PANAMA - Cross-Community Session: Geographic Names at the Top-Level (1 of 2)
Monday, June 25, 2018 - 15:15 to 16:45 EST
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OLGA CAVALLI: This is Olga Cavalli speaking. It's the top of the hour, so we need to start our session. So please be seated. Thank you.

Is technical staff ready for -- with the slides and all the things? I see nobody looking at me. I see no -- okay. Thumbs up. Thank you so much. Thank you. Gracias. Gracias.

If you could take your seat, please, gracias. Christopher, welcome.

We cannot see the slides. We can only see the Adobe Connect. There we are. Thank you so much.

Thank you. And welcome to the session that will last one hour and a half. It is organized, first, we will do a presentation and then we will break up in small groups.

We have -- how do you say that in English? Help me in ladies. How do you say (non-English word or phrase)?

>>   We have flip charts. Flip charts.

OLGA CAVALLI:

I cannot hear from here. So those in Spanish, we have got (non-English word or phrase). At least in Argentina. You know we have different flavors of Spanish in the region.

So we will break into groups at some time in the session so you can go there and give us your input. That will be very, very useful for our work in the Work Track 5. And I will give the floor to my dear colleague Annebeth.

ANNEBETH LANGE:

Thank you, Olga. This is Annebeth Lange for the record. And I would like to welcome you all and grateful that you stay on for this session as well.

Here nothing happens. Where do I point this thing? Yes, there.

So Olga has already welcomed you. So I will join her in that and just present the co-leads for this Work Track 5. It's Olga Cavalli for the GAC. It's Javier Rua for the ALAC and Martin Sutton for GNSO and myself, Annebeth Lange from the ccNSO. And we have been working for a long time together now, and we get to know each other. And in addition, we have Cheryl Langdon-Orr and Jeff Neuman for the whole group, all work tracks together and helping us.

So before we go on to what Olga has already informed you about to breakout sessions, we will say something about where

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are we and what is Work Track 5. For those of you who were here in the last session, you got the explanation. But just to go through it very quickly, that Work Track 5 is one of the subteams in the whole subsequent procedures full group, PDP group, treating everything for the new process.

And the overall working group tried to see the community's collective experience from the 2012 and see it up against the 2007 policy delivered by the GNSO, so see if there's something that needs to be changed and make it better to prepare and take away all these things that didn't went so well last time and try to keep things that went well.

And the Work Track 5 is concentrating on the geo name, the geographical names, at the top level. We are combining the things that happened before when the GAC had their own geographical working group and we had the cross-community working group for the country and territory names. Now we work together, all of us, and that's really useful.

And anyone can join work in Work Track 5 as a member or as an observer. And we really encourage you to do that if you are interested in this.

So we have them -- cross-community sessions today. And it's good to have all in the same room. And the purpose is to try to get information about the Work Track 5, and we will give you the

status and the next steps. We will love to have input across the community about some of the key topics that we have found during our work are the most contentious and hear the new perspectives from those not attending the work track and from other groups.

I must also say to you that Thursday, please also attend the Session 2 on this work on Thursday 28 at the same time, a quarter past 3:00. As Olga has said before, your input is really valuable for us to move forward.

So shortly about the progress of what we have discussed, we have gone through all of the topics within its scope of work but it's geographic names at the top level only. So not mix it up with second level. It's two-character ASCII letter-letter combinations. We have discussed alpha 3 and the ISO 3166 list, capital cities, 3166-1 list, and then we have city names, subnational names, for example, county, province, state, et cetera. UNESCO regions and names appearing on the "composition of macro geographical, continental regions," et cetera. We have other geographic names such as geographic features, some rivers, mountains, valleys, and culturally significant terms related to geography. And also the extent to which additional languages receive protection.

So key issues and arguments are collected during our work and will be presented in the working document that we will present in not too far in the future, we hope. It depends on what we can do in this meeting, how far we can move ahead.

So we -- so far we have a feeling of preliminary convergence for some of the things we have been discussing. So we will not go into that again today. It's a possibility to give input in the report when it comes out.

