
ICANN74 | Policy Forum – At-Large Policy Session 2: Closed Generics-Finding a Balance
Wednesday, June 15, 2022 – 10:30 to 12:00 AMS

YEŞİM SAĞLAM:

Hello, and welcome to the At-Large Policy Session 2: Closed Generics: Finding a Balance. My name is the Yeşim Sağlam, and I am the remote participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

During this session, questions or comments submitted in chat will be read aloud if put in the proper form, as noted in the chat. Taking part via audio, if you are remote, please wait until you're called upon and unmute your Zoom microphone. For those of you in the main room, please raise your hand in Zoom and, when called upon, unmute your table microphone. In the secondary room, please raise your hand in Zoom and go to the standalone microphone when called upon. For the benefit of other participants, please state your name for the record and speak at a reasonable pace.

On-site participants may pick up a receiver and use their own headphones to listen to interpretation. Virtual participants may access to interpretation via the Zoom toolbar.

With that, I will hand the floor over to Jonathan Zuck, ALAC vice-chair.

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.

JONATHAN ZUCK:

Thanks, Yeşim. Jonathan Zuck here, as she mentioned, vice-chair of the ALAC for policy. What we're hoping to do is have an open discussion amongst ALAC volunteers on the issue of closed generics. So, while there may be plenty of others that are observing this session, this is really about us working out a more nuanced set of principles and ideas with respect to closed generics that might inform participation in a broader conversation about a compromise about this issue that's going on.

So really, the session really is from a speaking standpoint for At-Large volunteers to learn about the topic and discuss it, and then perhaps refine our position from the one that we took in 2012.

But before I go any further, what I'd like to do is ask everyone to open up their translation device/interpretation device and plug in their headphones. You don't have to put your headphones on, but find the channel so that when somebody wants to speak in their native language, it doesn't feel like they're inconveniencing anyone by doing it. It should be a fluid thing. So let's, at the very outset, decide that we're going to be ready whenever anyone wants to speak in their language.

So find your channel, plug in your headphones, and just put it next to your computer. And that way, you're ready. Just put them right on when somebody's ready to speak another language. So

I'll give you a little second to do that. All right, thanks. I appreciate everyone on this. I just want this to be as inclusive of a conversation as possible.

As I was working on slides, I decided to just go without them and to make this as much a conversation as possible, and not drive you into a slumber with slides. But I will try to talk a little bit by way of introduction on this topic, focusing on the issues at hand and less about the history. Because this is really about our go-forward perspective on this issue.

So to begin, what I want to do is just give a brief introduction to the idea of what a closed generic TLD is so that we're all talking about the same thing. It's a little bit confusing because most of us have heard of generic top-level domains, gTLDs. The little "g" stands for generic. And it's an unfortunate overlap of vocabulary within this community that those words are used in both contexts.

So, a generic top-level domain is just a domain that is not a country code top-level domain. So, that's what a generic top-level domain is. And so that's the thing you're most familiar with—.com, .net, .mil, .gov, .gallery now, .photos, etc. Those are all generic top-level domains as opposed to .eu, which is a country code top-level domain.

So the discussion we're having instead is about those top-level domains, that actual string, and the extent to which that string is

considered an industry-specific generic term. So in other words, if I'm a dairy farmer I might want to register .milk. And then make the second-level domains only available to my distributors, for example.

If I have the accounting software ... If I'm Quicken and I have a one of the most popular accounting packages in the world, called QuickBooks. So maybe I'm going to register .book and I'm going to make name.books available to everybody, to my customers only to have their books in the cloud, for example. So, JonathanZuck.books or Microsoft.books, whoever's using ... They're not generally going to use QuickBooks, but whoever's going to use it, insert small business here.

I have a small non-profit called DC Dogs. So, DCDogs.book would be my quick URL for getting into my cloud version of QuickBooks, for example.

So those are examples of generic terms, like recognizable words, as opposed to made up where it's like Google. Right? Recognizable words relevant to the market of the applicant. In other words, somebody that wants to register a plain English word but that is somehow relevant to the market that they're in.

So, Estée Lauder applied for .perfume, for example. Right? It's their product, it's a market that they're in, and they applied for that. And so there were objections to that and discussions on

both sides in 2012. Fast forward. We're sort of having the conversation again.

So, I want to make sure that people understand what I mean by “closed generics.” So it's a generic term like that that's just run by one vendor who's market, whose business is relevant to that string.

Are there questions about that? Does that make sense to you, so that we're all sort of on the same page in terms of discussing it? Okay?

So things can get a little bit complicated if you're Apple. Right? Because—

Oh, there is a question? Sorry. Where am I looking? Oh, I do see one. Holly, sorry. It had scrolled up.

HOLLY RAICHE: I only do what you ask, Jonathan. And you asked me to raise my hand, so I did.

JONATHAN ZUCK: Thank you.

HOLLY RAICHE: I'd like to unpack a little bit of what you're saying because I'd first like to ... What is the generic? Are you just saying a generic is a

noun? It's not a name of something. It is a noun. And then, when you say “closed,” you're not necessarily saying closed in a particular way. You're saying if I have that word which can apply in a multitude of ways but I choose to select the applicants that want to use my name. Is that what you mean by “closed?”

JONATHAN ZUCK:

Yes. So, I don't know that it's always going to be a noun. But it's going to be a plain word in some language. Right? It's not even necessarily English, but it's a plain word out of the dictionary. And as the applicant for that top-level domain, because I want to become the registry for that domain, I get to decide—solely, by myself—who gets to register a second-level domain in that top-level domain.

