
CR - New gTLD Program and Registries Overview

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Filiz Yilmaz:

...exciting presentation actually; we saved the best for last. It's about the New gTLD Basics and it's an overview of the registries, so what's coming up basically with the whole New gTLD applications. So this might be a good presentation for you to be able to follow up the discussions that we will be seeing throughout the week, in the coming week. So we have Michele; would you like to introduce yourself?

Michele Jourdan:

Hi, my name is Michele Jourdan and I'm Manager of New gTLD Communications. And my colleague Karla Valente is with me, Director of TLD Registry Programs. And I'm going to talk to you about New gTLDs and registries today. So let's get going.

In this presentation I'm basically going to give you an overview of domain names. We'll talk a little bit about the history of the program, how we got to where we are today. We'll talk about what a registry is. And why ICANN is doing this program and the potential impact it will have. We'll also go through the program who, what, when, where, how and how much and then where you can go to get more information.

So let's first look at the internet as an evolving ecosystem because it certainly is. In 1969 it all started with Arpanet and then by 1972, email started coming on the scene. By 1991 we had the World Wide Web. In the '90's is when things started picking up with wireless connectivity, search engines really starting coming on the scene. Google and Yahoo, Yahoo was founded in '95, Google in '98. We start to see the beginnings of social media with blogs and some social

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networking. People are starting to share images and music and video over the internet.

And by the 2000's things have really picked up. Social media has really picked up. People are accessing the internet on their mobile phones; voice over IP is coming on the scene with Skype and things like that. And now, what's next? Well we think New gTLDs are a big part of what's coming up next.

So let's look at the anatomy of a domain name and break it down into its parts. And the domain name www.meetings.ICANN.org – ".org" is the first of the top level of that domain name. Then "ICANN" is the second level and "meetings" would be the third level of that domain name. So when we talk about the New gTLD program we're only talking about the first or the top level.

Alright, now we are at ICANN so you will be swimming in a sea of acronyms; that's just what we do. So let's clarify some terminology before we go much further. A "gTLD" stands for "generic top level domain"; it's also known as an extension or a label or a suffix. We typically refer to it as a string. It's a series of characters that make up part of your internet address.

A "ccTLD" is a "country code top level domain"; there's about 280 of them right now. They're always two letters and all two letter TLDs are reserved for country codes, so no one is able to apply for a two letter TLD in the New gTLD Program. Some examples of country codes would be like ".br" for Brazil or ".mx" for Mexico. And then "IDN" stands for "international domain name." These are domain names that are represented by local language characters or letter equivalents. Currently these are available only in the ccTLD level, so you may see ".cn" for China shown in Chinese characters.

Okay, let's take a quick look at the root. This is a high level look at the root server. So the root server is comprised of generic top level domains and country code top level domains. So the bubble on the left, you'll see all the various TLDs that are out there right now; there's about 21 of them. And this side could significantly increase with the New gTLD Program.

We could soon see TLDs that represent cities or states, geographic TLDs. You could have brands apply for their own TLD. There could be community TLDs, generic IDN TLDs. And in the bubble on the left are the country code top level domains. And currently, like I said, IDNs are available in the country code top level domains currently.

So, look at the players in the domain name industry. You have the registrant; that's basically you or your organization that wants a domain name. You can't own a second level domain. You basically lease it for a period of time, usually expressed in years. So you purchase it from the registrar who interfaces with the public, or you could get it from a reseller or a ccTLD registry. You've probably heard of many registrars, such as GoDaddy or Network Solutions.

So once you register the domain name, the registrar passes it to the registry who then does all the technical stuff to make your domain name findable on the internet. So you, the registrar sells it and the registry operates it. And both the registrars and the registries have contracts with ICANN.

So, what is a registry? Well a registry is a business. And it's a business that's responsible for running a critical piece of internet infrastructure. They hold the authoritative master database of all domain names registered in each top level domain. So, for instance, VeriSign is the registry for .com, so they would have the authoritative list of all the domain names registered in that .com TLD, which is quite a few.

