
COPENHAGEN – GAC Meeting with GeoTLD Group
Sunday, March 12, 2017 – 14:30 to 15:00 CET
ICANN58 | Copenhagen, Denmark

CHAIR SCHNEIDER: We welcome our geoTLD colleagues. Please take your seats. I hope we have free seats. It's okay, Manal.

I hope you can stay.

So sorry for the delay for a few minutes. We will transport that delay into the next session so that we have our 30 minutes or so together.

Please quickly present yourself, and let's start right away.
Thank you.

SEBASTIEN DUCOS: Hello. I'm Sebastien Ducos, the chair of the geoTLD group, also an employee of Neustar and representing .MELBOURNE, Sydney and NYC.

KATRIN OHLMER: Hello. My name is Katrin Ohlmer. I'm working for .BERLIN and .HAMBURG and also a member of the geoTLD group.

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MARIANNE GEORGELIN: Hello. My name is Mari Georgelin. I work for AFNIC, who is a back-end registry operator for .PARIS, but also for .ALSACE and .BZH.

SEBASTIEN DUCOS: So thank you very much for giving us a bit of your time. We're going to try not to take too much, particularly because we'd like to have this conversation -- an open conversation and be able to come back often enough. If we take too much of your time, we're never going to be invited again.

We have a very short presentation for you on who we are and, in particular, where we have touch points with your community and where we would like to be working together.

If we could have the next slide.

The date is wrong already.

So we are a group that was newly founded in September. We've actually been working for a few years under the guidance of Dirk Krischenowski of .BERLIN who I believe came here to present a few years back.

So we were founded as a not for profit based in Belgium since September. We represent about, in terms of membership, about

half the TLDs in the community. We still have -- but through context -- not everybody is a member, but through context and, et cetera, we have a good representation of the community, let's say.

We are -- we are governments. We are private enterprise. We are not for profit. We are for profit. We are different actors in this realm.

And, thus, representing our members who themselves represent geographic communities, cities, regions, languages, cultures. Some applied in Africans as gTLD, some as communities and some as both geos and communities.

We are there to help the geoTLDs and the ICANN community.

And we're there also to help them represent the ICANN community and the wider world.

Next slide.

Next slide, please.

So I'm not going to read through, but members are the ones listed there. Again, membership is open. Our meetings are open, open to members, to geos, but also to anybody in the community. Please come and join us. It just so happens that

today it collides with Goran, but that's a different point. But you get a good view of who we are then. Next slide, please.

So we -- and this is not just saying it, it wouldn't count. It's a lot of people saying it around it about us. We -- because we represent different entities and different levels of commercialism, of governments, of not-for-profit, because of the registration numbers that we're being able to have in this new gTLD program, because of the level of -- the very little level of abuse of problems of interaction with the rest of the community, we proudly say that we -- we are what this program wanted to be in the first place. We represent the wide community. We represent the efforts that were imagined ten years ago when this program was first put into motion. And it's something that we're very proud of and keeping an eye on to make sure that we keep that -- that level of credibility and -- and serious in what we're doing.

I'm just trying to read without reading, very quickly. So we -- what we work with our members on indeed is develop the usage. Again, there's a number of us for whom it's a commercial concern. Others for whom it's just a -- in terms of a service to the community, a concern to be there and well-represented. We want clean TLDs, we want clean -- we want TLDs that have strong renewal, that have strong brand image for the

communities that we're representing, et cetera. Maybe next slide and to discuss directly why we've come to see you today.

So there's a number of topics that are dear to our heart and in particular a number of topics that you and I are either discussing here or I have been discussing with other members of the community. One of them is, we understand that you have been working and have an ongoing concern since the first round on geographic TLDs and some contention that has been happening there. Again, we've got a good representation of what both the - the commercial community had to do with this, the governments and et cetera. We -- we would be very happy and actually are asking to come and join your groups and discussions in this. This is something that we've already discussed very informally. This is an occasion to ask for it more formally. As we're getting to the point at the end of all these discussions of subsequent rounds and et cetera, we would like to be a part of the discussion. We have very clearly strong, you know, points of view that might not match what yours are, but the discussion is the interesting bit, I think.