So in other words, that's my example with Quicken, the accounting company. I decided I want to become the register for .books, and I'm going to say that only my customers are going to get a .books domain. Amazon applied for it as part of the 2012 round, and they wanted the power to decide who could get one. I don't know what they would have decided, so it's a tougher thing. Maybe it's only books that are from a certain time period that are available on Amazon that are able to get a .book domain, or something like that. Right?

Perfume. If a particular perfume company gets .perfume, then they might say that it's just going to be a list of perfumes that

come from that company that get second-level domains. Does that make sense? That's what “closed” means. Closed off to the open market. Controlled by a single registry that manages that top-level domain. Okay?

Any other ... Oh, I see Greg Shatan has his hand up. Oh, and Lütz. Lütz, I guess you're next.

LUTZ DONNERHACKE: If I understand correctly, you restrict term the “generic” to a registry operator who selects the possible registrants by some arbitrary decision. How about a top-level domain like a [inaudible] or museum which have an algorithmic selection, not an arbitrary one?

JONATHAN ZUCK: Yeah. So, that's a great segue. We have ...

UNIDENTIFIED SPEAKER: [inaudible] registrants.

JONATHAN ZUCK: What?

UNIDENTIFIED SPEAKER: [inaudible].

JONATHAN ZUCK: You're going to need to hit your microphone.

HOLLY RAICHE: I understood Lütz to say that it's a restriction on the registrants. Are we not talking about the registry?

JONATHAN ZUCK: Yes. I understand your question. So to be clear, a closed, as we're discussing it, is one in which the registry has the ability to specify, as Lütz put it, arbitrarily the people that are able to be registrants of that domain.

So what he kind of hinted at is that we do have several domains that are called restricted domains, which is different than a closed domain. That's when there are a set of rules, or in some instances you say algorithmic. That there's a way that anyone that meets a certain set of criteria can be ...

And those criteria are non-discriminatory other than being specific to a particular industry. So .pharmacy, .bank. In fact, the GAC has suggested that any highly-regulated industry string should in fact be restricted in some way. So, restricted means you need to meet a set of publicly-available criteria. And that allows you to be a registrant and register a second-level domain.

So in other words, .doctor. Unless you've got some sort of medical degree, you can't register holly.doctor even though you might be a very competent spin doctor.

Yeah.

HOLLY RAICHE:

Question. How does a registry have control over the registrant? What is the role of registrars in there? Because it seems you haven't covered that one.

JONATHAN ZUCK:

Sure. I don't want to get too in the weeds of how this might come about, but in most instances it means the registrars are not involved. When we're talking about a closed generic. Like I said, Quicken example. They want to give a .books domain to everybody that signs up for their cloud accounting service. They're just going to do it. It's not going to be sold through the normal reseller channel. Okay? So that's, again, why you could have a closed domain.

Whereas, in some instances, it varies with restricted TLDs how they make use of registrars. But there's these criteria that are meant to be like generally acceptable criteria, as opposed to it being a specific company's interests that are being advanced by that domain.

So it's a little bit like a brand domain. For example, if Quicken was to register .quicken, there wouldn't be a lot of discussion and they could kind of manage that top-level domain however they wanted to, to further their own business interests. But under the current environment since 2012, they couldn't register .books to use in that same way. Okay?

Yeah.

GREG SHATAN:

Thanks. I'm glad you brought up .brands because I think we need to include, in the discussion of closed generics, a top-level domain where the registry is also the only registrant. That is the model, I think, that caused the most heartburn to the GAC as opposed to what you're discussing, what you put more in the center of the table, which is really more of a variant on a restricted TLD where you have multiple registrants that are controlled or chosen in some fashion by the registry.

So the thing that is just like a .Brand where the registry and the registrant are the same is a model that at least needs to be acknowledged in the discussion even if we're going to decide that that model should be prohibited.

JONATHAN ZUCK:

Sure. Thanks, Greg. I think that's an interesting distinction. I feel like fundamentally, though, that having complete control over

that domain is the crucial issue. In other words, if I'm Facebook and I get .facebook. Again, I may be technically the only registrant, but I could give out domains to Facebook members and want the flexibility to let everybody have their own .facebook domain because they're going to create a fancier homepage on Facebook or something like that.

I think the idea is, having complete control over the domain is probably the most important aspect of this. But let's keep that distinction in mind as well because as we go through this and try to figure out our own more nuanced position, it could be, as you say, we'll want to make a distinction between a single registrant and a registry controlled for the business interest of a single company.

Oh, my goodness. Okay, we're just trying to get the definition.
Christopher Wilkinson.

CHRISTOPHER WILKINSON: Now we're getting there. Hi.

JONATHAN ZUCK: Thanks.

CHRISTOPHER WILKINSON: Good morning. I take the point that Holly has just raised, so I don't need to go into that further. But my main point is that the GNSO

and the SubPro have, in effect, ruled that all geographic terms, other than ccTLDs, are generic. Some of us in SubPro advised strongly against this, but that seems to be the status quo.

That being said, what we're dealing with now implies that geographical names can become or can be applied for as closed because there's nothing in the literature that I've read that deals with the question of what are the eligible categories for closed gTLDs. I think this will raise considerable problems.

JONATHAN ZUCK: Okay. You're going too far into the conversation, though.

CHRISTOPHER WILKINSON: Okay.

JONATHAN ZUCK: I want to address your first point, which is the role of geographic names in this conversation. And I think that will probably be another one in which we draw a distinction as we try to come up with a more nuanced position on closed generics. So right now we're just trying to get to everyone's understanding of what a closed generic is. So let's not start expressing our opinion about whether we like them or not. That's the next phase.

So, are there other additional questions or clarifications about what constitutes a closed generic?

CHRISTOPHER WILKINSON: [Amadeu] was in the list.

JONATHAN ZUCK: I'm sorry?

UNIDENTIFIED FEMALE: Jonathan, [inaudible].

