
LOS ANGELES – Cross-Community Working Group on Use of Country/Territory Names as TLDs
Thursday, October 16, 2014 – 08:00 to 09:00
ICANN – Los Angeles, USA

TRANSCRIPT

Cross-Community Working Group on Use of Country/Territory Names as TLDs

Attendees:

Lise Fuhr, .dk
Laura Hutchison, .uk
Daniel Kalchev, .bg
Annebeth Lange, .no
Ron Sherwood, .vi
Paul Szyndler, .au (Co-Chair)
Mirjana Tasic, .rs (telephone)
Mary Uduma, .ng

GNSO

Maxim Alzoba, NTAG
Chris Chaplow, BC
Heather Forrest, IPC (Co-Chair)
Scott Harlan, IPC
Gabriela Szlak, GNSO Council liaison

GAC

Olga Cavalli

ICANN Staff

Bart Boswinkel
Lars Hoffman
Patrick Jones

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Marika Könings
Kristina Nordstrom
Gabiella Schitteck

Heather Forrest: Good morning, everyone. My name is Heather Forrest; I'm a Co-Chair of the Cross Community Working Group on Country and Territory Names. I'm happy to welcome you all here today. What I'd like to do while we wait for the agenda to be posted for our meeting, what I propose that we do, because we have some new faces in the room, and indeed this issue has taken on a matter of some importance in this meeting, and I suspect it will continue to do so going forward. And in light of the fact that we have some friends from the GAC here, this morning, I would like to have everyone introduce themselves, please, so we all have idea of who we have with us today.

So with that, I've introduced myself. Again, Heather Forrest from the GNSO, I'll turn it over to Annebeth.

Annebeth Lange: Good morning, everyone. I'm Annebeth Lange, from the ccNSO, and I'm taking over after Lise Fuhr for -- as the Co-Chair for this group. So she has moved on to another group, there's always a lot of things to do here, so someone has to take over, and this is one of my interests, so I hope that it will be fine for you. And, Lisa?

Lisa Fuhr: Lise Fuhr, I'm from Dot.DK, Former Co-Chair.

Maxim Alzoba: Maxim Alzoba, FAITID, NTAG Vice Chair.

Olga Cavalli: I'm Olga Cavalli from Argentina. Good morning, everyone. I'm the GAC representative of Argentina.

Laura Hutchison: Laura Hutchison Dot.UK.

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- Marika Könings: Marika Könings, ICANN Staff.
- Scott Harlan: Scott Harlan from Katten Muchin Rosenman.
- Ron Sherwood: Ron Sherwood, Dot.VI, and ccNSO Liaison to ALAC.
- Lars Hoffman: Lars Hoffman from ICANN Staff.
- Gabriella Schitteck: Gabriella Schitteck, ccNSO.
- Kristina Nordstrom: Kristina Nordstrom, ccNSO.
- Gabriela Szlak: Gabriela Szlak, Business Constituency, and GNSO Liaison.
- Mary Uduma: Mary Uduma, Dot.NG.
- Patrick Jones: Okay. So, Patrick Jones; ICANN Staff, but also ICANN's participant in the U.N. Group of Experts on geographic names.
- Paul Szyndler: Paul Szyndler from the ccNSO, Former Chair of the study group that preceded this one, and Dot.AU is my day job.
- Bart Boswinkel: Bart Boswinkel, ICANN Staff.

Unidentified Recipient: (Inaudible)

Nick Wood: Is it on? It's on. Nick Wood here, on behalf of MARQUES (ph), The European Association of Trademark Owners.

Susan Payne: Susan Payne from Valideus.

Ashley Roberts: Ashley Roberts, also from Valideus.

Natalie: Natalie (Inaudible). Aspen Institute.

Griffin Barnett: Griffin Barnett, Silverberg, Goldman & Bikoff, IPC Member.

Scott Hayden: Scott Hayden, Amazon.

Joe: Joe Lamond (ph), from ICANN, APAC.

Don: Don (Inaudible), from Cera.CA.

Heather Forrest: Excellent. Thank you very much. What I would like to do first, we have our agenda. Could we make it a bit bigger by the end of the ICANN week, I feel a bit blind, and I suspect I'm not the only one. Thank you. What I would like to do to begin with, and to not take up any more of Olga's valuable time. Although I think we were expecting Peter Nettlefold as well, so hopefully he will--

Unidentified Recipient: He had this very, very, very important (inaudible).

Heather Forrest: I can understand that. I can understand that.

Unidentified Recipient: Is that -- that's not the agenda?

Unidentified Recipient: No.

Heather Forrest: No. It's indeed, that's not the agenda. I have the agenda here, Lars, if I -- who do I email it to, Lars?

Unidentified Recipient: Yeah.

Heather Forrest: Yeah?

Bart Boswinkel: Yeah. It's the one down, Lars, in the same email.

Lars Hoffmann: You just scroll down?

Heather Forrest: Try scrolling down into that document, no? Guys, it's Thursday and we need to--

Bart Boswinkel: We'll just continue. Say, the first item is the meeting with the GAC anyway.

Heather Forrest: Yeah. So, while we sort this out. The initial item on our agenda, and I'll provide a bit of context to it. So this group, the stage that we are at now, is we've reviewed the work of the study group that preceded this group, and we are -- in doing so, I suppose our activity in reviewing our report

and study groups, was to attempt to determine whether the situation has changed, if you like, since the report of the study group, and in that sense, what we are looking for is whether country and territory names are used in a different way than they were at the time that the study group developed its report.

And we have found that that's not the case, but in having that discussion, it came to our attention that the GAC was working on a similar initiative in a sub-group of a working group on future New gTLD rounds. And with that in mind, we took the initiative to invite our colleagues from the GAC. Now I understand this is a proposal that's been tabled by Olga, and I suspect many of us -- I did and I apologized right away; I attended the session yesterday morning, and I did mean to stand up Peter very kindly on my behalf, invited everyone in the room to this session, and I should have stood up and done that myself.

