

JOHANNESBURG – GAC Working Group on the Protection of Geographic Names in Future Rounds of New gTLDs  
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OLGA CAVALLI:

Good afternoon, everyone. I see we have a crowded house, which is good. So there is interest in what we are going to talk about. My name is Olga Cavalli. I am the GAC representative of Argentina, and I chair the working -- the GAC working group on protection of geographic names in new gTLDs. It is a working group that has been established in -- after the Durban meeting in 2012, '13. And we have produced several documents. I'm sure that some of you have already seen some of them, and we were invited participate in -- in the two webinars that were organized by the GNSO. Thank you for that. I -- I know Jeff is -- is here in the room, so we will -- I will put him on the spot sometime during the presentation this session.

My colleague Jorge Cancio from Switzerland was so kind to participate in one of the webinars because I was traveling, and I did the other one. Because of the time difference they organized two of them. If we can go to the next slide, please.

So during the webinars there were 11 different presentations. One was made by us, which was a document, a PowerPoint, agreed within the working group of geographic names in the GAC. It is mainly presenting the idea of a repository of names, geographic names, which was a proposal made by Switzerland. This proposal was not

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totally endorsed by the working group and by the GAC, but we thought it could be a good idea to present it to the community in these two webinars, and then there were other presentations. The list that you can see in -- in the screen of the different presentations. Can we go to the next one, please?

So what we received a few days ago, it's a straw person document, which I understand is a draft document. That just copy pasted the text from the document we received, seeks to reflect -- in my opinion, it seeks to reflect the different proposals made during the webinars and tried to, perhaps, put them all together in one, having everybody equally unsatisfied with it, but trying to proposal something.

A general comment about the timing. It has been circulated a few days ago. We did not have time to review it in detail at the working group level, so I myself did some comments that I will share with you. Maybe you agree, maybe you disagree. So please consider them as very preliminary comments to the document and it is not -- it is not from the working group and, of course, it is not comments from the whole GAC.

For that we would need more time.

So the idea of the session, which is not very long, we have, like, 45 minutes, is to go through the document. As I said, I had marked it with some colors and made some comments. I already shared those comments yesterday night because I finished them yesterday night and I shared with colleagues in the GAC. And I did prepare in a

PowerPoint format so it's easier for you to review them in a screen than in a Word document in the screen. So that's the idea for the session today.

Any comments? Any suggestions at this time?

Also, we had these questions that I mentioned in the previous sessions about which is the format of the session. Maybe -- maybe, Jeff, could you give us some comments about it? Because we received a message that there were -- there will be no panels, and there are two moderators of the session. And the document is -- is not a very long document, but it's not a short document. So if we go in detail about comments to the document, it will take a lot of time, and I am not sure if this is the intention of the session. So if you could give us, before we go to the analysis of the document, some ideas about the structure of the session or the format of it, it could be nice.

JEFF NEUMAN:

Thank you, Olga. I'm Jeff Neuman. I'm sitting in the back. And thank you for giving me the opportunity to speak.

The format -- So if we go back to the -- the intention of the two webinars that you spoke of that Jorge had presented during the first one and you had presented during the second one, was to provide the background of positions of each of the parties that we knew of at the time that had different positions on the issues surrounding geographic names at the top level.

We did those two webinars, and it was greatly attended. So I thank everyone that attended and provided feedback. The purpose then was -- or the idea at that point, then, was to be able to come to this session to have a working session where we could look at an example or a -- some form of straw person that attempted to take parts of each of the proposals so that we could have a working discussion. It was our hope to not have panels that would just go over the same positions that they discussed already in the Webinar.

So the format of discussion today is to go through a very short background to make sure everyone's on the same page as to how we ended up here, and then to the facilitators, who have been reaching out to different members of the community. It's an organization called CBI. I believe it stands for Consensus Builders Institute. There are two people here from that organization who have been fantastic and have come up to speed incredibly quick. They called a number of members of the community, including they had offered to talk to Olga and to some other GAC representatives. They were referred to Thomas Schneider and Tom Dale, and they spoke with those two. They spoke to them a little earlier this week, as well as other members of the community. And the facilitators will then kind of give back their impression of what they heard from the people that they spoke with, understanding that the people they spoke with were not speaking on behalf of the communities that they represented but was more to provide some background on the issues.

