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PANAMA – Joint Meeting GAC and ccNSO (1 of 2)

Tuesday, June 26, 2018 – 14:00 to 15:00 EST

ICANN62 | Panama City, Panama

UNIDENTIFIED SPEAKER: We're about to start agenda 13 on the schedule, GAC meeting with the ccNSO. So let's welcome our friends from the ccNSO for this joint session. It will not be about GDPR.

On the agenda is diversity of ccTLDs and geographic names of ccTLDs. In addition to this session, I would like to emphasize that on Thursday there will be another ccNSO session where Bart has generously offered to speak about ISO 3166 for about 30 minutes.

KATRINA SATAKI: Thank you very much. As always, a pleasure to be here. My name is Katrina Sataki, the chair of the ccNSO. As it turned out during our previous meetings, sometimes it's not entirely clear what ccTLDs are, how they're governed, policies and so on. We got an idea to give a very brief presentation on what are ccTLDs and to explain to you in case of ccTLDs, one size does not fit all.

As you know, TLD stands for top level domain. And we have two types of TLDs. Next please. So we have ccTLDs or country code top level domains and gTLDs or generic level domains. Technically the same. The difference is in the way the policy is

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

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set. Those relations between ccTLDs and ICANN, completely different if you compare with gTLDs.

So what are ccTLDs? General information. A country code top level domain is a two letter Internet top level domain specifically designed for a particular country, sovereign state or territory. To serve their local community and ccTLD are derived from ISO 3166-1, country codes. They come from a specific list defined in this document.

On Thursday there will be another session where we will talk about country codes and how they are managed, so to speak, in terms of the ISO document. If you are interested, be here, and we will be happy to share more light on that.

So ccTLDs are managed and operated, usually locally but again, that's not a rule. A situation may differ and the main goal is to serve their local Internet community. That's why they usually, again, work for people that live in that particular territory or country. And they set their own policy. They may decide -- if there are disputes regarding a domain name, that can be solved locally or some ccTLDs choose -- they can have their own policy or adopt something else. And of course ccTLDs need their own technical competence to ensure that infrastructure is managed properly and everything works.

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So governance models, they also may differ. They can be private companies, governments, but mostly many, many ccTLDs are not for profit organizations. Registration models also may differ. You can have registry registrar models. Sometimes ccTLDs accept direct registration, do not operate by registrar; sometimes they use a mixed model and when they accept direct registrations or operate by registrars and management models, again, also can differ. Sometimes the same structure, same organization sets policy and registration. Sometimes they differ. Sometimes one body sets the policy and another runs and then issues the technical competency and runs the technical back end registry. And sometimes ccTLDs outsource their registration function to another entity.

If we talk about the policy, then this local policy may -- usually reflects legal structure and laws that are applicable in the particular country or territory. Of course very often they take into account local custom, culture, and so on. Not going to talk about GDPR; nevertheless, approach to WHOIS [indiscernible] and how to handle this output given by WHOIS is really -- can be set locally according to local laws.

Okay. As you know, ICANN has these five geographic regions. And ccTLDs usually also have regional organizations they set up regional organizations, they are formed by ccTLDs in those particular regions. Sometimes ccTLDs from other regions also

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join these regional organizations. Currently we have four strong regional organizations. For African region, AFTLD, for Asian Pacific APTLD, and for [indiscernible] center, and for Latin American LACTLD, provide training and platform to share information about various topics, like marketing, legal issues, technical issues, [indiscernible] and they also cooperate among themselves if we talk about -- next slide. If we talk about the ccNSO, it is a global platform. So if regional organizations serve locally, then they all come together to the ccNSO that was created for and by ccTLDs to serve the need -- currently we have 165 members of this year, June of this year. And you can see how the members of the ccTLDs are distributed on a regional level.

It should be noted that -- clearly not all ccTLDs are members of the ccNSO, that's one thing. And not all ccTLDs are members of regional orgs. And not ccTLDs that are regional organizations are also members of ccNSO. So we cannot say that all ccTLDs are somehow involved in the work in the information sharing. Nevertheless, opportunities are there and it's really very good for ccTLDs to get engaged in regional organizations and on the ccNSO level to make sure they can learn from each other. Next slide, please.

So next slide will -- one slide more. Apparently another click. Thank you.