JONATHAN ZUCK: Yeah, okay. I guess I'm trying to go through the Zoom. Go ahead.

AMADEU ABRIL: I'm squatting on [inaudible] hand because I don't have access to Zoom here. I would like even some examples of registries we actually manage to perhaps help understanding the differences. We manage many community TLDs—

JONATHAN ZUCK: Can you go closer to your mic?

AMADEU ABRIL: Sure. My name is Amadeu Abril from CORE Association. Take, for instance, .radio or .sport. "Sport" and "radio" are generic names. In fact, everything's a generic. "Net" means clean in my language, Catalan. "Com", I think it means rise in Vietnamese. I'm not sure.

If it's not Vietnamese, it's a language in Indochine. I don't know which one.

So everything means something in some language. But this is not a real problem. The real problem is that “radio” means something, and there is an entity related to the radio sector that manages that as a registry—the European Broadcasting Union. It's not a closed generic TLD because registrants there ... It's not just that entity, nor entities that are institutionally linked to them. It's sector based. It's activity based. You may get .radio if you do things related to the radio sector. It depends on the registrant. It doesn't depend on your tie with a registry.

On the contrary, we manage, for instance .seat. Within English, “seat” is a generic, but that's a car company. Here, it's a generic name—“seat” in English—but it's a trademark with a very different meaning in Spanish. And this car manufacturer allows registration only for car dealers. That is, people that have a contract, a specific type of institutional relationship with the registry.

So if that would be a generic, this would be a closed generic, even if there are multiple registrants. So I think that the main distinction here is double. Ones who can register to see whether it's closed or not closed and whether registrants' eligibility depends on what they do or depends on the relationship we have with the registry.

And the second thing regarding whether it's a closed generic or not ... Look, for instance, "seat" is a generic word in English. But it's not used in that meaning. It's not descriptive of the TLD. It's used for cars.

"Mango," another of the TLDs we manage is not for fruits. It's for a well-established fashion clothing company. So the real problem comes from words that are descriptive of an activity used by an entity that is part of the sector where this is descriptive and reserve the use for themselves or other people that are institutionally linked for themselves. It is what we think shouldn't be allowed. And we should focus on that part.

So, it's not the meaning of the word in general. [inaudible] that meaning is used in that sense because the company, being the registry, is part of the sector word this word is descriptive of that activity. And second, if that's the case whether they're allowing everybody in that sector with nondiscriminatory rules to register or whether they're using only institutional criteria to allow registrations. Thanks.

JONATHAN ZUCK:

Thanks. That's what I was trying to say. But thank you for those additional examples.

Holly, is that an old hand? Aziz.

HOLLY RAICHE: [inaudible].

JONATHAN ZUCK: Oh, it's not.

HOLLY RAICHE: [inaudible] lots of comment in the chat that would be useful to have [inaudible].

JONATHAN ZUCK: I'm not going to pay any attention to the chat. So anybody that's on, I recommend you not using the chat to participate in this conversation. So if you have a question, raise your hand. If you want the staff to ask the question for you, then type "question" next to it and you'll be called on. But that's how we're engaging in this conversation. This is a verbal conversation.

Aziz, please go ahead.

AZIZ HILALI: Thank you. If it's okay, I'll just ask you in French.

JONATHAN ZUCK: Closer to your microphone, please.

AZIZ HILALI: [inaudible] first. If you can take [care of his one], please.

UNIDENTIFIED MALE: [inaudible].

AZIZ HILALI: Okay, but he has [inaudible]. So maybe I was late, but I'm here about this notion of a closed generic. Do not repeat what you already said, but it is a new definition you gave? And I would like to go back to what was said by the speaker before. How are we going to deal with those brands, those cities? I'm not going to give many examples. You know them.

You have domain names that are brands, and there are cities sometimes as well. When we have those situations, what is going to be the priority? Who's going to give given the priority? In Morocco, we have a big Indian brand which is, today, here, the name of a city. So is it going to be the geographic zone? Is it going to be the brand? Or something else?

JONATHAN ZUCK: Thank you for your question. And I think that's part of what we need to figure out to have the conversation about these issues. There are a lot of ways to define this, so I was trying to get to a definition similar to the one that we're talking about in Catalan where it's an industry player that's trying to register a name relevant to their industry, and then arbitrarily set their own policies for registration for registrants, either through a

relationship to them or through some other arbitrary criteria that they set. That's the working definition that I was trying to work from.

So, as you've mentioned, this is complicated by brands that are also generic terms like Apple, for example. Right "Apple" is a generic term, but it's also a brand. It's trademarked around the world. So we wouldn't really give difficulty to Apple trying to get .apple. But obviously, .amazon did cause some issues because it has geographic name capabilities. So the question then becomes if I have a business name that is using a word relevant to my industry, what would we do in that case?

Some people draw an analogy to trademark law, and that's a little bit complicated because in trademark law you can kind of own a word in the context of your business, but you can't own it completely. You only get to kind of own it in the context of the business in which you registered it as a trademark. And so Apple can't prevent apple growers from using the word "apple," for example. But by having that domain, they can prevent apple growers from getting a .apple domain.

So it's not a complete 1:1 between the way trademark works, which is more contextual, and the way that domains work. So in some ways, the domains are less of a protection but issued more broadly. Right? So that's part of the issue there.

The next piece of this are the arguments about it. And we're already starting to get into those discussions about what the issues are/what the problems are. But fundamentally to us, it's two things that come up. One is end user confusion. In other words, if you see a domain, if a typical individual end user who is our constituency in this case encounters a domain—.books—will they make certain assumptions that is an open TLD or a lightly restricted TLD. Like, maybe you have to actually have a book. I don't know. Or are there enough words out there that there's not enough confusion. There are enough domains that there's already so much confusion that it won't incrementally cause any confusion. That's one of the discussions that goes on.

