
JOHANNESBURG – GAC Session on 2-Character Country Codes as Second Level Domains

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CHAIR SCHNEIDER:

With this I'd like to move on quickly to the next item, which is something that we've been dealing with already for some time now and is something that is, of course -- has raised strong reactions from a number of members of the GAC. And we've had a number of exchanges since -- in particular since Helsinki on this one, so a year ago. And we have on agenda item 3, you find a briefing paper in your documentation. I assume that you've all looked at it, and this was, as noted, prepared by ICANN staff, to be concrete by Fabien. So I'll give him the floor for a very brief summary for those who haven't been able to follow what happened to know where -- where we are at at this particular moment in time with the issues. So Fabien, please, go ahead. Thank you.

FABIEN BETREMIEUX:

Thank you, Thomas. So we just wanted to give a quick introduction to the briefing. You may have seen this table that we've presented. If we could scroll down. Am I scrolling down? I am. Okay. So I just want to highlight very quickly this table. In the briefings on this topic, usually the topic of two characters,

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country and territory names, have been together, addressed together. So we wanted to provide this table to help you distinguish how each of these topics relate to ICANN policies and procedures. So the -- the scope of this session, the topic is really two characters at the second level. But as you can see on this table, there are many other areas of discussion. So this is hopefully helping you to really understand where each of those issues from your perspective fit into ICANN policies and procedures. So again, in this session we will be discussing two-character country codes. So it's the first line of the table, at the second level. So that's the first line, second column.

And in this area, I'm scrolling down to the -- to the next page of the briefing, we've provided a summary of the main events in the area. You certainly recall GAC advice has been issued since 2014 and that was instrumental in shaping the authorization process by which governments have been notified and have had the opportunity to provide comments on the release of two-character codes that relate to their country.

In November the board took a resolution authorized the release of all two-character labels at the second level in new gTLDs with approved measures to avoid confusion with corresponding country codes. The ICANN organization then issued an authorization for that release which retired the previous authorization process. You may recall from the -- the survey that

was conducted that there were reservations with the consideration of GAC advice as well as the appropriateness of approved measures to avoid confusion. And in your briefing package were also the results of the survey.

On the basis of interim results, you may recall that in Copenhagen the GAC considered an issued advice in this area. This led to consultations with the ICANN CEO in mid-May. And since then, there's been in the GAC a proposal and interest expressed in forming a potential task force to review the issue in detail. Mr. Chair, I will stop my introduction here and give you the floor back. Hopefully this was useful to the session.

CHAIR SCHNEIDER:

Thank you for this brief introduction, and again, you have many more detailed information, of course, in the brief. So let me not lose time and give the floor to the GAC to express your views. And I think we know we should try and avoid restating the positions of which countries have strong feelings about this. We all know that. The question is, what to do next and what can we expect from ICANN and so on and so forth. I think we should try and focus on looking forward instead of looking backward. Thank you. I see Iran and then Argentina and then India for the time. Iran, you have the floor.

IRAN:

Thank you, Chair. As you have rightly mentioned that we need to talk about the next step, what happened next step. Also, I think we should reference -- or make reference to two resolutions of ICANN board in this regard, giving some tasks to the CEO of the -- of the ICANN to proceed and at least we, Iran, we have sent a message saying that we need some clarification. Some of the terms used in there, for instance, it says that the CEO reports back to the board if there is support for a different approach. We don't know what different approach means, to generally release a second level country and territory, so I would like to know what the different approach means or what are on the table.

However, the reason I ask the floor was not this, was to the task force. What is the task force? What is the term of reference of the task force? What is the composition of the task force, and what is the relation of the task force with the CEO and the GAC? This is -- we need some sort of clarification and also time limit for that. So it is not been an ongoing for others. It is a time limit issue. Complete the task in some time, like that would be term of reference. And report back to the CEO and then the GAC according to the channels and so on and so forth. However, we need clarification on these two resolutions, and we have to also inform that -- I have to inform that I am very pleased that ICANN has been in contact with us very considerably. We sincerely

thank them, in particular Akram sends many, many messages back and forth to us, provides various type of clarification that we have asked. And the last one of which was this morning during the GAC, we would like that this appreciation be conveyed to him through the management of the ICANN and encourage him to also provide further information to us and others and really, really appreciate his efforts. So very, very helpful and we are grateful to him. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. Argentina.