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So what do the ccNSO members do? So why do we have this body here? They elect the council, and I will talk about the council in the next slide, but they elect the council, select two ICANN board members and vote on policies and council resolutions, participate in Working Groups, and they do not have to be ccNSO members to participate in the Working Groups. All ccTLDs are welcome to participate regardless of their membership in the ccNSO. So they always can suggest topics and set up members meeting agenda to make sure we discuss those topics of interest for ccTLDs.

So if we speak the council, please, next slide. We have three councils per region. Those counselors, three counselors per region. And these are elected by ccTLDs that are, first, in that particular region, and second, they have to be members of the ccNSO. And we also have three counselors appointed by the nominating committee.

Across all these four regional organizations they also appoint their observers to to the ccNSO council, so they also share information with the council and then also can bring information about the ccNSO to their members. Next slide, please.

So the main role of the council -- there are two main roles. First of all the council has the administrative role, and the main task

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of the council is to ensure day-to-day operations of the ccNSO, and also the council represents members. First we need to of course get some feedback, information and some sense from our community, and then we can represent ccNSO members on a global level.

Last slide, brief and quick introduction to ccTLDs. What do ccTLDs get or have ICANN? We are direct customers of bti, we have this global ccNSO membership. CcTLDs contribute financially to ICANN, and that's voluntary contribution. And sometimes ccTLDs exchange letters with ICANN, sign contracts. Sometimes their relations are not formalized. So really as you can see, there are different approaches to running ccTLDs. Clearly one size does not fit all. And when you talk about ccTLDs, please always keep that in mind, we differ, have to adhere to our local laws, we work on our own policies but come together to discuss, share, and learn from each other.

And when we talk about ccTLDs, as you know, new countries can appear, new country codes may be assigned. But sometimes countries cease to exist, and in that case we have to decide what to do with those country code top level domains. And for that we have PDP going, and I would like to ask Stephen, the chair of our PDP Working Group, to advertise a little bit that working group and tell us more about the work, actually. I will give the floor to Stephen.

STEPHEN:

ccNSO council member from the North America region, chair of the current ongoing process development Working Group on the retirement of ccTLDs. As you saw from Katrina's presentation, the two letter codes that constitute ccTLDs derive from the ISO 3166 table, and that is in turn established by the ISO to map country names and territory names to two letter and three letter codes. And because countries come and go and country names change and sometimes countries split into additional countries, that table is not static.

And what we're addressing in this policy development process Working Group at this time is how to handle from a policy perspective the situation when an existing country code top level domain's underlying ISO 3166 table entry goes away because the underlying country name has changed or the country has been dissolved, so to speak. And this is follow on work to previous PDP efforts undertaken by the ccNSO. This is the third of probably four efforts. The most immediate prior effort involved the framework of interpretation which was to establish as policy how our [indiscernible] would be interpreted by ICANN with regards to how they handle situations with ccTLDs. And in that Working Group we had representation from the GAC which was very, very handy.

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We are at this point in this Working Group that I'm now chairing moving out of the comparative phase, developing actual policy. At this point we do not have active member GAC involved in the Working Group. I would like for at least one and better two participating at least on an observer level. I had a conversation with one of your colleagues [indistinct] Douglas, who tentatively volunteered. I have not seen him since but I'm sure he's here, I've passed him in the hall. But if we could get a second volunteer, that would be really great.

Our next meeting is a face to face meeting Thursday morning over on the third floor of the Radisson, feel free to stop by. And our operation between ICANN meetings is typically a one-hour call every other week, and we rotate those calls on currently an eight hour schedule so that all members of the Working Group share the joys of getting up in the middle of the night now and then but also enjoy having calls at decent times of the day.

I'm happy to answer any questions regarding our work, and again, I would really appreciate if we could get GAC participation at least at the observer level so that you guys are in the loop as we move into the policy development phase. Thank you.



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KATRINA SATAKI: Thank you very much, Stephen. Any questions about the brief introduction to the world of ccTLDs or to Stephen regarding the PDP?

INDONESIA: Indonesia: the two [indiscernible] different for the country. Two-character, for example IN for Indonesia and US, how about the others? [indiscernible]

KATRINA SATAKI: There is some potential possibilities for growth. But -- first of all, I can never decide whether to assign a code or not. It has to be on the list. And you learn more about the list and the way codes are assigned on Thursday. So I would propose that we postpone the question until Thursday, the session on Thursday. I don't know the exact time, but I really urge you to come to that session. It will be very interesting and very illuminating, would give you more insight into the world of codes and how they are assigned. And apparently -- again, that is not upon ICANN to decide who is going to run the codes. That's really, again, somehow known. The body that is responsible for that territory is the one that has the say. I don't know if I answered your question, but probably wait until Thursday, and I'm sure it's going -- the picture will be clearer.