I saw you as well, Annebeth, in the room, so that's, I think, many of us attended that session. What I think would be valuable at this stage is, I think, Olga you offered a helpful summary of your proposal in that meeting, and I don't think we need to revisit that, let's say. In a sense, that we have a transcript from that session, and I don't think that's necessary. I think a brief summary of the status of your proposal would be helpful, particularly in the light, I suspect you would have discussed that following this session. It's Switzerland's comments, Switzerland is now the Chair of the GAC, comments about stopping your work -- taking stock of where we are, and more broadly, I suppose.

So I think the goal here is to (a) formally acknowledge that the GAC is undertaking work in this subgroup that is in a parallel track to ours, and indeed overlaps with ours. I think I'd like to explore how those two things overlap, and get an understanding of where we each are in that process; so this one isn't so much about substance, it's a high-level update.

So with that, I turn over to Olga, please.

Olga Cavalli:

Thank you. Thank you very much. And thank you for the invitation. First, I want to apologize. I have not been able to participate in the calls because they were a little bit weird time for Argentina, like 4:00 a.m. I can do it at 7:00 a.m., or like 11:00 p.m., but 4:00, 3:00 a.m., it's

complicated. So my apologies for that, and I remember that there was a time that time was good, but I was traveling, so my apologies for not participating in the calls, which I always try to do in the working groups that I participate or others that I'm related with.

So when we studied our work was after the Durban Meeting, if you read the communiqué in that time, there is a specific paragraph that says that ICANN will work with the GAC in trying to refine the rules for New gTLD rounds to avoid what happened with some regional names that were taken for New gTLDs in some countries of Latin America (inaudible); and not only in Latin America, also from Asia and Europe, and Africa as well. We felt that those names belong to our regions' communities or countries, so they were kind of sovereignty feelings, and companies thought that they were brands.

And so we started a discussion that went to an early-warning process, and then went to some GAC advice, some companies withdraw the application, that was the case of Patagonia; which was the specific worries of Argentina and Chile, and the whole Latin America region, and that didn't happen with Amazon. Amazon got the GAC advice against, and then the Board, we sent in a report from legal advice or -- saying that they should not proceed.

So this is the situation that led us to reviewing this to avoid uncertainties for next round, for both, for countries and for applicants. Because we also understand that applicants have invested their time and their effort in preparing the applications, following the guideline that, apparently, it was okay, but then the countries don't agree. And then people tend to say that GAC has veto power, but if you read the applicant guidebook, we had this early warning and GAC advice process to oppose.

So to lower uncertainties, we started this process. This draft document that you are -- you are welcome to review, we are -- we have opened the document for comments for the whole community; it's in the GAC website, I can send you the links, it's not a very long document, we have included their comments from different sources, from the legal advice that ICANN get for Amazon, the different inputs from the countries that are participating in the working group.

We went through different stages; we analyzed the possibility of doing lists again, those that follow the GAC work in 2006 or '07. This idea wasn't tabled but it taken away because it was too burdensome or too complicated to maintain this list. Then we thought about the repository of links, having names within -- agreeing that, we thought it was complicated, so now we are going towards preparing a list of best practice guidelines, because we have been talking to different applicants, and we found very interesting that best practice examples. I always mentioned the story of Berlin, the education officer (ph) came to me in 2007, telling me that there's a Berlin City in the North of Argentina. I had no idea. And he wanted to include all the Berlins in the world before he started his own project, he didn't want problems with other Berlins. And I thought that was a great, great initiative.

Also last week, I was in Mexico and I learned that Bar is not a bar, but it's also a region in Montenegro. I had no idea. So the people from Bar went to Montenegro and talked to them, and they found, amazingly, that the most important school in the Bar region in Montenegro is named Mexico. So that magic, coincidence made things went forward, so both parties are happy, so that we believe, for example, good practice could be an early engagement, or an early investigation from the applicant's side, of the name, if it belongs to any region, some of -- some names are very, kind of, obvious, Amazon, for example, but maybe Bar, or maybe some smaller town in a country that you don't have in mind, maybe a case that it's more difficult to find.

So, one of our suggestions is that the applicant really make an investigation previous to making the proposal, and some other things that are included in our document. So we have opened this document for comments, as you may have seen in the session, it caused a lot of attention from audience. There were a lot of comments from the intellectual property constituency, which, we think we have to find a way to make -- we have to learn from this first round of new gTLDs. Countries, applicants, brands, companies, we have to refine it and go towards a better understanding, so this is why we have done this. It is not common that the GAC opens -- I'm involved in the GAC since 2006, I have never seen a document for comments from the community, so this is a -- believe me, it's a step forward.

So you are welcome to submit comments, it will be open until the end of the month. The idea is to review all the comments, include them in the new version, and keep on working towards the next meeting, in Marrakech. And I will stop here. Thank you.

Heather Forrest: Thank you very much, Olga, and for taking the time to come talk to us this morning. Can I ask a few procedural questions? I have followed your -- the development of your proposal since London, and I noticed that the first time that I've heard of a closing for the comments period was in your presentation yesterday morning. A number of us have to travel. It will take us, you know, the better part of next week to get back to offices, and then that leaves us only one week to collaborate with others. Is there any way to extend the comment period?

Olga Cavalli: Yes, of course.

Heather Forrest: That will be --

Olga Cavalli: By the way, and I'm totally -- I'm the one leading this effort, and I'm totally flexible, I have -- I'm so happy to have received comments from many colleagues many experts, all over the world. So yes, please, if you need more time, that's not a problem. And the document will be -- it's a draft, and it will be ongoing from now on, and it will take some time to, maybe, hopefully, agree on something. Also, some people have asked me, if it will become GAC advice. That I cannot tell now. What I can tell you is that there is an interesting amount of countries following it, aligned with the idea of trying to produce it. So it may become GAC advice if we have consensus or unanimity. Or, it may become a document addressed by a group of countries.