The other -- and I'm going through the slides in different order. The other critical issue that we want to discuss is -- or that we want to have -- and this is beyond you with the rest of the community, is with the new European privacy laws that are coming into action. It is our point of view that this is not just a

European issue. It's not just a European problem, as it touches anybody that does any business in Europe. It touches everybody in this community. Every single TLD, every single registrar, will have clients in Europe. As such, and because we are strongly European, the list again was a lot of European cities, we are very well placed to know what the situation is. We spent quite a bit of time talking and discussing and trying to find solutions. We're very interested to discuss with the Europeans amongst you, but again, also with the wider world. This is not something that is just happening here in Europe. It is something that we want to discuss.

And the last topic actually came from your side but that we're very welcome to discuss is the topic of communities versus geo - - within geo -- compared to geo and et cetera. Again, something that we've ourselves discussed, we've found for ourselves definitions of our group that are slightly different from what ICANN had in order to include this community aspect, include it when the applicants decided to be both a geo and a community, and also for those that decided not to be geos because they didn't have that representation and yet, like, for example, the .EUS and .GAL, representing the Basque and Galician regions of Spain have a relevance for us, even though they're not technically geos.

On this, I'll turn to my colleagues very briefly to see if there's anything that I missed, any gaping hole? No. We're open for questions.

CHAIR SCHNEIDER:

Thank you. And before giving the floor to my colleagues who actually signal interest, thank you for coming. And I think the three issues that you raised is something that was on common interest. Geographic names and how to deal with geographic names, of course, is something that we're working for quite some time, and your experience with geographic -- you as a -- using geographic names in one way or another is, of course, something that is useful for our discussion. And trying to find -- maybe brainstorming about how to improve a reasonable protection or reasonable way of using geo names for the future. Of course, your experience is something that I guess is very valid. The whole issue about data protection is a European but not only European phenomenon, and we've went into this a number of times and there is a -- a discussion with the data protection commissioners following tomorrow, so this is very timely to raise this. We understand that it is an issue for the whole industry, no matter where in the chain you are. And then the community TLD is linked to our repeated discussions with -- about the community TLDs and how this process went and also what you heard this morning from the CCT review team that also looked

into this. So that's going to pop up there as well, and we'll have a look into this. And the experience of those geo TLDs who are at the same time community TLDs would of course also be a valuable contribution from people who actually went through these processes to see what you would think has worked well or what has worked less well or how these things could be amended in the future. So I'll stop here for myself and give the floor to Argentina and Pakistan. There may be others. So Argentina.

ARGENTINA:

Thank you. Thank you for coming. And I must say that I first heard about what a new gTLD was in 2006 when I found the colleagues of .BERLIN with some T-shirts saying .BERLIN. I said, what is that. So for me, I've been following your work for several years, and I commend you for the way that you have performed it. And I think that the success is based on the early conduct in between the interested parties. So everyone was aware, there was a common interest, there was a project developed on something already explored and envisioned together. So I think that's -- that's a very good example on how things could impact other areas. The problem is that when you find some brands that are related also with -- that interests are different than from a city, which is understandable. So that experience from your side could be very valuable. And we have been discussing this

possibility of building lists or repositories. We have gone through that several times. So maybe if -- I don't know if now or any other moment we can exchange some experiences about that and how did you manage the early contact with the parties, that could be, for the working group, very valuable. Thank you.

KATRIN OHLMER:

This is Katrin Ohlmer, for the record. I think we're more than happy to provide input, no matter whether it's .BERLIN or .PARIS or .NETHERLAND, how to kind of cooperate from the initial start with local governments, with regional governments, with national/international governments to find -- define a namespace mandate. This is what Dirk really called the .BERLIN namespace from the beginning to figure out which names should be kept reserved for local authorities, which names should be available for the broader audience and for the public administration and for other interested parties. But, of course, we have a huge variety of experience in the whole group which we're more than welcome to share with you and maybe give some -- some insights about the pros and cons of the different measures we analyzed and to which conclusion we came.

CHAIR SCHNEIDER:

Thank you. Pakistan.

PAKISTAN:

Thank you for the detailed briefing and support to GAC on the geoTLDs. As you know, the GAC has also a working group, GAC working group protection for the geographic names, and I am also the member of this working group. We have a lot of -- we make efforts to identify the issues and the possible solutions. But at that time I raised two issues. One is the -- already Olga is to discuss about the -- the list of the geographic names across the globe. Another is that the countries who are not currently the member of the GAC and -- but they have the geographical names, how we -- we conclude these graphical names to include and to avoid future risks and disputes. Although ICANN is also working on these matters.