In the preliminary convergence that we see, regards continuing reservation at the top level for country and territory names-related terms like two-character ASCII letter-letter combinations. And then I must make you aware that in the work track 1 to 4 report coming out, it's a suggestion about opening up ASCII letter-digit. So be aware of that when you read the big report.

The other thing that's in convergence so far, three-character country codes on ISO 3166-1, long-form, short-form country and territory names, et cetera.

And then when we discussed it in Puerto Rico, we -- and also after Puerto Rico, we came to the result so far that we should defer broader discussions about which entity/entities can apply for these strings and how they may be treated to a later time.

We will also continue with requirement that an applicant must obtain a letter of consent/nonobjection from the relevant government or public authority when applying for capital city names. And then we come to the more -- more difficult stuff.

We go now over to discuss what we will want you to have as a main issue with the time we spend together today. And I leave the Board to Olga Cavalli which will take this further. Thank you.

OLGA CAVALLI: Thank you, Annebeth. And, again, I would like to thank all the colleagues from GAC that commented. Some of the issues that Annebeth stressed, there seems to be some convergence; and your comments have been really relevant to that.

So if you have been following the list -- I have to speak slowly, I know.

If you have been following the list, you have seen a vivid discussion about how to deal with noncapital city names. It seems that capital city names is easier to handle because they have a special status. But let me show you some -- some background material and some ideas about how to deal with noncapital city names.

About the policy in 2007 PDP, they are available but it's a challenge, challenge mechanism to governments to initiate an

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objection. Applicants should be aware of GAC principles that were mentioned a while ago in the previous session. And applicants must represent that the use of the proposed string is not in violation with any national law. You know, in several countries, the names of the cities, whether they are capital cities or not, they are somehow protected by local regulations. So that is something to keep in mind. So the applicant guidebook in 2012, which is somehow our base reference for this work, there is a requirement or recommendation for support/nonobjection from relevant governments or public authorities where the applicant declares that it intends to use the gTLD for purposes associated with a city name.

An application for a city name is subject to the geographic names requirements if: It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name and the applied-for string is a city name as listed on official city documents.

Some discussion about this was whether the city names is used for other purposes, it should be subject to a letter of authorization or not. That was discussed in the -- in the list.

I always mess up with this. Don't worry. Oh, it changed. Oh, that's fantastic. I didn't touch anything.

So about the process, this was -- the process was suggested to be split in parts to make it more clear and more straightforward. This was suggested by a Work Track 5 member so that 2012 process separated in three parts.

The first part is eligibility, so what is required for it to be considered a city name, a geographic name, or not; the challenge mechanisms within the process of the government or the authorities would have in hand. And then which are the legal requirements, the contractual requirements and compliance.

So this would be helpful because it shows more clearly that there are some different points in the process which are of different kind. So let's go to the next one.

Let me try. Yes! It worked.

So about eligibility, what is required and evaluation. This is what is stated in the applicant guidebook in 2012. And like the other geographic name categories, there were no universal protections for noncapital city names. This is somehow what happened with some mountains and rivers and some regions. Protections were dependent upon the intended usage of the string.

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Letters of support from relevant governments or public authorities only needed if determined to be a geographic name by the Geographic Names Panel. And all strings regardless of designation by the applicant were reviewed by the Geographic Names Panel and what was considered or not geographic name was somehow not clear. It was considered or not in the Geographic Names Panel.

About the challenging mechanisms within the process, how could the different parties express their concerns about these applications? Application comment, submit comments when the application is done.

The GAC early warning, this we exercised in the GAC. There was a warning sent to the applicant at the early stages of the presentation saying that there was some kind of concern with that name.

The GAC advice delivered against a particular application creates strong presumption for ICANN Board. That application should not proceed. GAC consensus is required. But we issued GAC advice with some strings, and we still have conflicts about that. So we all know about that case.

And then the objection procedures, the string confusion, legal rights objection, limited public interest objection, and community objection.

And I will go to the last part, which is the -- what are the legal and contractual requirements and the compliance. For all applicants, there are general provisions in the Registry Agreement that hold the registry operator responsible for the statements made in the application. For example, that's the section in the applicant guidebook.

And then geographic names, noncapital city names, support/nonobjection can be withdrawn. And ICANN will comply with a legally binding order from court in the jurisdiction of government or public authority that provided support.