Heather Forrest: Thank you, Olga. If I might ask one or two more follow-up questions, and then what I would like to do, what I propose we do, is I'll look for a very brief summary of where we are, let's say, in the process, and we'll say something to scope as well, because you've spoken to scope, in particular, yesterday, and we'll say something a bit about our scope today, and then we'll open the floor for questions. Before I do that, so to follow-up on your -- on the comment you've just made Olga, you say, will this become GAC advice, and it's not clear.

I suppose it's important to note -- to highlight what was said yesterday by Peter, and I know you can't speak for him, let's say, but he did make clear that this is not something yet that's been put to a vote within the working group, or indeed adopted by the full working group. This is still a sub-group initiative. Is that right? Yeah?

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- Olga Cavalli: It's a good question. The first time we had a vote, ever, was yesterday, for Chairs and Vice Chairs. We don't vote. So those working in the group are kind of aligned in trying to draft the text. The rest of the GAC is aware of the document, and some of other countries do submit comments, for the moment, it's a draft. And I cannot tell now if we have the endorsement of the full GAC, or not, and as I said before, it may become advice, or not, or it may be a document submitted to ICANN by a group of countries.
- Heather Forrest: Are you able to tell us who -- you say those in the group have given it (inaudible), are you able to tell us who that is?
- Olga Cavalli: I don't recall exactly all the group countries; all the Latin American countries, Spain, China, European Union, Belgium, Norway, some -- two or three more countries; I can prepare the list if you want.
- Heather Forrest: That would be helpful.
- Olga Cavalli: Okay.
- Heather Forrest: And they are -- and they are all in the sub-group, or that's GAC members?
- Olga Cavalli: No. That's just a sub-group. Peter is leading -- it's kind of a weird situation. It's a leading a bigger group, about New gTLD issues, and this is a part of this group, which is, I would say, the more active one; and I'm leading that effort, among all the things that Peter is doing. So, there are some countries that are working with me, but I can -- I can give you those -- the exact list. Thank you.
- Heather Forrest: That would be helpful. So I'll take -- I'll take two minutes or so to give a high-level update on where we are, so this group can be then -- Bart, help me -- we can be in Singapore really, it was our first -- I mean, London was our first face-to-face, proper face-to-face.

Bart Boswinkel: Yeah.

Heather Forrest: But we started to gear up things up in Singapore. And as I said in the introduction to this, we've really taken the time to revisit the Study Group's Report. A number of us in the group are members of the Study Group. It's wonderful to have Paul Szyndler here, as Paul was the Chair of the Study Group, and as I say the study group's essential outcome was in trying to understand the use of country and territory names and identify where -- how those uses might then impact on the New gTLDs.

The study group had absolutely no mandate in terms of making recommendations beyond the recommendation that work could continue, really. And of course our mandate in the working group is now different and broader in scope. But as to scope I should specifically say, and contrast this with what we heard yesterday, in your meeting, Olga. That our mandate is country and territory names; and the study group worked quite hard to come up with a topology of what that could encompass. I encourage everyone who is not familiar with this topology to have a read of the Study Group Report, which, really that is the principal outcome of that study group.

What we'll do today after this discussion is, as you can see on the agenda, talk about a work plan, in other words, how we might go forward, and so that is where we are. We have an understanding from you, Olga, thank you, on where you folks are in your process, and the status of that work, and of course the scope of your work is much bigger. So the characterization of names, you are looking at geographic, and indeed all the names. So it's helpful for us to understand that interjection. Bart?

Bart Boswinkel: Maybe in addition to, or to clarify a bit the terminology, the starting point of this working group, is the country and territories which are listed in ISO 3166. That's a very important caveat, because this is where the overlap is between, say, the ccNSO and -- the ccNSO policies, or the ccTLD policies and the New gTLD policies, in general. So it's a very precise, and that's a start (inaudible), a very precise set of country and territories we are talking about, and then the deviations or derivations from it. And I think one of the -- I wouldn't say the concerns, but it's, say, one of the risks we are running, say, in the broader community, is that we've got two

initiatives running around with geographic names, and say they might divert, so you might end up with situations where, say, one group which has a very broad scope, in particular the GACs.

And then you have this cross community working group where we have members from the GAC participating as well, coming up and dealing with a very small subset of what the GAC Working Group is doing. And that they end up with diverging recommendations, and I think that makes -- that would make life very, very complicated at the end of the day. So that's one of the reasons of inviting you, and drill down on this a bit, how we could avoid this type of divergence, or see -- assess the risk of this, and near the starting point there is to see whether there is, really, overlap in the two groups.

Olga Cavalli: May I come in?

Bart Boswinkel: Yeah.

Olga Cavalli: Thank you, Bart. I think your comment is really relevant. I think they were totally complementary, because the problem that we found after the reveal day, is that there are some regions or places, or rivers, or whatever, that are not in the list that you are revising.

Bart Boswinkel: Mm-mm.

Olga Cavalli: So we are -- you are talking about a specific universe of names and lists, which is defined; which we agree. I mean, GAC agrees in the ISO 3166, one to whatever, so we are okay with those lists, and those lists are already -- or were already included in the applicant guidebook as list that those names needed, or agreement, or were prohibited or whatever. The problem that we found is that there are many regions that are not in those lists, and for some countries -- or regions, that are not on the list. So what we faced is that for the, for example, for a brand owner, a name that is not on those lists, it's available.

For a country a name that it's a region, whether it is on the list or not, should not be available, unless the applicant comes and makes some agreement. So I think it's a complement to your work, but if we stay in symphony, we can do a good outcome and no overlap, but we have to work -- we have to be aware of what we do. But I think it's really complementary.