One of the conversations in 2012 was about .beauty. Right now if I type in beauty.com, does anybody know where it goes? Has that confused you in any way—the fact that beauty.com goes to the Walgreens website? Right?

So, an argument that was made during the session that we had on this two meetings ago by Marc Trachtenberg was that there isn't necessarily evidence from other related examples that great confusion has been caused. And even when it's been at the top-level domain, such as .jobs and .travel, how many of you have been confused about the presence of .jobs domains or .travel domains? And that's when there was only 20. And now there's 1,500. Right?

So I think that's a legitimate argument that Marc is making about confusion. But at the same time, as Holly loves to point out, the CCT Review that did a survey of and users found that users would prefer a more semantic web. In other words, they would like the words that are at these top-level domains to have meaning so that it's predictable what they'll get when they go to a particular domain.

So that's one of the things that we need to discuss, whether or not we think that it will cause confusion on the part of users. And related to that is whether it will give a competitive advantage to the applicant or the business that has created one of these. In other words, if I take my ...

I'm trying to make a hypothetical so that it's less politically fraught. But again, if QuickBooks gets .books, is that somehow going to make it more difficult for Peachtree Accounting to make its presence known on the web? Is there is there a competitive advantage to be gained through the acquisition of a top-level domain? And is that competitive advantage the same as it was when we only had four or five of them, or has it been diluted?

So that's the other question. We're making assumptions, both that there would be end user confusion and that there would be a competitive disadvantage that would accrue from the existence of generic top-level domains. So I'd be interested at this point to hear folks from the At-Large.

Susan, I'm sorry. I might ignore you until the end because we're trying to make this an internal conversation. But feel free to put something in the chat if there's a clarification or something that you want to make because I really want this to be an At-Large discussion. I don't mean to be mean.

SUSAN PAYNE: [inaudible].

JONATHAN ZUCK: I know. I'm giving an exception to you because I don't want advocacy outside of the At-Large. So if it's really a clarification, then I'll let you go ahead.

SUSAN PAYNE: I actually put my hand up to ask that question about, like you said you're not going to address the chat. So if I am trying to correct you, do I put my hand up or not? Or do I correct you in the chat and just—

JONATHAN ZUCK: Yes. If you're trying to correct me, I guess I would say put your hand up.

SUSAN PAYNE: Thank you.

JONATHAN ZUCK:

But only for that reason. So if you have a correction ... That was the reason you put your hand up was to ask that question. Okay, good.

So, what I'd like to do is open it up now for a conversation about whether or not you think there's a harm associated with this. It has been the historic position of the ALAC to suggest that, absent some sort of public interest exception, that these types of closed generics should not be allowed. We were aligned with the GAC in that in 2012. Our representatives continue to be aligned with that in 2020 in the Subsequent Procedures. So that's our current position.

But that doesn't really matter. Right? This is the conversation we're having right now. Do you believe, going into this, that this would be a strong cause of end user confusion or anti-competitive environment in the use of these closed generic domains? I'd love to open up the queue for some conversation about that.

Lütz, I see your hand up. Please go ahead.

LUTZ DONNERHACKE:

If I understand you correctly, we have a problem that a lot of name spaces which are quite different than typically used are

clashed together into a single one, the root zone. And there is no good solution.

Because we are the At-Large, we can ignore everything about financial, commercial, or business interests. We only have to consider the viewpoint of the end user. And, as you said, the end user's confused because it didn't know what .beauty means—who it led to.

So I would propose that we drop all of the domain names which are not the country level top-level domains on the root zone and add some commonly-agreed categories—for instance, take them from the UN or from the patent office and trademark office—and then build a hierarchy as we have in everyday life so we can remove to the confusion and we do not have to discuss this anymore and can go out for lunch.

JONATHAN ZUCK: I'm not sure I understood your proposal.

LUTZ DONNERHACKE: [inaudible].

JONATHAN ZUCK: Yes, okay. Thanks, Lütz. Christopher Wilkinson, please go ahead.

CHRISTOPHER WILKINSON: Thank you. You raised a couple of points. I just want to confirm their importance. First of all, across languages there is clearly substantial risk of confusion. And remember, the generics are supposed to function worldwide across at least all Latin text languages.

And secondly, and I speak as an economist of long-standing, there's obviously a competition issue, especially if a large entity acquires a sought after generic as a closed. This will finish up in the courts. I just think we're off on a wild goose chase. Thank you.

JONATHAN ZUCK: Thanks, Christopher. Holly, I guess you've got your ... Is that a new hand?

HOLLY RAICHE: Yes.

JONATHAN ZUCK: Okay.

HOLLY RAICHE: I'm not going to spend so much time on confusion. I think there is some. I think another real problem, though, is the competition one. If somebody has got a name that could apply in a range of

circumstances and chooses to have it apply only in some circumstances ...

If, for example, Amazon got .book, all of the other booksellers risk being sort of shut out of that particular side. And the confusion is if I go to .book, do I know that that range is just totally limited? And do I stop looking elsewhere? And does that then have an impact on competition which, in the end, also means you've shut out smaller people, perhaps? You've closed a market which also does have an impact on consumers. Does that make sense?

JONATHAN ZUCK:

Thanks, Holly. It makes sense but it still represents a hypothetical. And that the issue. It's still a theory. So I want to hear from as many people that want to speak about their theory on this.

I'll tell you that when .jobs came into being, the only ones allowed to register—this was a restricted TLD—were businesses hiring for themselves. So really, only brands could register .jobs domains. And so a jobs search site like Monster could not. Then they later decided that they wanted to form a partnership with somebody and have a bunch of domains like NewYork.jobs, etc., that was with a particular search engine. And obviously, Monster and Indeed and others got very upset about the competitive implications of that.

