
DURBAN – GAC - BOARD New gTLD Program Committee Meeting
Sunday, July 14, 2013 – 10:30 to 12:30
ICANN – Durban, South Africa

CHAIR DRYDEN: Good morning, everyone. If we can begin to take our seats, please, we will get started.

Okay. Let's get started, then.

So first of all, welcome to our colleagues from the New gTLD Program Committee. And, as well, I'd like to acknowledge the community who is here as well and that has been following this process that has resulted from the Beijing communique that the GAC provided at our last meetings.

And so up front, I would like to acknowledge the efforts of all in responding and contending with what was a substantial amount of advice and the way in which the community has been prompt and made such an effort to provide comments, either via a consultation or on behalf of the gTLD committee who I have observed working steadily and carefully through the Beijing communique and communicating about that at regular intervals with the GAC. And so I want to acknowledge that and express appreciation for what has really been a significant task, a significant undertaking for both the gTLD committee and the community as well.

So we have, as I understand it, two main agenda items to consider today. And the first that I am aware of is regarding the category 1

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

safeguards that were identified in annex 1 of the Beijing communique. And this also relates to the first part of category 2 or restricted access.

And the second main agenda item is on the issue of protecting acronyms. And in both cases, the gTLD committee has flagged for us that there are some questions or concerns they have around implementation. And so they are here today to walk us through those things and to invite some initial comments from GAC colleagues. And hopefully, this way we can come to an understanding about where the problems are or at least, if necessary, where there's disagreement about where the problems are. And then this can lead us, hopefully, to some sort of solution.

So without hesitating further, I'll turn over to my co-chair, Cherine Chalaby, who is the chair of the gTLD committee to say a few things, and then we can begin to move through our agenda.

So, please, Cherine.

CHERINE CHALABY:

Good morning, everyone. And thank you, Heather, for this introduction.

Indeed, the two topics are the category 1 safeguards and the IGO protection.

Just to make a couple of remarks before we start; that we're not really here today -- this is the New gTLD Committee -- with an objective to make decisions. We're here to start a dialogue with the GAC to really understand some elements and get clarification on some elements of your advice.

We're not here to drag the GAC into implementation issues and get down into the weeds from that perspective. So please rest assured that is not the objective. This is just the beginning of a dialogue with you.

We have begun the dialogue on IGOs, so today is a continuation of this dialogue. But with regards to the category 1, this is really the first meeting where we're going to have, hopefully, a fruitful discussion.

We did send you a document on category 1, which you have all received a few days ago. I know we all prefer to receive documents with plenty of notice and time so that we study it, but let me assure you that this is a continuum of work, and that we, the New gTLD Committee, has received it at the same time as the GAC has received it.

So I don't want to make an apology for that, but we are working very hard. And, please, do not take this document as this is a decision we want to make. This is just the beginning of a dialogue.

In terms of the tone of the meeting, I really look forward to a very constructive tone. We will think straight and talk straight because we owe you that, but it will be in a very respectful manner. And I hope that you would appreciate our straight talking.

From our perspective, Chris will shepherd the discussion, but I'm sure that, also, my other colleagues will chime in when necessary.

With that, I hand back to you, Heather, to start the conversation on category 1.

CHAIR DRYDEN: Thank you very much, Cherine.

So Chris Disspain from the committee, looking at the new gTLD issues, is the lead on looking at the safeguards. And so I will hand over to Chris to walk us through that issue, or the IGO protection issue, as you choose.

Thank you.

CHRIS DISSPAIN:

Thanks, Heather. Good morning, everybody.

We're going to start with the category 1 safeguard advice. We've just got a couple of slides that we thought might be useful as a sort of level set. So if I can have the first slide up, please. Thank you.

So just to remind everybody, before the Applicant Guidebook was approved, the GAC advised the Board to expand the definition of community-based strings to include those referring to regulated sectors or targeted vulnerable populations and so on, and we actually rejected that advice. And we had a discussion around the scorecard, you'll remember, in Brussels. And then we collaborated with you to develop the early warning and advice mechanisms to help address the issues that you were trying to address in the advice that we rejected.

So we have actually been here before, to some extent, in our discussions.

The difficulties with the current advice that we see -- and these are -- these are bullet points extracted from the paper that you all got a couple of days ago.

The difficulties we see at the moment are that the categories of strings are broad and undefined. There's no principled basis for distinguishing

certain categories and strings. Generic terms in the same category as highly regulated industries. Some strings have segments that are both licensed and unlicensed. It's difficult to determine relevant regulatory agencies and self-regulatory organizations. Some strippings be refer to industries that may be sensitive or regulated in a single or a few jurisdictions only. The safeguard advice items three to eight create obligations that are vague and unimplementable. And these are the outcomes that we sought to avoid when we rejected the advice in the first place and asked that -- and we agreed to put in place the early warning system so that governments could deal directly with applicants if they had issues with the -- if they had issues with the string.

Now, having said all of that -- There is much more detail on that in our paper. But having said all of that, we're not rejecting the advice at this stage and Cherine has said this. This is us coming to you and saying we need to have a dialogue about this. We are not rejecting the advice. We want to begin a dialogue. And what we would like to did is, by whatever process we can agree, and it's clearly not going to be this morning and it's clearly not going to be simply a case of every time we get together at an ICANN meeting over the next five years we'll chip away at this and see if we can figure it out, but we'd like to have a dialogue with you about ways in which we can take your current advice and refine the scope of it and the depth of it so that it becomes advice that is implementable by us because right now we don't think it is implementable.

So I know we are in uncharted waters here. This is not something that generally happens in communications between the GAC and the Board. Normally we discuss a bit, advice comes and so on. But these are

extraordinary times. We have new gTLDs arriving. And we think that we need to break some new ground here and see if we can't find a way, over the next few months, of having the GAC and the NGPC and the community, in fact, discuss ways of taking your existing -- what we've called category 1 advice and making it work.

Heather, I'll stop there and we'll take -- if it's all right with you, take questions and comments, and I'll try to answer as many as I can. And then we'll deal with the IGOs as a separate issue.

CHAIR DRYDEN: Thank you for that, Chris.

So do GAC colleagues have any questions or observations for the Board at this point regarding the issues that they have identified with category 1?

Okay.

CHRIS DISSPAIN: This is going to be a very short meeting.

CHAIR DRYDEN: Okay. It could be a very short meeting. You're right.

Okay. So if you wish to continue, Chris.

CHRIS DISSPAIN: Okay. Maybe I can just put -- Maybe I can just push slightly harder in the area of moving forward, then.

It seems to me that there are a number of things that could happen; right? You could come back to us at the end of this meeting and simply make a statement that says: Our advice is our advice. And that's fine if that's what you choose to do.