And post-delegation dispute resolution processes are available. In particular, the public interest commitment dispute resolution process, which is the PICDRP. Did I say it right?

I think that I will give the floor to Martin. The floor is yours, Martin.

MARTIN SUTTON: Thank you, Olga. Just to rewind for one moment, there was a session preceding this session talking about subsequent procedures with the GAC. One of the comments that was received during that session was about the fact that it's very difficult to participate in every work track that's going on within subsequent procedures. And that's a common feeling, I think,

across different constituents of ICANN itself. So it's not just perhaps a GAC concern. It's a lot of people's concerns, that the breadth of work that goes on in this PDP as well as other PDPs means that we're kind of thinly spread.

So today is a good opportunity as a cross-community session for us to work towards some input that we can all collectively as different components of ICANN, different constituencies, and as individuals discuss some of the content that we are grappling with within Work Track 5 at the moment.

So today for much of the remainder of this session, we will be looking at exploring a few specific questions around noncapital city names. And Olga has already provided you with an idea that there are -- there are different areas of control, if you like, that can be applied, from preventive through to curative measures. So there's a whole array of these that fit into the ICANN guidebook and beyond the guidebook that helps to manage the different issues and risks that might be posed from new gTLD applications.

So in terms of this, today I'm going to talk you through some of the questions that we want you to focus on and give you a bit of background as to some of the deliberations that have already occurred within Work Track 5.

I will then hand over to Javier who will just talk us through the process of us all getting into groups and actually doing some work together.

So if we look at the first question here that we're trying to work through, it reflects, in fact, all of the three questions that we'll be posing, reflects on the first stage which is more of the preventive section of controls. So, hence, this is under eligibility requirements and evaluation procedures.

Now, within Work Track 5, we have focused quite a lot of time on preventive protections. We understand that. But we would like that to be used today to engage with the wider community to take further input into those discussions.

So this first question poses: Should there be some form of universal protections for noncapital city names? And the wider question: Why or why not? So it's not just a yes or no response that we're looking for. We're looking for some discussions here and putting that together with various input that we've had to date.

Now, what does that input look like?

Hopefully, if I point in the right direction, we'll have an indication of that.

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So, first of all, I'll run through some of those that are in favor of universal protections. So these are some of the comments that have been received within the Work Track 5.

On a positive side, it allows people associated with a place to have a voice about the use of their name. It allows governments to protect the public interest and the interests of residents and communities. Other points include it enables public authorities to act under applicable laws and be accountable according to their legal systems and is consistent with ICANN's obligation to act in conformity with applicable local law.

Conversely, there's been a number of other arguments raised against universal protections. And these include: Governments should not have special right or privilege absent explicit justification under international law. ICANN does not have the obligation to follow every national law -- national and local law.

Another point was the curative rights have traditionally been the focused or favored in ICANN processes. Objection processes should provide sufficient means to address concerns about an application.

And, thirdly here, contrary to ICANN's commitment to supporting free expression rights of applicants and enabling competition and open entry in Internet-related markets. ICANN

should eliminate unnecessary barriers to establishing new TLDs absent of evidence of harm.

So that gives you a flavor of some of the discussions. Now, this does sort of condense it down. The discussions have been lengthy, but that gives you an idea of some of the concerns and comments put forward by work track members.

So if you're going to be interested in discussing that further, we'll talk to you about which zone to go in after I've covered the rest of the questions.

We'll move on to question 2. So this has got multiple parts to it. This, again, is looking at the sort of preventive measures. Many noncapital city names are not unique. So how would the applicant and/or panel determine which government or public authority is the proper relevant party?

Would the applicant have to seek approval from all cities sharing the name? So it's a very practical question there in terms of trying to manage the process.

2.2 on this is is it possible to establish a definitive list of protected terms to help in predictability for all parties?

And thirdly, for approval, do letters of support or non-objection from relevant governments or public authorities make sense?

So let's delve a little bit deeper here in terms of some of the comments we've had in the Work Track 5.

So on this first point regarding trying to determine which government or public authority is the proper relevant party, some of the comments received here, it is a significant financial and logistical barrier for applicants to identify the appropriate government or public authority to obtain approval. What if they don't respond in a timely manner?