So after we -- we go over that, the intention then is to walk through this straw person with three basic questions. The first question being are there any strengths? Is there anything good about the straw person? Are there any concepts that can be taken out of it?

The second part is to talk about what are the weaknesses, what's not clear, what parts are, you know, nonstarters, if any?

And then the third part is, you know, what else can we do? Is there anything we can do to improve it? Is there something better we can do?

The straw person was drafted by Avri Doria and I as the co-chairs but is not a -- it's not our proposal. It's not something that Avri or I are going to defend as being the right thing to do. It was really to try to show that if we took a piece of pretty much everybody's proposal and put it all together, this is what it could look like. It's not meant as something that we think, again, is the right thing to do, but, you know, it's a document that we could all look at and make comments on in an attempt to see if we could make progress on the issue. And this, you know, goes back to the last session with the ccNSO where interest was a deadlock on a number of issues. And so what we're trying to do is a fresh approach to see if we can break a deadlock and see if there is a workable way forward to provide more predictability and certainty both to the applicants but also to the governments and countries so that we can have a much smoother process moving forward.

OLGA CAVALLI:

Thank you, Jeff. Jeff, for clarification, I was not asked to take the floor in the session. The only thing that I knew is there were no panels, there will be no panels, and that the chair will be -- the GAC chair will be representing the GAC. That's all the information I got from -- Of course I plan to take the floor if -- if I have the opportunity and if it's relevant.

So if we can go to the next slide, it summarizes the first point one of the straw-person document. It talks about existing restrictions of the First Round Applicant Guidebook, and we have been talking about this exactly in the previous session. It would continue, and it adds a word "except." And here I would like to reiterate what was said by our colleague Annebeth. Why changing what has worked? You know there were some restrictions in the first round. It proved not to be enough. We had some conflicts with some geographic names and other community names. But it is -- it should be kept like it is. But the document says that this applicant -- the First Round Applicant Guidebook limitations could continue except applications for all three-character strings. These three characters, for example, for Argentina is ARG, and you can check online, which is the full list. It mentioned something that, at least, for me is confusing. All applications for all three-character strings would be allowed unless the applicant desires to use all three-character string that matches one contained in the ISO list in its geographic capacity. That's the point. ARG means Argentina. If it's used in the geographic capacity, that's okay, it means the country, but if it's used in a different capacity, that would make confusion with the real geographic

meaning. So that's my first question and my first comment to this -- to this point one.

And b has a similar statement, applications for strings that exactly match a subnational place name on the ISO 3166-2 list, country, province, state, would be allowed unless the applicant desires to use the string in its geographic capacity. The same comment as before.

Also a comment, general comment. What happens with those countries not involved in the ICANN process? How they get to know that their names or strings are being requested or used in -- in geographic capacity or not?

Then the last sentence says if the string is contained with the -- it's the list that is proposed, I don't remember the acronym, RGN, then the process described in Section 4 shall apply, and I go to there.

Any comments from the floor about this section one of the straw person?

I have Iran and Switzerland.

Iran, please, go ahead.

IRAN:

Thank you, Chair.

Perhaps if you kindly, or someone, explain what we mean by "in each geographic capacity." What does it means? I'm not very familiar with that, or we have some difficulty to understand that. So it is very

important to have idea what -- what does it means. And then continue to saying that unless the governmental consent, non-objections. We also have some concern about that. Do we mean non-objections in implicitly or non-objection in explicitly? So these are the things that...

And lastly, perhaps we do not need to use a straw person. A straw man is something used everywhere. We say chairman. This use of this perhaps is not important, but perhaps we should go whatever. Everywhere we have a straw man. But now a straw person. So we could not make man-made nose, person-made nose, or so on, so forth. So straw man is something that -- but it's not important. Just trivial.

Thank you.

OLGA CAVALLI:

Thank you, Kavouss. It's gender balanced.

Switzerland.

SWITZERLAND:

Thank you for giving me the floor and also thanks to Jeff to the explanations he gave before.

I want to express that we look very much forward to having a discussion on these issues. We know that this is a very important issue for the whole community. It's affecting different SOs and ACs in the community. And that's why I think, especially after hearing Jeff that



the straw person is just, let's say, a kind of compilation of different aspects, but it's not a position or not a proposal. I have some difficulty in engaging in this discussion at this level.