What I would like you -- And we're happy to talk to you intersessionally -- sorry, at this meeting but not in this room, if you want to come and talk about ideas of moving this forward. But it would be really fantastic if you could, by whatever means you think is appropriate, find a way with us of how we would move this forward.

So I'm not asking you, as I said, to do it now, but I would encourage you to take advantage of the opportunity if you possibly can.

Thank you, Heather.

CHAIR DRYDEN:

Thank you, Chris.

Australia, please.

AUSTRALIA:

Thank you, Chair. And thanks to the New gTLD Program Committee.

First, just to echo Heather's comments that we do appreciate the speed and the amount of work that has been going into this, and it's very useful, the updates that have been coming our way and responses. And thanks to everyone who has been working very hard on this. It really is appreciated.

In terms of taking this forward, I take the point that perhaps we are in uncharted territory, so it is an interesting question. But I think from my point of view, we received these questions quite recently, so we tried to have a look at them and tried to sort of understand where the gTLD Program Committee is coming from, and certainly in some areas I can see there are questions that potentially could be better explained, and so on.

I'm wondering, in terms of a next step, whether the program committee has considered coming back to the GAC with something along the lines of -- obviously a fair bit of thought has gone into how things can or cannot be implemented, which is obviously an area where there is greater expertise on the ICANN side, potentially, than the GAC side. Whether you've given consideration of coming back to the GAC saying, "Here is what we think you're after and here is how we could implement it," and then asking a series of questions to the GAC.

I'm very mindful that you probably don't want to be in the position of coming back saying, "Is this what you meant?" And we say no, and then you come back again and we say closer, but not quite there.

So some mechanism which moves this process along. So whether it's a first try by from the ICANN side with a series of questions, very sort of targeted questions or reasons why you've gone down a certain path and explain to us, or in the absence of that, I think from the GAC side it might be kind of tricky to -- to -- unless we find out a different structured path, I guess. But that's my first suggestion.

CHAIR DRYDEN: Thank you, Australia.

Did you want to respond or shall I go --

CHRIS DISSPAIN: Just briefly.

Thank you, Peter. I -- So our paper is a starting point on that.

I guess we -- I guess our approach today is to try and get from you, not necessarily today but at this meeting, sort of a confirmation that if we do start working on the advice and, you know, parsing it down into sections and saying we can do this but we can't do that, "A," we would like to try to do that with you rather than without you, and "B," we want to make sure that the principle of us doing that is fine because the last thing we want to do is do all of that work and then have you say, "But our advice is our advice."

So we're looking for an opening, if you like, from you that says, "Okay, let's do this." Whether we end up doing it together in a room or we end up doing it iteratively separately, I don't much mind right now, but I do want to get clear that if your position were to be "Our advice is our advice," that's fine, but we need to know whether that's the case or not before we move down the next step.

So if it's not the case, if you're going to agree that we can -- I mean, negotiate -- I understand the word negotiate is loaded, so let's not use that. But you know what I mean. If we can agree that, then we can start working on all sorts of possible ways of actually -- of actually achieving it.

Just one more thing, just to make it very clear. Without giving you a specific example, but I know you know what some of the examples are, there are strings that, in your categories, that is it is blindingly obvious to everybody should be limited to a certain set of registrants. And for most of those, leaving aside how you create the protections, the concept of having them is not a problem. But equally, there are strings where we're saying we have no clue why this would be here and it doesn't make any sense.

That's the level of discussion we need to be having, I think. And how we do that, I don't know, but we need to do it.

Thanks.

CHAIR DRYDEN: Thank you.

I have Iran next, please.

IRAN: Thank you, Madam Chairman. Good morning to you and good morning to the New gTLD Program Committee.

Let me start taking the last part of the interventions that Chris made and repeat it at least three times, saying that if you come to us, that means we, GAC, saying advice is advice, I don't think that is good approach. It is not a logical approach; that we need to engage in dialogue and respond to the questions or to the observation that has been made.

So now I come to the beginning of what. First of all, thank you very much for the thorough and deep analysis that you have made even with the short time available to you. It's much appreciated.

The difficulty that perhaps we may have now is the little time available to us, and perhaps the way that you have raised your questions.

After this dialogue that you have with us, perhaps you may need to possibly, one, narrow down the number of questions to the absolute minimum necessary. And, second, perhaps after this discussion, you reformulate your questions.

You gave a clear example of one of the things. It is very much appreciated, which was not in the main question that you raised, but we need to really engage in that. That is what we really expect from the Board, and that is good. You go to the narrow and you go deep and in-depth analysis and so on and so forth. And it does not take the advice as it is. It takes the advice as it should be.

So thank you very much and we will be listening to further questions or further clarification that you seek from us, and perhaps we come back at another steps to further discuss with you.

Thank you very much.

CHAIR DRYDEN:

Thank you, Iran.

Okay. I see Germany and Italy.

GERMANY:

Yes. I also want to thank the committee for the work that has been done and for the response we received. I think it was quite hard, and we understand that it's a difficult situation.

In respect of Chris's remark where he said that we may have a different, let's say, depth of regulation in certain -- for certain strings, this is true, but on the other hand, I think we need always to be aware that we are acting in a global environment. That means we may have some forms of regulations in some countries, where in other countries there is no regulation. And so far, it is difficult to separate whether one string is a string that needs really, let's say, a high-level regulation or a high-level detailed safeguards or another does not.

And so far, I think it is really -- should be left to ICANN and the applicant to demonstrate that they tried to meet the requirements of the, let's say, the sense of our advice, and then they need to introduce some steps. And that would be, from my point of view, the adequate answer for -- for a step forward.

CHAIR DRYDEN:

Thank you, Germany.

Next I have Italy. Please.

ITALY:

Okay. Thank you, Chair.

We recognize the enormous amount of work that you have done. If I counted rightly, you had seven meetings, and meetings with the Board concerning the advice that was given in Beijing. And the only criticism

that we made in some meetings, and also I conveyed it to Fadi in Brussels on June 25 when we had the meeting there, is that you left the more critical points, the more difficult, let's say, at the very end. And then you had this final meeting on June 2nd -- on July 2nd.

So but let me make this consideration. Going to the end of the process, you have to sign contracts with the applicants. And then looking at the safeguards, it is interesting to note what will be the, for specific strings, the closest and the addition to the standard contract, let's say, with the applicant, because from this is also depending the, quote, "credibility" of the safeguards that we are looking for.

So this is very important. And I understand that from your side you can have problems in implementing this advice, and to decide, for example, in the categories which are the more critical applications referring to this category. And so if you will end up with a specific closest for different application in the same category.

And this is something that we understand the difficulty. But as also Peter from Australia said, in the end, you should come with us, trying to implement. Because I'm sure that you well understood the meaning of this annex 1. But you should come with us by saying, "We have an idea to try and to implement what you ask for in such a way," because of course what you would like to avoid is that you do an implementation and then you are criticized by the GAC or the GAC is making problems.