There is no easy way to identify all potential cities that share a common name; for example, here is Springfield.

It should be possible with support of the GAC and ICANN Org for applicants to find the relevant government or public authority. Other suggestions include creating a database of strings with restrictions, leveraging the geographic names panel to advise applicants or creating a new entity to help applicants connect with the correct governments/public authorities.

And a last point here was all cities sharing the name should have the opportunity to provide letters of support or non-objection because they all should have rights to have a say about the use of the name.

So some of the arguments against those points that have been raised include: Applicants should be able to draw on existing online resources to determine whether a string is a city name.

Existing online resources could be supplemented by the use of experts, from within the GAC, ICANN Org, or new/existing panels or advisory group.

An exhaustive list could be created utilizing some objective measures; for instance, the size of population, perhaps greater than 500,000 or the top ten or so number of cities by population per country.

There is no single definition for the term "city," and even if there was a single definition, places and populations are constantly changing. It would be impossible to create and maintain a single, definitive list.

And lastly, processes must be transparent and predictable. Unless there is an objective list to use as a reference, implementation would be messy and unfair to applicants.

So a number of different considerations there raised.

So moving on to -- I think, yep, 2.3. So this is regarding the letters of support/non-objection. Do these make sense?

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In support of this the comments receive include: Brings all concerned stakeholders to the table early in the process. The process worked well for some parties in the 2012 round and resulted in some successful city TLDs.

Provides flexibility for different solutions. Some governments may have a laissez-faire approach while other governments may end up participating in governance of the string or pursuing joint initiatives with applicants and other parties.

And lastly, governments do not need to actively monitor the application process to determine whether ICANN is reviewing an application that the government may consider relevant.

Some of the arguments against have included requirements for support/non-objection letters created a lack of predictability for some applicants, resulting in financial and logistical burdens.

It serves as a de facto government veto for applications without sufficient legal justification.

Other parties need to monitor the application process and raise concerns about applications that impact their rights and interests. Governments should be able to do this as well.

And then the third question that we have here is relating to the intended use. So the question explicitly is should usage of the proposed string still matter? So should it still serve as the

determining factor of needing approval? Why or why not? So again, this is looking at the noncapital cities, where there was a requirement for a letter of support or non-objection if the intended use was in relation to the geographical term it represented.

Okay.

So here, some of the comments we've received within the Work Track 5 that have been raised in support include that if a string is being used in a generic or brand context, there is no harm or risk of confusion and, therefore, support/non-objection process is not necessary.

Unique nature of a TLD does not give a government primacy over the use of that TLD.

And brand owners have rights to use names under trademark law.

So some of the arguments that have been raised against the need for usage determination: TLDs are a unique resource. If a string is delegated to one party, others who have an interest in that string are prevented from using it.

Regardless of use, there are political, historical, economic, religious, and/or social connotations for the populations and

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communities affected and relevant government -- governments and public authorities.

And finally, even if the intended use is nongeographic, the word still may have geographic connotations and the applicant may benefit from positive associations related to the place.

So that gives you a flavor of all of the conversations that we've been having regarding this particular topic within Work Track 5. Oh, there we go. So I'll now hand over to Javier just to talk us through the process for our little breakout sessions. If there is any misbehavior, in true form of World Cup there is a red card; okay? So we will be sending off if there is any misbehavior, but I'll hand it over to Javier with the details.

JAVIER RUA-JOVET: Thanks, Martin.

Good afternoon to all. In the spirit of multistakeholders, we want as much input as possible on the contentious issues, the issues at hand. We had some sessions in the morning that were very effective with breakout sessions in getting people to, you know, speak their mind and get creative on the spot.

So we want to do a little bit of that today. It's a bit more challenging. We're many. Many groups were smaller in the morning. So what we have, we have flip charts around the

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room. Starting from the left, that's question 1 of the slides. So that's that gravitate towards that question, we can somehow huddle around that flip chart over there.

And the question 2 is in the back, back left. Question 3 is somewhere around there. There.