And then every registry has a mandatory agreement with ICANN. That agreement is typically for 10 years. It basically defines the obligations that that registry must perform. The registry operator is expected to comply with several responsibilities that are outlined in the agreement. And there is transactional and annual fees associated with that contract as well.

Karla Valente:

Hi, this is Karla speaking. So, the fees and the term of the agreement that Michele just described, this is what's happening with New gTLDs; now we have

the existing gTLDs .com, .org, .net, etc, some of them have different terms and different fee schedules. And all of those agreements, if you want to find out details about them, all of those agreements are available on our website. Thank you.

Michele Jourdan:

Also new with the New gTLD Program is the emergency back end registry operator, which we affectionately refer to as EBERO. It is an organization that will be partnered with ICANN. And what eh EBERO does is it's there to provide critical registry services in emergency situations. So for instance, if a New gTLD comes online and for some reason it cannot continue to operate, the emergency back end registry operator will step in to continue the critical registry functions for that registry. And it was basically created to ensure continuity of services and hopefully will be not even noticed by the end user.

So what is the New gTLD Program? Well it's basically an initiative that will enable the introduction of unlimited generic top level domains or extensions, both in ASCII, which are the Latin based characters, and IDN characters into the domain name space. And the program is managed by ICANN.

So the launch of this program is really going to create more choice and competition in the domain name space. It's going to empower innovation. It will stimulate economic activity and generate new business opportunities around the world.

Okay, let's look at a timeline; this is a really brief timeline that illustrates the history of how we got to where we are now. So ICANN was established in 1998.

Female:

Can you go back to the previous slide? I just would like to make a suggestion in asking can you clarify, some of us are very new to this, so please don't make an assumption that we know what ASCII and what IDN is, so please give an example of what IDN and ASCII is.

Michele Jourdan:

I'm sorry. I thought I did that earlier, but I'll definitely go over it again. ACSII are basically Latin based characters, so Latin based, so anything in the Latin alphabet - .com "com" are Latin characters. And IDN, internationalized domain names are represented in local language characters. So for instance Chinese, the Chinese characters, or Arabic characters; those are examples of IDNs. Does that help? Okay.

So ICANN was formed in 1998. Before ICANN even was formed there were several different TLDs already established - .com, .edu, .gov – those were already there. And in the year 2000 and the year 2004 we introduced to trial rounds to add additional TLDs to the domain name space. From those rounds we got things such as .biz, .name, .travel.

And then between the years 2005, the end of 2005 and 2007, the GNSO started their policy development work. And they basically laid the foundation for the implementation and development work that staff has done on the program today. In June of 2008, in our Paris meeting, the ICANN Board approved the GNSO's policy work and then ICANN staff really got busy.

So there were six versions of the applicant guidebook, along with a couple of different excerpts from the applicant guidebook that were posted for public comment. There were over 2400 public comments that were reviewed and considered and taken into account, and they have greatly helped shape the current version of the applicant guidebook.

So the final applicant guidebook and the program were approved at the Singapore meeting on June 20, 2011 and the applicant guidebook then was the May version. And since then the applicant guidebook has been updated two more times; the September and the January versions. So the most recent version of the applicant guidebook can always be found on our website.

On June 20, 2011 we also launched the Communications Campaign and we've been raising awareness about the program through live events, through

traditional media, social media and a targeted online ad campaign. And then a couple of weeks after the application window closes, we're going to post all of the applied for strings on our website, so we'll be posting ongoing status reports of the applications as they work their way through the evaluation process.

Okay, why are we doing this? Why expand the top level? You know, everything seems to be working fine so why mess with it? Well one of the reasons ICANN was founded was to create choice and competition in the domain name space. And you can find references to this in our founding documents and agreements, which I think the next slide will show that. It was also to create a platform for innovation. This program will basically provide innovators with a blank canvas to innovate.

One of the really cool things about this program is that we're going to see all sorts of new and different business models that are going to come out of it, and we don't even know what we're going to see yet, so it's exciting for us. And also it's to incorporate the IDNs into the domain name system. Like I said, the IDNs have only been available for ccTLDs and through the New gTLD Program they're now going to be available and one can apply for any string in an IDN.