Unidentified Recipient: Thank you, Olga. I understand your point, but when you look at your draft, you can -- you have also included country and territory names. As it is today in the applicant guidebook, geographical names start in a way with cities, because we -- country and territory names as it is today, they are not accepted for applicants in this round, it's an exception for country and territory names. And the reason behind that was that it was so uncertain what to do with them, and one of the reasons was that we found that because of the IDN, if it had been accepted, some country names could have been a ccTLD, if it had one IDN, a non-ASCII character, and others could be a gTLD, and that has complicated the situation even more.

It had followed two tracks with two different camps in a way. So we, in this round, country and territory names are taken out, and that was why this Study Group, and now this working group should see what to do with them. And I completely agree that from below city, and capitals, and all these other things in geographical names, need some clarification more than it is today. So today it doesn't help with support or non-objection from a country to take a country name as it is today.

So, in your suggestion, since you've, so far, include country and territory names, and already defined this as possible to have as a gTLD, if you have the support or non-objection that, in my view, goes a step further than what we are discussing here, because we don't have a conclusion for what to do with country and territory names, but the rest of it, is completely yours.

Annebeth Lange: May I comment. Annebeth; I'm not sure if I follow you completely. We don't -- we don't want country names in gTLD, so we agree on that, it's not the country name the issue. It's some regions which are not in official list of ISO or other -- or United Nations list. So that's our concern. So I'm not sure if I follow you when -- I'm not sure -- where do you see the overlap and other problems?

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- Olga Cavalli: You have made a suggestion for the applicant guidebook, in the paragraph 2214, should read as follows. And then you used the text we made in the GAC principles with New gTLDs in 2007. And then taking into consideration that according with the 2007 GAC principles regarding New gTLDs, ICANN should avoid country, territory or place names. But they are to include country and territory names, unless in agreement with the relevant government and public authorities. Yeah, so in my view it's kind of taken things a little too quick. Perhaps we find another solution for country and territory names.
- Annebeth Lange: Okay.
- Olga Cavalli: Even better, even better, not -- but we don't know that yet. So that' why we have to be careful to not end up with two different -- yeah, so if -- I see your point and I see the value of this session. So, yes, this text is taken from -- you were there -- in 2007, I think, when we agreed in Lisbon about these principles. And so this is -- this agreed text by GAC years ago, this is why we took that input but, yes, we can refine it. If you read the communiqué, it's to work with ICANN and the community to refine the rules for the next round. So this is the purpose of the dialogue, and I personally, am convinced that we need more inter-silo dialogue to avoid this misunderstanding of the first rounds.
- Heather Forrest: Thank you, Olga. All right, if I can -- I suppose, cap that discussion by saying, I think we can all agree within the Study Group, that what we need is more certainty, we need applicants to have an applicant guidebook that they can rely on, and not a process of a definition that, then, is not applied. So I think we all agree in that sense, I agree with Annebeth's comments that to the extent that our works can be extracted from your work, I think that's helpful. I think it would be helpful if the GAC acknowledged that there is another group working in this area --
- Bart Boswinkel: There's another group that's participating, so.
- Heather Forrest: Yes. Yes. And participation between the two; I think it would be helpful if going forward, if we -- our information is quite public on the website and that sort of thing, if we have the same communication back from the GAC subgroup, I think that would be helpful, but we can keep track of this on an ongoing basis, where each other is, and ask questions when that -- when that

arises. With that, I'll open the floor. I'm conscious of the fact that we have about 50 minutes left, or 40 minutes left. Does anyone have any questions for Olga, if not, we'll continue--

Bart Boswinkel: Or maybe the other way around.

Heather Forrest: Or the other way around, indeed.

Olga Cavalli: Just one comment. If you would be so kind to send me an email, and Peter to -- the request in extending the -- to make it a little bit more formal than me saying, yes, yes; extending the comment period, and so we can exchange the link and the documents, so that will be helpful, so then we share it with the Chair and with the Secretariat (ph). Thank you.

Mary Uduma: Mary Uduma, for the purpose of recording. I want to ask whether it's possible for us to collapse it to -- efforts, because at the end of the day from what we have said, and from what Bart has said, it might come out to be that we are looking at the same thing, but coming out with different solutions, so if it's possible, since these cross country -- cross constituency, sorry, working group has informed, if it's possible -- if it is possible with GAC so that we will all be having one effort, and at the end of the day since there will be -- there would be more people from GAC -- more participants from GAC to join, so they would come up with one recommendation at the end of the day. I'm just asking for clarification, but I know that in GAC you don't represent all the members of the GAC, every country is an island of its own, so that's what I want to ask Olga, whether it's possible. Thank you.

Olga Cavalli: Thank you for your question. It's very good. I personally want that. I think the effort is only worth if we can really agree among all of us, so this is why I insisted in opening the document for comments, from the whole community. And I insisted to have the London Meeting -- by the way, it was in Singapore, we couldn't make it because of the (inaudible) discussion that overlapped the meeting, and so we had no time, and so we did it in London, and we did it again. And the idea is to repeat it, so this effort of opening the documents and the process of working it, for me it's very constructive. So we can think about ways to formalizing this. Maybe you can send me an email with some ideas, I'm open to propose this to the GAC of course; it's not only my decision.

Heather Forrest: If I might add to this, I think what we could do, and I agree, I think it's a wonderful initiative, perhaps, Annebeth, you, I, Olga, we work together to invite the entire GAC. I think this needs to be a community discussion, we are after all a cross community working group, and I think this is an excellent opportunity to do that. I agree, to the extent that we want full, open and frank discussion, and we want every viewpoint in the room, and that at least -- I speak personally here; I, in terms of our (inaudible) points for later, I'm not sure about feasibility.