Normally, if you have a document by which to start a discussion where different parties are affected, this document is produced by the different parties. So I -- I have really some difficulties in engaging on it.

So I would start with a more basic question, which is what are the reasons for changing the 2012 AGB baseline regarding these strings? What is the factual basis? What didn't work? What is the problem that we are trying to fix?

And from the background paper, there's no evidence, there's no factual evidence that there had been problems with the letters of support of -- of non-objection.

The problem we identified, and which is also covered by the background paper is on those strings that were not covered by the AGB but which had a geographic significance.

So if we commit here to fact-based policy-making, we should start with the facts. And if there are really facts that are not mentioned in the background paper on specific issues with the AGB rules on these names, we should start by that and not start by a proposal that we don't know which problems it will create, and we don't know which problems it tries to address because we should start with the problems.

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Thank you.

OLGA CAVALLI:

Thanks to you, Switzerland.

I have Egypt and the United States and Norway.

EGYPT:

Thank you, Olga. And I -- I have a question regarding the slide we have. I mean, there is a reference to the use of the string in its geographic capacity, and it sounds to me as if it's a single instance that we are checking whether it's used in the geographic capacity or not, whereas we still have second-level registrations, and we don't really know whether -- I mean, how would the registrant who is registering the second-level domain is going to use it, whether it's used in the geographic capacity or other capacity -- or other meanings of the string. And what if the second-level registrations are split? I mean, some of them are using it in the geographic capacity and other registrations are using it in other meanings of the -- of the TLD?

Thank you.

OLGA CAVALLI:

Thanks to you, Egypt.

United States.

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UNITED STATES:

Thank you. This is a very interesting straw person. I won't go specifically into points. We do have quite a few questions as United States with respect to some of the words that are used and some of the things that are being proposed. But before going there, we just wanted to take an opportunity to at least express what we thought the purpose of this was, which was a discussion document. And, quite frankly, this has been a subject of conversation for many years now, and from the U.S. perspective, we see this as a really good opportunity to have a discussion.

I would hate for -- to see us get wrapped around trying to articulate specific positions at this point. I think we -- we have a very unique opportunity this evening and in a couple of days to talk as a cross-community, to try to understand each other, to try to understand our proposals. And I just urge us to take advantage of this opportunity.

I think going through and identifying questions, this is a good exercise, but again, I think we should see it for what it is, at least as the United States interprets it, which is this is an opportunity for discussion.

Thank you.

OLGA CAVALLI:

Thanks to you, United States.

And Norway.

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NORWAY:

Thank you. I would like to echo the comment on the process made by my colleague from Switzerland. It's -- this straw man -- straw person, sorry, paper, is also for me a little bit difficult to grasp. It's like an opinion paper more than a -- a ground-for-discussion paper.

Following on the specifics, like the United States said, I also would do probably later, it's point 5b in the -- in the paper, at the end. It says, "Only in exceptional circumstances would an outcome be a rejection of a TLD application." It's a rather strong language for where we are in the process, I think, now.

But I agree we should discuss further. That's why we're here. But I would like to -- just to underline that this is quite strong words, I think.

Thank you.

OLGA CAVALLI:

Thanks, Norway.

Any other comments at this point?

Iran. And before giving the floor to Iran, I would like really to -- to mention that this is the first time, apart from the documents that have been produced by the working group, from the GAC working group, about the use of these geographic names, which are not in any list at the top level, it's the first time that we see some reactions from the community in trying to open a dialogue. I see value there. Some much us have concern in the process, I agree with colleagues from

Norway and Switzerland, but there is value in the process -- in the dialogue, so we should profit from there.

Iran.

IRAN:

Thank you, Chair.

I was in a meeting today relating to the new round of gTLD with four tracks, and one of the tracks talking about the protectability offers or open. And I heard that, if I'm not mistaken, there was some notion that TLD protectability must be removed. So we now offer and then the other, we must remove that. So what is the issue? We take it? We remove it? We retain it?

So this is a little bit of incoherence on the discussion. It is not yet decided. But perhaps just Jeff could kindly clarify the situation, whether we are on the same wavelength or we are on different issue.