SEBASTIEN DUCOS:

I don't know if this venue and this time frame is there to discuss that. Maybe we should come in and discuss with you directly. I don't particularly have a point of view on your membership so let's not discuss that bit and how to handle those. They are outside. But again, thank you. And we'll come and see you in working sessions and try to answer these questions.

CHAIR SCHNEIDER:

Thank you. Palestine.

PALESTINE:

Good evening. And at the outset, I would like to welcome you. What attracted my attention is the -- the message of the new gTLD group is the same message as the ICANN, which is one world Internet. Is the similarity between the message, this similarity, does it cause any problem in dealing with your partners? There are loops in -- some loopholes in some understanding between ICANN and the governments.

The second question. Our colleague said that we talked to governments about .BERLIN, .COPENHAGEN, and we define how we're going to -- what is going to go back to the governments and what is going to belong to the public. Was there a name that was given to the public and the government objected to that? Thank you.

SEBASTIEN DUCOS:

So I'm not going to go into detail. I don't have an answer. I know of a name particularly that was applied for and was applied for without government recognition at the time of application, which is .ROMA, for the city of Rome, which was applied for thinking that they would get a letter of consent from the local government and for different timing and political decision within the city of Rome were never able to obtain. And thus had to abandon.

Cases of government strongly going against a name, over any example. Just this one. They were missing the documents they were promising to deliver on behalf of the city.

KATRIN OHLMER:

Just one addition. Our members certainly would -- would write it at the very first beginning, go to the City or respective government and seek to get their input on how to collaborate, because if you were to operate a geographic name without the government support, it simply wouldn't work because you want the government to be involved in the space and get the input which names they want to operate themselves. And so this is certainly something which is really important for us. And so we are more closer to ccTLDs than to generic open TLDs where everything is sold to everybody without any interaction with the local authorities.

CHAIR SCHNEIDER:

Thank you. Council of Europe.

COUNCIL OF EUROPE:

Thank you. Elvana Thaci with the Council of Europe. I have a question with regards to what was considered a critical question, the second bullet point requesting ICANN to streamline the process to request exemptions from the ICANN

contracts. I'm sorry if I missed a piece of your presentation, but what kind of exemptions are you requesting to be waived exactly?

SEBASTIEN DUCOS:

So I -- yeah, I don't know if the wording -- the legalese of the wording are exact. We understand we are entering, or will be entering next year, into a position where just by the simple fact that we are holding individual information, registrant information, and in particular we're displaying that information on WHOIS, we will be either foul of the European regulation by displaying it or foul of ICANN's regulation by hiding. And there is -- there is a problem here that we need to resolve. It's a problem, again, in my view that is not a purely European problem. It is a problem that's going to affect anybody that does business with potential European registrants. And we have, obviously, approached ICANN. We've approached all the people that we can approach on this subject. We'd like you to approach you, too, to help finding a solution and a solution very quickly because we basically have a year to -- to implement the solution.

CHAIR SCHNEIDER:

Thank you.

I see Switzerland and the United States.

SWITZERLAND:

Hello, and good afternoon. Happy to see you here, and looking forward to many interactions and exchanges with you.

Returning to this point which was raised by you and also by the Council of Europe, I think it's related to -- perhaps to a larger question. As Katrin said before, you are more similar to ccTLDs. ccTLDs are bound by the local law, the national law.

As you know, in the CCWG Accountability process, there is a subgroup on jurisdiction which has sent out a questionnaire calling for inputs about experience where there is some issue. For instance, in the contracts of registries and registrars, with the current way that the applicable law or the venue, and so on and so forth, of ICANN is handled.

So are you planning to send in your experiences with these kind of issues to the questionnaire? Because at least for me, as member of that subgroup, it would be very interesting to see your practical experience because, well, privacy is one very important and very complex issue, but I guess there might be many other issues where in that field of tension between national law and your local community and the more

contractual California-based law of ICANN, you find yourself between a rock and a hard place.

And so I -- I would really look forward to seeing your inputs.

Thank you.

SEBASTIEN DUCOS:

So first of all, on the point of the geo TLDs, philosophy fully, the geo TLDs and ccTLDs, we are philosophically very close, indeed. But where the ccTLDs abide local laws and play by local rules, which very often they help building, we have to abide local laws like everybody else and play by ICANN rules which we haven't built. And that's the big difference.