And so I want to ask you right now how much .jobs has affected your search for employment on the Internet—your confusion—or you believe has impacted the competitive marketplace. Because I do a search for ... I’m looking for a job. I see Monster and Indeed come up at the top. Not anything with a .jobs string. Right? So I think it's important for us to at least look at some of the comparative examples. I’m playing a little bit of the devil's advocate here because, otherwise, we're just saying something in theory will have a competitive effect.

And in Christopher's case, he’s saying obviously it will. And I would suggest to you it's non-obvious because there hasn't been an example of it. And obviously, the most clear-cut example is something like Amazon where they're so big that they might even have the PR muscle to make the entire world believe that the only place to get books at the .books domain. But I would suggest that they've already convinced everyone the only place to get books is at Amazon.com.

So, again, it'll be interesting whether or not we think that truly has a competitive effect.

Bill Jouris, please.

BILL JOURIS:

It seems to me when we're asking “will this have an effect of causing confusion or giving competitive advantage,” we ought to

consider that the only reason somebody is trying to get one of those generic domains is precisely because they think it will give them a competitive advantage. Whether you call that confusion or not. But that's the only reason they're doing it. So it seems to me we ought to do them the courtesy of believing them that that's why they're doing it. Thank you.

JONATHAN ZUCK:

That's an interesting criteria, Bill. Thank you. Greg Shatan, please go ahead.

GREG SHATAN:

Thanks. As kind of a counterpoint to the point that Bill Jouris made, I'll remind everyone that when the GAC commented on this, their concern was about having closed generics that were not being operated in the public interest and suggested that if closed generics were allowed at all, they should be operated in the global public interest which is the opposite, in a sense, of the idea that we should allow closed generics personally purely for commercial profit. Which gets to a whole issue of how you ...

If we decide for the moment that we would exclude purely commercial operations of closed generics and that they need to be in the public interest, then we need to discuss how that would work. Of course, the other options, as we've noted—or as kind of the current stasis—which is that closed generics are just

prohibited generally or they could be allowed without any restriction. I think both of those are, in the long run, unfeasible.

So I think we should go toward looking at how closed generics can be operated in the global public interest.

JONATHAN ZUCK: Thanks, Greg, for hijacking the agenda.

GREG SHATAN: It's actually the next thing on your agenda with my name attached to it.

JONATHAN ZUCK: It is. It is the next thing. Sébastien, please go ahead.

UNIDENTIFIED FEMALE: [inaudible].

JONATHAN ZUCK: What did I do?

UNIDENTIFIED FEMALE: Eduardo.

JONATHAN ZUCK: Oh, Eduardo. Sorry. I don't know how I did that.

EDUARDO DIAZ:

Thank you. You asked something about confusing terms. I'm putting on my hat of the end user. I'm going to take an example. If I'm doing business with Citibank, I will go to the citi.com website because that's what has been advertised and I understand. Now, if I see citi.bank, then I would probably get confused because I don't know if .bank is only for .bank. As a user, I don't know. So I would probably never go to citi.bank to find out because I don't know. So I stay with citi.com. So that confusion ...

These new domains. Are they being restricted that only the people that do bank business, in the example I'm giving, can apply for the domain in that top-level domain? And the confusion for me as an end user [say] I don't know. To me they're all open to anyone. And I'm talking here from an end user, like my mother. If they're doing this or something like that. So, that confusion is there.

JONATHAN ZUCK:

Thanks, Eduardo. So that confusion exists with restricted TLDs as well, and it's going to be up to Citibank to change their advertising over time to citi.bank or something in the restricted TLD.

Sébastien, please go ahead.

SÉBASTIEN BACHOLLET: Thank you very much. Sébastien Bachollet speaking, president of EURALO. So you asked us to say what we think and I'll be brief. In 2012 before we had a different candidate with Bertrand de la Chapelle, we talked about it and we wanted to have some different baskets that we differentiate between the different extensions. And we are going back to that notion.

We talked about brands. We talked about geographical domains. I think we have to find what we're talking about precisely. What subgroup we talk about. The brands should be on one side. The geographical aspect should be on the other side.

And what's important for us is when it's not a brand, they might be taken by a brand or a company, and there might be a global name. [inaudible] or .books is a very good example. It's not a brand so far. I don't know a company called Book. Maybe that's the case. But it's not a brand. Why should we have one company only be using "book." Many people sell/write/produce/publish books. That's an example.

So we have to separate issues. Yes, we have Apple. We have Orange. Those are brands. They did get the extension. This is a brand extension. And it brings confusion, but we know about it. We're aware of it.

And PointBank [inaudible] to a TLD community. But who did it? At ICANN during our meetings, are we aware of it? Is it something we all know? I don't know. Who exactly knows about the

distinction? Who is sponsored? Who is not sponsored? Who is community based? Thank you.

JONATHAN ZUCK:

Thanks, Sébastien. I think, again, in the interest of time, I'm going to ask staff to put up a poll for everyone that's in Zoom to vote on whether you think there's an end user confusion associated with a closed generic term being run by a single company in that way. So I'm hoping that the staff can bring up that poll.

So what I have is, "Do you believe a market-related term—" and this is to get that specific, that it's a term relevant to the business that's trying to apply for the name—"managed by a single company is likely to cause consumer confusion?"

And Yeşim, it's a little bit like popcorn. When they slow down, then I would just go ahead and do the results, probably. All right. Everyone logged your answer? It's like a gameshow. How are we on numbers?

YEŞİM SAĞLAM:

Jonathan, this is Yeşim Sağlam from ICANN Org. Actually, 50% of the participants have already voted.

JONATHAN ZUCK:

15%?