Thank you.

OLGA CAVALLI:

Thank you, Iran. I have the Netherlands.

NETHERLANDS:

Yes. Thank you, Olga. I think from our point of view, this is a paper which, of course, is a proposal from one person. But I think we should take it seriously in the sense that I see some openings, very

constructive openings, for to try to get the discussion on a different level, meaning that we -- we should really look at this from a new perspective with new solutions. And in that case I think I really applaud this paper to be brought further.

And secondly, I think you said in your first intervention, the misunderstanding about geographical name not used in a geographical context, I think. And you mentioned this in your first. I think there are many examples. For example, Bergen, which is a name of a city in Norway, Netherlands, but it also means mountains. So I think there are many, many examples of geographical names which don't have a geographical meaning in the context in which it is used. Thank you.

OLGA CAVALLI:

Thanks to you. Yes, I think we have to clarify that more and talk about it in detail. Any other comments at this point? Germany.

GERMANY:

Yes. Thank you, Madam Chair. I think it's a bit in line with colleagues speaking prior. We think it's a very constructive approach and we're trying to -- we see the effort to move forward and bring forward the discussions. Nevertheless, for the time being we are not in a situation to accept it as a paper, and having read it, I see there are some issues where we need to have further discussion, seeking clarification. But we welcome very much the effort to move this issue further, and we

are looking also forward to having this discussion on -- I think it's on Thursday with the entire community to have an exchange.

I also want to mention that we in Germany had several applications for geographical names, and I think our approach was at least not controversial between the applicants and the government and the administration is concerned. And so far I think it might be helpful also to consider what we did at that time where we already -- when it was application period and before the application period, we highlighted and discussed with potential applicants mentioning that if there are any doubts whether they apply for geographic name that they should contact the respective governments, even if it's not on any lists that were circulated at that time, and trying to find a way, a modus operandi how to move forward. And in the end, it worked. We didn't have any problems, be it on names on the list or be it on names that were on the list, I think this was a very constructive way forward. And this is a period I think we should seek also in the discussion for the future rounds. That's what I just wanted to highlight, and looking forward for further discussions. Thank you.

OLGA CAVALLI:

Thank you, Germany. And it would be great to know more details about your experience in this issue. More comments from the floor. Okay. We have three more slides to review the full document. Go down. Can you go to the next one, please? Can you go to the next slide, please? Thank you.

So this is a continuation of point 1 of the document. A searchable advisory repository of geographical names, RGN, is created and maintained by ICANN. This somehow takes the proposal made by the working group of geographic names in the webinars. Any government can add any term to the RGN, provided that there is a basis to protect the term under that government's existing law. In seeking to place a term into the RGN, the government must list the term, the name of the country that wishes to protect them, the contact authorized in the country to discuss the term and who has the authority to grant permission to use the term, if appropriate, whether the term is protected by national law or if the country desires to protect it for cultural or other stated reasons, the context in which the country seeks protection for the term, the date the term was entered. All terms must be reviewed every five years.

My first -- after that, okay. My first reaction to this is that not all the names that are relevant to the country or the community are necessarily protected by national law. Creating a national law to protect some terms would take some time. And then there is a point in the -- in the section below that it doesn't -- it includes both. Whether the term is protected by national law or if the country desires to protect it for cultural or other stated reasons. So it is not clear if it will be requested that it's protected by national law or not because then we may -- we may find the circumstance that it is an important geographic term for the country but it doesn't have a law that protects it so then it's available for -- for being used as a TLD. And my doubt, when I read it, is can the three-letter codes be included in this reserved



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list of names or not? And there was comments from a member of the community, and Olof would like to read them. It was in the chat. Can you do that for us, Olof.

OLOF NORDLING: Thank you very much, Chair. And this was a comment on recent new gTLD history from Rubens Kuhl, a note to me, and I quote. There was one problem in 2012, an application for .IDN, which is targeted as internationalized domain names, but it's also the three-letter ISO code for Indonesia. So accordingly that application was terminated due to that, and even if Indonesia would have agreed, the Applicant Guidebook wouldn't allow a non-objection to be filed. So end quote. Thank you.

OLGA CAVALLI: Thank you, Rubens, and thank you, Olof, for reading the comment.