ARGENTINA: Thank you, Chair, and thank you, Iran, for your questions about the task force. Let me clarify where this idea came from. There were two calls or webinars, I don't know if they were conference calls called, with ICANN staff and the GAC in relation with this changes to the procedures about the two-letter codes and the second level.

And I had to -- I participated in the two calls. There were two calls organized at different times so different members of the GAC could participate, and I did participate in the two of them.

My feeling was -- and I'm talking now on behalf of Argentina, my country. And my feeling was that there was a lack of clear

information and lack of communication in between the different interested parties participating in the call.

And as this is a very important issue, not only for governments but also for the ccTLDs in each of our countries, I personally thought that it could be a good idea to convene a smaller group of interested parties to review it and perhaps clarify or see ways of having better information or a better understanding of this issue.

Of course the name of "task force" is just a suggestion. It could be "working group" or another term that we think is convenient, but we do think -- and again, I'm talking on behalf of Argentina -- we do think there is value in this communication and this clarification of the contracts that are in between ICANN and the contracted parties and the impact that these contracts and their implementation may have in the use of the two-letter codes and country codes at the second level.

So this is where this idea came from, and I will stop here. There may be other comments then after.

Thank you.

CHAIR SCHNEIDER: Thank you. Before giving the floor to India, let me quickly give the floor to Olof because he may have some useful information for us to --

OLOF NORDLING: Thank you, Chair, and I just wanted to channel from Iran's comment and reflect upon it a little bit, just to note that, indeed, Akram Atallah is here present in the GAC room, and as well as Cyrus Namazi, so in case you wish to have any immediate comments from them, that is possible as well. Thank you.

CHAIR SCHNEIDER: Thank you. And thanks to Akram and Cyrus for their presence and their willingness to come up and answer questions, in case we have any.

So India is next. Thank you.

INDIA: Thank you, Chair.

Well, in the Webinar which was held, as well as at -- on other occasions, we have clearly opposed the use of two-character country codes at the second level. We have a variety of reasons for doing -- saying so. The -- we believe that the delegation of .IN at the second level creates consumer confusion. .IN is also a

word in English, and that makes it particularly (indiscernible) to confusion in consumer mind. We have opposed this earlier also, and we do not feel that there is any need to delegate this at the second level.

We are in agreement with setting up a working group. The terms of reference could be debated, discussed, and delineated very clearly. We would want and expect a consensus to emerge on this before we move forward. And we feel that the mitigation measures that have been proposed are also totally inadequate and they do not address the concerns that we have raised. Thank you.

CHAIR SCHNEIDER: Thank you, India.

Brazil?

BRAZIL: Thank you, Thomas, and thank you -- I'd like to thank the secretariat for introducing the topic.

I participated in one of the calls that -- with the board, and we touched upon the two aspects that ICANN and the GAC had considered in Copenhagen. We considered, as you may recall, this issue from the procedural point of view, and I recall that

even counter-representatives that are not particularly concerned about the use of two-letter codes, they endorsed the call regarding -- and expressed their concern about the procedure that was followed by the secretariat. And I am -- I regret to say that in the course of the conference call, it was demonstrated that the decision was taken in a way in which the GAC was not fully engaged in a timely manner. This was even acknowledged by the ICANN CEO who participated, and he regretted that that took place and he -- and we engaged in very constructive discussion on how to avoid the repetition of such things in the future because we want to be part of the decision-making process to influence in a way that will build trust, and certainly the way -- the procedural aspects of this issue led to a breach of trust because there was a very radical change in the regime that was being followed on an agreed basis with the GAC within the system that any delegation of two-letter codes at the second level relating to country coded would be submitted to consultation according to the wish that -- the list that was in each country indicated whether that would apply only to brand names or to generic generic -- it's a bit of redundancy -- generic generics. So that was followed and the decision of the GAC just was steam-rolled on this.

So there was really, on the part of the procedure -- in spite of all the information we had, we are not convinced -- and again, the --

even the ICANN CEO acknowledged that there was a mistake on the part of the board in that regard. We would call for very serious consideration of that.

In regard to substance, and also I regret to say that on the basis of the decision that was made by the ICANN board, a number of new gTLDs have already registered our country names, our country codes. We took knowledge of a list of many gTLDs that already have, in our case, BR dot whatever. That was done without any consultation or approval on our part whatsoever, so I don't understand why, in this table, you have -- there is an entry that the -- in regard to two-letter codes that would require the approval of the country or mitigation method. There's no case and the decision by the board does not call for a consultation with the country.