And then we have a fourth one with a -- like flowcharts of processes that we've also been discussing. So we have to see how we do this. I know Cheryl is an expert in managing groups, but I think basically each of the co-leaders will lead around the flip charts, and each of the flip charts has, you know, a basic discussion of the topic there. And the idea is to fill it out with your great ideas and points.

So how do we move?

CHERYL LANGDON-ORR: It's Cheryl Langdon-Orr for the record. One thing we might do before we actually break into these sections is if I can just get Julie to introduce herself and how we're going to manage, albeit be apologies, not manage as well as we'd like to remote participants.

Julie.

JULIE HEDLUND: Participating remotely, you will be able to participate in the breakout sessions. What we're going to ask is that you submit your input to the questions into the Adobe Connect chat, and you use the format in brackets. Q1, for example, your input, end brackets, Q1. Q2.1, et cetera. And we'll place this in the chat as well so it's clear.

And then staff will take your comments and convey them to the various breakout groups, and also we will read your comments or submissions as well so that they can be read into the record and also be addressed with the simultaneous scribing.

JAVIER RUA-JOVET: Thank you.

Martin, you have a point?

MARTIN SUTTON: Thank you, Javier. Yes, this is kind of experimental, so hopefully we'll baseball to get through this successfully with your involvement.

What I would stress is that we do have regular Work Track 5 members here, which is great; we also have Work Track 5 members that may not often or regularly be able to participate in our calls and conversations; and obviously we've got lots of

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people that are outside of the Work Track 5 discussions. In terms of priority, we really do want to hear from those that are not able to participate regularly in Work Track 5 even if they are members, but also the wider community. So we hope this gives you an opportunity to really provide your input and feedback through these breakout sessions. And I would request that our Work Track 5 members help to continue those conversations and probe and ask questions as we go through those. So whichever groups that you warm to, Work Track 5 members that have contributed significantly already, and we do have regular calls, it's been a long process already, and, you know, great contributions, it would be great if you could help stimulate discussions with questions and a probing from others that are participating in those sections today.

Thank you.

JAVIER RUA-JOVET: Thanks, Martin. And also we have the, you know, three flip charts with the questions, and we have a fourth one with a -- what it does, what it shows is the process flow for noncapital city names as it stands. So the idea is for those that gravitate towards that issue, look at it and see how it could be tweaked, if at all. As you know, we're here to either change things or leave the things that work.

So I think I'm going to take question 3, Martin, and I'll go back there.

MARTIN SUTTON: I'll do 2.

JAVIER RUA-JOVET: Who does 1?

>>   We'll do 1.

CHERYL LANGDON-ORR: Girls might need to split up.

JAVIER RUA-JOVET: All right. So I'm going to head down to 3.

MARTIN SUTTON: Perfect.

CHERYL LANGDON-ORR: All right, ladies and gentlemen. If you'd like to now gravitate towards a flip chart that has a question or a process in direction, there will be at least two people: one of the work track leads

from Work Track 5, but also they'll have an assistant which is one of the work track leads from one of the other work tracks. And they'll help you with capturing your thoughts and running the discussion in hopefully an interactive and collaborative way.

Yes?

I would love to put the questions on the screen but, in fact, the questions are all quite literally on the flip charts as well. Okay?

So this will be a 20-minute exercise, ladies and gentlemen. We can extend time if you're so passionately in the throes of discussion, debate, but let's aim for 20 minutes for this exercise. Thank you.

[BREAKOUT GROUPS]

JEFF NEUMAN: Okay. We're going to do this for about five more minutes. Five-minute warning.   Five-minute warning before we get some discussion going. So five minutes.

[BREAKOUT GROUPS]

JEFF NEUMAN: Okay. This is Jeff Neuman. I am trying to get everyone to wrap everything up. So if the co-leads can get to wrapping this up and come on up to the mics so we can do some summary discussion. So there's two minutes left. If everyone could start wrapping it up.

[BREAKOUT GROUPS]

JEFF NEUMAN: Okay. One minute left. If everyone could wrap up and get seated. Have our co-leads back at the table.

So I see one of our co-leads, Annebeth.

If we could have our other co-leads. Maybe take a picture.

