," the immediate question is, well, which one? And there are probably a couple more in between as well.

Do we just say, “Well, whichever one’s got the biggest population has first dibs”? It’s not going to be just that we have two cities with this. We’re going to have a bunch of them at various times.

JOHN LAPRISE: Yrjo?

YRJO LANSIPURO: Thank you. We’re here to defend the interests of the end users. I believe that, for the end users, every non-geographic use of a geographic terms carries a potential risk of confusion. That should be, in my mind, the first thing on our mind: not to create harm, not to create confusion.

Second: languages. I don’t know whether the provision of protection for all languages caused any harm, caused any problems, in the first round. If not, perhaps there’s no need to fix that problem because, when we get to this list of U.N. languages and local and national and official languages, it gets very complicated. Just one aspect is that U.N. languages omit and exclude some very important languages like German and Japanese due to what happened, like, 75 years ago.

Third: just to inform you that the GAC is now undergoing the same process as we are. That is to say, here in Marrakech, they are also trying to come to grips with their internal confusion. That is

to say, they are going to achieve some more internal consensus. To my mind, this creates a prerequisite for us, for the GAC and ALAC, actually to see which elements of common ground we perhaps could see here in this [inaudible]. Thank you.

JOHN LAPRISE: Greg?

GREG SHATAN: Thanks. First I suggest that the entire discussion is somewhat misframed. Since we're talking about geo-names, we really should be talking about strings. Strings can have multiple meanings. They could be geo-names. They could be something else. I would say, in response to Yrjo, that every geographic use of a non-geographic string also carries with it the capacity for harm that the second level. We don't know what the second-level domains are that would be taken. It's clear from what's happened with ccTLDs that top-level domains can be repurposed.

As for .cba, I don't know why a consumer who goes to the Commonwealth Bank of Australia is any less important than a citizen of Cordoba. The fact is that CBA filed the application. Everyone is free to file applications whenever they want. It's the time to let the applications get filed and then see what happens. Where we have things with multiple meanings, is there no idea

that the ultimate map of the Internet needs to be primarily a geographical map. That kind of geo-primacy really, to my mind, literally makes no sense. I think that there's a lot of things that people identify it with, other than the place they live. They have clubs. They have interests. There are all sorts of different uses for domain names.

The ultimate point is that, if you believe that a top-level domain should go to a certain place and you are the controller of that idea or concept, then you should apply for it. If we want to go to non-capital city names and other geographic names, there are over 11 million geographic names, for instance, on geonames.org. Can we possibly protect all of those against any other use for all time? Should we just maybe shut down the top-level domain system? There's really no reason why geographic names should get any preference outside of the ones that we've already given. Let the applicants apply. Thanks.

JOHN LAPRISE: Olivier?

OLIVIER CREPIN-LEBLOND: Thank you very much, John. I'm glad I'm speaking immediately after my friend and colleague, Greg Shatan, with whom I totally disagree personally. But sometimes you can disagree with

friends. It's interesting because we're dealing with a broader international dialogue on the Internet itself. I'm not sure that we'll get consensus in this environment. I have a feeling that we'll have difficulties due to the various composition of our groups. We have balanced views and so on. It's the same sort of problem that the GAC is faced with, where some countries are really pushing in one direction and others are pushing in another direction.

In fact, perhaps I suggest that we should discuss the difficulties that we have in finding consensus on this issue with the GAC having similar difficulties.

I was just going to close off, if I can, in ten seconds about a poll that was conducted last week at the EuroDIG: what to do for a healthy digital environment in 2030? One-third said, "Effective regulation of digital platforms," and over a third said, "Breaking up of digital giants." This is just one aspect of the whole global concerns that some parts of the world have about the global domination of the Internet by some players, mainly multinational, and we'll find that most of the applicants for these geo names that are trying to use them on a commercial basis rather than geographically will not be small companies here and there because they will know they will have a fight to put up with afterwards, as we've seen in the amazon case. We'll find that it's probably the global giants that will be after this, the big, multinational firms. Whether we want to veer in one direction or

another is really something that's going to be difficult to achieve here. Thank you.

JOHN LAPRISE:

For everyone's knowledge, there are going to be two names in the queue now. I've got Bill and Sebastien. There'll be a pause where we'll get to the question that Jonathan posed to the panelists. I saw your hand, Tijani. Let me finish. After the panelists respond to Jonathan's question, then I've got Sergio, Greg, and Tijani in the queue. That will go at that rate. So, yes, I saw your hand. At this point, Bill?