UNKNOWN SPEAKER: Thomas and (indiscernible).

OLGA CAVALLI: Thomas and -- Thomas is GAC chair of Switzerland.

CHAIR SCHNEIDER: I'm not representing Switzerland. We have somebody else for this year. Because this has been raised now by several people and just the

last intervention for Olof, I think it's important to keep something in mind that was one of the bases on which the Applicant Guidebook was built. And I mentioned it already in the session before, but since there are some new people here, I think it's worth repeating it. There was GAC advice from 2009 and then repeated in 2010 which says that strings that are meaningful representation or abbreviation of a country name, a territory name, should not be allowed in the gTLD space. And then it says that meaningful representation or abbreviation of a country or territory name should be handled through the forthcoming ccTLD PDP and other geographical strings could be allowed in the gTLD space if in agreement with the relevant government or public authority. So whatever is the meaningful representation or abbreviation of a country name is the standing GAC advice that that should not be part of the gTLD space but if so should be worked on in a ccTLD PDP. Thank you.

OLGA CAVALLI:

Thanks to you, Chair. I have Indonesia, Iran, and United States. Indonesia, please.

INDONESIA:

Yes, Olga, previously I also asked in the previous presentations as how in practical we can do protection of the geo names in our ccTLD. Now, previously as mentioned, previously we have 60 days to -- to respond, say we are having a request related to our country, country names or whatever, and besides, if it is related again to the character of the

country, whether it's two character or three characters, then unless the country will give agreement, then it should not be used. So I wonder if in your group it is also discussed as how the PDP and then later the bylaws should be arranged such that the country can still protect their geo names as well as their ccTLD, bearing in mind that a ccTLD, because it is allocated to a particular country in accordance to the ISO standard where the country also sit in the ISO meetings, it can be seen as an asset for the country, you see. And using the -- this quote, unquote asset, then the country will have to be consulted before it is being used. Thank you.

OLGA CAVALLI:

Thanks to you, Indonesia. United States. Iran. Sorry, sorry. My mistake. My apologies. Iran and then United States.

IRAN:

Thank you, Chair. I think if you read the first one, second line start, "Any government can add any terms to the RGN," then have you a qualification, provided that there is a basis. If the government wants to add, what basis are we seeking for? We have doubt that the government has no authority to say that this thing will protect it? And who is authorized to check the basis? Whether the basis is right or the basis is wrong? The government says I want to protect that. So why we interfere with this internal efforts of the government and that. And then the red one, "Whether the term is protected by national law or by culture." Why we raise this question? The country wants to protect. It

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is up to the country whether it is for national law or for cultural or other things. Why is the question are raised? Why are we writing -- are we say you are not in charge for this very issue? Why such a thing is necessary? You should make it simple. You ask the country, they want to protect that, on the decision of the country. Cultural, national law and any other, and that is that. Thank you.

OLGA CAVALLI:

Thank you, Iran. United States.

UNITED STATES:

Thank you. And before I forget, I assume at some point during this conversation we'll discuss how we'll be engaging in a session, the cross-community sessions, because as is becoming evident we're -- we're expressing views of our individual countries, not necessarily views held by the GAC as a whole. But on that point, just wanting to speak specifically to these references to under the government's existing law, putting aside the issue of three-letter codes, because I think that's a different conversation, but specific to geographic names, it comes as no surprise that the U.S. position has always been that we should not, through this process, be creating legal rights that don't exist. And that's been our position when it comes to the repository. So with that being said, from our perspective, you know, having a basis, having a basis that is existent on law, actually addresses some of the U.S. concerns. We were still concerned with the way this is phrased and that it's still not clear to us what this exactly

means, but from the U.S. perspective we actually like this language. Thank you.