So in substance, I regret to say that that has led to a fait accompli, so we are now faced with a situation that unfortunately completely changed the previous regime in a way that is totally inappropriate. And I'm sorry to say that. And I -- it is not clear because in -- as a result of some discussions we have had with the board and secretariat, it seems that even the task force at this point in time -- we support the idea of a task force, but it seems that the practical results would be very insufficient, because almost all the contracts have been signed and the contracts -- all the contracts have this clause allowing for the

second -- the registration delegation of the second -- two-letter at the second level.

So what I can say, we really regret from the procedural point of view, from the substantive point of view, we think that was a mistaken action on the part of the board to have done this. I think this is a breach of trust. I think we are trying to work here in a cooperative way, and that -- unfortunately that case was a point out of the curve of what we are trying to do. We would really look for -- we don't know how that could be remedied, because again, I think the largest -- almost all new gTLDs have already signed contracts incorporating that clause, so it would be almost, I think, impossible even, from a legal point of view, to revert that on the basis of the decision that was taken by the board. It was -- we don't understand because we understand there was a provision and the possibility to do it as an alternative to what was being done before, but we don't understand why there was such a rush to do it at the end of the year without proper consultation, without transparency, and again, that has led to a fait accompli.

So that's just for the record and we look forward, maybe, to some -- to hear from others, but we think that has led us to a situation that cannot be solved.

Maybe only when we discuss the rules for the second round of new gTLDs, when we provide the ground rules for the next phase, we can address this, but for the present phase, I'm not sure. I -- it seems there's -- there's very little that can be done to remedy, which in our case, again, it was a mistake on the part of the board. Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil, for this -- for this very detailed explanation.

And maybe just one remark on the table, which I think is very useful that Fabien that has put on or that you find on the first page.

We are discussing about the case of the first -- the first -- it's not "column" -- the first line, the right, the -- so two-character codes on the second level.

And this -- what is written here is a reference to the applicant guidebook, if I'm not mistaken, to the original provisions that they can be released if either an agreement is reached with the government and/or the ccTLD or -- and this either/or is not -- is one -- one can be chosen. It's not that both have to be there. Or ICANN is implementing measures to avoid confusion, together with the registries, and at some point in time ICANN chose to open up that line on the request of the registries and registrars,

so this is the Point 2, and last year it took the decision to then develop this procedure that has not been received very happily, as we've heard from a number of GAC representatives, by the GAC in general, and -- but as Brazil has stated, the fact is that these names are now being delegated, they have -- some of them have been delegated, so this can't be stopped. This will go on.

The question is: Is there something that can be done to -- in cases of confusion or other cases, that some problems that can be solved.

But that is the situation. We've discussed this already a number of times and this is it.

So, yeah, the question is: What can we do, looking forward? What can be done?"

I have France, China, Russia, European Commission, Iran, and the United States. Thank you. And the U.K. Please be brief because --

FRANCE:

Thanks, Thomas, and thanks to Fabien for the presentation. I will just join previous speakers, saying we are disappointed. Until the end of last year, we had a good mechanism, which was an ex ante mechanism enabling interested countries to be

notified before the release of their corresponding two-letter codes at the second level of the -- some new gTLDs.

Then at the end of last year, the board decided to get rid of this mechanism unilaterally, and without consulting the GAC nor giving any reason for this, and now what we have is only an ex post mechanism, which is mitigation measures, and basically it means that registries need to investigate in case a government flags a risk of confusion.

And as you said, Thomas, the board clearly stated that they -- they won't reconsider their decision.

So I just have three questions for the ICANN staff.

First, do we have any reasons why the board decided to make that change?

Second, what is the purpose and the deliverables of the task force?

And three, can you explain a bit more how does -- how does the ex post mechanism work?

So if a country tells a registry, for instance, they've identified a risk of confusion on some string, then the registry has to investigate, but then what happens? And what if the registry

disagrees with the country and believes there is no risk of confusion?

So thank you for the clarification on that. Thank you.

CHAIR SCHNEIDER: Maybe Akram and/or Cyrus, would you be in a situation to respond to these questions? Thank you. There's a seat here that you can take. Thank you, Cyrus.

CYRUS NAMAZI: Good morning, distinguished GAC members. My name is Cyrus Namazi. I'm a member of ICANN's global domains division.