This is just an example of some various documents and agreements that you can see that we talk about expanding the domain names space. So what's the potential impact that New gTLDs will have? For businesses it's an opportunity for investment; it's a new business venture. Again, it will create more choice and competition for businesses. It's a platform for innovation, new business models like I just mentioned, and new opportunities. It's a different way for businesses to market their brand; different brand management and strategies.

And then, companies are also going to have to be sure that they have upgraded their systems and applications to accept the new TLDs, because oftentimes these programs are hard coded to only recognize TLDs that are currently out there, so sometimes some updating is needed in order for the new TLDs that come online to be recognized so people can actually use them. We actually have a session

about this, which I have listed at the end of the deck that you can attend to learn a lot more about the TLD acceptance project.

Impact to governments and communities – if people apply for a community TLD it's an opportunity to increase online cultural, linguistic and geographic communities. It can help to make the internet more globally and culturally inclusive with IDNs. And then we could possibly see more geographic names; cities and states, which with the geographic names, the governments will need to provide a letter or support if applicants are applying for a geographic name that they support that geographic name as a TLD.

So, potential impact to the end user? Well it also means more choice and innovation for the end user as well. So if I belong to a certain community and someone has applied for that community, maybe I can register a second level domain in the community and feel like I'm a little bit more a part of that online group. Online cultural, linguistic, geographic communities – same thing. And then it could also create new ways to find information and products on the internet.

So who can apply; pretty much....Do you have a question?

Female:

Yes, related to the previous slide. (Inaudible) of finding products and services considering that the usual way of an average user is just a regular keyword search. So just a side comment to this question because just talking to my friends back home and telling them why I'm coming here and what's new and telling them there will be new top level domain names and they say why do we need that. I mean it's getting more confusing for me. I always use Google. There's already plenty of information on the internet which I may have or don't have access to, or don't know how to access it and so on. So how do I respond to that?

Michele Jourdan: Yes, so I'll repeat the question. Basically the question is why do we need TLDs when most people just use a search engine to search for whatever they want and then it pops up; that's in essence. Did you want to...?

Karla Valente: No, that's okay.

Michele Jourdan: [laughter] I thought you were going to answer. Well, alright.

Karla Valente: So that is a good question, why do we need more gTLDs. A gTLD is still a platform for people of companies doing something. The reason you use Google is because Google had a .com that allowed Google to realize their vision on the internet. So we don't know, we didn't know that Google would be Google 10 years ago. I actually registered, at the beginning of Google's lifetime; I registered some of their domain names when they started. They were a very small company and look at what they are now.

So you don't know. We didn't know Facebook. We didn't know many of the things that you see today on the internet, but again, why they are there. They are there because they did have a platform to realize their vision as a business; they had the .com at the time. So in the future we are going to have, or we're going to give the opportunities for businesses to establish these platforms. So we are not creating innovation by launching New gTLDs, what we are doing is giving the people a platform and an opportunity to realize their visions and their innovations in the future.

Filiz Yilmaz: Can I just inject one thing? Just general, not relating to the technicalities of the New gTLDs obviously, but we are talking about the ICANN community right? Since the morning we've been talking about the ICANN multi-stakeholder

model. If you ladies would also, maybe later on, get into the more details of the history and background of this; this was a demand from the community, part of the community where they said as the GNSO, they said we would like to have more opportunity for this kind of innovation.

So, while ICANN is responding to that demand, it was brought to our attention through a bottom-up process. It came from the community.

Michele Jourdan:

Okay, so who can apply? Basically any entity anywhere in the world can apply to run almost any word that they want. I think the limit is 68 characters. And it's also important to note that this is not for individuals. It's not something that I can go out and apply to run .michele; it's a business commitment. You're running a registry business.

And a really important part of the New gTLD Program is the applicant support program. We're really seeking to make sure New gTLDs are geographically inclusive and we allow everyone the opportunity to apply for a New gTLD. So we have the applicant support program and there's three parts to the program.