>>   Hello, everyone. Please come back to the table, co-chairs, so we can present and make a summary of what we achieved here. Woo-hoo! Please come back.

CHERYL LANGDON-ORR: Ladies and gentlemen, if the co-leads did want to stay by their flip charts, that's okay. We do have roving mics, so we can bring a microphone to you if you want to keep yourself neither the flip

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chart. So your choice; come up here or stay near your flip chart, but wrap it up and move on now.

ANNEBETH LANGE: This is Annebeth Lange again for the record, and I was standing over there with the process that was really difficult to see what we had written, but -- And the interesting thing was that the discussion really soon entered into the material questions. And of course the process will be steered by what we decide on the material questions. But some things it's possible to draw out of the discussion. One thing was if we should not change the process after it has been decided, and that was one of the problems in the last round. And that means that we have to get through the discussion before we start the process.

It was discussed that predictability is important. And one of the things we try to do now is to raise the predictability both foster applicants and for the community.

It is important that if we should have this process as it was in the Applicant Guidebook, we should check -- the applicant must check whether it is a geo name and do research within certain what we can demand of them doing. And it was also suggested that it should be defined time periods. It should be a time frame where you have to act and also where the government/public

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authority, if we end up with non-objection, should be -- also should act.

The different parties' deliberation underway should go on the record to strengthen the transparency. And each party should confirm their status.   There should be a deadline for nonobjection.

Another suggestion underway was to during the process have an advisory body more like the geo panels that we have today to help with finding out if it is a geo name. And we could have a solution that you pay a reasonable fee for that to get the help to be more certain before you send in your application.

And then because it could easily be a business secret what you are intending to do, we should improve the process by being able to send in the application before you look for the nonobjection and pay everything and risk losing the amount if you can't get the nonobjection.

And it was suggested that the GAC could have a different role to help applicants. I think we will leave it with that.

Group 1, question 1, is that you, Olga?

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OLGA CAVALLI: Yes. Well, we were kind of efficient. I don't know if it was very easy or we were -- we did it right. We had more or less the same answers in favor -- amount of numbers in favor or against. The question was: If there is a noncapital city name, should there be a universal protection for that name or not?

So in favor, we have several comments. Many of them are stating that the local laws and the local meaning of the city -- for the community should be respected. Articles of incorporation of ICANN talks about local law has to be respected. Cities have often a right based on local and national laws, and that should be respected. ICANN must respect local and national laws. Governments need to protect the interest of the residents of the communities. Cities are communities of people and should be protected. Cities should be entitled to be consulted, if an applicant will use the name. It's politically very important that city's governments are involved in a way. All the city names have to be respected and protected. Their names is part of the history of the country and cultural meaning. Should be protected based on United Nations list and should respect local and national laws.

Respect geographic names. These are not only unique but an identity to the people and to the community. There must be a mechanism for this kind of names when they are geographic.

This should be a third option in the TLD process, and it should be special for geo TLDs.

Some cities have their names from memorial. That should count as a right. And countries have the sovereign right to regulate the use of their names. TLDs have effects in virtually all countries. Hence, in the absence of permissive rules internationally allowing release of geo names, it should not be allowed.

More or less the same.

And against, if there is -- no, there's not. No protection. City names are not unique. Many -- difficult to read. I can't understand.

Against. No resident or government owns its name. Practically impossible to define. I'm opposed to universal protection for city names because it overextends rights. ICANN should not try to align with every state and local law. City names too numerous, too changeable. Need some definitive list with reasonable limits. Against, not protected by international law. Many city names have generic uses.

There is no universal definition of cities so how could this work? Too complex. If an applicant chooses to making the TLD a place -- a community forum, then that might be a factor. Against, there is no basis for this protection.

No, no legal basis -- no legal basis for claiming these rights. No, no, no common definition, dependent on how you define city. This rule would go against freedom of speech rights for all applicants. Context of use is important. Against, names have multiple meanings. Stop.

Thank you.

MARTIN SUTTON: First of all, thank you. I had a lively group. So thanks for all your comments and pertinent ideas. So I shall run through some of these. Feel free to add if I have omitted anything of significance.