In response to the question from France, it's important to note that the provisions that were adopted to mitigate confusion with a corresponding country code are a full part of the contract between the registry and ICANN. The meaning of that is that the full compliance component of ICANN is behind these provisions, in addition to all the other safeguards that are there.

If a country perceives a mischaracterization or abuse of their country code at the second level and they can't resolve it with the registry, they can come to ICANN compliance and we will investigate that and will take action, just like we would do in any

other -- with any other safeguard or any other abuse mechanisms.

CHAIR SCHNEIDER: Thank you. Okay. Next I have China.

CHINA: Thank you, Chair. Thank you, Chair. China, for the record.

For this issue, I think I have a suggestion. I think the case of dealing with country or territory names, consider an example for the case of two-letter code, because we have seen that the Board resolution made in 18th of May to release the country or territory names, to which relevant GAC members gave green lights, I think the -- a similar approach can be adopted with regard to the two-letter code. And we can also continue the discussion between the concerned GAC members, maybe through the special task force with ICANN org.

Thank you.

CHAIR SCHNEIDER: Thank you, China. Well, this is of course, something we can re-discuss for a future round or for future rounds. The fact is in the Applicant Guidebook of 2012, there is no black-and-white

requirement to do this. And this is the consequence of the discussions that we are having.

Russia.

RUSSIAN FEDERATION: Thank you. I will speak in Russian.

Just like other countries, from the very beginning we have been raising concerns about the use of two-symbol letter codes at the second level, that they can -- it can cause confusion among our users. We believe that the mechanism was working right up until the end of last year. We agree with France that we were okay with the process up until the moment when it was decided by the Board to change it.

We believe that this is an erroneous decision. It was made without and ignoring the opinions of the GAC. And the issue of future, it's very important. We believe that these mitigation measures, they're not adequate, and they don't necessarily respond to the concerns raised by the countries, including the Russian Federation.

We believe that there are more questions about this process than answers. And in terms of resolving and finding answers to these questions, and whether or not a task force would be enough -- well, first of all, we do support a task force, and we

believe that this task force or working group that will be able to discuss measures that would allow all to respond to the situation in an adequate way, and that countries concerned with the situation, that they will be able to find a solution.

However, how will this task force's opinions will be taken into account when ICANN will be making relevant decisions? That's another issue.

We hope that ICANN will make the necessary -- take the necessary steps and make the necessary measures.

Thank you.

CHAIR SCHNEIDER:

Thank you, Russia.

Well, I think we should get some clarification at some point in time about this task force. The way I have perceived it, that this is a group of GAC -- of interested GAC members, and that it's not a joint group between the Board and the GAC, but that would be a group that would then engage with the ICANN Board and/or with the GDD, the Global Domains Division, to try and find solutions for concrete cases.

The question also is something that other -- there may be interesting other actual concrete cases where a government has

a problem with a particular two-character code on a particular top-level domain, and so that we could see what -- what or understand, everybody can understand, what the concrete problems would be.

We have ten minutes left and we should try to get some clarity on a way forward with this. So far on the list I have the European Commission, USA, UK, and Brazil, and Argentina. And -- wait a second. Kenya? Is that right? And Norway.

Who else wants to join? Okay. Yeah. Please be brief and try to be forward looking.

Thank you.

European Commission.

EUROPEAN COMMISSION: Thank you, Chair. I will be brief.

So I would like to share some remarks on the possible way forward, although I don't have straightforward suggestions. I think it was useful for me to know from Olga what was the intended purpose of the task force. To me, it would be useful if the task force would be with a limited number of members, because if we have such a big overlap between the numbers of members that are in the -- in the initial consultation group and

the task force, it doesn't make much sense to me. We should have a very limited number of members working on the details, and then of course reporting back to the rest of the group.

So -- And one possible activity could be really to focus on the results of this survey that has been carried out. I think that there is a lot of substance in the survey, especially in the remarks part, because I have the feeling that some members have interpreted the question slightly differently, in different ways, but I see a lot of interesting and useful substance in the remarks.

So it might be useful to go back to that document, look at the results, and maybe come forward with a more in-depth analysis.

Then, of course, I have some doubts about, you know, the amount of time and energy which can go into this process and what will happen next, because as we heard, the process has started already. So this is a doubt I have. I mean, it would be good for the task force to progress, to identify possible solutions and maybe bring this back to the Board, but I am unsure about -- about the results we could get in any case.

Thank you.