BILL JOURIS:

On the question of languages, I've been working on the IDN project. There is an alternative in place saying U.N. languages ... there's a system – I think the acronym is [EGADIS] – which has ratings for: is this a national language, is this the official language of a state, province, or region? All the way down. We could use that sort of scheme that already exists for deciding how far down we go to worry about languages.

JOHN LAPRISE:

Thank you. Sebastien?

SEBASTIEN BACHOLLET: Thank you. We are here to say that the regions or the countries that haven't had the chance of having their own extensions need to have it. Communities need to be able to get their own extensions as well. If our point of view on cities is that capitalism and big companies should have their say and get what they want, well, that would be an issue.

Why are geo-names important? Where do we come from? Historically, we used to be called according to what we did, like thatcher or the name of the city, or your position in society. That's why, in human history, this is of such relevance. I think the discussion that is being held in Australia right now on whether not a given name should be used by tourists and whether or not it can be used in cyberspace in the future is a very important element. So let's think of where we come from. Capitalism hasn't existed for that long. Maybe we should refer to further back in history and see how it went.

JOHN LAPRISE: I'll return the queue to Jonathan to run for the panel questions he had posed.

JONATHAN ZUCK: I guess my concern is that we can easily take up all of our time just giving speeches. I'm trying to figure out how we come with a

framework for coming up with some core principles because some things pop into my head. If we say the geographic names should only be used for geographic purposes, are we willing to set a rule that those geographic entities are not allowed to use those names for non-geographic purposes? In other words, things like bitly and .tv would have been disallowed. Obviously, we always grandfather everything.

But going forward – let’s make sure that we’re actually saying what we’re saying. I’m not opposed to it. If we want to say that geographic names can only be used for geographic purposes, we can probably find some allies on the GAC and make that case. But I think that case has to be made in a very specific way. If the purpose is to just find a way to get money out of an applicant or it’s a way to get money out of the end users, etc., then all these arguments about people’s identity, etc., become nothing but rhetoric. So, if we’re going to take that kind of position, it feels like we need to take that position in a very thorough and specific and disciplined way.

So that’s what I mean. I think we need to think about the end user. This is part of where Holly was coming from: what’s the end user expectations? Is there confusion? Does most of the world think of the Amazon as part of the world, or do they at this point think of it as a bookstore? That’s an interesting question at this point, and

I don't know how to answer it or how a selection committee would answer it.

The appeal of Greg's position is that we're taking ourselves out of the position of trying to second-guess all of this. But that is our job. We're trying to figure out what the end user implications are. I believe the way to address that is through talking out a scenario. In other words, here's what we're afraid will happen. If we think that multi-nationals are going to take up these geographic names as brands and that will prevent those entities from building some sort of another branded entity on the web, are there alternatives for them? Is there a way to, again, moderate the commerce associate with domain names?

For example, whoever wants to apply [can] but if you want to sell your generic domain name, if you're selling it to a geographic entity, you have to sell it to them at cost or whatever. You can't charge a premium for that to get the secondary market of these things out of there.

Are there ways that we can take different scenarios that we're concerned about having happen and try to protect the outcomes that we want and prevent the outcomes we don't want? I feel like that'll give us some philosophical basis for advancing the interests of end users.

One thing I think we shouldn't do is spend a lot of time trying to solve the technical problems that they're facing because, if we get to those core principles, I feel like the problems will solve themselves. But we need to figure out what it is we want as an outcome from this. If it's all geographic names, should all 11 million of them only ever be used for geographic purposes, then let's have that conversation. Let's make sure that we understand the implications of it.

That's why I'm interested in having you guys talk through scenarios that have come up. What is it that people are afraid of? I know that the NCSG has become the strange bedfellow of the IPC on this issue because they consider it to be a free speech issue. Why are you preventing me from creating a website with whatever word I choose because we didn't do it at the second level? Was there end user confusion about a paris.com or other examples like that? Do we have evidence that there's end user confusion?

So I ask everybody, and I plead with everybody, to avoid the ideology. Talk about end user implications and scenarios. Then we might get to a place where we can agree on what outcomes we want from those situations. Does that make sense to folks?