One part is access to pro-bono services through the applicant support directory. So, on our website we basically have two matrixes. One is for applicants who need support or are seeking support and the other is for organizations who are offering support. So, ICANN doesn't do anything but provide this page where seekers can contact organizations who want to help or vice versa. So that's one part of the program.

Another part is financial assistance. This is where if an applicant is filling out their application they can check a box that says that they want to apply for financial assistance. What that will do, if they qualify, that will reduce the evaluation fee from \$185,000 down to \$47,000. But something really important to note about that is that if you apply for financial assistance and you don't meet the minimum threshold requirement, you will be disqualified from the whole program. The reason why that is there is to prevent gaming of the system.

And then we have the applicant support fund. This is, the ICANN Board set aside two million dollars seed fund amount to fund the financial assistance part of the program. So that's there. We hope to be able to add to that; still working on that aspect of the program, but that's the applicant support program.

Karla Valente:

Hi. There's going to be a session on Thursday that we talk in depth about that program. But I'm just going to follow up on something that Filiz started which is, this applicant support program exists and was developed because the community. As we were developing the New gTLD Program community came to us and said wait a minute, you should do something to help countries and applicants from certain countries that may not have \$185,000; worthy applicants, applicants that can't fund their business itself because it's not only \$185,000 for the New gTLD Program right, you have all of the start up costs since this is a business.

And this is why ICANN came back and developed a program and this is why the Board put aside the two million dollars seed money. It was in response to community request for us to do something for worthy and qualifying applicants. Thank you.

Michele Jourdan:

So, how do you apply? Well there's a system called TAS, the TLD Application System that's available, accessible through our website. The whole process is done in English. You basically answer questions, upload supporting documents and that's the application system. There are critical deadlines that you need to pay attention to as well.

The application window has already opened; it opened on January 12th of this year. By March 29th, that's when registration into the TAS system closes. So registration in TAS is a series of steps, so we created this registration deadline so applicants would have enough time to finish their application, submit it, and

submit their final fees and have it received by ICANN by April 12th when the application window closes.

So, what do you need to do if you want to apply? You need to review the applicant guidebook – that is your authoritative guide to everything New gTLD. You really need to get strategic third parties involved early. Start talking to people that you need to partner with. Pay close attention to the requirements for geographic community and IDN TLDs, if you're applying for those, because there are additional requirements that are required. And then review the deadlines. And again, all of this is in the applicant guidebook.

So like I said, the evaluation fee is \$185,000 paid to ICANN; \$5000 of that is due upon the registration in TAS. Refunds do apply in certain circumstances and that's all outlined in the applicant guidebook. And other fees may apply that might not be paid to ICANN.

Ongoing registry fees, if your TLD makes it through the evaluation process and you have this TLD now, there is a \$25000 annual registry fee that is payable to ICANN. And then once, if you're selling second level domain names, once your registrations reach a certain level then there's a transaction fee of 25 cents per domain name.

Let's look at the evaluation process at a glance; this is a really high level view. Basically the application window is open for 90 days. Following that there's a quiet period where applications will be received and then checked for completeness. After that is about a five month initial evaluation period, and this is when the application work their way through a background check and a series of six different panels. And during this phase is where things can get a little more complex.

So if for any reason an application, like for example, doesn't pass the technical panel. Well that applicant can elect extended evaluation and so they could go into extend an evaluation. Or maybe somebody has objected to your applied for TLD. So if someone objects to that you go through the objection and dispute

resolution process. Or maybe you applied for a TLD and someone else has applied for the same one and then you would go into string contention.

So there's all sorts of different paths and application could take going through the process. If your application has no problems and you go through initial evaluation, you can go straight to transition to delegation and that's where you'll do the contract with ICANN and then your TLD will be delegated to the root.

Something, a really important part that I want to highlight right now is the objection process. So this process begins when we post the applied for strings, which is right around the first of May. So as soon as we post all the strings that have been applied for, if you see, say you are a trademark holder and you see someone has applied for your brand or your trademark, you can then object. And you would object under the legal rights objection.

