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ABU DHABI – GAC Meeting on Country and Territory Names as Second Level Domains

Saturday, October 28, 2017 – 14:30 to 15:00 GST

ICANN60 | Abu Dhabi, United Arab Emirates

FABIEN BETREMIEUX: Thank you very much. Good afternoon everyone. We will continue in this discussion of concerns around country and territory identifiers. So as you can see from this table that is in the briefing for agenda item three which is also annexed to the briefing of the previous agenda item, we will be discussing here the specific notion of country and territory names which in the ICANN community has a specific meaning. And so it has two elements to it. There's the protection of country and territory names, the concerns with country and territory names at the top level and those concerns at the second level. So at the top level means as TLD, and second level is domain name in a given TLD.

So I'll start by providing a very short background at the second level. You may recall that the board took a resolution on this matter on 18 May that was before ICANN 59. And within a few weeks by 8 June 2017 per this board resolution, ICANN authorized the release of country and territory names at the second level by registry operators to the extent that the governments had expressed their agreement with such release. You may recall that such agreements are recorded in a notification requirements list that we have on the GAC website, where a country can indicate

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whether it agrees to a release in all TLDs only in brand TLDs or does not agree to the release of those names unless they are notified or they require notification before release.

So, this is the state to this day. And as a matter of actions for the GAC and GAC members, we would propose that GAC members and governments ensure that their requirements for notification and authorization are up to date on the website. That's really a key action for you to take. And the GAC may also wish to either reiterate its views on the matter or GAC members may also wish to engage with policy development processes such as the subsequent procedures, PDP, the new gTLD subsequent procedures PDP where this issue can be discussed.

So this is the update for country and territory names at the second level.

Now, for country and territory names at the top level, you may recall that the GAC stated a position in the ICANN59 communique on the matter. It was taken up by the co chairs of the new gTLD subsequent procedures PDP who proposed the initiation of a new work track in that policy development process to discuss specifically this issue. So this is a matter that has been discussed over the past few weeks, month, on the mailing list. Most recently thanks to initiative from the Argentinean GAC representative. And I understand that this will be the focus or at least an important

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topic of discussion of the geographic names working group that will meet on Sunday at 9:30, if I recall correctly.

So this completes my update and over back to you Mr. Chair.

CHAIR THOMAS SCHNEIDER: Thank you, Fabien.

So it's important to understand there's a difference in the procedure and in the mechanisms that have been set up by ICANN between the releases of two character country codes on the second level and between the releases of country and territory names. This goes back to different provisions in the applicant guidebook where in the case of country and territory names it's clearly stated that there has to be an okay or non objection from the government in the case before a release of a country and territory names where this is less clear in the case of these country codes.

So basically, the new element of this is that the process is under way to release country and territory names and ICANN is using this file, this database that we created where all of you can indicate whether you would not need a notification or whether you are fine with your country territory names being used at a second level domain, either by all new gTLDs or just by brand TLDs, and then the other option was to require notification and

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engagement with your government before such a name is released. And the default position for those and this is an important thing also, for those that have not answered over those countries that are not members of the GAC, would be that that would also mean that they would require notification.

And the thing is that basically it's this has been some time ago so it would be good to go and check what you gave or at that time is still what you wish it to be. And in particular those that did not respond at that time, there may be some that may now not have an issue any more with the release and may communicate this so that this list can be updated. So that's the main purpose of this update.

So far we have no notice of any problems or challenges on this procedure. Am I right?

FABIEN BETREMIEUX:

I'm not aware of any. We have received a number of requests for updates prior to the Johannesburg meeting, in ICANN59, and I just wanted to mention that I put up on the screen the said table. There is a delay between my screen and the display so I've tried to scroll down to show how this list looks like, and you have a link in any case in your briefing to this page and what's called the database.

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CHAIR THOMAS SCHNEIDER: Thank you very much Fabien.

Any questions or comments? I see Iran and Argentina, thank you.