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If there are no more questions, let's move to the next agenda item, again, about country and territory names. And with that, I will ask Anna Beth from Norway, our co-chair on this working track five that deals with country and territory names. She has presented before. This time she will give you more summary on where they are at the moment and how we're moving forward.

ANNABETH LANGE:

Good afternoon. I'm one of the co-chairs in Work Track 5 an undergroup, subgroup of the total subsequent procedures PDP Working Group for the new round of gTLD. Olga Cavalli represents you, the GAC. Martin Sutton [indistinct] and Xavier from ALAC. We work together to try to find solutions that will give more predictability and less conflicts in the next round for geographic names.

This has been a long process. We started many, many years ago even when I was a representative of the GAC for Norway, and that was 11 years ago and for us as ccTLDs, we are mostly concern with how country and territory names have been used. That's been handled different places over the years. Started with a study group where also GAC was represented and the other SO's and AC's ended up in a cross community Working Group trying to find common ground. And now we are part of the subsequent procedures group. And this is the only Work

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Track in this process that had co-chairs for all areas, and that helps a lot. And our goal is to avoid the same thing that happened last round that we had five years from the policy that GNSO presented in 2007 until we had the applicant guidebook in 2012. So if we can talk together more, that was the intention to try and find solutions before we get that far.

So at this stage -- I'm sure you have heard a lot of this already -- we had the cross community Working Group meeting yesterday where we concentrated on the most contentious areas. We feel that we have at least a preliminary convergence on the country and territory names, two letter codes, or I would say two-character codes. And be aware because in the Work Track 2 full group, they have suggested that one letter, one digit, should be opened up for gTLDs, and that's a change from 2012 where it was two characters, and now it's two -- letters, that opens up for some solutions.

But for the rest of two letter codes, three letter codes, short country names, we feel we have sort of a convergence to keep the protection in the [indiscernible] 2012, but this is preliminary. We follow the GNSO process with all the steps that's in the GNSO process. So it will go to the full group and then it will go to the council and then a lot of steps before we have the final result. So be aware and follow up that when it comes out for a common hearing.

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The most contentious areas now is non capital city names. Capitol city names still seems like keeping the non protection support rule that we had in agp 2012, but still a question about should it be all languages, not discussed yet, or should it be the local language and the UN language, still not completed on that discussion.

But for city names and also the names that created the problems in the last round like .amazon, .Patagonia, that was not mentioned in the hsb at all. One end of the scale protects it all and the other opened up everything. So it is some work left there. And we try to develop some common ground that will give predictability for applicants, predictability and non confusion for users and as less conflicts during the process and afterwards as possible. We are not served by having conflicts. So we have to try to find a solution together.

So that's actually my main message here, pay attention. I know that the governments are interested in this area. And we have to follow it up. It will take time before we go to a solution that we can live with, all of us. Let's hope we get there. And if there is anything I can do or help answer, please let me know.

MANAL ISMAIL, GAC CHAIR: Yes, Iran, please.

KAVOUS ARASTEH:

Thank you. I just wish to raise three concerns that I have read from the activities of Work Track 5. In many instances it was mentioned that there is no international law on the names and so on, so forth. But we should not forget that before international law we have customary law, which is unofficial standards but more stronger than international law. Before we get together in a civilized society to have convention, constitution, this customary law was managing everything for years and years and years -- no difficulty, no fight, no political disturbance, so people should really understand that. This is one point they mentioned, there is no international law on the matter.

The other issue that says that they want to use something because they missed the opportunity. Who missed the opportunity? One may miss an opportunity at the expense of the other. It's not missing opportunity, this is misuse of opportunity if they want to do that. This is another important issue that we really need to think of this matter. So there are several things like this that we need really to take into account in this important issues. Unfortunately, the number of the people attending the Work Track 5 due to so on and so forth, very limited from the GAC, but these are the things. And as I mentioned, don't want to repeat again, the report I hope

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sometimes will be smoother. It currently is a compilation and collection of contradictions, opposite views, and divergence of views. I hope like two or three areas that you leader of the group succeed to propose something, you continue to do that for the other areas. Because if you expect or wait for people, they're sticking on their positions, advantage against advantage doesn't go through. But it's clearly a request for the culture to put together and propose some middle ground course of action. We encourage you seriously to take this course of action and try to find some solution.