There are the other areas where you can object. You can object if the string is confusingly similar. If you feel that the string is offensive there is the limited public interest. Limited public interest may be used if the applied for string is contrary to the general principles of international law for morality and public order.

And then there's community objections. So what if you belong to a specific community and someone has applied for that .community, but you don't think that they represent it well. You could potentially object under community objection. So again, all of these are outlined specifically in the applicant guidebook, so always refer back to the applicant guidebook to see if you have standing to object.

Okay, so what do you do now? Well evaluate the program of course to see if it's for you. It's good to be familiar with the applicant guidebook. Get educated about the registry business and the DNS industry. And then understand what's needed to get ready if you're going to apply. Even if you're not going to apply, it's still important to monitor the program and really understand what's going to change because things will change. How's it going to impact your brand or trademark? How's it going to impact communities and geographic names?

There could be potential industry trends, competitors actions, changes to the internet, how's it going to impact user behavior – I mean there's all sorts of things that you should keep an eye on.

So what to expect next? Application window closes April 12th. May 1st all the strings will be posted of who applied for what. That posting marks the start of the objection period, the application comments period, GAC early warning, GAC advice periods. June 12th, initial evaluation. I'm not going to go through all of these. And then the next one I wanted to highlight is December 1st because that would be the last day that you could file an objection for any applied for TLD. And then I'll let you read through the other dates.

So the sessions that we have coming up this week dealing with New gTLDs – Monday we have the New gTLD Program update that will just be a fairly brief update about what's been going on with the program since the last meeting. Wednesday is the Rights Protection Session that will go through the Trademarks Clearinghouse and URS and some of the other Rights Protection mechanisms that are available in the program. And also Wednesday is the TLD Universal Acceptance Session that I mentioned earlier. And then Thursday is the Applicant Support Program Session where you can learn more about the Applicant Support Program.

So, to find more information go to newgtlds.icann.org. We have facts sheets, we have presentations, we have educational videos, there's customer service; go through the site. If you have a specific question and you can't find it anywhere on the website you can always send us an email to newgtld@icann.org. And then you can also follow us on Twitter and Facebook as well.

That is it and let me know if you have any questions.

Female:

Thanks. Hi Michele. Hi Karla. First of all I want to tell you that I practiced my English to come here with your focus. What my question is, is how is the delegation process? I would like understand a little bit.

Michele Jourdan: The evaluation process?

Female: The delegation.

Michele Jourdan: Delegation. Can you talk about delegation Karla?

Karla Valente: Yeah. So there's several steps in the delegation process. One step is we look at the registries to see if they are okay from a technical standpoint before they are added to the root. And there's also the contract processing, so all the registries are going to have a contract with ICANN. This contract is part of the applicant guidebook and this is a part in which we negotiate the contract and sign the contract with the party. So these are the two critical steps of the delegation process.

And then the TLD is added to the root. Once the TLD is added to the root, then the registry itself has its own timing to introduce that to the marketplace. Sometimes people confuse when we talk about delegation that this is when the TLD is available for us as registrants or as users, but that's not so. The delegation processes are internal ICANN processes with the registry and then once the registries add it to the root they have their own timing to add it to the marketplace. Does that help? Okay.

Paul Spurgeon: Hi, Paul Spurgeon with .registry. And we've been going through the applicant guidebook for about six months so you put a lot of work into it and so have we as applicants. But one of the questions that has come up is on May 1st when you post basically what strings have been applied for, what additional information

would be available about those applications? I mean whether community, non-community, geographic, that kind of stuff.

Michele Jourdan: Yeah, I believe we will be posting what type of TLD it is, so if it's a community TLD, if it's an IDN, so yeah there will be some other information other than just the .whatever that's been applied for.

Paul Spurgeon: And as a follow up and somewhat related, the number of strings that have been applied for so far, I think recently I heard 207, was that applications or was that number of strings or do you know?