I'm not sure how we are going to go with that, however, what it does do, is at the end of the process, it means that there are no surprises. Everyone understands what everyone has said, they've said it in the same room, there's transparency, there's accountability. We've had dialogue, there's no opportunity for someone later to say, you never raised that point. This is an ambush, this is an outrage. This is against process. I think to the extent that this group then, that in and of itself, to me, is an outcome that we have a public opportunity to air our views, our disparate views, because I know there disparate views here. And that, in and of itself, is an outcome, so if we could then work together Co-Chairs, Annebeth, you and I, and Bart, and we'll connect Peter, yeah, as Chair of the working group and extend this invitation more broadly. And I suppose what I would export (ph) all of you.

I am disappointed, I'll say on the transcript, given the amount of people who were in the room on -- yesterday morning, I would have liked to see this from full, I would have liked to see this room standing-room only, because this is not acceptable. This is an issue of importance, that's underscored by the comments that were raised yesterday, and this empty room, not empty, but this room and the number of people in it, suggests to me that there are going to be people that stand up in the end and say, I didn't know that this was going on, and I didn't know that this is a conclusion, and I wanted to participate. So each one of us needs to go back to our respective groups, and encourage participation. Yeah.

With that, are there any further questions on this agenda item, if not I suggest we turn to the discussion of the work plan; having energized ourselves as to the big task ahead, I like to talk about the big task ahead. All right. Thank you. So, could we have--

Bart Boswinkel: (Inaudible)

Heather Forrest: Could we have the work plan, please? And could we -- for the blind who ruin their eyes in law school, can we--

Unidentified Recipient: (Inaudible)

Heather Forrest: Yes. Can we make the agenda or the work plan a little bit larger, please?

Unidentified Recipient: (Inaudible)

Bart Boswinkel: No.

Heather Forrest: I think--

Bart Boswinkel: So every body should have received it, yeah.

Unidentified Recipient: Bart, you should be -- (inaudible).

Heather Forrest: Here we are perfect.

Bart Boswinkel: No, don't trust me with computers, I'm even worse than my wife. No. That's fine. Let me speak to it, you just received it as Heather already alluded to. We are, say, between now and the Marrakech -- at the Marrakech meeting, is probably the time when we need to have a sense of whether the harmonized framework is feasible, yes or no. And leading up to that, is the working group has discussed the issue -- or the typology, and the policies, as a starting point, and this will lead up to say, the issues identified and this is a very complicated area, especially if you start using the typology so derived from the ISO 3166 names, and you start applying them to the different polices, you end up with sometimes very strange outcomes.

And this is what we -- you know, what Paul will do in his presentation later on, run you through a high-level part of these issues and drill down in one very -- yeah, hopefully, illuminating example. So, going forward it's, again, in the Study Group Report, the major part of it, is around the issues, identified to a combination policy and typology, or category in the typology, that's to put it -- So, I think, in order to understand and, say, the scope of harmonized framework, and to see whether you can harmonize the issues in the framework, how to deal with -- or develop a framework that will harmonize all the different issues, and that is acceptable for all parties concerned, including the GAC and the ccNSO, or the ccTLD community, and the gTLD community, that's going to be hard work.

And what is necessary is a very thorough understanding of the issues, and so we have a common grasp of (inaudible). So going back, that was the background of this work plan up to Marrakech. So today we'll start introducing the issues identified by the study group, by Paul. Then in November, in the first call, is the first reading of the issues, meaning running through the study -- the issues identified by the study group, and check whether the members of this working group, and if the GAC members are interested, that they -- yeah, they are currently invited to attend these calls as well.

It's, check whether the issues, as represented in the Study Group Report, in fact, are complete. Do they capture all the issues we think of, and could think of applying both rules? And probably I'm not sure how we are going to run it. If we go through every individual and have an in-depth discussion on each of these sections under the issues, because that's the way it's structured, or we do is general reading again, or ask questions. Hence the need for a second reading for those who could not attend the first round, and if there are issues and it needs to be updated, you have a new document that needs to be checked by the working group.

And then in January, say, you will have another call and say, if it goes smoothly, then we can start discussing initial discussion on the feasibility of a harmonized framework. So that would be the second call as well. So that's the way you should read it. We start with the issues, and if there is a second topic that can be introduced on a call, that's topic two for that specific meeting, and then on the -- I think that's the fifth -- no, the fourth column, is where you can find the overall goal if you would go back to the charter, and the overall work plan that should be discussed in London, and leading up to Marrakech, it's, I think, at the face-to-face meeting, say, we need to -- if there are real issues that's the time to really discuss whether this working group thinks a harmonized

framework is feasible, because that would be first deliverable -- real deliverable, concrete deliverable, and that could be as Heather already indicated.

It also could mean, say, we agree to disagree on this one, and that would then ultimately end up in the final report; we've tried under the current circumstances, not feasible. So, that's why it's structured the way it is. Any questions regarding the work plan? Marika?

Marika Könings:

This is Marika. Not a question, but maybe more of a suggestion, because I know that we have second readings, and I think it's really important, indeed, that everyone has an opportunity to review and provide input, but I'm wondering if it will be more effective to actually put that second reading out on the mailing list, and basically say, look, this is what was discussed on the call, this is where everyone that was on the call stands. You have until this date to let us know if you have any issues, and if you -- if you have issues, we are going to discuss this during the next meeting. But if not, we assume that you've read it, you agree, and we move on.

And that may save us some time on the calls going through things, where everyone may actually already agree with what was agreed in the previous meetings, so maybe having that kind of step in between, by putting it on the mailing list, and they saying, look, tell us by this date if you want to go through this again on the next meeting. And if we don't hear from anyone, we assume that this understood, agreed to, and we continue the conversations.