But in any case, we would like to see a more proactive hypotheses for implementation.

Thank you.

CHAIR DRYDEN: Thank you, Italy.

Next I have Switzerland.

SWITZERLAND: Thank you, Chair. And I would also like to thank the New gTLD Program Committee for their work and for their willingness to engage in a dialogue with the GAC. And as my colleague from Iran has already said, I think just to say advice is advice and to leave it at that is not an option because we are here to defend the interests of our consumers and citizens, and they want us to help you implement this advice, because it's in our people's interest in the end that this works.

So I think there is clear. The question is in what roles, and Stefano has already alluded to that, how do we concretely cooperate in this.

Maybe a little bit of explanation about the list, because these concrete lists have raised some attention and criticism, which is understandable. And initially, we did not think that it's the task of the GAC to put together a finite list of these -- of sensitive strings, but we have been informed that it would be helpful to come up with concrete names. So don't take this list as a list that has been worked out over months and years and every TLD has been tested. And this is really -- these are examples as we identified it in a rather short time. And there might be a few names that are not on the list that you could easily also add or there are some inconsistencies in that sense. But this is not meant to be a finite, absolute list. This is meant as an indicative list to understand,

to give some examples, to understand where we would see a need to apply safeguards.

And you're also right by saying that there are different levels of regulation among certain strings in a same category. Of course, something like dot bank is something that probably needs higher regulation than other generic terms, like money or something else that is less clearly linked to an industry.

But in the time available that we had and also in the -- we didn't want to produce a 50-page document. This is basically just an allusion to a whole range of issues that should be dealt with.

So this is my first remark.

And then of course there's an issue here about the fact that we have regulation in some countries that differ from other countries, and that will not be easy to implement or respect all these different regulatory frameworks. But since we're dealing with the Internet, this is nothing new. If you're a company like Facebook or Google and you're operating in 200 countries, you also do have to respect, or try to respect, 200 different legislations. And this is the same here in the TLD environment, so that businesses will have to get used to -- those who are not yet used will have to get used to working with different jurisdictions with different regulations. But also, of course, the national regulators and bodies will have to get used to work with businesses and try to make their lives as easy as possible.

And I can just allude in that context to the Internet in jurisdiction project of your fellow board member, Bertrand De La Chapelle, who is for some

time now looking into these issues and trying to help identifying solution in dealing with cross-border, cross-jurisdictional issues. And I think it's worth also taking this into account, because there are solutions to be found, and we need new ideas.

Thank you.

CHAIR DRYDEN: Thank you for that, Switzerland.

Chris.

CHRIS DISSPAIN: Thank you, Heather. Just a couple of points.

First of all, thank you, all of you, for being prepared to start talking about this. We appreciate it.

To go to requests for perhaps a more proactive hypothesis for us on implementation, we don't, at this stage, really have one because we're unclear about how we could implement at all some of the pieces of the advice.

And in respect to other pieces of advice, that ties back to the comment just made about, you know, the issue of there being other names that could be added to the list.

The issue for us is not so much that there could be other names that could be added to the list, but, rather, names that appear on the list that we don't understand why they're there in the first place. And so our suggested way forward for that is to talk to you about it. So to

actually find a way of saying -- whether it's you as a group or a series of individuals -- is to find a way of saying can you explain to us why this name appears in this category because we do not understand.

Now, we can do that formally, if that's what you would like, and write to you and say -- and take each name and analyze each name and come back to you and tell you why we think it's unworkable or is workable. And if that's a way forward that we agree, then so be it. I'm open to all sorts of suggestions. But what I want to avoid here is us doing, you know, weeks and weeks of work, "A," without telling you that that's the way we're going to do it, and "B," without you accepting that that's the way you're going to receive it. So the basis of this discussion is to try to agree a methodology or a process for moving forwards that acknowledges that there are -- from outside of the fence, there are really serious issues with implementing some of the things you have suggested.

So it's not just a case of you saying, "Come back and tell us how you think you can implement." If we do that, we'll come back and tell you we can't in respect to some of them.

And so we're more interested in taking the bigger picture of the whole thing and saying how can we adjust the whole thing so that you get as much as you think -- as you can out of it that makes you comfortable. I'll leave it at that, Heather.

CHAIR DRYDEN:

Thank you. So I have Portugal, EU Commission, Germany, and Australia. So Portugal, please.

PORTUGAL:

Thank you, and I'm going to speak in Portuguese, if you want to use your -- (Speaking in non-English language.)

Or you cannot. You can listen. All right. The main message that I would like to convey to you on behalf of the Portugal government is that this is an extremely complex issue. When we refer to the GAC, we do not speak about a group. We are a group of governments that are quite different, so this means that this issue is even more complex. All colleagues in the GAC that spoke before me made comments that I fully share because no position was taken. What they said is that we submitted or we raised the main problems, the main issues. Those issues that we believe that are more complicated, those issues that governments are going to follow-up on. If no decision is made, we will follow up on all of these issues. And we are having this dialogue with the board, and I believe that the committee is working in good faith, very intensely, to overcome all these problems.

The document that we were given raising concerns, some problems was submitted to us ten days ago. I read it. I read it again. And I can still make a position, take a position because there are certain points that are not fully clear to me. I don't understand all the questions because it is obvious that the GAC submitted a piece of advice that perhaps for the board was not so clear. So I don't know what answer to give to this. I believe that we will have to continue working together in order to determine how we can contribute to this because there are different concepts. And when concepts are different, it is quite difficult to reach a conclusion.

In summary, you may have a certain opinion and that is just an opinion. So perhaps we can never put forward a finite list. We put together this list for those strings that we identify as more complex. And now we have produced this document and we have this document given to us by the board's committee. I'm going to analyze this document in Lisbon and after some time always in an agreement with the commission we are going to put forward a position. Thank you for the work you have done. I think that the GAC is trying to make sure that we get quick responses but this is quite a complex issue and I believe that we are using different concepts and we need to reach a good understanding. Thank you.

CHAIR DRYDEN:

Portugal. So next I have EU Commission, please.

EUROPEAN COMMISSION:

Thank you, Chair. Adding to what you GAC members have said already, I would like to deliver -- the European Commission would like to deliver a short statement on behalf of all the EU GAC members sitting today with us.

The European Union is pleased with the acceptance by the NGPC of some key elements of this advice given at the GAC in Beijing. And we recognize the hard work accomplished so far to this end. The EU is also glad to have further dialogue with you today on some of the questions which have been raised and the Beijing communique should remain, however, as a basis for the GAC advice.

We are glad to see a number of positive comments from the community towards the advice given in Beijing and we are confident that ICANN, after this constructive dialogue with the GAC members, will find a suitable way to implement it and certain universal application of the gTLD program. The complication of national and legal systems and regulatory systems already exists, and together we need to strive towards a global DNS system.