YEŞİM SAĞLAM: No, sorry. 50%.

JONATHAN ZUCK: Oh, okay.

YEŞİM SAĞLAM: Would you like me to end the poll?

JONATHAN ZUCK: Yeah, I would end the poll, because we're just having a conversation.

YEŞİM SAĞLAM: And are we sharing the results?

JONATHAN ZUCK: Yeah, if you can. Okay. And the next poll is whether or not you think it creates a competitive disadvantage for the companies other than that name holder. So if you could put that poll up.

So to clarify this question, “Do you believe a market-related term managed by a single company is likely to create a competitive advantage for that company?”

EDUARDO DIAZ: Can you be more specific? Competitive advantage for whom? The end user?

JONATHAN ZUCK: A competitive advantage for that company. In other words, if I am a dairy farm and I try to get .milk. Will that give me a competitive advantage in the milk industry?

EDUARDO DIAZ: Does it matter to the end user?

JONATHAN ZUCK: Does that matter to the end user? Well, yes. I mean, around the world we have competition branches that are concerned with the implications for end users of competition. In other words, if I suddenly own the market, then I can raise prices. It has, in theory, at least long-term interest for the consumer if you get an artificial competitive advantage to a particular company. I guess that's Lütz's question as well.

YEŞİM SAĞLAM: Jonathan, I don't see any more progress in the poll—

JONATHAN ZUCK: Okay. That's a good time, then.

YEŞİM SAĞLAM: —so I’m going to end it right now. And I’m going to share the results.

JONATHAN ZUCK: Okay. Excellent. Thanks, everyone, for participating.

Okay, so next on our agenda, as Greg mentioned, is the idea of a public interest exception. So in other words, rather than an all-out ban on these so-called closed generics, is there some way to determine an instance in which they're okay because they're in the public interest? Or not against the public interest, as Greg has put it.

So in 2020, a number of folks from the At-Large and elsewhere ... So both Alan and Greg participated in this group, along with Kathy Kleiman from the NCSG, and a Board member whose name I’m forgetting all of a sudden, participated in the creation of this.

ALAN GREENBERG: George Sadowsky.

JONATHAN ZUCK: George Sadowsky, exactly. So I’ve asked Greg, as briefly and as pithily as he can manage, to talk a little bit about what that proposal seeks to accomplish and what it would entail. So Greg, I hand the floor to you.

GREG SHATAN:

Thank you. I'll set my watch for one hour. So in terms of this proposal ... And I think the proposal first assumes that we are looking for a way to have closed generics operated actively in the public interest, as opposed to merely operated not against the public interest. So the proposal is set up to limit closed generics to a public interest-oriented usage and, among other things, not solely for the benefit of the registrant, as was kind of assumed in the questions.

So the proposal that we had hit on a number of concepts. We tried to cover, essentially, the entire life cycle of an application and delegation and operation. So we proposed that the type of applicant should be limited to either a public interest entity, such as a nonprofit, or a consortium of non-profits who might perhaps operate a non-profit that's in their area.

So if it's .plague, for instance, we would want either one or more operations that are dealing with the issue of the plague, and that the applicant would have to be in that area. But that the operation of the TLD would have to include opportunities for other entities to get domains in that TLD.

We proposed that there needed to be a special application process or an additional set of application criteria for the applicant to fill out that. That there should be a public interest closed generic review panel and criteria for review of the

application so that there could be a meaningful process that would take place once the application goes in. And then that if the application passed the review panel, that it would go to the Board for review and approval.

We also discussed that the specification needs to include a number of criteria or restrictions on how the registry operator operates the business and operates itself, and making sure that it's a level playing field for legitimate third parties to get second-level domains in there.

And also, this almost seems a little old-fashioned, but looking back at the proposal, there were a lot of concerns at the time about profit-taking by the registry. And so there were limitations on how the business could be operated in terms of, essentially, that the money should be put back into the operation and should not be used to generate a revenue stream solely for the benefit of the single operator, essentially.

And of course, we needed to define what operation the public interest was, which we all know is a bottomless pit. But we looked for things that were clearly in the public interest. So, tending toward a lot of organizations that are intending to do good or to deal with the bad, whether it's disaster relief for medical relief or other things in that area.

So the idea was to create kind of a special type of a TLD. There was a lot of argument when we first presented this [that said] this

wasn't really a closed generic because there was more than one registrant in the registry. But I think our whole conversation here has kind of gone beyond that, thankfully, because sometimes when we discussed this before, we couldn't get past that first argument about whether or not it was even closed to begin with.

And I think the idea here was, ultimately, that it was not in the public interest to have a single registry also be the only registrant, but that it should, in essence, be operated almost as a public trust. And that the operator, the registry, is in essence a steward for the space, and that the registry needs to operate by governance standards that give voices to as many participants as possible in the sector, even if they are not always best friends.

Whether Médecins Sans Frontières has a good relationship with the Red Cross or not is irrelevant. If the space is .disaster, then they should both have the ability to participate in the governance, even if only one of them is the nominal registry operator. So that's the very high level operation we have about a 10-page paper which I will figure out how to send to the group which goes into a number of these criteria in detail to try to, essentially, present a complete package. Thanks.

JONATHAN ZUCK:

Thanks, Greg. And I'll take this opportunity to say that I collected a bunch of resources on this topic that are linked to on the agenda. And so perhaps, Yeşim, this is a good time to put a link in

the chat to the agenda where we have all of those resources, including the document that describes this particular proposal.

I confess, I'm still prompted to ask whether or not this closed because it sounds more restricted. It's just, is the distinction that a single entity would be able to be the ultimate arbiter of who could use it, as opposed to an objective set of criteria?