All right. I'll start with my scenario. One of them is that it's bought up by a domainer, so it becomes, in the near term, a site that has

a bunch of ads that they've sold to businesses in that country, potentially, or something like that. Then, in the five years down the road, the folks of Manhattan decide they want to have .manhattan. What would we like to have happen in that context? That's the conversation I'd like to have going. Is it okay to just have it free-flow like it does now, and that Manhattan would have to raise whatever the owner of .manhattan now is making via their advertising site? Or do we want to prevent that? Or do we want that site to never happen in the first place. Let's have that conversation. That's one of them: the domainer scenario.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Right. But they [are in] trademark, so it's a difficult issue.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Right. So I'm interesting in people who have an answer to that question specifically as opposed to something they else they want to say ideologically because we'll run out of time. If you can

take the queue, John, of people that want to address that question about domainers/investors.

JOHN LAPRISE: I'm taking a queue right now for this particular question. I also have a reserve queue at the moment, but I'm taking my direction from the Chair. For this particular question, I see Bill's hand up at present, and I see Holly and I see ... One point of order. The reserve queue is Sergio, Greg, Tijani, Lilian, and Christopher Wilkinson, who is online. I see Lilian. I've noted her. Are you responding to Greg's question?

UNIDENTIFIED MALE: No. [inaudible]

JOHN LAPRISE: Then you'll be in the queue. All right. For this particular line, Bill and then Holly.

BILL JOURIS: I think the simple approach to the domainer problem is to say, "Okay, you can do something like that when you want to. But, when a geographical entity comes along and says, "We're Manhattan and we want Manhattan," you lose it. Gone."

JONATHAN ZUCK: You're already jumping to the solution, and I don't want to do that yet. What are the outcomes we want. Is it that, any time they want it, they should be able to get it? That's what you're suggesting. That's the implication. But I want you to say that thing. What is the outcome – because I feel like getting to the outcome is the easy part. Agreeing on what we want those outcomes to be is what we need to have some arguments about. Does that make sense?

BILL JOURIS: Yeah. So what I was saying is that the geographic entity has a preemptive right to the geographic name, but the name is not reserved until they get around to deciding they want it.

JONATHAN ZUCK: And they could do that at any time. "I know want it." So somebody has invested a lot, built up a thing. Everybody is using it, and the city should be able to just take it.

BILL JOURIS: Yeah. If you're going to set up a domain name, you live with it.

JONATHAN ZUCK: Again, I don't know the best way to proceed, but let me have a show of hands. Who thinks that that's a good outcome? That a

geographic entity should be able to go over and say ... And they shouldn't be able at that point to start charging them or say, "I'm going to use my preemptive right unless you pay me." They have to take it and use it.

JAVIER RUA-JOVET: What's a geographic entity?

JONATHAN ZUCK: Well, whatever it is we're defining as the owner of a particular name.

JAVIER RUA-JOVET: Owner?

JONATHAN ZUCK: We'll solve that problem. It's a different problem. It's the borough of Manhattan. It's not even a city, right?

JAVIER RUA-JOVET: A public authority of some kind.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Yeah.

JOHN LAPRISE: So—

JONATHAN ZUCK: I’m just curious. People in the room, how do you feel about that? That it should be open, people should be able to apply for it, but if an entity comes back and says, “I want it later,” I get it now? Who think that that’s a good idea?

Okay. I’m not raising my hand. I’m just trying to demonstrate what raising your hand looks like.

Okay.

SEBASTIEN BACHOLLET: But what are the alternatives, please?

JOHN LAPRISE: I have a queue for your particular question. What do you want me to do? Run through the queue for this particular issue?

JONATHAN ZUCK: [inaudible]

JOHN LAPRISE: All right. You're down, Holly? Okay. So I have Olivier, Joanna, and Sergio in that order. Yrjo. And this is for Greg's question. And Greg—

UNIDENTIFIED FEMALE: [inaudible] Jonathan's question.

JOHN LAPRISE: It's for Jonathan's question, yes. Yrjo ... Olivier, go ahead.

OLIVIER CREPIN-LEBLOND: Thank you very much, Mr. Chair. It's interesting to have heard Bill's suggestion just now as a response to Jonathan's question. I feel that it's actually deceiving pretty much everyone in one way in that it actually gets the first applicant for .manhattan to start, as you said, building a business. They're thinking that they're going to flourish, and then suddenly it'll be taken away from them. So what are we trying to do here? Are we trying to make the most money and sell .manhattan to the first one as early as possible and sell it to the next one? I'm not sure how we achieve any public interest in that, especially if the .manhattan second-level domain names might be born in all sorts of unsavory stuff, in which case it also soils the name itself. It might well be that Manhattan borough might have to act because of the stuff that's in .manhattan. it just doesn't make sense.

So I would say no to this, and I would say that we need to stick to having those geographical entities – the 11, 000 and so on – to be reserved. Thank you. Or million.