OLGA CAVALLI:

Thanks to you, United States. And about talking about the representation in the GAC, I think we haven't -- we don't have a GAC -- we don't even have a working group decision about this. So I think the interventions will be on a country-by-country basis. That's my understanding. If other colleagues have other idea, please, let us know. Any other comments at this point? I see none. So let's go to the next slide. There are no more than two -- two more slides. This is - - this is not a good practice for PowerPoints, I know. PowerPoints should be more -- letters should be bigger, but I tried to summarize in four slides all the text. And this section is 2, 3, and 4. It talks about this repository paid by -- by ICANN government's can put an unlimited number of terms into the -- into the repository. Number 3, every potential applicant is encouraged to consult the repository before submitting an application. I have a comment on this one. If you look at the text in the Applicant Guidebook of 2012 2.2, I include it in the bottom of the slide. It says that ICANN should avoid country, territory, or place names and country, territory, and regional language or people descriptions unless in agreement with the relevant government and public authority. The thing is public authorities and countries were not consulted when using those names. So perhaps the verb "encourage," I'm not a native English-speaking person but it could be it's not so strong. Maybe it should be somehow mandatory.

That's my -- one second that I finish with the slide, Iran, please. Then if the potential applicant finds an exact match to his or her preferred term in the repository, if the proposed use by the applicant of a TLD is in its geographic sense, the applicant must reach out to the authorized contacts in the repository. What if it's not? Could be confusing. B, it says, if the proposed use by the potential applicant is in a context that does not imply any association with the country, the potential applicant can either, get a letter of consent of non-objection from the applicable government or submit a Geo-PIC that the TLD applicant will not use the TLD in a manner that falsely suggests to the public that a connection exists between the TLD or its operator and the geographic term. This comment is similar to the previous one, what is a geographic term and what does it mean really. And then there are more comments about the Geo-PIC. I won't go into detail on them because it will take more time. So I have similar concerns with previous slides, and I would like to take comments from you. I have Iran.

IRAN:

Thank you, Chair. I think there are many, many elements in this straw man document that implementation is difficult. Because there are no criteria how to do that. For instance, saying that in the red part, "Submit a Geo-PIC that the TLD applicant will not use TLD in a manner that falsely suggests." Who decide that is falsely or not falsely? And then coming to your suggestion, sorry, a little bit -- we're in a hurry. The encouragement is not a correct verb to use. It's very, very weak.

They must consult this, yes, but not encourage. Encourage is optional. May not adhere at all. Even we should not use the word "should" because it is also, in our view, the view of government but not the view of some of the ICANN people, they say that should is a stronger than shall. So I think we should have a more stronger verb such as either "shall" or "must" but not "encouraged."

But having said, there are many, many elements here it is difficult to implement because there are qualified -- there are things, text, that judgment on that is difficult. And get another problem. So we try to resolve one problem, we create many, many other problems to solve. Thank you.

OLGA CAVALLI:

Thank you, Iran. And united States, you want to take the floor?

UNITED STATES:

Yes, I'll be brief. Just on the concept of the repository, without talking about whether or not it's a requirement or encouraged. Just a flag, you know, a point, a very important point you raised earlier, Olga, which is -- and I think this is something that we face in anything the GAC does, is that we can't be in -- find a way for all governments who are potentially impacted by this to be a participant in this process. So there's just something to consider here for making this a requirement than -- besides the fact that it would be very difficult for many countries, including the United States, to contribute to this repository. There will very likely be others who don't know it exists or do not have

the opportunity to contribute. So I just urge you to keep that in mind when considering what kind of verbiage to use here.

OLGA CAVALLI:

Thank you, United States. Any other comments? We have one slide more to go and like four minutes to end the session. Switzerland, sorry. I forgot. You wanted to --

SWITZERLAND:

I think this slide and, well, also the previous make reference and includes this concept of Geo-PIC, and I myself with the concerns expressed by other colleagues. But on a more general level, the issue of this provision that is foreseen in the straw person for three-letter country codes for city names and also for subnational regional names, such as in the case of Switzerland, for instance. Zurich, which is one of the largest towns but also the name of a canton, of a region in Switzerland, it's -- this geo-PIC creates an ambiguity, which is not really convenient for the legal certainty of all the parties involved, because it -- when in policymaking, you create two possible routes to get to one objective. Normally the people are under those rules will try to go through the easiest one of them. That's how we humans act. It's not that we are bad or we are good, but it's just a fact of life.

So this creates an ambiguity because you have the root of the letter of consent or non-objection from the applicable -- applicable government, which is the principle we were using up to now, and now we create a new root, which is, okay, if the applicant says that the TLD



will not falsely suggest to the public that a connection exists between the TLD or its operator and the geographic term, he may go or she may go through that root. and if we read that sentence, and many of us are lawyers or policymakers, we see so many vague terms. It's really incredible how -- how vague that is.