IRAN:

Thank you chair. We welcome the creation of this group. If I understood, this is track 5 of new gTLD. And at least we have supported fully, Olga Cavalli, the representative of GAC in this team of 5 people with equal rights we mentioned, and we have mentioned something that the distinguished delegate of Brazil mentioned earlier than us, that we would not like that we be put in the positions of saying that you are a minority. This is a danger for us. And we advise or request distinguished Olga to be very careful of that. This group of people, mostly GNSO, usually refer to something [inaudible] relative consensus, or IETF call them rough consensus. Few people getting together and produce the sound of “mmmm” and that’s a rough consensus. And the remaining that have not developed that, we lose everything. So we don't agree with that. We need to really address the issue in a satisfactory manner to everybody. The experience that I have, mostly whenever we say something, we are put in the minority and this minority has been deferred many times and they referred to that in the meeting that we don't like this term “minority”. So this is an important issue. Use of geographic names in the top

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level domain, very, very important, critical for many countries, and so on. So we would like that whether asking the GAC whether the conditions that we have referred to has been assembled and whether it has been communicated or will be communicated to this group together with some of the conditions of ALAC which are not in a position to oppose or to support, but at least are some conditions. I don't know what are the conditions that we put when we said that “okay, we will attend at this meeting and participate on equal footing.” And I understand that one of the members elected or selected by one group, we fully respect that, is the one who is behind the geographic name. So, for the time being, we smell these problems, that this problem will appear. And we then put in the minority. So, the appearance of that distinguished person who is behind all of the geographic names is something that we should be very careful about. Thank you.

CHAIR THOMAS SCHNEIDER: Thank you, Iran. Well we, with regard to the so called proposed work track 5 in geographic names, we have made a proposal on behalf of the leadership team which is quite clear on the GAC's concerns and in particular on the conditions under which we are willing to accept and participate. That has been sent to the co chairs some time ago. So they are well aware. And our, by the way, our criteria and conditions are very similar to the ones expressed by the ccNSO and, also, the ALAC who will also

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participate in this exercise. In particular the one that says that all the SO and ACs concerned will have to say yes to this. And it's not just a PDP that will somehow vote or create majority or super majority. But similar to a CCWG where all relevant SO/ACs will have to buy into a solution. That's something that comes across all the feedback. Not just from our side, but also from the others. So, I think that is very clear. We will see the work track 5, there has been a call where I think Olga has already participated and she sent us some information. And there will be a first meeting I think to set up this work track 5 here in Abu Dhabi, I think it's on Wednesday. So we hope that we can organize ourselves in a way that at least a number of us can participate there and make the voices of GAC members heard. Thank you, your point is very well taken. Argentina.

ARGENTINA:

Thank you chair, and yes there were some calls among the name call leaders of this new track in the PDP that is developing the rules for the new gTLDs in the second round. There are different coleaders appointed by the ccNSO is Annabeth Lang, by the GNSO is Martin Sutton, and myself from the GAC and Christopher Wilkinson from ALAC. Our conditions were submitted to the group and there is a call for people that would like to participate. For those of you that are interested and I would like to mention the proposal made by our colleague from Switzerland, Jorge Cancio.

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He had this idea of not only one representative in the GAC working actively but a group of us that are interested. And I also would like to mention and remind you that there are different views about this issue within the GAC. So it could be good that the different perspectives are represented in the small group or medium large, whatever you want, that actively participate in this new track 5. So my proposal would be if you are interested we can think about ways to work together and we can talk about that tomorrow morning in the working group of geographic names meeting, thank you.

CHAIR THOMAS SCHNEIDER: Thank you, Argentina. Next is Kuwait, apparently I have not seen you, so those who are on the sides, if you realized that I don't see you, make signs to somebody who sees you and then they will notify. Kuwait, the floor is yours.

KUWAIT: Hello, good evening. We are from [indiscernible] Kuwait, we are handling .kw subdomain. If you are releasing the geographical names, why don't you handle this to the ones that are handling the ccTLDs? For example kuwait.com or .info, whatever. Why, the ones who are handling the ccTLDs, they are handling these geographical names also?