We would like to highlight that at this stage we still need a (indiscernible) and reasonable time to think through the documents circulated yesterday containing a series of very precise questions you have just referred to in the slide. And we note we are still consulting our capitals and headquarters. Also bearing in mind that our position is still at the very embryonic stage. European GAC members consider that the role of the GAC in this discussion, it is to provide high-level clarifications regarding the Beijing GAC advice rather than precise implementation means. We would also like to note that the least of sensitive strings provided in the Beijing communique is a non-exhaustive one. Hence looking at most strings have to refer for a case-by-case assessment without going below the threshold set forward in those categories meaning that the list should be considered like an at-minimum list.

We would like in addition to thank the NGPC for taking into account the advice regarding applications that were demonstrably supported by communities but which were not submitted as community application and which are in contention with commercial applications. However, the response to the advice did not take into account the key concerns that the community interest should be fully recognized in these

situations. We would also be grateful if you could provide additional information today on the rationale behind the single and plural decisions as we considered there's still confusability concerns for the EU. And last not least we remain at your disposal to continue giving high-level advice to support ICANN in moving forward towards a successful implementation of the gTLD program. In a framework of respect and legitimacy, especially now that the governance of the Internet is heavily debated in all of the fora. Thank you.

CHAIR DRYDEN:

Thank you, EU Commission. So next I have Germany, than Australia, U.K., and Spain. Germany.

GERMANY:

Yes. Thank you, Madam Chair. I just want to add something to our colleague from the European Commission which -- as Germany fully endorses the position. I would go back, I'd like to go back to Chris' requests and question and this was a rather concrete question that he was mentioning that some of the strings from ICANN point of view and board point of view seem to be not implementable. And my question -- and you are asking me -- ask the GAC whether we could reduce, as I understood, the list and delete one or other string. My reaction on this question would be first, which are the strings that seem to be not implementable and where are the problems? It is for us to understand but what we are talking about and which are the strings you could apply, this would be a way for us to understand what are the problems you are facing. And I hope this is a positive approach. Thank you.

CHAIR DRYDEN: Thank you, Germany. Chris, please.

CHRIS DISSPAIN: Yes. Hubert, thank you. Yes, precisely what you've just said is exactly what I'm saying. We need to have this discussion. And what we're -- what we're striving to do is to find the right format in which to have this discussion. If the right format is simply that we write to you, you write back to us, we write to you, then so be it. But we want to be clear that we need to have a dialogue with you and to be clear with you what that dialogue is about. So absolutely agree with you. The specific things that you said about you would want to know what they are and why, completely agree. And we need to launch that process, if you will, in some format.

CHAIR DRYDEN: Okay. Thank you for that, Chris. So we have identified what is the key driving question and that is to identify which are the strings that are not implementable and why and that would be the focus of the joint efforts that is being proposed by our colleagues from the new gTLD committee. Okay. I have Australia, U.K., and then Spain. Australia, please.

AUSTRALIA: Thank you, Chair. I'm rethinking my intervention as it's been partly overtaken by events, but it seems we have a good sense around the table that everyone seems very happy and willing and to understand the necessity of continued dialogue here. So I think that's pretty much a

given from what I've heard from colleagues around the table. And as Chris has said, perhaps we should focus on the mechanism. I don't think we're going to be able to work through all the questions that are here at the microphone today. That's reasonably clear. But from what I'm hearing from the committee as well, there is perhaps a limited set of questions. It's not entirely explicit in the document, but Chris has said that it's -- it's clear that some strings are perhaps, you know, not as difficult as others and from the document we have in front of us, you know, in some places there are two lists, there's the highly-regulated with several examples, bank, lawyer, pharmacy, which has been provided from the board. From what I'm hearing, perhaps they're not that difficult and not that controversial and perhaps some others are. So it may be relatively simple for us to agree that some issues can be agreed and we can move on to some tricky questions. Perhaps we work through some principle. I'm not sure exactly. But I'm -- having thought on my feet, perhaps the question is, I mean, I can think of a few mechanisms off the top of my head, but I'm actually looking at my Chair now, wondering whether the GAC needs to discuss this afterwards and get back to you. I know we have time with the board later in this -- in this week. And given where we've sort of arrived at, I wonder if potentially it's useful for us to take it as the GAC and figure out how, from our point of view, we would be most comfortable having this discussion with you, with a mind to efficiency and timeliness.

CHAIR DRYDEN:

Okay. Thank you very much for that intervention, Australia, and I think that is what we need to do in terms of your last point, is come away again as a GAC and then think what approach would work for us and

then we can work out those details afterwards. But I -- I share the view that we -- we do have a general agreement here that we should and can find a way to continue the dialogue with the gTLD committee.

Okay, so next I have the U.K., please.

UNITED KINGDOM:

Yes, thank you, Chair. And thanks very much for the committee coming here today. It's very helpful. I sent a briefing note to the supervisory authorities and regulators in the U.K. last week, ahead of this meeting, to update them on progress, and actually I was quite upbeat in my note, you know, recounting the submission of advice on safeguards and the fact that the committee was hard at work and we do really appreciate the work of the committee, as others have said before me. It is a very complex area, very challenging. And we know we're all working with the same objective. So I was quite upbeat and I said, you know, we anticipated issues for clarification, for discussion here at this meeting, and that I'd go back to them on concrete proposals, just to get -- keep them up to speed, proposals coming from ICANN, from the community. So your first slide was a bit -- very discouraging actually. But I do sympathize with the general request of moving forward and identifying the mechanisms for doing that.

With regard to the lists, my expectation was that we would try and help ICANN and the community as a whole in this process of identifying those gTLD applications that gave rise to very major concerns with regulators and authorities and other stakeholders. We would help that process with providing a pretty good exemplification and I'm confident we've done that. And I think the next step forward is for the committee

to try and prepare a first draft list for consultation with the whole community. And we, the governments, we could obviously seize the opportunity to contribute to that consultation. So that these gray areas that you've talked about, you know, individual strings which you feel don't merit inclusion, the whole community can resolve that issue and also identify those that we haven't mentioned in our lists, as Switzerland said earlier. You know, we've done our best in terms of providing guidance, but we're not resourced really to examine and test, as Switzerland put it, our conclusions that these particular strings fall into the financial sector, for example, or the health sector. You know, we're trying to steer you in that -- in achieving that goal, and I just thought the process was to -- for the committee and its advisers and legal advisers and so on to prepare a more authoritative list. Our list was not authoritative. It was indicative, as we've said. So that's my suggestion for the -- with regards to the list.