Michele Jourdan: Well that number is the number of registrations in TAS, so each registration can apply for up to 50 TLDs.

Paul Spurgeon: Got it. Okay, thank you.

Michele Jourdan: Sure.

Male: Good evening again, this is (inaudible) ccTLD. Let me ask you what are the reason for rejections if we see that it's a geographical name or it's not a community; if somebody would ask for a rejection. I think this person must provide some information why he's against this new registration, do you have such criteria?

Karla Valente: So each registry or each application is evaluated on several grounds and the rejection can happen on several points. So for example there's technical experts or technical evolution panels that are evaluating the technical capability of a given registry. They can reject if this registry doesn't meet the technical threshold.

And if you're a community TLD there's some additional documentation and requirements that you need to provide in order to support your claim as a community TLD. If you don't provide those documents it's grounds for rejection.

So I don't want to extend a lot on this question, but you have to take a look at the applicant guidebook and if you do not meet the requirements that are outlined there, then anything can be really grounds for rejection.

Male: Rejection from your side?

Karla Valente: From the evaluation side yes.

Male: From the evaluation side, but you're told that if somebody will inform you that it's a violation of trademark or I don't know some kind of extra which not is your guidebook; what reasons can provide them or?

Karla Valente: So I'm going to see if I understood correctly. So you're asking the reasons for rejection of a TLD in case it's objected by third parties? So there are four grounds in which third parties can object to a TLD. And for that we are going to have independent panels, objectors that are going to review the case and decide whether or not the claim is a valid claim. And then depending on their decision ICANN has to abide to it.

So for example WIPO is the organization that's going to take a look at all of the claims. So if you have a trademark that you believe has been infringed by a third part, you're going to file an objection with WIPO and say wait a minute this applicant is actually infringing on my trademark, he doesn't have the right to it and this is the proof of my claim. And then WIPO is going to make a decision and ICANN is going to abide of whatever decision WIPO makes in that specific example.

Filiz Yilmaz:

Can I maybe try to resolve because I'm thinking maybe the question is, is there any guidelines for people who would like to make an objection. So I'm objecting but should I say I'm objecting because of this and this and that, or am I just objecting because I don't like it.

Karla Valente:

Well that would be a lot of objections. But the applicant guidebook has some information about objections and then has some links in which you have process details too. So take a look at the guidebook and the links provided that will give you even more details about the process, the cost for firing objections, the period for filing objections, what documents or things you have to have with your claim. A lot of organizations will probably seek the support of legal counsel to prepare their objections, right. So it's in the guidebook and the guidebook points to even more information.

Male:

Good afternoon. My name is (inaudible); two questions please. One is I see that this process seems quite long, is it a one of thing of can someone put it into a thing to register before March 29th, register that some time later. I don't see that in this track in 2013. So is it like after this round there's going to be another opportunity; that's one.

And two, this seems like it evolved from the ccTLD operations and I want to say it looks like it can also destruct the business continuity of some ccTLD operators

because if you know the ccTLD there's two character words which the people have no choice; they were just assigned that this is the two characters for your country. Now some countries like mine have some unique names kind of like a nickname, which most people would rather associate with.

So, if somebody comes forward and then registers that name as a gTLD definitely there going to cannibalize whatever investment this body has invested in operating this ccTLD. So obviously that would not comment to the ability to object because it's not a trademark, it's not a trade name, it's just a nickname which ICANN may not even know about. So how does this protect them? Thank you.

Michele Jourdan:

So, for your first question, if you don't register by the 29th and the application window closes on the 12th, there will be a second round. We can't give a specific date when that date will be, but the Board has committed to put in place a plan where we will do all of the things we need to do evaluating the program and such in order to be able to have a second round. So there will be another round.

Your second question, part of the reason that we're doing this is for choice and competition and that sounds like it's competition that's kind of what happens. Protections, what safeguards do people have, was that...?