JONATHAN ZUCK: 11 million, yeah. That’s the number.

JOHN LAPRISE: Joanna?

JOANNA KULESZA: I just have complementary question. What happened to the first come/first served principle? Because we seem to be departing from that fundamental principle forever further. So I don’t have the answers. I find this discussion absolutely fascinating. But if someone was to approach me and ask me what the default principle should be, I would say first come/first served. Then, if there is a legitimate interest, we have IP lawyers in the room. I would [argue that] that legitimate interest be the trademark or anything else that’s already there in law [.That] could be raised as on objection. But it’s just a complementary question to bring us back to the first come/first serve. I’m happy to learn what the response to that question is. Thank you.

JOHN LAPRISE: Sergio?

SERGIO SALINAS PORTO: Thank you very much. I'm going to speak in Spanish. Joanna has just taken a part of my response to you, Jonathan. First, there's a first come/first serve principle in law. Second, we are in a scheme of thought where the only person that can provide that domain name would be ICANN. But what if this were reserved for the states, and an investor says, "I want to use this," and the state says, "Okay. Go ahead and use it"?

I think we always depart from the analysis position, where ICANN is a large domain seller. What we need to think of is that this small number in Roman law is called [numerous clauses] of names. The states could sell it. I think the governments or the states – this is in response to Greg – do need to think of those geo names. They need to look after the citizens. They should not protect a small group of investors. If there is a bank that goes against its investors, this domain name or this name has a [inaudible] and provinces like Cordoba are exposed.

So we first need to think about the citizen. These are the ones that we represent here. We represent the digital citizen. Then we need to think about the group of investors that want to do business.

I think I replied to both questions. Thank you.

JOHN LAPRISE: Please do pay attention to the time. We are very pressed.

YRJO LANSIPURO: Yeah. Another scenario could be that geographic names are gobbled up by actors whose intended use is spreading this information. Thank you.

JOHN LAPRISE: Greg?

GREG SHATAN: Thanks. First, I think it's improper to look at this as a binary between trademark and countries. There are lots of others uses for top-level domains which have geo-name meanings and have other meanings. So that's a false binary.

Secondly, I think that, if there were more predictability and certainly, we'd see smaller organizations coming in. Even Patagonia decided it didn't have enough money to fight for its name. And that's not a small company. So the reason we're seeing the multi-nationals is because of the uncertainty.

The idea of an innovation by somehow investors has now become a bad word here. I don't know why. Somebody has to put the money up for innovation. Somebody has to put things forward.

People work in the private sector in order to create opportunities. Government isn't the only one creating opportunities. Cordoba is not threatened by the bank—

JONATHAN ZUCK: Sorry. Yeah. We're getting back to just rhetoric-ing at each other, and that's not going to get us anywhere.

GREG SHATAN: Let me just—

JONATHAN ZUCK: No. Here's a perfect example. We were talking about domainers investing in a domain and later trying to sell it to a city or a country or whatever else. So I don't know that I consider that to be innovative—

GREG SHATAN: Right. Actually, I agree with you on that. I think the domainer issue – where I would go with this—

JONATHAN ZUCK: But that was the question. I guess that's what I'm trying—

GREG SHATAN: I have an answer to that question. I'm sorry. There were just other answers to other things I said.

JONATHAN ZUCK: I know.

GREG SHATAN: Let me just give you two words.

JONATHAN ZUCK: But be a part of the solution, not the problem.

GREG SHATAN: Legitimate interest. Domainers don't have a legitimate interest. Look at who has a legitimate interest and create a challenge mechanism where there is no legitimate interest. If I have a manhattan used for another reason that's legitimate, that's one thing. If I'm just speculating, that's another thing. We should stop trafficking in domain names. Frankly, I don't like it much at the second level. But we should legitimate interest as a filter. Thanks.

JONATHAN ZUCK: But, if I'm Donuts, I've got a legitimate interest and I could be serving the citizens of Cairo by doing .cairo, and they could be

very happy with the job doing, providing domain names, because the city didn't get around to applying for it.

So, from an end user standpoint, I've met end user expectations because .cairo relates to the city. And I've got domains out there that wouldn't be out there otherwise because the city of Cairo didn't apply for it. So what's the problem with that? Because that's the intended use issue. They won't even say their intended use is geographic. They'll just say it's just the word. It's a string, as you put it.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: So we end up back at first come/first serve, says Holly. But this is what I mean by scenarios. What are the outcomes that we want from this?