Bart Boswinkel:

I think it's an excellent idea, and the only -- and the only refinement I would say, is that at a second reading, so at a conference call, the Chairs make it a point of order as say, we have done this for the record, this being no comments whatsoever, so we assume everybody agreed and that -- so that it's the -- that, you could call the second reading, is concluding the second reading, and if there are issues, that's the way it's structured. That's why I say, if you have second reading, that's why I have -- say, if you have second reading, I've already included, say, the second topic in case, you know, to avoid that we just sit there, and say, oh, we all agree, agree, oh fine and then - - and move forward. So that's a refinement, I would say, of the -- say, the rules we started to develop at the meeting in London. So, I'll include those in, say, the rules of engagement of this working group.

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- Daniel Kalchev: Daniel Kalchev, the BG. Maybe it is better to have some positive acknowledgement in these cases, not just assume that if nobody said anything, they agree with it, because there may be many reasons, they didn't say anything. And another thing, usually December and January, are very difficult months for meetings; probably, I mean, just an idea, why not have two calls in November; just in case we don't often have participation in the later course?
- Bart Boswinkel: The reason why I put in November and December, we haven't discussed dates. But my experience, at least with working groups, is that if you do something before mid-December, you will have a reasonable attendance. And January, if you do something, both mid-January, then it's workable as well. So that was, say, when designing this, or developing this that was a bit in the back of my mind. Another thing, and I assume a lot of you will be involved, we have two other items on our agenda, which will consume a lot of effort, and a lot of interest. So, you know, we can be very -- you can do this cut and slice this, but I think most people can be realistic about it. Most people will be focused on these two other items, and we have to avoid to rush this through, in that sense. And on the other hand, we need to make progress.
- Daniel Kalchev: Okay. So then, probably a better idea to have maybe two in January or something like that, just to let people catch up after this long (inaudible) anyway?
- Bart Boswinkel: Yes. It's finding a balance there, I fully agree with Dan.
- Daniel Kalchev: Okay.
- Bart Boswinkel: Yeah. Mary, go ahead (ph).
- Mary Uduma: First, the timetable is okay by me because of all the issues that we are all handling one way or the other. One working group, one meeting, one other thing, and the people are really busy, but I've said, those days can be excluded from calls. But do we have a target date of turning in the recommendation, or finalizing the report for public comments, one? Secondly, in the interim, I did some dual applicant or dual -- dual -- I mean, gTLD registries that are asking for the territory names, like using Nigeria-dot -- Nigeria-dot-XYZ, all right. So are there such applications that are

coming in? Are there such programs that are coming, so that while this group is still working, what happens in the interim?

Bart Boswinkel: Mary, again, and this is also for the GAC colleagues, is, this is not about second level, this is about Dot.Nigeria, and not Nigeria-dot-XYZ. So that's a very, very important distinction, so we have to. Everybody needs to be very clear on that one. Secondly, I think, but I'm not speaking on behalf of the (inaudible), it's just my personal vision. It would be very nice if this work will be concluded no matter how, when -- along the time when the real evaluation of the -- or the New gTLD process starts.

However, there is also a second recommendation of the study group, which has not been made effective yet. The second recommendation of the study group at the time, and adopted by the ccNSO Council, is that a joint letter from the GAC and the ccNSO, to the ICANN Board, that pending the work of this working group, the current exclusion of country and territory names, under the New gTLD process, will be extended. So, in that sense, say, it's not being enacted or implemented because we are making this progress, and already, you are using that method, it's putting a lot of pressure on all sides, so there is no need at this stage because we are making progress.

Lars Hoffman: I just have a -- this is Lars Hoffman for the record. We have a question in the chat, asking whether it's actually a clear policy that territory names are preferred to brand names.

Heather Forrest: This is -- this is Heather. That was entirely out of scope of the study group. That was not the role of the study group, to make any sort of conclusions, value judgments, if you like, prioritizations, and indeed it's not specifically the scope of this group either. This group has been formed to identify issues and determine whether or not a framework can be developed, so that is not what we are here to do. And indeed, any specific policy on this issue would be drafted by the GNSO.

Bart Boswinkel: Again, as this is structured, and this is probably very important is, say, alluding a bit on what Heather has said, this is not replacing a policy development process, at all. The outcome of this working group will be a recommendation to the chartering organizations, or maybe, say, first of

all on the feasibility of harmonizing a feasible chart to development, and then it's up to the chartering organizations, whether or not, and how they want to implement it.

Heather Forrest: Indeed. And to follow up on Bart, again, all of this will inform, I assume, given the process of how we do things, we'll inform the GNSO PDP.

Bart Boswinkel: Yes.

Olga Cavalli: And my apologies. I have to leave to another meeting. So I have to leave the room now, but thank you for the invite -- and thank you for the effort of the joint work which I appreciate a lot. If you could me the emails in relation with extending the period of comments, that would be very helpful. Please, you can call Peter if you want, and if we stay in touch to see how we can move forward. Thank you. Thank you for the invitation.

Heather Forrest: Thank you, Olga, for being with us.

Unidentified Recipient: (Inaudible/whispering)

Unidentified Recipient: The problem is, that's where we are starting from.

Bart Boswinkel: Yeah. So we would --

Unidentified Recipient: If you want to push it -- push it to --

Bart Boswinkel: The next call.

Unidentified Recipient: To a next call, yeah.

Heather Forrest: What we are discussing at this end of the table, although I think it's fruitful. Sometimes you don't meet your agenda timeline, but it happens for the right reasons, lets say. It has taken us some time to arrange this dialogue with the subgroup of the working group within the GAC, and I think that it was beneficial that we have that discussion, and particularly to have that face-to-face. So, I suppose, if I see nodding heads, I suppose I speak for this end of the table in saying that although we are off our agenda timeline, that that was not necessarily a bad thing to occur. With that in mind, we have a few more items on our agenda, and they are not small items. In a sense they speak to the work that lies ahead.