Karla Valente:

That is a tricky one for the ccTLDs right. ccTLDs, as I pointed out earlier, they have their own sovereignty. And what I've seen in the past years is that many ccTLDs chose to change some of their rules in order to become more competitive. So in the past for example they only allowed for one TLD to be registered under the country code and now they have it unrestricted or they require a company to be established or a trademark, and then they open up to be less restrictive. They also create their pricing. They promote their TLDs.

A lot of ccTLDs have done quite a number of activities to promote and market their own TLD for their own customers, some of them license their TLD to others right, [Tuvalum.tv] is actually licensed to a company, VeriSign that markets in an alternative way, TV right? More than just a country code. So, ccTLDs are free to do whatever they want and they have done actually a lot of creative work in order to promote their TLDs.

I am originally from Brazil. I go to Brazil and .br is absolutely everywhere in all of the marketing materials and boards. I think that the local registry has done an amazing job to promote and establish the .br within the country. How much this is going to be threatened by TLDs, only time can tell, but it is established. You can see that identity in the country when you go there.

Nigel Hicks:

Sorry, Nigel Hicks and I'm ICANN. Just clarifying on that question on if you have a geographical name, as I understood it given that I sort of was involved in the UK government process for looking at geographical names, if you're like in the UK out country code domain is obviously .uk, but in terms of the geographical names that people can put forward, they can put forward capital cities, they could put forward towns, they could put forward Great Britain, United Kingdom, England, Wales, Scotland. All those would be classified as geographical. And if it's a geographical name then it's up to the country itself whether it allows it through, so I'm not where you come from sir.

Well let me just clarify that, what I'm not quite sure of and perhaps your question was more and perhaps it wasn't to do it, that if you have a sort of slang name or if you have a name which isn't really geographical but people might associate with that country, whether that would be determined as geographical or not. And I think that's an interesting question.

Paul Spurgeon:

I can answer. So there is a special working group for countries and territories. And this working group, I'm a member of that group, now is working on this

specific point; that there is an official name of country, there is a common used name which is in common use, there is a historical name of country. So necessary to understand and classify it. I hope I'm sure that the recommendations will be ready and the community will know more information about all types of names. Even Wales, it's not a country, everyone knows that Wales is Wales. Scotland may become a country, we don't know. So it's a serious problem and I think that this point will be resolved.

Jana: Hi, sorry. My name is Jana from IP [Mira]. I'm handling a few brand TLDs on behalf of our client. I have two questions. Because they are brand, so the organization is big enough to apply a TLD for themselves, they are questioning the requirement of the LOC or the Escrow deposit. They find that it's kind of undermining. Do you mean that cannot continue my business and that's why you want to make it compulsory that I need an LOC? So whether ICANN has considered other methods of guarantee, maybe an insurance of whatever...

Karla Valente: About the continuing instrument?

Jana: Yes, question 50 of the application. And the other one would be at delegation the applicant has to sign a contract with ICANN. So if the client actually has an issue with any of the clauses in the agreement, is ICANN flexible enough to make changes?

Karla Valente: I'm sorry the second one is how flexible ICANN is to make changes to the agreement? Yeah, there's flexibility for the negotiation, but I cannot speak for our legal department to tell you what degree of flexibility there is. Of course we need to be fair to all applicants and we have a duty to perform the stability and other things that we need to guard. So I assume that the flexibility will be

largely based on how do we met the duties that we have with what's being asked.

Regarding the continuity operations – sorry – continuity operations instrument. I'm going to ask you to direct the question to our customer support, because it's a very specific question for the basic session, and customer support has been handling a lot of questions regarding continuity instrument, operation instrument. So I would ask you to do that please.

Adrian:

My name is Adrian (Inaudible). I have a question that might not be directly related to ICANN, but I was wondering if a company registers a New gTLD called, for example, .sanjose and it gets accepted, what guidelines would be used to determine what country has jurisdiction over the sites using the gTLD?

Karla Valente:

Is that because San Jose is a name of many cities around the world? Yeah. So, you have different situations here right? You have a situation in which you have one applicant for San Jose that is a legitimate applicant because they got all of the support from the government and met all of the requirements. And other cities that are called San Jose around the world, they didn't apply. So what is going to happen is assuming that this applicant really met all the requirements is that this applicant is going to have .sanjose.