Sometimes -- I'm sorry, this is perhaps the last comment on this issue -- they mix up with the people of the country and the government of the country. Capitol city, city names, country code. It's not government, it's people. This is heritage of the people. This is identity of the people. This is culture of the people. This is belief of the people. As soon as the government wants to dominate governments top supremacy, this is not government, it's people of the government. So we request you kindly perhaps clarify the matter, not putting the finger on the government. I know there are maybe a little bit of, I would say, governmental phobia. As soon as the government comes, everything takes offensive. But these are important points we request you kindly to further consider in your further discussions.

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ANNEBETH LANGE: I don't disagree, but we are four co-chairs representing different issues, and I have to be neutral in that capacity. But I agree that it's sometimes too much focus on law here. It deals with other things in this connection -- feelings, identity, sovereignty, as you say, customary law, as you say. And I agree, no way forward to go to the extreme ends. Not this way or this way, we have to find a new solution. If not, it won't fly at all. We should do that like we did in the Working Group of Internet governance, lock people into a [indiscernible] and don't let out until they have solved the problem. Any more questions?

MANAL ISMAIL, GAC CHAIR: So I have Iran again in the queue, but let me please remind you to state your name and affiliation when you take the floor transcript purposes. Because I can see many inaccurate references in the transcript. Over to you, Iran.

KAVOUS ARASTEH: I wish I could take a difficult and sensitive and complex question to Katrina. Maybe I can do it next ICANN meeting, and that's the property attachment of the country code and the country. Is it purely legal and subject of two codes with superior codes -- this is an important issue that sometimes -- I don't want to take your time but maybe at the next meeting, it's important people know the relationship between the ccTLD and the country. Is it totally

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detached, attached; property attachment, not property attachment? Because I have followed that very closely in the courts to know -- but maybe next time if you decide to do something. Thank you.

KATRINA SATAKI:

Thank you very much, this is a really interesting question, and thankful you don't want me to answer now so we can prepare rounds for next time. And I will use the opportunity to say one thing. Currently we have a very good approach to setting the agenda for these meetings. We have heard from the GAC side and we have Peter from our our side. They discuss those topics of mutual interest so that we can set agenda interesting not only for one of the parties but something that would be interesting for both our communities.

And I really would like to urge you if you have something, some idea like this, to raise at one of our next bilateral meetings, for example in Barcelona. I hope you will take on board the question just asked by Kavous so that we can prepare some material for our next meeting. This is one of the potential agenda items for Barcelona.



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PAR BRUMARK: And I agree. The GNSO and GAC, we have a very sometimes forgotten but very close relationship since we're speaking about the country codes. And that is sometimes forgotten. So there will be room for cooperation in many ways I think.

MANAL ISMAIL, GAC CHAIR: Thank you, this was Par speaking before me. We now have India and then [indiscernible]

INDIA: [INDISCERNIBLE] a study on how the various ccTLDs have been impacted and responded to the GDPR may prove to be helpful the GNSO if in a position to share [indiscernible] updates paper regarding the response of the various ccTLDs is most welcome. And another suggestion I have to make is that given the fact that the GNSO, just as the GAC, the decision participant in the community model, we suggest we exchange notes on this aspect about the responses going on inside the GNSO --

KATRINA SATAKI: I will briefly address what you were just asking. First of all, the GDPR, of course most of the work has been done on regional level, but if you are interested to hear some summaries, I'm sure we can work on that and present at the one of our upcoming meetings. But speaking about your second question -- and that

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was about thank you very much, the ccNSO just adopted guidelines for rejection and approval action. And it took quite some time because the language used in annex d is really very complicated, and luckily Stephen, who is on the council, he spent a lot of time reading and translating it for the rest of us because it's not an easy thing.

And now that we have a clear way forward within the community, now we're working on a to-do list. What we have to do to make sure we follow properly the procedure and that we can meet those really tight timelines that are given in the bylaws. And another thing, yes, we see some ways for improvement that ICANN org could take on board to make sure that -- to make this really complex thing easier for decisional participants. Maybe Stephen, who is also our representative on empowered community administration, would like to say something, because he's the one who pays attention, does the math with all the timelines.