The overview of the issues that were identified by the study group and revisiting the work plan. Given that we've seen the work plan, and we've had a bit of a discussion about that, what I would propose, and I'm happy to do otherwise, is if we do the overview of the issues now, that gives us food for thought then, and that can inform our next meeting. I think it would be helpful to at least frame the issues now, so that we understand where those are, and then indeed we have our first discussion, after we've had time to digest those, given the cross-community nature of this is well, a number of us who will want to go back and discuss these issues with our folks within our constituency. So I think that maybe, is the right approach. If no one disagrees, I shall turn the mic over to Paul.

Paul Szyndler: I'll just allow staff to mess around with the presentation a little bit. Apologies to those of you that have been part of the Study Group and, historically, participated in it; you will recognize an awful lot of this material. And I was originally inclined to cut this back and make it five minutes, not 15 minutes, and I'll still be as concise as I can be. But given the discussion we've just had, and some of the obviously lingering confusion about what this group does, I actually think another historical overview is probably worthwhile. Because not only was this working group borne out of the previous study group, but we are actually looking at a number of the issues that the group raised, so they are live in that sense.

I'll go all the way back to the start, and I apologize, this slide deck was corrupted last night, so I'm going to go through it quite quickly but not -- it's not the right version, but we'll see what we can do. You can see that the history of the group is quite an ancient one. It was originally established in December 2010, and we started presenting and percolating on these issues in 2011, and the

genesis of all of this work is important to understand. And that is, there was acknowledgement by the ccNSO Council, the use of country and territory names is an important issue, and it may or may not be treated consistently across the broader ICANN environment.

So the Study Group was established basically to give this Council some advice, an overview of, is there an issue here, is there not? And if there is what way can we -- you know, how can we go forward from here. Sorry, Lars, can I steal this, or--?

Lars Hoffman: (Inaudible)

Paul Szyndler: The next slide please. This is going to happen a lot, a big slide deck. So, again, the Study Group has three key functions, one is, look at the policies that are out there at the time, and they changed as we were working because we had the Fast Track, for IDN and ccTLDs, and we had the full IDN policy, ccTLD policy in train, so things were changing. So look at all the policies that the applicant guidebook for new Gs, existing ccTLD policy, anything that was out there, and then look at the ways in which country and territory names might be represented, what -- what might someone reasonably call representation of country and territory name.

And function three was to look at what happens when you smash the two together. What happens? You've got these various permutations (ph), what happens when you try to jam that into ICANN policy, is the output consistent? Is it predictable? And that was the key function of the Study Group, and to build recommendations on that.

Next slide, please, Lars. So this is my favorite slide, and I've used loads of times, because this was not in the scope of the study group, and will not in the scope of this working group, we are not about defining what is and isn't a ccTLD, the turf line, so to speak, between Cs and Gs, that's been raised a number of times, but is definitely not in the scope for the study group. And again, we mentioned earlier, we are not about country and territory names at the second level, it is purely country and territory names as TLDs. And the reason for that decision was, and it was obviously a prudent one, was that narrow body of work, just country and territory names, and as the next point says, we are not about any other geographical names, just country and territory names, just at the top level, ended up being three years worth of work.

So if you want to add in all the permutations and combinations that may end up coming out of -- out of complexity, then you know, it just goes to show how long this process could go. Again, it wasn't about intervening in the first round of the New gTLDs, because there was already and exclusion on country names, and it wasn't about judging or making recommendations for protection. Those issues are (inaudible) because are the things that were raised as concerns while the study group was doing its work. Thanks, Lars.

And we look -- I don't need to go through that, so there were three steps, step one, what are the policies, roughly speaking, they are up there on the slideshow, for whoever can't see it. The New gTLD applicant guidebook, IDNs -- IDN, ccTLDs --

Unidentified Recipient: (Inaudible)

Paul Szyndler: Yeah. It's already been covered. Next? So what we did was, when you then look at how country and territory names might be represented. Do we just make it up? Do we just come up with any ideas we may have? No. We need something that helps guide us, so that we have some sort of framework to look at what we are doing. Hence the wonderful topology that Bart played a significant role in developing. So, I -- there were 10 different categories that we used in the instance of Australia, alpha code two Dot-AU. Alpha code three AUS. And other abbreviations, long-term short -- long form short form names of the country.

And even though that was a very narrow list, we ended up with an awful lot of data, and a lot of representations of country names. It was also the basis for a survey that UNESCO helped us with, where they went out to a subset of member states and used that topology to get the member states to say how they would represent themselves, the names that they would use to represent themselves, and that was handy because he gave us quite a bit of data back, but also showed us, again, where there's misunderstanding, potentially from countries, from governments, it is UNESCO after all; of the data we were looking for.

So what I did, is left in a few examples, I deviated from Bart and I -- what Bart and I discussed a little bit; the representation of the way we have Russian Federation now, RF in the IDN ccTLD

Fast Track. So these are the case studies that we are talking about. These are the issues and the problems that we came up with, that was what they chose as their representation on the Fast Track, but what was to happen if Russia was to choose to do something with their full name, (inaudible), the representation of Russian Federation. Thanks, Lars.

Look, it's it -- are there Non-Latin characters? Yeah, there are. Is it meaningful? Yeah, absolutely it is. But could it be an IDN ccTLD? Well, no, it can't because it's only, as it says there, one string per language or script per country and territory. So it falls into this gap of what could you do with it. What else could they do with it? Thanks, Lars.

This is a favorite one because what I actually did was went back to an old slide that Bart and I did, oh, I don't even remember which meeting; anyway, a while ago; and we looked at what was actually outside of the scope of the Study Group. Things that we -- not outside of scope -- but things we chose not to look at because it was too complicated, future names. How do you possible look into your crystal ball, and look at what may happen with future names. So, Netherlands Antilles, dissolved in October 2010, and suddenly that's no longer -- represent as a country or territory name, and as Bart pointed out to me, and educated me, in that there's two new countries, and three new islands as municipalities, so that's fine. Curacao was represented because it was added as CW into the ISO 3166

Bart Boswinkel: Two load (ph).