So the question 2 was relating to noncapital city names that are applied for that are going to be used in terms of a geographic term. So how would the applicant and/or panel determine which government or public authority is the proper relevant party and would the applicant have to seek approval from all cities sharing the name. That was part 1. So there's a couple of other parts.

But if we focus on that one first of all, sort of the comments coming through were that it's still reasonable that if you are not intending to use it as a city name, you don't need to go through that process. For others, the burden of trying to find every location that shared that same name and to seek out approval,

authorities of -- letter of approval or nonobjection would be cumbersome and irrelevant. So it should be focused on the actual city that you're relating it to, so to go to that local authority.

There are some situations where it might not be that they are an applicant from that jurisdiction which may need to be considered. But essentially the idea there would be that it would only be required from the city that you were trying to make it relevant to as a TLD string.

There was -- in terms of establishing a definitive list of protected terms, there is some good ideas put forward in respect of a list organized by the U.N. and that could be a consideration to make use of where it defines all major cities with over 100,000 inhabitants. And that list is maintained with certain definitions. So that could be drawn upon to help identify significant cities, not necessarily capital cities. So there was an idea there.

And an alternative to that one or a complement to that would be to reference the airport locations so there is a defined list of airports and cities where you could actually associate then the particular city and work that through to finding who you need to provide or obtain a letter of approval or authority from.

Whilst we didn't get much time to focus in on the letter of support/nonobjection in terms of does it make sense, I think

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what we've captured earlier on there would indicate that, you know, it's fine but it needs to be focused. So as long as there is a relevant authority to go to that is related to the string that you're applying for as in the city that you're applying for, then that would be easier and more helpful for a future applicant. Thank you.

JAVIER RU-JOVET: Thanks, Martin. Javier Rua-Jovet for the record. And thanks all for the lively participation in our group.

So similarly from other groups, in our topic, we were focused on the requirement of an applicant stating the intended -- its intended use for a string, whether it's geographic or not subjectively. And then we had to take a step back in terms of, you know, the level of knowledge that an applicant has on whether something is geographic or not, whether there should be lists -- you know, authoritative lists that an applicant might use to see if something is geographic or not. But we had -- we didn't have a lot of agreement on even whether the existence of such a list would be a good thing. Some people opposed it actually in the sense that if we have to -- if a policy will be made that cuts off a level of relevance, it should stay in capital cities and then noncapital cities should be really open procedurally.

So we had points of view regarding the establishment of authoritative lists. We have positions completely against that.

In terms of the intended use requirement, some in the group stated it was a good thing to keep it because it begins -- it begins a record of whether an applicant is doing things in good faith. So that presumes that there -- if they state early on that it's a nongeographic use, somewhere along the line in the process if they were actually using it for a geographic use, it might be punished by some of the ex-post procedures that are in place. Some in the group did not have a lot of problems with the intended-use requirement, and some even supported it.

But it was generally a conversation, you know, on whether -- you know, who owns these names, what are the basis for these rights, if any, and as other questions. Some posit that there are rights to these, and some people negate rights to names as such.

So it was a very lively conversation. Robin took, like, three pages of notes. I'm sure we can fish out some very interesting comments. I see you --

ROBIN GROSS: We had a lot of comments. I have tried to summarize them here. I want to read some of them out. Again, they will not all be on the same page. There will be contradicting comments and

different points of view. I just want to get some of them out there for discussion.

Okay. So we heard: How do you determine if it is a city name? Some city words or also generic words. It's not doable to have a list of all the cities in the world. Starting from the assumption that people know all the names is problematic. What is a geo name?

If the use is lawful and doesn't misrepresent a connection to or an authority over the city, then the application should go forward. Freedom of expression is a right.

Are you misleading people by using the name? Intended use helps us to decide good faith in the long run. It's a principle under trademark law that if a word is not used in bad faith, then it is okay.

Intended use is a good thing. It adds full disclosure and use in the process. Intended use requirement is the beginning of getting a record of how the name is used.

We can't build policies around ignorance of the law or ignorance of ICANN. Business models should matter. The lack of knowledge of ICANN doesn't favor one sector over another. We should bring about viable applications.

Noncapital cities should have no special treatment. We need a remedy to punish a bad use which can check intended use. Freedom of expression is invoked in lawful use of words, and freedom of expression deserves protection in this process.