Now as regards safeguards and the document where -- where you set out questions and concerns with regard to the safeguard advice, I find some of this rather perplexing because you talk about, for example, safeguard number 3, registry operators will require that registrants who collect and maintain sensitive health and financial data implement reasonable and appropriate security measures commensurate with the offering of those services as defined by applicable law and recognized industry standards. That was a carefully-drafted piece of definition of a safeguard. But the response in the -- the document says, this safeguard is not specific enough and thus it is not possible to implement it. Well, that's a rather negative reaction, in my view. If there are questions, and you go on to list some particular questions as to who is the appropriate

entity and so on, well yes, we can -- we can take the advice of our financial and health regulators and supervisory authorities to help you answer those questions. But of course, we also expect you to undertake legal and other authoritative sources of advice yourselves. But I find it rather negative to say, it's not specific enough so we can't implement it. I'm kind of surprised at that language, put it that way. And I'm not so sure that you're saying it is impossible to implement. There are questions for clarification perhaps that -- not perhaps, there are questions for clarification and we can help you and your advisers and other stakeholders resolve those points of clarification to help you move forward to a point of proposal for implementation.

So I -- I'm still feeling positive. I got a very negative feel at the start of this session, but I still feel positive that the advice we've given is substantial enough for you to find a way forward for implementation that will have the support of all stakeholders. So that's my basic approach. I will need to consult the people I've been consulting with, the policy experts, on this document. I need time for doing that. We've all made clear, I think, that that is the situation with regard to our working methods. We have to consult with our capitals and that does take a bit of time. So we need an adequate period of time to reflect on these questions. But I really encourage you, as we've said -- colleagues have said before me, to look at this with a more active approach to say yes, we will implement this. We just need to resolve that. We're happy with that advice. And what you're saying in your second slide, you're not rejecting this advice so you are going to accept it and just come back to us with points where we feel we can help you with the implementation. But there is -- there is a -- a limit to how we can

engage in implementation. It's very high. We're setting the -- we've set out the advice and the issues of principle, the overriding concerns with a number of string applications over to you ICANN and the community to set about implementation and we will do our best to help you with that process. But as to defining actual modalities of implementation of these safeguards, I'm afraid, you know, we can't take on that responsibility. It shouldn't be our responsibility. We've set the principles of -- of standards, if you like, for these particular strings over to you, ICANN. So that's my basic approach to this. So I hope that's helpful. Thank you.

CHAIR DRYDEN:

Thank you, U.K. Just one point that I would clarify. I had a different understanding regarding the status of the advice. What our colleagues from the gTLD committee have told us is that they have not rejected that advice. But that is different from saying that they will not. That's still an option. And I think in coming to us today and identifying areas to clarify, to work with us, to find a way to implement, then that is their preference, to work that way. And what I am hearing from colleagues here is that they agree that we should try to do this. So I think it's important to be clear about that particular point.

So I understand Erika Mann who is a member of the gTLD committee would like to speak.

ERIKA MANN:

Thank you so much, Heather. I must say I'm -- I'm -- find the discussion insofar interesting because it shows that in many ways, because of the pioneering character of the work we are doing here and we don't have a

guidebook, there's no blueprint, there's no ISO standards or whatever norm which we can just look at and then we can implement it, we dance a little bit around who is responsible to do what, to clarify either the list, is it logical, does it apply international law, is it really looking into all national jurisdiction, can jurisdiction be scaled on the global level. So that's something I think we -- is it the GAC, is it ICANN? I think it's -- to be frank, I think it is all of us together because -- because of the -- the character, the pioneering character of our industry and because of the pioneering character of the next step we are undertaking in the gTLD environment and the sensitivities involved.

Now, I must say I'm very encouraged by the comments from the GAC. I find this extremely helpful for us, Cherine and Chris and for the gTLD board members, extremely encouraging to work with us. We understand the list, we shall see it regarded as an indicative list. We shall actually understand and see it as a guidance which was given. We do understand on the safeguards, the safeguards are safeguards, not in the sense to be taken that they shall be taken word by word but they shall be taken as really guidance to us to come back with a clear international understanding of laws which -- you know, and implementation and methods how this can be done.

So I do think we have -- actually between us, a comprehensive understanding what shall be done.

Let me maybe make one suggestion. I don't know if it's workable in this environment, but from my international experience, dealing with similar issues in different -- I must admit in completely different legal environments, but we -- why not before we take up the

recommendations you all made and looking to the U.K. as the last speaker, why not before we go to the full community, because we are here pretty much for a week, why not building a small group ICANN, from the gTLD community, some of our communities which are here. I mean, we have international lawyers which are present. We do have the registry present. Why not just building a small group and saying, you know, what would be the method, what would be the logical, because you need some logical methods to define things which you don't completely understand yet, why not doing it, then having just a clearer understanding between us. I think we are on a pretty good road already but then even more clearer understanding, and then we can take it to the community so that it's not -- everything is left for, you know, with unknown -- in certain areas gray as you rightly said, this gray areas. So I -- I would love to make this recommendation. Not sure if it is acceptable for -- fully in our environment but Cherine, Heather, Chris, maybe that's something we could do as a next step. Because my feeling is we are pretty close actually. We just fight about the method. We know what we want, what we don't want. We just fight practically about the method. Thank you so much.

CHAIR DRYDEN:

Thank you, Erika, and thank you for that suggestion. We're not going to be able to agree to the modalities, the way -- here in this discussion, and we are running short of time. So in my speaking order I have Spain, the United States, and a request from Iran. If I can ask these three to keep their comments as brief as possible and limit interventions to making new comments to the extent you're able because we do need to move

on to the other topic while we are convened still here today. So Spain, you are next, please.

SPAIN:

Thank you, Madam Chair. Trying to be brief. I like to defend the need to correct the GAC list of GAC non-accept -- substantive list in category 1 because we have the word "juegos" in the children category and also in intellectual property category. But juegos means gambling also in Spanish. There was a little mistake when drafting this list, and it's very important for us to include that word "juegos" as well in the gambling category. I can tell you that the regulation, the law enforcement of Spain regulation has that name, the competent authority, regulatory authority regarding with that -- has the name, so it's important to add this word to the category of gambling. Thank you.

CHAIR DRYDEN:

Thank you, Spain. I think there will be opportunity within the scope of what we're doing to address those kinds of issues if we find them. So thank you for that. All right. United States, you're next, please.

UNITED STATES OF AMERICA:

Thank you, Madam Chair, and thanks to members of the board who are here. I'm just going to concur very briefly with colleagues who have expressed I think the same sentiments that we hold and we're very gratified that you have taken the time to come and meet with us face-to-face. We have found your document actually extremely helpful in sort of highlighting some of the questions that you have come across in your work. Do want to commend you for the time that you have

directed to this work. This is not an easy task. We all recognize that. And so I just wanted to quickly concur when the suggestion from Australia, which is clearly that the GAC itself I think needs to revisit this to try to figure out how we can best help you as a -- in this partnership, and to concur with Erika's suggestion. I think that's an excellent suggestion. We do need perhaps a little bit of brainstorming to sort of go back and forth and perhaps winnow down some of the suggestions where there is confusion, then it's -- I believe it's incumbent upon us to help alleviate some of that confusion. So I just wanted to express our appreciation for the time and attention that these issues are being -- that is being devoted to these issues and that we are quite committed to working together in partnership to clear the air and to move forward. So I want to thank you.