Are we planning on answering this questionnaire? Yes and no. No, because I didn't know there was a questionnaire to fill, but now that I do, yes, absolutely we'll put input in it.

CHAIR SCHNEIDER:

Thank you. United States.

UNITED STATES:

Thank you. I just wanted to follow-up on the question posed by the Council of Europe and just try to better understand.

So when you're referring to the data privacy legislation and the problems that you're encountering, you're referring to the contractual requirements and the policies associated with WHOIS, not necessarily U.S. law requirements. You're talking about ICANN policy requirements. And I just wanted to ask if you were familiar with the conflict with national law procedure within ICANN, and if that's what you're referring to?

Thank you.

SEBASTIEN DUCOS:

Thank you. Yes, excellent question. Absolutely, we are aware of it, and we have looked at it very closely.

I'm just going to give you an example, and sadly my colleague from Holland is not here, so I need to be slightly careful about how to word it.

The way -- The way that document is worded, and to take a traffic violation analogy, you need to have gone through a red light and witnessed by authority. That authority needs to have issued if not a full fine, at least a warning and then you can come to ICANN.

So you need to go across the line in order to be witnessed by ICANN.

What we'd like is to find a possibility where we are either preemptively or we are able to go without basically breaking the law. We don't want to break the law. First and foremost because we're good citizens and, second, because local governments are involved in our -- in our operations very closely.

That particular document, whilst very useful in cases where law has been broken and you need to move fast, doesn't help us at all complying preemptively with something we haven't yet broken.

CHAIR SCHNEIDER: U.S.

UNITED STATES: Sorry. It's an area of interest.

So just out of curiosity, have you worked with the local DPAs to see if they were willing and able to send letters of support expressing that as a legal issue for you?

SEBASTIEN DUCOS: So again, I need to be careful because I'm talking about somebody else. It's not my personal case.

Yes, they have, and they have been advised that should the breach be witnessed. In order to be able to issue the document, they would need to witness that there is a problem. And should that witness happen and happen on paper, then instantly the penalties would apply.

CHAIR SCHNEIDER: Okay. Thank you very much. I think this is very interesting.

Peru.

PERU: Yes. I would like to know of the number of gTLDs that you have registered, what is the rate of success for you? Do you have good margins of earnings for these new gTLDs? How many people are registering? Are they something -- Are they good business or not?

[Laughter]

SEBASTIEN DUCOS: So let's define the -- And this is without -- without political (indiscernible). Let's first define what success is.

For a number much us, and I'm definitely working for a very commercial company, success is money. Success is registration. .NYC is a very successful TLD. It's a TLD where we've registered

80,000 domain names. It's a TLD that feeds itself. Absolutely no problem.

We also run TLDs that are -- that haven't reached that level of success but they're breaking in and bring what they need to bring.

Some other TLDs may actually not even have that imperative and may -- the success is for them to be there. The success is for them to have, either for local government or for the presence on the Internet, to have a presence.

Can I say that every single geo TLD has today achieved the goals they set for themselves? No, I can't. But, yes, in general, we are successful.

CHAIR SCHNEIDER:

Thank you. I think we have to -- we have to wrap up.

Iran, just to be sure, you didn't take the floor or ask for the floor, did you?

IRAN:

Thank you, Chair. I am sitting on your main beam (indiscernible) visible sight plus/minus five degree and you cannot see me. Perhaps I go to the totally off axis, plus/minus 60 degree that you don't see me at all. That is the first comment. And I request

you kindly, although advertently or inadvertently, was not given (indiscernible).

We need to have some sort of description of geo TLD. Are we talking about country names and (indiscernible) names or we are talking of other geographic names? Rivers, mountains, (indiscernible), and so on, so forth.

So we need to have something to understanding. And when we said list of geographic names, are we talking of a repository for one category or repository for general category? in order to have a streamlined situation and better understand. not everyone using its own terms.

So it might be very much appreciate if you kindly, in your next actions, take care of that one. Because we also dealing with that in different concepts.

Thank you.

SEBASTIEN DUCOS: Point taken. We will.

CHAIR SCHNEIDER: Thank you very much. That was a very brief answer. So we have to stop here because we'll receive the GNSO in a few minutes.

Thank you very much. That was extremely useful, I think, for all of us, and hope to continue the dialogue and exchange of experience.

Thank you, and see you again.

[Applause]

[END OF TRANSCRIPTION]