JAVIER RU-JOVET: Thanks.

ROBIN GROSS: Thank you.

JAVIER RU-JOVET: So we had very, very -- a very lively conversation, and I thank you all again. Thanks a lot.

So, Annebeth.

ANNEBETH LANGE: Hi, again. It's Annebeth Lange. Before I -- we wrap up the session and give the word to Jeff for some time line forward, I just want to thank everyone for being here. This was an experiment. And I think it was really interesting to see. A lot of people spoke that I haven't heard from before. That's good. It's a good sign.

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And what we will do is to send out these questions on the Work Track 5 list so you can continue to give input on the questions. And what you have answered today will, of course, be incorporated in the background for the report.

So thank you, everyone. And I leave the word to Jeff now.

JEFF NEUMAN: Thanks, Annebeth. You forgot to mention the next session that this group has on Thursday.

ANNEBETH LANGE: Yes.

JEFF NEUMAN: Don't forget to come on Thursday as well at the same time, 3:45 -- I'm sorry, 3:15 to 4:45 local time.

So if we can jump to the next slide. There we go.

So this is a -- if you were here, I discussed this in the last session -- hopeful time line for Work Track 5. The thinking was to try to get together at an initial report. I think this says July, but I think we all at this meeting think it's going to be closer towards the end of the summer as opposed to the middle.

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But ultimately the goal is to publish a final report in line with the subsequent procedures, the full group, final report in Q2, second quarter of 2019.

I think we've discussed this with the group, that the initial report will be structured like the initial report of the -- that you'll see next week from work tracks 1 through 4, which will be a representation of here we are at this point in time. Here's what the group discussed. Here's where we think the group is leaning towards an agreement, and here are the areas in which we're not at agreement and then putting questions out for public comment.

So that is the goal of the group and the time line. I don't know if there's another slide there. I think that's it. But I don't know if there are -- let's look at the time here. There are five more minutes. So I don't know if you want to take some questions from people?

ANNEBETH LANGE: We can always ask -- Kavouss.

KAVOUSS ARASTEH: Yes, distinguished leaders, co-chairs, those who propose this sort of action that we have done it before in many other areas,

whether it result in any positive or negative, I leave it to the people.

But the result of these consultations with all respect to all views which really appreciated is compilation of opposite opinions, statement, contradictions which would not lead us to anywhere even in a particularly small way toward any path or paths, avenue or avenues that we have to take with respect to continuation of work.

You publish it. Would not add anything more than what you have in your 30-page report, which is full of advantages and full of disadvantages. And this advantage and disadvantage would not get us anywhere. We have this sort of actions. We -- I mean, the governments at least and other international organization, in the U.N., we did not have any -- any path to us, advantage, disadvantage. Something you like as an advantage. Some other people take it exactly as the disadvantage, and vice versa. This advantage/disadvantage need not to be continued, and we have to find a way between all of this. No problem. You add all of that to your website and so on and so forth to see what we can do. But I don't see any light at the end of this tunnel with all of these opposite directions and so on and so forth.

And sometimes we get into the internal policy of the -- of a particular country saying that a government or central

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government or federal government should be excluded from any discussions because a city has a priority over its own name. So this is sort of -- some sort of interference of internal affairs of the country. We should not get into the political dilemma here, and we should be acting as a totally technical, administrative, and not political and should not get into the minority or majority of the countries -- the different structures and so on and so forth in that country and trying to increase the level of the difficulties. So I don't see any tunnel -- any light at the end of this tunnel at this stage.

However, good luck. Thank you.

ANNEBETH LANGE: Thank you, Kavouss. Who else was there?

You saw someone?

CHERYL LANGDON-ORR: We have roving microphones, so just put your hand up.

Doesn't seem like it's more.

ANNEBETH LANGE: Okay. We remind you again about the session on Thursday. Same time, Thursday afternoon, same place. So until then, have a nice meeting, and enjoy Panama City.

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Thank you.

CHERYL LANGDON-ORR: Thank you all.

MARTIN SUTTON: Thank you.

[Applause]

[END OF TRANSCRIPTION]