CHAIR DRYDEN:

Thank you, United States. Iran, please.

IRAN:

Thank you, Madam Chairman. I think my impressions of the term "they are not implementable," perhaps it meant that at the form that they are or in the current form or at this stage or so on and so forth but was not definitively unimplementable. This was not expected, yes. But the situation is that let's take the safeguard. Safeguard is a result of the very, very difficult discussion that we had in Beijing, back and forth. People play -- not play, propose words, it was exchanged, it was come back option one, option two, so on and so forth. But that is the way that all this type of the text are put together, as the result of consensus, as the result of negotiation and so on and so forth.

With respect to the implementation, yes, it is not up to the GAC to provide the modality for implementation, however, perhaps there might be areas that clarification are required, what was meant, because every text it has two things. One is the letter and the other is spirit. Letter is there, but the spirit or the area of implementation -- or atmosphere or environment in which these texts were put together, that perhaps some of the members were not of -- available at that time or they were not listening to that time or it was not possible to see under what environment these texts were put together and crafted.

So I think that the end result would be that they need clarification, and clarification need to be provided. However, one last point that I would like to make. The safeguard, and the advice you have given were based on the principle of giving advice. And we have followed that. And I don't think that there is something that could be criticized. This is the way that we work.

If the formulation is not correct, if the principle is not correct, that is another thing. But currently, we base ourselves on the principles, how to provide advice.

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

Okay. So at this point I think we need to move to the next topic on our agenda, and that is related to the issue of IGO acronyms and how to treat them at the second level in the current round.

So I believe I can hand over to Chris again on this topic.

So, please, take it away.

CHRIS DISSPAIN:

Thank you, Heather.

We have, again, a small number of slides in respect to this.

So before I put up the first slide, can I say that it's, again, an attempt to level set. And I hope that it's not disappointing to you that we are -- it may seem to be slightly negative, but we'll get through it and see how we go.

Jamie, or if I could have the first slide up, please, that would be great.

So I just want to do a very brief history and level set on this.

On the 12th of April, 2012, in your advice to us you asked us to protect the Olympic Committee and the Red Cross names at the top and second level as they enjoy two-tier protection under international treaties and national law in many jurisdictions. You told us those were the only entities that need the two-tiered protection and that's why they needed to get enhanced protection and you advised us that there should be no additional protection for IGOs in the first round.

There was an acknowledgment that we might need to look at it for the second round.

Next slide, please.

Your current advice is that IGO names and acronyms warrant special protection in an expanded DNS.

So what we think your advice means is that IGOs get a greater level of protection than the International Olympic Committee and the Red Cross, for whom the protection extends to names only and not acronyms.

The IGOs get a greater level of protection than the sovereign nations ISO three-letter country codes which are protected at the top level but are not protected at the second level.

And if that is your intention, then we would like you to confirm that that is what you are advising us.

If it's not your intention, then we would like to discuss possible other solutions. And those possible alternatives include developing a reasonable means of dividing the list of acronyms, identifying some as appropriate for broad protections, others as not. Requiring asking each IGO to identify a subset of the currently applied for gTLD strings for which its designated acronym should be protected due to the related nature of the IGO's work to the applied for string or implementing a notice of registration process similar to the trademark clearinghouse or something else.

So again, we find ourselves in a situation where if we're going to move this on, we need to have a dialogue. But for those of you who were on the call that we held a couple of weeks ago intersessionally where there were a number of IGOs and a number of GAC members, the issue for the Board is that we don't think that the IGOs -- we're not sure whether

you are actually telling us that the IGOs should have a greater level of protection than the Red Cross and the International Olympic Committee and a greater level of protection than sovereign states. If you are telling us that, then, fine, tell us that and we'll move from there and work out what to do. But if you're not, then the result of what your advice currently says is that, and, therefore, we need to find a way of finding a way forwards that does not, in fact, create that situation.

So we had on the call a number of people. The issue of -- the particular issue of one country's three-letter code was raised as being a problem for them. But I want to stress, before we open this up for discussion, I want to stress that we are here in the spirit of cooperation; that we felt it was important to clearly put on the table the way that this looks to us right now, but we do want to find a way forwards if we can. Those things up on the board, on the screen are merely suggestions of possible ways forward.

I acknowledge that number 1, for example, I should imagine, would be immensely challenging because you would need to be splitting a list and so on and so forth. But in an effort to just give some thoughts to ways forward, we thought we'd put them up.

So at that point, Heather, I'll hand back to you and Cherine and see if there are any comments, questions.

Thank you.

CHAIR DRYDEN:

Thank you, Chris, for introducing us to this topic and outlining your current thinking on advice that we have provided on this matter.

We have had some discussion in the GAC about this, but it's -- at these meetings here in Durban but it's been fairly limited. But we have had, as I say, some initial exchanges.

Would anyone in the GAC like to comment or provide any kind of questions for clarification and so on? No?

Canada, please.

CANADA:

Thank you, Heather.

I just wanted to reaffirm that Canada does have a particular concern with respect to the acronym CAN, and we would not support the concept that IGOs get a greater level of protection with respect to the ISO alpha 3 list.

We recommend that protections awarded to IGOs for their acronyms include exceptions for ISO alpha 3 codes.

Thank you.

CHAIR DRYDEN:

Thank you, Canada.

U.K., and Peru.

UNITED KINGDOM:

Yes, thank you, Chair.

Just a comment with regard to number 2. And it's a reiteration, I think, of what I said on the call, which is that there are some IGOs which are multi-disciplinary, and so it's going to be quite difficult to identify a subset for them. I'm thinking of Council of Europe and OECD and other entities like that.

So just a comment on that.

And my strongest feeling of a way forward would be under 3. Something like a clearinghouse approach. But this is, as Heather said, I think it's fairly preliminary with regard to GAC discussion about that.

Thank you.

CHAIR DRYDEN:

Thank you very much, U.K.

So next I have Peru, then Switzerland, and United States.

PERU:

Thank you, Chair. At this moment, I will switch to Spanish to express myself clearly and completely. So if you mind, put on the headphones for those that do not understand Spanish.

What we are being presented here regarding these two issues under discussion this morning, there's a fundamental from Peru's perspective. We believe we need to work on a procedure to provide clear criteria for the Board as regards to how to proceed with the advice given by the GAC.