Paul Szyndler: Yes. That's right. Two loader code list, and CW (ph) in the three loader code list, and Dot-ANT was retired, and this has happened before the Soviet Union and Yugoslavia, and the codes that represent them. So that's fine, but however, if New gTLDs had launched before December 2010, and a lot of people would have hoped it would have, but CW would have been a valid application. I'm not saying that anyone would necessarily want to, but we've seen hundreds of strings that I thought nobody would apply for anyway, and they have, so it's not insane to think that that might have been something that someone had applied for. But it couldn't have been factored into policy at that stage, Dot-ANT (ph), the three-letter code, I don't know why somebody would (inaudible) necessarily, but it's now provisionally reserved for 50 years, because that's what happens when the ISO retires a term.

Curacao with the correct Non-Latin script and a Non-Latin character, would technically qualify as an IDN ccTLD, or, I don't know, we've got to (inaudible), why would you not have generic term for liquor, so it's -- there's many representations, and things we couldn't have thought about before it actually happened. And I'd only included it to them because that had just happened at the time, because the three-letter code is SD, and in tech terms, that's all (inaudible) drive, that recognizes it as a valid string.

Historical names, I won't go through that in detail, but it's exactly the same as future names. The historical names of countries and territories, aren't covered at the moment in then applicant guidebook, and unless it gives some changes, I don't expect there would be, so the onus goes upon -- becomes upon government to object to a particular string that might be proposed. Thanks, Lars.

And there, by showing examples, you can see why there may be issues. The Netherlands historically being referred to as the Republic for seven provinces; okay, nobody is going to want a string relating to that, but it just goes to show, that there is -- it doesn't fit anywhere within the categories we talked about. Cathay for China, whilst there is an airline that might be significantly interested in that. Thailand's historical name is Siam. I only put (Inaudible) in because, well, in honor of Bruce, but he was a French protector in North Vietnam, and of course, Sri Lanka has had this history of significant representations of its name and changes to it, and it's a long -- it certainly is something in terms of the style of tea, and other things that may be of interest as particular strings.

These may get -- may seem a little extreme, but hey, we had 800 or 900 (ph) applications in the first round, and we may have many more in subsequent rounds, these are the things that need to be considered, and weren't looked as a study group, in particular. So, again, the observations to wrap it up, the study group said, look, it's really hard to categorize names, and if we start adding in multiple languages and scripts, it becomes near impossible. As such lists are saleable, you can't -- there is no -- and I wish (inaudible) still in the room for my presentation, but a reliance on lists is ultimately (inaudible). We did have another presentation and another slide deck that we went through, where we looked at the ISO lists versus various U.N. standards, and that helped out with other -- with the ISO list and the interpretation of that, and they were inconsistent.

There were certain territories that were on lists, and not on another. The other observation of the group was, no, there is not universal predictable, consistent treatment of country and territory names. If you plug something into the gTLD process, you will get one thing, if you apply for as a C, you will be another thing, and it's -- and various other things. So the most important point is, it's not about protectionism here, it's about the fact that stakeholders, end users, applicants, and New gTLDs, whoever it may be, may face a degree of uncertainty as to what they are spending their money on, or the process they are embarking down. Thanks, Lars.

And secondly, we did note that the applicant guidebook probably set the benchmark in terms of protection of country and territory names, it was an absolute prohibition in the first round, but we noted at the time that it was just for the first round. And we noted also a few restrictions, as part of the IDN, ccTLD and Fast Track policy that I've mentioned earlier. And, thank you, Lars.

And finally, that led to the group's recommendations which was, set up this working group, provided by about whether it is feasible. Is it possible for us to come up with a consistent definitional framework that overcomes some of the issues that I'd identified in those previous slides? And if it's feasible, provide some advice to relevant bodies, as to what that framework is going to look like.

I've not included it because there was already too many slides, but as Bart mentioned earlier, within the recommendations, there was also that recommendation of the ccNSO Council and GAC that we communicate to the ICANN Board, that until the work of this group is concluded, that the prohibition on the use of country and territory names as it currently exists in the New gTLDs be extended for the second and subsequent round. That may end up being an irrelevant piece of advice, if it ends up taking as long as to get to the second round as it currently looks, but it's just about putting that place marker out there, it would be folly to proceed with a second round while we are still doing work on those issues. So, I'm sorry for the historical lesson, but I think for some, it's probably useful because that's how this group ended up where it is.

Thank you, Heather.

Heather Forrest: Thank you very much, Paul, and I will say, it's very, very helpful to have that continuity between the study group and the working group, so I'm delighted that you are still here, and with us and, hopefully, willing to stay here with us. It's very helpful.

With that, I would suggest that we close our meeting. It's exactly 9:15. Bart, is there anything that you need to add from your point of view?

Bart Boswinkel: No. I have got a microphone. No. The only think is I hope people who were not on the study group, now understand why we need to take some time to run through the issues, because they are detailed, and you'll come up, and you will see some very, very weird outcomes. And that's -- it will set the scope, say, of a harmonized -- or it will define the scope of a harmonized framework, and it will also lead into the major question, is it possible, yes or no? But that needs a very thorough understanding of the issues, and only based on that, say, I think you can have a factual recommendation, whether to move forward.

So the next meeting, we will send out a Doodle Poll, or we suggest a date, and (inaudible) -- say, and then we do it on a rotating basis again. As usual it will be running through the first part of the issues, and again, allude to it, and have a discussion around it.

Heather Forrest: Thank you very much, Bart. May I close by offering my thanks on behalf of the group, our collective thanks to Lise Fuhr for her brief -- brief but helpful role in the Co-Chair's position, and we wish you very well in your really new responsibilities. Good luck to you, and welcome, Annebeth, in that role.

With that, we can close the meeting, and I thank you very much. I return to my earlier exhortation. This is an issue that many are interested in, and they need to be in the room. Thank you very much.