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CHAIR THOMAS SCHNEIDER: Thank you, Kuwait. Well, there has been a long discussion over years before and during the development of this so called applicant guidebook that was released in 2012. And it is basically up to every registry what to do with the domain, with the names under that registry, and there's a special provision that governments of these countries and territories have a say in this guide book. There's no role foreseen in this regulation for a ccTLD manager. Although, ideally, governments talk to their ccTLD manager and through governments there's some kind of cooperation. Egypt.

EGYPT: Just very quickly, to ask. We have already communicated the few conditions for participation and I'm just wondering whether we have received a response to this or are still pending a response to that, thank you.

CHAIR THOMAS SCHNEIDER: As I was involved in the paperwork or email work, the conditions were acknowledged by the co chairs and I understand it is also listed as a matter for discussion at the GNSO counsel meeting this week as well, that's a matter of public record. So, that's the only response to date. Thank you.

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We have a request from the floor, over there. Please introduce yourself, thank you.

UNKNOWN SPEAKER: I have just one suggestion. While discussing this country and territory names, we are relying on ISO 3166, which was created long back and not in the context of Internet registry. Now there are many geographic features and territorial cities which are not there. So either there's a need to amend it and expand the list or have [inaudible] separate from the ISO 3166 to take care of those cities territories which names are not there. Thank you.

CHAIR THOMAS SCHNEIDER: Thank you, also this reference to this ISO is something that is part of the regulatory framework as we find it in the so called applicant guidebook. In particular now with this work track 5 there's an assessment and a recalibration maybe on what to do with not just the country and territory names but with geographic names in general. And those who have been part of this exercise on the first round of new gTLDs know that the GAC has initially had asked for a stronger protection for more names than just the ones that are on the ISO list but that was not given to us with the explanation that that was not feasible. On the other hand, in return we got this famous notion that whenever the GAC with consensus objects to a particular application that that would create a strong

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assumption that that application should not go forward, we'll probably hear about this one example of this story later this week. But this is all up for reassessment and I can only urge you to participate in this so called work track 5 once we know about the modalities about how this will go. I assume that will be at least discussed if not decided during this week. And then we have to see how we will be able to participate. But this is definitely a very important issue. And not just country and territory names but geographic names, names of public importance in general that they should all be aware of and should be clear how this process runs.

Briefly the floor to Iran, and then we have to do the coffee break because the coffee is not in the room this time, it's in the atrium outside and there's a limited time and we don't want to miss the coffee break. Thank you.

IRAN:

Certainly we don't want to postpone the hot coffee for the colleagues. Chairman, the issue is now before GNSO council, if and only if they do not accept one or all of these or change them, in my view it is non negotiable until and unless comes to the GAC. So they cannot laterally change and modify that. If they modify that unfortunately because our activities in GAC is more effective and efficient when we are physically in session, other than

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electronically or virtual meeting. So we should be careful at the meeting and I don't know whether we have the opportunity to attend that meeting and express our views, or we will not be given the opportunity to talk about that. So the conditions is non negotiable unless it's agreed by the GAC or the representative of GAC consult us. So we don't want that they push for acceptance or modification of that. No doubt they want to make it something that they like it better. Thank you.

CHAIR THOMAS SCHNEIDER: Thank you. As we have a proposed co chair for this working group coming from the GAC, we would rely on her to keep us informed and to alert this to us and of course also that shouldn't be her alone. But actually, I have a number of others. We still don't know yet what the rules are for participation, to what extent it will be CCWG like, but [inaudible] GNSO rules, because it's a procedural issue that they will discuss for hours I guess. But I think we all noted and in case our conditions would not be met, we would need to think about what we do. Let's hope that they will be met and then take it from there.

Okay, if there are no more further questions, comments on this one, let's make a 15 minute coffee break from now. Reconvening at 1525. Thank you very much.

[Coffee break]