CHAIR SCHNEIDER: Thank you, European Commission.

Next is Iran.

IRAN:

Thank you, Chairman. For the record, on behalf of the government of Iran, we fully and wholeheartedly support what His Excellency Ambassador of Brazil mentioned at the beginning of his intervention. I don't want to repeat, but it is on the record. Take it, and fully supported by Iran. This is number one.

Number two, we don't believe that the group should be limited to GAC. Maybe initially. But don't forget that there is another counterpart, usually counter-proposal to what we propose, and that is our distinguished, dear, dearest, beloved GNSO. They wrote a letter to the ICANN Board saying that "We have heard that you considering the GAC advice. Be aware that we are concerned about that." Even if before Board making any decision, they start oppose to that implicitly, not...

Second, if the group is established, we don't want to be limited. We don't agree with that. It should be open and leave it to the people who want to participate. But the most important thing is that.

Now we are discussing in the new gTLD. I have participated in that. Sometimes the meeting, Mr. Chairman, is 4:00 in the morning. Painful for some countries. Very painful. And the

number of participants from GAC are very, very few. Handful. Not more than five. Sometimes two only. And they are developing many things. They will start come to you saying they want to establish something which is called first come, first served, which is totally against those people who cannot be first come, first served because they don't have such possibility.

But the problem is that we need to be quite careful. The mitigation measures are welcome, but is not sufficient.

The problem in the past need to be corrected, remedied. We don't agree fait accompli finished, and now in future. And even we don't know when the future starts, because the condition is now continued. So we have to carefully resolve the issue, and we have to tell that. We propose that from now, at least, we should not release anything until the issue is resolved. We shall not continue to have the same thing, because it will be accumulated.

Chairman, the issue is that we have difficulties and problems, and the confusion. Yes, we very grateful to ICANN saying that please go and check all of those lists that they have given to us and identify the confusions. In our view, with experience that I have, it means that the responsibility from ICANN is transferred to membership. It's not good. We don't have that manpower. Sometimes we are one or two only. So this should not be done.

And this word "confusion," I don't understand what confusion means. This wording is not sufficient for us or is not appropriate.

We would like to see that those who want their views will explicitly be taken into account, be taken into account. Those views that have no problem, they should be left as they are. But this all confusion for us is difficulty. So we have to work out what will be the compositions of the group? Who will be involved, GAC or not GAC? What is the term of reference? What is the time limit? And what we do about the future, what we do about the present and what we do about the past? We do not agree that what has been done is finished. We would like a remedy of that.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran. We have six more speakers on the list. USA, UK, Argentina, Brazil, and Norway.

Please try to be brief.

USA.

UNITED STATES:

Thank you. Just to remind the GAC, the U.S. and I believe other GAC members do not have concerns associated with the registration of their country code at the second level. We had quite extensive conversations in Copenhagen. We had a very delicately written communique on the subject, and at least the U.S. left Copenhagen with the understanding that the purpose of efforts moving forward would be to address concrete concerns of countries with the registration of their country codes.

The articulation that you just made, Chair, about what should this task force be I'm comfortable with, but what I'm hearing in the room is something different. And I am concerned that those who want to participate in this task force and see the value in a task force are wanting to discuss issues that are really within the purview of the full GAC. If we're talking about how governments, the GAC is going to be engaging with the Board, if we're going to be taking issues with a decision that has already been taken and potentially reversing it, this is -- this is a full-GAC conversation.

I'll leave it at that at this point. Thank you.

CHAIR SCHNEIDER:

Thank you, and I think that was very, very clear.

UK.

UNITED KINGDOM:

Yes, thank you, Chair, and pretty much in the same vein. The UK is not one of the countries that has a problem with the substance of the issue. I have registered concerns about the process, and I'm very grateful for Brazil for articulating that very effectively in his earlier intervention. And this really is a serious issue. It's a failure, a deficiency of the multistakeholder model, you could say in this respect, and so it needs urgent correction. So look to the Board to engage with the GAC on this in -- in full, open session.

With regard to task force, UK has not signed up to it. We didn't know really what the terms of reference intentions were, so it's grateful -- we're grateful to have clarification of that. If the primary intention is to facilitate dialogue, that, I think, is very useful, in particular with reference to mitigation and addressing the concerns that a number of colleagues have expressed today about what is happening now.

So that task force, if it can be sort of focusing on what is happening now and engaging with the GNSO and with the Compliance Team, and so on, I think that's a very effective way forward. And then on the process, we do need to start dialogue with the Board.