STEPHEN:

Thank you, Katrina. As Katrina mentioned, we have a Working Group that writes guidelines and rules and procedures and stuff for us. And it's spent considerable amount time in ferreting out the guidelines -- the onus is on the board to seek approval for something they've done, the rejection actions are rather

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onerous on the community because there are multiple time constraints, steps involved and a failure to act cooperatively within any of those constraints causes automatic failure and ICANN prevails in whatever the board has proposed. We would be more than happy to share either or both of these guidelines with the GAC if you are at all interested in seeing what we have come up with as a way to proceed.

It's specific to some of the time constraints that the ccNSO council has with regard to its decision making but we get -- we just had three actions come through the empowered community administration, the [indiscernible] expiry of two rejection periods. The last five or six days, and we had one pushed through by the [indiscernible] [indiscernible] organization. I will take any questions on this topic if there are any.

INDIA: That would be very helpful if you would share it with the GAC. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, India. And Stephen. I have CTU and the European Commission.

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**NIGEL CASSMIRE:** From the CTU. My question is related to what [indiscernible] raised regarding signed delegation of country code TLDs, just to say there was a very informative session at the GAC capacity building session. I think it was led by an ICANN staff which dealt with delegation and transfers of country codes, TLDs and procedures associated and so on. So it was recommended that that material be made available for onboarding purposes. So there is some material maybe that already exists that the ccNSO could look at or be made available to them in terms of consideration for acting on the suggestion from Iran, and this capacity building was organized by the GAC's underserved region's Working Group.

**MANAL ISMAIL, GAC CHAIR:** Thank you, CTU, and definitely delegation and redelegation a topic of mutual interest. And please make sure you share all topics of interest with our Par, our focal point, he works on the mutual agenda with the next meeting with Peter from the ccNSO, so just to make sure that the agenda of the following meeting reflects all topics of interest to the GAC as well. So European Commission, please.

**EUROPEAN COMMISSION:** Just a reply to India. Since the council of European national top level domain registries is at the moment conducting a study to

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see how national TLDs in Europe has implemented the GDPR, and they plan to issue the results by the end of July, so that would already be interesting input.

MANAL ISMAIL, GAC CHAIR: Great. Thank you, European Commission. So any further requests for the floor?

ANNEBETH LANGE: It is a cross community session also on Thursday at 3:15 that will continue to discuss city names and other geographic names. So if you are interested, please come. We try to do it as interactive as possible to give people that don't usually talk also on the floor, and that seemed to go quite well on Monday. Thank you. Kavous.

KAVOUS ARASTEH: Yes, thank you, distinguished colleagues. May I ask your views, opinion, about the EPDP on the GDPR, whether what is -- at least if you have the views of the ccNSO on this matter -- active participation, membership, charter, to share your information, if possible.

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KATRINA SATAKI: Well, the ccNSO hasn't discussed neither participation or not participation in this EPDP. Individual ccTLDs, if they're interested in this area, they can participate in their own capacity, but ccNSO as such at the moment hasn't planned to take an active part in that process.

MANAL ISMAIL, GAC CHAIR: Thank you, Katrina. Any other comments or requests for the floor? So just a couple of announcements before we conclude. So this will conclude the GAC meetings today, but we have the two cross community sessions this afternoon on GDPR. Please make sure to participate. They are both here at this room. And Annebeth, your announcement for Thursday, we finish GAC meetings almost every day at 3:00 to allow GAC participation in high-interest topics in cross community and cross community sessions, so -- apart from tomorrow for the drafting of the GAC communique, which is an important task.

So we are reconvening tomorrow morning at 8:30 here at the same room; 8:30 will be the Working Group on human rights, and the GAC plenary will start at 9:00. Again, here in the same room.

Please keep an eye on your inboxes, you will receive an email from Tom with the second iteration of the questions that we would like to share with the board shortly afterwards. So if there

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are any comments, please provide them immediately so that we can incorporate them before sharing the list of questions with the board for tomorrow.

So with this, I would like to thank Katrina, Annebeth, Stephen, and all ccNSO colleagues in the room, and thank you for making time every meeting to come and exchange with us useful information.

KATRINA SATAKI:                   Been a pleasure. Thank you.

[applause]

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