One of the things that Justine mentioned pulled my heart strings much more than some of these other scenarios, which is that, if there's a contention between a generic and, say, a community application, I feel like I could really get behind trying to give priority to the community. That feels consistent with things that we've said before as a scenario. That's a scenario that was presented that way. So that's just me personally. I'm not trying to

sway anybody but that’s an example of a scenario where I’m feeling like, “Okay. That’s an outcome I’d like from that scenario.”

GREG SHATAN: That is the current setup: to give communities priority.

HOLLY RAICHE: Can I ...

JONATHAN ZUCK: Maybe.

JOHN LAPRISE: Humberto, you’re next in the queue.

UNIDENTIFIED MALE: [inaudible]

JOHN LAPRISE: Then Lilian will ... okay. Lilian. You’re deferring to Lilian. Okay Lilian. Lilian, you’re up.

UNIDENTIFIED MALE: [inaudible]

JOHN LAPRISE: Speak. We only have so much time. Who’s talking? You both have ...

LILIAN DE LUQUE BRUGES: I will speak in Spanish. Listening to you, I know we’re talking about geo-names, but I might now refer to the new gTLDs. I was wondering who’s protecting the registration of names that have an impact on the cultural identity of people, particularly the non-represented communities – [the poor amounts] to the poor – such as the indigenous communities, which have a huge cultural worth and which is under and increasing threat. And we are also users.

I was talking to Humberto. I was reading this document, which is an [external] document of ICANN. “The Internet Domain Names and the Right to [Culture]” is the title. Here it says the topic should be discussed within At-Large and the GAC.

So my call, my request, to you, particularly Maureen – hi, Maureen; Maureen, can you hear me? She’s not listening – because the new entrants are suffering a lot, is to have possibilities to create a group or something to start the discussion so that we do not see registrations by someone else of these cultural names and there’s nothing else to do.

UNIDENTIFIED MALE: Jonathan. No? Okay.

JOHN LAPRISE: Mohammed?

MOHAMMED: I think we just need to acknowledge that the whole DNS system started without the first come/first serve multiple choices. Jon Postel had decided for us the first gTLDs, and then things evolved. A very few handful of people had opinions about the use of .com for commercial or other alternatives.

So I think this is a natural evolution, but [there's no limitation of] our stifling of innovation and all that. I think that space is big enough. We're talking specifically about geo-names that have implications on governments and citizens as well. End users might have strong opinions about how city names as well are going to be used. They have the right to either have an opinion or object.

So we have some lists that're acknowledged by international organizations. We have some websites that have a couple of millions of names. But I think, at the minimum, there's supposed to be a way that we acknowledge the names already on the acknowledge lists -- the two characters, the three characters -- and we need to have a way to allow governments and other

communities to provide their opinions, [either object], on applications.

JOHN LAPRISE: Greg are you still up?

No? Okay. Tijani?

TIJANI BEN JEMAA: Thank you very much. Jonathan, I have a different approach to the issue. I will not speak about geographic [cues] of the geographic names. I will speak about community use of the geographic names because, if I go in the direction you are mentioning, we would not finish. You are absolutely right. But if we speak about the community use of geographic names, we would find a way to see how we can solve this issue.

I agree a lot with Justine about – for example, it's not geographic – the currency names. We didn't speak about them, but we have to include them. They are important. I don't say that we don't have to use any of the currency, but we have to think about it and to have some rules for it. It shouldn't be open. Thank you.

JOHN LAPRISE: We have one remote comment. Christopher Wilkinson wants to take the floor. We're trying to get him on voice. Is that correct, staff? Or no?

CHRISTOPHER WILKINSON: I'm unmuted. Hello. Can you hear me?

JOHN LAPRISE: Yes, Christopher, we can hear you.

CHRISTOPHER WILKINSON: Great. Very briefly, first of all there's a lot that can be said about this. I won't say it now because, in the last few day's at Justine's request, I've written a great deal of it down for you. You have that in the e-mail.

Regarding Jonathan's scenario, what bothers me most is that most of the geographic names that are coming up in the future – I don't mean only in this round but in the next ten years – will be in the global south, whereas, at present, the dominant registrars, some domainers, and, above all, the availability of venture capital to finance speculative applications for names is in the global north.

What I foresee is the risk that, unless there are rules and policies and a certain deontology, which is missing in this market – I think

Jonathan and Greg have referred to that – as the Internet expands in the global south, and the interest in top-level domains and particularly geographical top-level domains arises over the next decade or so, people will discover to their horror that their names have been hijacked – I could use a stronger term – by speculators financed in the global north. I think Jonathan has suggested they might find that they would have to be bought up.