GREG SHATAN:

Well, I think the idea is that the registry operator would have the ultimate authority, but there would still be criteria. I think that it would not be operated arbitrarily or on a whim by the operator. That, in essence, has the strong chance of not being in the public interest. There needs to be guard rails around the use of the term. And so, if there is a single registry operator ...

I mean, as you were discussing various models—or whether it's Facebook or otherwise—any closed generic ... If we're not limiting closed generics to a single registrant, then I think it starts to become ... It muddies the waters to discuss whether it's a restricted versus a closed TLD because, either way, you have multiple ... We should allow the discussion of multiple registrants because a discussion single registrant TLDs of closed generics is a very narrow discussion. And unless we're going to discuss that ...

And our public our proposal assumes that we are not talking about single-registrant TLDs, but that they are essentially still closed and that they are operated by an operator but pursuant to, essentially, a charter and a delegation of with rules.

JONATHAN ZUCK:

Thanks, Greg. I guess that's the question that comes to mind. And I realize we have a queue, so I apologize. I'm trying to draw out clarity.

But under your proposal, Red Cross could not simply create .relief as a donation site for particular relief projects around the world that were managed by The Red Cross. Under your proposal, that wouldn't okay, even though some might consider that to be in the public interest.

GREG SHATAN:

That is correct. So the idea is that if there were a .relief, that Red Cross could be the sole registry—or the registry operator—but that they would have to form a governance model where third parties were allowed to also have .relief second-level domains, and that the governance would not be solely by the Red Cross but rather by other relief organizations as well.

JONATHAN ZUCK:

And so it was your belief, at least of your small team, that Red Cross, being the sole registrant, if you will, for a .relief TLD would not be in the public interest.

GREG SHATAN: Again, it depends on how the registry is operated. If they were the sole registrant but if they were subject to restrictions and criteria for how it could be operated, then having them technically as the sole registrant would be okay. But it would have to be clear that it could only be operated under the governance rules that gave governance powers to multiple relief organizations in how it would be operated and that would allow for multiple relief organizations to have second-level domains.

JONATHAN ZUCK: Okay.

GREG SHATAN: So it's not solely the question of whether there can be [a single] registry operator.

JONATHAN ZUCK: Yeah, I guess I'm trying to get very, very specific. If .relief was only for Red Cross projects, you're saying that would not be in the public interest.

GREG SHATAN: That's a different question. If Red Cross is operating it solely for the benefit of the Red Cross, then that's not in the public interest

in this definition. Not in the global public interest. Let's remember, we're talking about the global public interest. Even if the Red Cross is operated in the public interest, it's not the only relief organization. And so we get back to the issue of essentially occupying the field as being both confusing and anti-competitive.

JONATHAN ZUCK: Okay. I'll go back to the queue a little bit on this. Alan, I know you were part of this initiative, but your hand's old so I'm going to let you say whatever you want to at this point. Alan Greenberg, please go ahead.

ALAN GREENBERG: Thank you. My hand's been up for so long that I have no idea why I put it up originally.

JONATHAN ZUCK: That was my intent. That was my intention, Alan.

ALAN GREENBERG: And you've succeeded. But that just means I have more to say now, a number of things. We spent a large amount of time to begin with essentially saying, "Should we allow closed generics or not?" That was never an issue. The GAC was the organization that said they have a problem with this, and they never said, "Don't do it." They said it should be in the global public interest.

And the term “global” is really critical here, as you alluded to just a couple of minutes ago in the end of the discussion. There can be many public interests and they can be competing.

As an example, in the .disaster. The Red Cross, I’m sure, would operate a TLD in the public interest, but it's not the only public interest. They are not the only people who try to raise money, legitimately, for disasters. The proposal that was put together— and I’m not going to use the term “accurately” but it will give you the idea—essentially said it had to be operated by a consortium, by a group, so there is no single public interest that is represented solely.

But going back to the original concept, ignoring that proposal, the whole concept was, “Can you do this in the global public interest where no single entity is going to be able to benefit from it?” You can't make anything confusion-proof. There's enough people in the world who are going to get confused no matter what you do. We have no guarantees.

But the question is, “Can you try to avoid things which will confuse a lot of people?” And that's really the issue. And that's why the term “the global public interest” is a critical one. The forbidding closed generics was done by the Board, since they didn't have a way of addressing the GAC’s concern. And that's, again, what we're trying to do right now.

Is there a way to address the global public interest to make sure, not only that people don't get confused, but that we are taking single words that have a specific, very wide meaning, we are allocating them into a worldwide resource—the DNS—and can we try to make sure that it's going to be used essentially for good and not for profit?

And that's the whole intent of the discussion and of that particular proposal, which was just one proposal among many. Thank you.

JONATHAN ZUCK:

Thanks, Alan. I'm going to move through this. Claire Craig, please go ahead.

CLAIRE CRAIG:

I would preface this by saying that I am just jumping into this with limited information, but just listening to the comments on the forum today. And I am a little bit confused and concerned by the use of the word “closed” because, to me, it gives the impression of not just being restrictive, but of being not open. Because once you say something is closed, now what it seems as if ...

How, therefore, do we advance the whole context of the global public interest when we start off by saying that something is closed? To me, this can be interpreted as a situation of exclusivity. Right? And there seems to be a certain dichotomy where we're

saying that something is closed, but now we're trying to limit the extent to which it is closed. So how do we talk about something that is closed, but now ...

So my question is, how do we say that this is closed but say that in the interest of global public interest, we need to find ways to make it open so that it doesn't affect or disadvantage particular groups? And I think we need to be very conscious of using words like “closed” and its impact on particular groups, whether it's businesses or individuals or whatever, or end users. Thank you.

JONATHAN ZUCK:

Thanks, Claire. You're right that language matters, and that's part of the difficulty here. There isn't a complete agreement on these terms, even. And that's part of what makes this a challenge, for sure.