Thank you.

CHAIR SCHNEIDER: Thank you, UK. Yeah, maybe to call it something like an ad hoc group or something would, yeah, be another option, than to call it task force, which may raise expectations. As we've heard, that may not be realistic in that sense.

Brazil.

BRAZIL: Thank you, Thomas.

I'd like to thank the -- my predecessors, because I think the collective discussion helps us to find a way out or at least have some more clarity.

As we see it, we have, again, that fait accompli. The GAC Board has made a decision. There was a possibility to do such -- to make such a decision, but the way it was done, the timing and the procedure, this was a matter of concern to the GAC. And the fact is that the decision that was made has already had effects. And these effects are, in a way, irreversible. So I'd like to -- as much I'd like to agree with Kavouss and others that we should look for remedies, I think the ambition in regard to what can be done, in regard to contracts that have already been signed after the Board decision is very limited, because we are engaged in a circular way of thinking, because now ICANN is bound by the contracts. They should abide by the contracts, but those

contracts were only signed because the decision was made that allowed the clause regarding the second letter -- the two-letter registration at the second level to be made.

So it's -- I think that raises a very serious issue of accountability. So we have been discussing accountability a lot, so what is the accountability toward us in that regard? I think this is a very serious matter.

But I'd like to support the idea that the task force, even with, let's say, such limited ambition should be established. And I -- I would insist that we should not look at this issue from the perspective of individual countries that have particular concerns. We'd like to see it from a point of view of policy. A policy, a regime that was changed. A policy that -- a regime that in some rules that accommodated the position of all of us: those who have concerns, those that have partial concerns, those that were concerned involved. But there was a policy in place, an agreed policy, and that was changed.

So I would like the task force -- I would suggest the GAC should participate, and I fully agree with the U.S. and UK, not as an individual representing individual members but as -- as the GAC. As engaging in the process towards trying to sort out what are the policy implications, what could be done about that.

Of course we'd be looking to the future. We'd be looking to maybe the target would be to find some common ground not only with us and the Board but I think all interested parties should be invited to be part of it. ccNSO is very important, should be there. GNSO and others. I think it should be open and transparent, and we should be discussing it from a policy perspective, not trying to address one individual or two countries.

But I think the -- our concern is that we have in place ground rules that were changed, and I think this is a matter of concern for all of us, to make sure that we are operating under rules that are agreed and clear for all of us. And again, I think the decision was, in that way, a breach of trust. We think that can be remedied. We think mistakes can be made. We are not -- I do not want to engage into the reasons for that, but they should not lead to a situation that we should see it as something, as Kavouss said, that is finished. We can look back and to come to a -- try to find, sort out some situation that can be of -- that can accommodate each one's request. I think that should be done through the task force. Maybe that might be the appropriate way to do it. And we'll be glad to participate.

Thank you.

CHAIR SCHNEIDER: Thank you. We have 55 minutes lunchtime left.

Next is Argentina.

ARGENTINA: Thank you, Chair. I'll be brief. Responding to European Commission about the question of a task force, and we can change the name. My English is limited. I thought about that name, but, please, let's change it if you think it's too strong or it does mean other thing. What we see is happening now is the responsibility of checking what is happening at the second level is in the -- in the country responsibility. Imagine those countries that are not in the ICANN environment. Imagine those countries that have difficulties in reading English or digesting all the information that we share in the list or in the document. Even for us that are following this process very closely, it's difficult. And I understand also that the contracts are in place and are already -- these TLDs are already delegated.

So perhaps the task force could have -- find a way to facilitate the information received by countries about the use of the second level in the new TLDs that have been delegated -- just an idea -- to solve the way to both parties to be more informed and understanding better how to move ahead with this important issue. Thank you.

CHAIR SCHNEIDER: Thank you. We have 54 minutes left. Kenya, Norway, France, and Germany are the ones I have on the list. I closed the list now. Please be brief.

KENYA: Thank you, Mr. Chairman. I'd like to support most of the comments that have been aired here. And while Kenya supports the expansion of the DNS and the result of the competition and choice in the DNS space, we don't support the use of two-letter country codes at the second level, at least with all the engagement of the relevant government agencies, or rather the relevant government. And it's because of mainly two reasons. One, we feel it will bring confusion, especially to consumers, given the increase of the use of the ccTLD in the Kenyan case for both government and the business sector as an authentic top-level domain. And this is specifically on the matter of enhancing cybersecurity. From similar experience, it is quite resource intensive and may be a diversion from other crucial matters.