Now, I know personally of gTLDs that what the applicants are doing is they're going around the world and actually getting the support of others. And I can speak, because it's public information, I believe .berlin is one of the TLDs that has done that. So it's really up to the applicants to gather that kind of support. And it's really up to the cities around the world and the governments around the world to be aware of what is being applied for and do something about it.

Adrian: I was wondering also because the US Government has been known for taking jurisdiction for, I don't know, .com and .net because VeriSign, the company has they registered on the US. So I was wondering if there is a city San Jose, Costa Rica that has San Jose registered, what will be limiting other countries from just taking their jurisdiction that way?

Karla Valente: I'm not sure I understand that. I'm sorry.

Adrian: Well, for example the US Government has for example with [Mega Upload], they have expanded their jurisdiction over other countries by saying that it's .com and they have it registered on the US. So what would prevent them from doing such things?

Karla Valente: So let me see if I understood that correctly, and Filiz help me. So what you're saying is that for example .com is a TLD that is available around the world, right, even though it is managed by what happens to be a US company. It could be a company from other parts of the world I may say, the .com agreement happens to be with VeriSign that happens to be a US company. But for a gTLD there was no geographic limitation or rule that said .com has to be US, .net has to be US. I just want to clarify that.

Now, .com chose to do global marketing for the TLD that they have like .tv. It's also done as a global marketing .org for organizations, so gTLDs can be either a specific purpose or they can be global and generic. And it is the choice of the registry how they want to market that. And ICANN doesn't have a say on this kind of proposition. ICANN doesn't have a say on how the registry markets their TLD and how they actually position themselves in the marketplace.

So in the future if we have a TLD that is called, let me see, .shop – everybody uses that example so why not. .shop is that something that this registry is going

to choose only for English speaking countries because of their “all shop” is in English base word. Is that something that they’re going to promote around the world; we don’t know and we don’t have a say on that.

We have a say on how the registry manages certain things from a technical perspective, legal perspective, so everything that you see in the base agreement we are going to monitor, we have a compliance department that monitors things. But that specific marketing strategy and how it’s done, we don’t have a say on that. And I’m going to say something on the side, and maybe get in trouble for saying that, but I will. Certain countries don’t allow TLDs to get in. They block certain TLDs.

Kate Ann Davis:

Good evening. My name is Kate Ann Davis from the University College of the Caribbean in Jamaica. My question is if a company makes a request for a New gTLD and they pay the \$5000 USD however that request is rejected, on what grounds does ICANN refund the money?

Michele Jourdan:

The registration fee of \$5000 is non-refundable. The evaluation fee, the remaining evaluation fee of \$180,000 is refundable under certain, not the whole thing necessarily, but depending on how far you are in the process if you withdraw you could get a refund. That’s outlined in the applicant guidebook.

Karla Valente:

I have remote participants. There were two questions from remote participants. One was from [Fiza] from ISOC Bangladesh, which asks how many gTLD applications we received until now. And I replied to him we are not allowed to comment on that. But everybody is going to know on May 1st on our website. We are really saying that to the community and to the general public at the same time on our website.

And he also asked for when we are going to have the second round, which already covered here and we don't know exactly the date of the second round. The Board is discussing that and the Board has committed to have a second round recently. Actually recently, this is a policy thing too. The original policy on New gTLDs said that we were going to have subsequent rounds.

I think that this is it. Thank you.

Filiz Yilmaz:

Any other questions for Karla and Michele? Can I just ask one more thing, one more favor before we finish up? Can you summarize the session that will be about New gTLDs in the coming week? Yeah. Let's leave that on the screen. And thanks everybody for making this such an interactive session. I guess the coffee helped. There were more questions.

Karla Valente:

It was our charm. It was not the coffee.

Filiz Yilmaz:

Of course. Thank you and we will wrap it up but Karla and Michele can stay a little longer if you want to talk to them in person, and I will be here for another 15 minutes. Thanks.

[End of Transcript]