No, this cannot be allowed to happen. There are several other aspects of this debate which are problematic, but I take it that we don't have time for that now.

In conclusion, I would only say, having participated in Work Track 5 extensively for the past two years, first of all, At-Large should have had this discussion two years ago. There's two years' work down the road before we can develop a consistent policy. We should have started much earlier in Barcelona or San Juan or even Helsinki.

Secondly, this business of the default of the 2012 AGB[M]? Look, the reason that you've got Work Track is that the Applicant Guidebook did not work for geographical names, especially for non-AGB names. I think it was an oversight – that's the kindest word I can find – on part of the At-Large leadership to accept that the GNSO mantra that, in the absence of a consensus, the 2012 policies are maintained. In this area, the policies [of] 2012 are

wrong, and they cannot possibly be maintained globally into the future. Thank you.

JOHN LAPRISE: Thank you, Christopher. Jonathan, I'm going to hand it back to you. We are at time.

JONATHAN ZUCK: Well, I'm glad we got all these issues resolved and we were able to achieve consensus. I agree with Christopher that we should have started this conversation a long time ago. I don't know the value of bringing that up now. A year ago we spent 45 minutes deciding whether some documents should say individual or non-individual end user, for example. So we're perfectly capable spending a lot of time discussing a specific issue.

The problem that happened in this room is that everybody had a completely different, unrelated point to everyone else, so there wasn't any actual discussion of any individual point. That's what we need to get past. I appreciate that everyone feels passionately about this issue, but if we're going to get to a point of consensus, we need to limit the scope of our discussion somehow and go back forth on an individual issue until we fight it out and reach consensus on it because we literally reached consensus on nothing.

I don't know what the value of that is because we've all been giving speeches on calls and meetings, etc., forever, but if we're trying to get together as an organization and have the influence that we want, it's not about getting more votes on the Board if we can't tell our Board member how to vote.

We have to get our act together. The only way to do that is to narrow our scope and to try to keep our discussions on the topic that we're trying to discuss at a particular instant. I know this is a broad topic, but I'm just pleading with you. Let's all try to get creative and, at the same time, disciplined, on how to focus our discussions so that we can get to a point of consensus, even a little bit at a time because, if we could have sent these wonderful folk with one thing that we had decided, we would have helped them do their job more effectively. And I'm afraid that we didn't do that.

Sebastien?

SEBASTIEN BACHOLLET: Jonathan, sorry. Just one thing. Why do we need [to for] a Board member is another topic than this discussion. Please don't mix the two. With a Board member, we can't tell him what he will vote, what he will say. Therefore, what we have to do is figure out what is the At-Large and ALAC position on the issue and eventually we

can advise the Board on some issues. That's our goal. The Board is another topic.

I will come back to you with how I think we can improve this. If we spend more time in discussing and less time in having a presentation, it'll be better to find a consensus.

Now, you can't find a consensus in 45 minutes with discussion if you don't put all those discussions outside of the – then we need to have each people say what they want, and then they can start. We need to be better prepared to find consensus. It's hard. It's not just because we are here that we will find a consensus. It's long work. Therefore, even if it's two years too late, let's do it.

We have a first [inaudible] now. Let's do a call next week and in two weeks and in three weeks and try to find a consensus on some topic. You can lead us in that direction. But don't be disappointed here because it was an impossible job you gave us: to find a consensus on one topic without a real document and so on. I appreciate this discussion. Now build on that, please. Thank you.

JONATHAN ZUCK:

Okay. Thanks, everyone.

JOHN LAPRISE: All right, Olivier. I will give you that last word. Please go ahead.

OLIVIER CREPIN-LEBLOND: Thank you very much, John. I wanted to thank Jonathan for bringing this very difficult topic here and trying to find the elusive consensus. I wanted to thank Javier for holding the whole thing moving in Work Track 5 and Justine for the extraordinary work you've done in this putting this presentation together and actually working on this. So thank you.

JOHN LAPRISE: Now the session is closed. We have coffee. A different session resumes at 10:30 – sorry, go ahead.

UNIDENTIFIED FEMALE: [inaudible]

JOHN LAPRISE: Yay!

[YESIM NAZLAR]: Sorry. I just need to make an announcement. The coffee break is outside. The setup here is for the next session, so please go outside to the entrance for the coffee break. Thank you.

[END OF TRANSCRIPTION]