And this also creates questions of adjudication. Who decides what is geographic sense? Who decides what is falsely suggests? Who decides what public is relevant? How do you decide that? How do you enforce that? Which is even more important, because you may be right, but if your right is not effective later on, who cares about that?

So this creates lots -- lots of issues. It creates an ambiguity which was not really convenient for -- for any of the parties involved. And as I said before, it would establish two roots that would come to replace one system where you had one bright rule, which was clear, which created incentives to reach agreement between the government and the applicant, which is the letter of consent or non-objection.

And further, we are talking here about the TLD operator; okay? Let's assume that the TLD operator is absolutely abiding with this rule. But what about the registrars? Not that they are bad or not, but what if they market the second-level domains under that TLD in a geographic sense? Who will monitor that? Who will control that? Who will enforce that?

What about the registrants? If they see, okay, .ZURICH and he want to have that second-level domain under .ZURICH because they feel they

are connected to Zurich in a geographic sense, how will you avoid that? Same practice? The TLD would become a geographic TLD in -- factually.

So these are only some issues after having not more than five -- five days to analyze this paper.

Thank you.

OLGA CAVALLI:

Thank you, Switzerland.

I will give the floor to Brazil, and then we will have to wrap up because the room -- and Spain. And I will close the queue after Spain, and we have to leave the room after that. We have some coffee and we need to leave the room for other session.

Brazil, please. Go ahead.

BRAZIL:

Thank you, Olga. I'll be brief. Just to fully endorse everything that has been said by Jorge from Switzerland. We think that to start -- to design by start two way to address the issues is self-defeating because those interested will certainly go for the easier route. The second one under b.2, small 2, is something that is very similar to what we are finding insufficient in regard to what is taking place now in regard to the two-letter registration at the second level in the sense that it puts the burden on the governments and CC operators. For example, we

have been shown a list of gTLDs that have released the .BR at second level. We have never heard of. We were never consulted. It's on us to go out, find, because this has been negotiated between the applicant and the Board. The government are not aware.

So we think to establish as a start, it is something that is clearly insufficient. So we would certainly go for -- to maintain the procedure through which there will be the need for letter of consent or no objection.

And in regard to the repository, I would argue that it would be, let's say, a kind of a general rule that would apply to those who want to rely to it or not. Any country that does not want can be maybe very clear to indicate that it waives it's right to indicate any (indiscernible). So it's a general rule as we had before in regard to the two letter. That applies to those who are interested, those who interested, those that are not. So we don't see a problem in the sense that some particular government that is not particularly -- that wants to resort to it will have it, who don't indicate that doesn't want to use that mechanism.

Thank you.

OLGA CAVALLI:

Thank you, Brazil.

And, Spain, please be brief because everyone is coming to the room and we have to leave the room to other session.

New gTLDs

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SPAIN:

Thank you. Very briefly.

I share the difficulty in understanding the nature of this -- of this paper because a working document would need to be more balanced, for a start, to -- if it aims to really be a starting point for discussion relative to this issue. This paper this proposal, whatever it is, is really not balanced at this moment. It really advocates for one of the extremes of possible solutions to this issue.

So while we applaud the kicking start of the discussions related to this issue, we don't think that this paper is the right instrument as it is written right now.

And on the substance, the proposal basically lifts the protections that were set out in the -- in the Applicant Guidebook. So the measures that it foresees, like the creation of the RGN, that really gives ultimate priority to the applicant in case of contention. We don't really think this is a good starting point. It just go that way for a start.

So thank you.

OLGA CAVALLI:

Thank you, Spain.

So I will wrap up here. We have different views, different ideas. I personally welcome the dialogue. It was -- the document came few days ago. We all had difficulties to digest it, to analyze it. I will summarize what has been discussed.

The last -- the last slide in the PowerPoint was about mediation procedures. So you have the document. I send it to you, and you have the document sent by the GNSO. So let's go for coffee break, and we have the session in the afternoon. So we will have a lot of comments there.

Thank you very much for your attention and for being such a good audience.

Thank you.

**[END OF TRANSCRIPTION]**