We are extremely concerned about the fact that we are told that there are criteria that are not clear, and, therefore, there is a risk for not implementing such criteria because the functionality of the GAC lies precisely in the fact that every advice provided by the GAC will ultimately be implemented.

That is why we believe it is important for the Board to come to us and speak so frankly and tell us that there is a critical problem that you require clarification, that what we have told them might not be useful. So from that perspective, it is quite difficult for us to react on issues that we didn't have enough time to consult on.

Governments work differently from civil society. We need time to digest the issues, to understand them, and to be able to put forward a national position that later on can be discussed within the GAC and, later, at the different ICANN bodies, and, in particular, within the Board for implementation.

So with this, we mean that we will need time to provide a reaction. This is the starting point for a dialogue, but this is a dialogue that will have to continue in the following sessions so that we are in a position to give you a sufficient clarification for the purposes of implementation.

Regarding the protection of IGO names, and I'm exclusively referring to the understanding of my country, we believe that IGOs should not have expanded protection, greater protection, than sovereign states. If there is the impression that sovereign states protections is less than the IGOs, then we have to reinforce the protection of the country names and geographical places for these countries. That is my first approach.

And my second comment has to do with coexistence, in the particular case of the Andean community, and the acronyms for -- that identify the country as Canada.

We have coexisted for many years. Peru is a member of the Andean community. This community has existed since the 1960s and we have had a peaceful coexistence without confusion because of the use of country acronyms has been quite different from the purpose for which the Andean community was created.

So in that respect, I'm just speaking on behalf of Peru and not on behalf of the member countries of the Andean community, we don't see a difficulty in the coexistence with that acronym as raised by the colleague from Canada.

Anyway, we will ask for some time to be able to provide substantial rationale for our joint position.

And if you allow me, Madam Chair, to go back to the generic names issue. We believe that part of the difficulty that we find in this new process, in this new call from ICANN, is that although, in the past, we worked using a finite number of domain names or endings for the domain names, the cross-sectional criteria was to use the generic names of the generic names that were more or less globally accepted.

In this new call, we are generating some changes in the pre-established criteria, and this has created a lot of confusion.

Now we have applications for generic names with the intention of being used exclusively, on an exclusive basis. And this is something that concerns my country a lot.

The use of generic names and the end names of generic names such as dot hospital or dot health or salud in Spanish or other similar names should not be subject to the right of exclusive use. And along these lines, let me say that we are also talking here about the generic names and the international organizations, and we are talking about indicative lists. We are not talking about finite lists.

Thank you.

CHAIR DRYDEN:

Thank you for those remarks, Peru.

So next I have the United States, then Spain, and Portugal.

United States, please.

UNITED STATES OF AMERICA: Actually, Madam Chair, I think Switzerland was ahead of me. My apologies.

CHAIR DRYDEN:

You are correct. I had accidentally crossed Switzerland off.

>> So to speak.

CHAIR DRYDEN:

So to speak, yes.

Switzerland, please.

SWITZERLAND:

Okay. I will not take it personally, of course.

First of all, I would also like to thank Chris and his team for this dialogue. And I also agree that we need to have this dialogue.

With regard to the question whether we want higher protection for country names or for IGO names, to be honest, I don't think that is a relevant question to ask because otherwise we would have to ask the question do we want higher protection for trademarks than for city names or for country names and so on.

I think we have to go and I think the path is already outlined. We have to go for a concrete solution to this problem. And after hearing the intervention of the colleagues from Canada and Peru, I think with regard to this collision of -- possible collision of IGO acronyms and country ISO list abbreviations, I don't think that there is a problem in practice. And if you follow, I can easily support the proposal from Canada.

And I think if we also listen to what the IGO community says, they don't want to have veto rights or like they don't want to be the last resort in saying yes or no to the use of their acronym. They want a notification process, and they want to be able to flag problems if they feel that there are problems with a name, and then somebody competent should take a decision after hearing both parties, the applicant or somebody trying to register a name on a second level and the concerns by the concerned IGO. I think this is a reasonable idea. The question is how do we work this out concretely. And I already have made the allusion to

taking the inspiration from the trademark clearinghouse and developing a similar process also with dispute resolution mechanisms for the IGOs.

And I can just repeat what I said, I think it was the last meeting. If we are able to deal with trademarks where you have also overlap with other types of names, you have overlaps between trademarks in different countries, if we are able to do that with millions of trademarks, I think we should be able to find a mechanism for a few hundred acronyms of IGOs. And I think we should just start and try to implement this concretely.

Thank you.

CHAIR DRYDEN:

Thank you for those comments, Switzerland.

Next I have United States, please.

UNITED STATES OF AMERICA: Thank you, Madam Chair, and my thanks to colleagues who have spoken before, particularly Switzerland. So it's very useful for me to follow on because actually I, too, want to express my appreciation for the work that has gone into this on your part. It's a very complicated set of issues, and I think you have raised the questions that you have been trying to deal with with us in a very direct and very concrete manner.

So I don't think our approach intentionally -- certainly not up front did we intend to elevate protection for IGOs over countries or even the

IOC/Red Cross. That was certainly not an intention. So thank you for pointing out the unintended consequences.

And just cutting to the chase, we obviously need a way forward. You have reached out to us to ask for our assistance, to work together in finding one.

I think the concept of a notification process or however you're presenting it here, point number 3, I think that sounds very promising. And I think we need to work with you to figure out how to make that work in the case of the IGOs.

So I just wanted to signal that I'm very, very willing to do that with colleagues. And I think that is the most logical way forward.

Thank you.

CHAIR DRYDEN:

Thank you for that, United States.

Next I have Spain, please.

SPAIN:

Thank you, Madam Chair.

The colleagues who have talked before me have expressed what I wanted to say. I just want to stress that the main point here is whether the Board accepts or doesn't accept the GAC advice regarding IGOs; that is, the need to offer safeguard mechanism for preventing the abuse of those names. We haven't said that the names of the IGOs should prevail over the names of countries or trademarks. We just want to

avoid having cyber-squatting or any other kind of abuse of names of international organizations.

And if we agree on that principle, then we can work on the mechanisms, the systems to try to sort out the problem.

Thank you.

CHAIR DRYDEN:

Thank you, Spain.

Portugal, you are next, please.

PORTUGAL:

Thank you. I'm going to speak in Portuguese.

Well, after the discussions we have held and all the items disposed, I have three items to raise, I want to raise to the Board. Why do you establish a relationship between the acronyms of IGOs and the country letters? We are talking about semantics. I do not understand this relationship.

My question is why are you giving more protection to IGOs? The Red Cross, the IOC, why are you giving more protection to that? Why are you saying that?

And the other question is the following. I'd like the Board to consider, in the case of ICANN, don't you think that the Internet corporation should be protected? It's Internet corporation, that's the name you're to, not ICANN.