Secondly, we feel that it would be an increased (indiscernible) steps in monitoring the potential issues of the two-letter country codes at the second level.

So we support the task force or an ad hoc group as the chair's proposed to identify possible interventions. And this might include having the board revisit this crucial matter. Thank you.

CHAIR SCHNEIDER: Thank you. 52 minutes left. Next is Norway.

NORWAY: Thank you, Thomas. I was also trying to be brief. I would just like to support the comment from Argentina about the importance of information outside of this group sitting here and knows all about the action and the problems. I would also like to ask and to dive into some of the practicality around this and ask ICANN on the table in front of us, in person, you said that ICANN will investigate and can take action if you see that there's any issues with confusion. What kind of action is actually built into the contracts that you have now with the registries, according to these specific issues, and will you then consider discussing these actions that are put into the contract with the task force. For example, if there need to be -- to be changed or that we need some more specific action items that you can actually do, or is it just the general contract that if you don't agree, you have a possibility to -- to put forward someone -- something on the registry? Do you have something specific on

this issue about confusion on the second level for the two-letter codes?

CHAIR SCHNEIDER: Thank you, Norway. I suggest we take the last two ones and then give Cyrus the opportunity to comment. It's France and then Germany, and then I have stopped the list.

FRANCE: Thank you, Thomas. I would like to thank Cyrus for the answer he gave me for my previous questions. He actually answered only one of the three. So I would just like to ask again, and maybe someone else than Cyrus from the ICANN staff can answer. My first question were about the board decision. Why did the board decide to make that change? Some countries call it a breach in trust. Some countries even call it a failure of the multistakeholder model. And, you know, there's a saying in English which says -- which says, well, if it is not broken don't fix it. So my question is, what was wrong and what was broken with the notification mechanism procedure because in the end, you know, some countries here invested a lot of time and energy in building this notification process and it was all for nothing.

And my second question was about the traffic force. While we support the task force we're still unclear about the purpose on

the deliverables of the task force and so we just want some clarification on that because I'm afraid I agree with what was said by Ambassador Fonseca. But maybe there's not much that we do to reverse the fait accompli. So thank you for answering these two questions.

CHAIR SCHNEIDER: Thank you, France. Germany.

GERMANY: Thank you, Chair. Just for the record ---

But having said that, I think and I very much understand the frustrations some delegations have with the process, and I think this is something we really need to consider seriously, even if we are not concerned as a country, but nevertheless, it's an issue where the GAC gave advice, clear advice, and -- and so far we think maybe this kind of working group will move forward to some results, hopefully. And there was a question raised by France. Maybe can be answered and hopefully we'll find some way out of the situation we're in. Thank you.

CHAIR SCHNEIDER: Thank you, Germany. So give the floor to Cyrus to quickly answer these questions, and then we have to follow up on the rest intersessionally. Thank you.

CYRUS NAMAZI: Thank you, Chair. 48 minutes of the lunch break left. I guess I'll try to make this very brief. In regards to the question from France, why the board took the action that they took, I really can't speak for the board, to be honest. So this is something best perhaps asked from the board specifically.

In regards to the question that I think European Commission had asked, in terms of the added safeguards, categorically these added safeguards are treated with -- in line with any other compliance-related issue. So specifically what that means is that a registry is now required to have in their registration policy references to a fact that a registrant who signs up for a two-letter code that represents also a country code will not misrepresent the use of that two-letter code to be associated with the country code. I hope that makes sense. So this is a proactive measure that a registry will have to take.

In terms of investigating abuses related to these provisions that were added, that part is reactive. So if the country code operator or if the corresponding country actually perceives an abuse of that particular two-letter code, they can contact a

registry. The registry is required to investigate. If the country or the country code operator is not satisfied with the resolution of the matter, then they can come to the ICANN compliance channel and the full force of ICANN compliance behind ICANN contract will then be there to investigate and help mitigate the issue. I hope this helps.

CHAIR SCHNEIDER:

Thank you, Cyrus. So that's the end of that session. And just a plea, when you come back after lunch, please try to take the same seats as you have now. Otherwise, I will give you some false names of your country or territory name. Thank you. Enjoy your short lunch. Let's be back as timely as we can. Thank you.

[Lunch break]