Thank you.

CHAIR DRYDEN:

Thank you for those comments, Portugal. To answer your question about identifying the linkages between the country names and the IGOs, I believe the GAC asked the gTLD committee to do that, to provide us with that clarification.

Okay.

So next I have Peru. Is that correct? Yes. Please.

PERU:

Thank you.

I just wanted to make a brief clarification on my prior intervention, which is the following. Though we are saying that the names and acronyms of international organizations do deserve a special protection level which should not be necessarily higher than that of countries, but probably similar to that of the countries, by no means we wanted that to equate that to the case of trademarks. Trademarks represent a different category. Pursuant to international law, international organizations have an intergovernmental public and international character while trademarks represent private rights of a territorial character.

Therefore, their scope and their sets of obligations or rights are quite different. We do not want by any means to be construed that we are equating them on the same status.

Thank you.

CHAIR DRYDEN:

Thank you for that clarification, Peru. I see Gonzalo Navarro, who is a member of the gTLD committee, and then I will ask the representative from WIPO to intervene.

Gonzalo.

GONZALO NAVARRO:

Thank you, Heather.

Well, I will take the advantage to speak in Spanish, especially to respond to my colleague from Peru.

Thank you, Peru. I wanted to say that what you have clarified has been perfectly understood. The message is clear. There is a very clear differentiation between the trademarks and the protections sought for IGOs.

So for your peace of mind, you have been fully understood by the Board.

As a way to close this clarification, in this meeting what we are doing is work to identify the mechanisms defining the areas that deserve additional protection and finding them together with you.

Thank you.

CHAIR DRYDEN:

Thank you for that.

Okay. So I would now like to hand over to the representative from WIPO, please.

WIPO:

Thank you, Heather, and GAC members, and members of the Board for this very useful and pertinent discussion.

First of all, I would like to say on behalf of the IGO coalition, we are most certainly not claiming any greater rights than countries, most certainly not of the states here. It's just rather that, as stated in the GAC communique, it is recognized that IGOs are in a different category and their names and acronyms warrant special protection in any expanded DNS.

We most certainly recognize that if there is issues with countries and ISO codes, then certainly discussion and agreement and priority can be given to those countries; however, it is just that our names and particularly our acronyms being what we are known best by do require some protection in the new gTLD system.

However, we do recognize the issues that have been brought up by the Board; for example and particularly that of coexistence. And we have contributed in good faith to discussions as to how that can be managed and most recently put forward papers, I believe the latest being in June, as to how that could potentially work.

For example, we have stated that where a potential registrant wishes to register a domain name matching an IGO name or acronym, that IGOs will not stand in the way of that registration if it is bona fide and not

likely to mislead or harm the public that there is some connection with the IGO.

We have provided ways that potential registrants can communicate with us. Perhaps a notification system similar to the trademark clearinghouse can be used. And the fact that this may be open to review by third party is certainly also the potential for discussion, the potential to be discussed.

However, we would say that IGOs, as a matter of practicality, should be involved in this process in some way. And if there is absolutely no dispute, then there is no problem to be managed. And if there is a problem, then that would be a perfectly reasonable and appropriate point for a third party to be involved to manage that.

And we look forward to continuing with these discussions with the GAC and the Board to find a reasonable and effective way forward to implement these protections.

Thank you.

CHAIR DRYDEN:

Thank you for those comments, WIPO.

Chris, I believe you would like to respond.

CHRIS DISSPAIN:

Thank you, Heather. And thank you to WIPO for being here and being prepared to contribute to the discussion.

I just think, just for the sake of clarity, I need to underline the main issue. It's been colloquially described in discussions over the last few days as the judge-and-jury approach.

One of our main concerns is the concept of having the IGOs being effectively granting permission or having the opportunity to not grant permission to a body, another body that is of at least equivalent standing.

We've given a number of examples, and that sits at the heart of part of these issues.

It's why the possible alternatives all deal with notification rather than permission, or negotiating areas in which the protection exists, as in number 2. And I just want to acknowledge Mark's point that, in fact, number 2 is massively complicated in some respects and very simple in others. But they complicated.

So I really do acknowledge the willingness on everybody's part to talk, but I want to make it clear that the issue, at least in part, has to do with the concept of preemption and the right to say no.

If we can overcome that and find ways of providing a level of protection that doesn't involve that, then we found a way forward.

I'll leave it at that.

Thanks, Heather.

CHAIR DRYDEN: Thank you for that, Chris.

I see Iran.

IRAN:

Thank you, Madam Chairman. The discussion of today, in particular with respect to the international intergovernmental organization, strikes me that perhaps we in the GAC should be more attentive in selecting the language and the word that we put in our advice. To the extent that we can foresee and extent practicable, avoid any different interpretation or any extension of understanding to that.

So we should be more careful about the selection of the words and the language we use in the advice.

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

Okay. Are there any other comments on this?

No. Okay.

Pakistan.

PAKISTAN:

The production of IGOs and acronym is important for ICANN, government of the countries and global community. I hope today dialogue between GAC and ICANN committee is useful.

So there are a dire need that GAC and the ICANN New gTLD Program Committee may closely liaison with each other and propose a suitable

solution to the said issue in order to avoid a (indiscernible) risk in the future.

Thank you.

CHAIR DRYDEN:

Thank you for those comments, Pakistan.

So I think at this point we have had a good discussion about what are the key issues of concern and how we may begin to look at moving forward as a GAC, working with our colleagues on the New gTLD Program Committee.

And so I think this is a good moment to sum up and wrap up our discussions.

So I think we have arrived at a positive place and now we can, certainly from a GAC point of view, come away and do a bit of thinking about both of the main issues we discussed today, and regarding the first safeguards category 1 advice, how we can best organize ourselves to work with you on that. And, as well, to look at the options available to us in terms of acronyms for the IGOs. And I think we have successfully identified what are the key questions, what are the key issues. And so I've taken careful note of those, and we can use that as good guidance.

So thank you from the GAC. And I would ask whether, Cherine, you or Chris have any concluding comments.

CHERINE CHALABY:

Heather, thank you very much. We came this morning, and if you remember my opening remarks, we said we're not coming here for a decision today, nor, indeed, we wish to drag the GAC into implementation issues.

We came here today to start a dialogue because some of the advice from our perspective need clarification.

I have to say we are really very encouraged by the tone of the conversation, by your willingness to work in partnership, and by your willingness to find a reasonable and effective way forward. So to me, that was a very, very positive meeting, and we thank you very much for the contribution and attitude to this.

Thank you.

CHAIR DRYDEN:

So with that, let's conclude on that point. And for the GAC, if we can be back in the room at 2:30, please. We have our meeting with the Generic Names Supporting Organization Council. So let's be punctual, because we have our guests coming.

Thank you, everyone.

[END OF AUDIO]