Daniel, please go ahead.

DANIEL NANGHAKA:

Thank you very much. I'd just like to highlight a couple of issues here when it comes to the domains. I'll give a case of the .au. The .au is a top-level domain, I think, for Australia. And then the African Union also has an AU. So when they tried to resolve some of these things, I don't know where the matter ended. But it ended up with au.int.

But then there is also a tendency whereby high-level domains are put into the reserve list. And how do happen to access these domains? So it's, I think, about marketing because some of these public domains that have high interest, when they get into the reserve, they will require a special negotiation between the registry who has the name in the resolve this and probably it could [prompt] business.

But putting forth a [playing ground], it would be probably who comes first into the business. And then issues like patents and trademark laws happen to come in. But there is need for a clear process, such that all these domain disputes and collisions be resolved, especially from the end user perspective.

It could be a marketing strategy where, for example, [Nike] wants to want to create a [inaudible] URL. They could happen to get in discussions with KeNIC, which is the .ke registry, such that they could hold back the ni.ke. So that becomes a business strategy. Thank you.

JONATHAN ZUCK: Thanks, Daniel. Amadeu, please go ahead.

AMADEU ABRIL: Can you hear me? Yes. First of all, I'm not formally a member of ALAC. I'm wearing my registry hat here, but I would like to say a couple of things. The first one is, I'm afraid that we are somehow

stretching the meanings of things to say the [country] of what they mean. If a closed generic is open to non-discriminatory registration, it's not a closed generic anymore. It's a restricted TLD.

So if we are saying we allow closed generics, provided they are open, I think that somehow will be better saying, "We don't want closed generics." So if you're generic, that is a word that has a specific disputed meaning for a sector. [inaudible] relocated to a party, we want objective rules that are, you know, objective and non-discriminatory for the whole sector, activity, entity, etc. But saying that the closed generic has to be open, I think, for me, it's not easy to understand.

So the second thing is regarding the proposal and your example of Red Cross and relief. Well, the problem is that saying, for instance, that the institutional governance of the TLD should be open and everybody should participate in a consortium is, in practice, not feasible.

Let me give you examples for .sport, .radio, and .bank. IOCs were interested—the International Olympic Committee—in how .sport works, and they have a say in the policies. But they cannot, by their own statutes, be part of a consortium with federations. There's something in the legal [structure] that prevents [if some] are members of some [inaudible], that he cannot be in other legal structures. So you cannot force them.

In .radio, all the radio regional entities agreed that European Broadcasting [inaudible] would be the registry and they have a say in the policies. But also, again, for restricted rules they have in their statutes, they cannot be part of a single entity in a different continent where they are located. So they cannot be formally part of the registry. Which does not mean that they don't have a say.

So let's be careful about what we ask regarding the governance because it may not be practically feasible. What's important is the policies then. Right?

And let me say something else. Some of the proposals you made regarding how the money is invested. Let's be honest. ICANN's ability and willingness to control certain things is very limited. So let's not be over optimistic of the kinds of things that ICANN Org will be able to control regarding what the registries do five years from the application because then we'll have a problem.

I think it's better that we focus on what we see, which are the policies for registering and managing that domain. Because we all see that. We all can controlling that. But controlling how the money's spent in a registry down the road, it's both impossible with the tools we have.

JONATHAN ZUCK:

Thanks, Amadeu. Sébastien, please go ahead.

SÉBASTIEN BACHOLLET: Very briefly. I don't think we agreed on the definition between the open TLDs, open and closed. So it's going to be difficult to find an agreement.

JONATHAN ZUCK: Greg Shatan.

GREG SHATAN: Thank you. I suggest that perhaps there is a thought exercise here as we get, once again, into discussion of whether a closed generic—such as was put in the small team proposal that I worked on with Alan and George and Kathy—is even a closed generic or a restrict TLD.

The corollary may be that we think, or should think, that a single operator operating all of the second-level domains for itself or its affiliates can never be operated in the public interest. So if we decide that a closed generic is exclusive access, which was another term that was used by the GAC, that it's only for the benefit of the registry and its affiliates, then I think it's a different question.

And maybe it is a question we should focus on, which is, is there a way for that single operator and it's control of every second-level domain to be operated in the public interest? I suggest that

there are aspects of the paper that Alan and George and Kathy and I worked on that could be adopted, or adapted, for providing restrictions on that model as well as the more consortium model that our paper was pointed at.

But I think there is a valid argument, or a valid problem in our discussion, as to whether having a multiplicity of registrants means that you're no longer dealing with a closed generic. Sorry, I muddied the waters again.

JONATHAN ZUCK:

That part of the exercise here. So, I'm going to make an exception here—because I let Amadeu speak—to let Susan Payne speak if you want to have an intervention or do a clarification.

There's been some discussion in the chat about what will actually be the content of the discussion that was proposed by the Board, and some of that is still up in the air. But it's clear that the Board has directed the parties—which hopefully, eventually include us as well—not to come back with a proposal of “no closed TLDs” and not to come back with a proposal of unrestricted applications of closed TLDs. So, finding that middle ground is the order of the day from the Board.

Susan, go ahead.

SUSAN PAYNE:

Thank you very much. Sorry, I'll bring it a bit closer. I did put this in the chat, but I did want to say that I have no objection whatsoever to the model that Greg put forward. Certainly, when we were working on it in Subsequent Procedures, I disagreed with him about whether it was a model for a closed generic. And my point is, whatever you call it, the model that Greg and his team proposed is something that is already possible.

There are many, many TLDs that operate with a restricted model with governance procedures—maybe not exactly what Greg and his team had proposed, but all sorts of different models of that nature. It is already permitted that there are a number from the 2012 round. The Subsequent Procedures Policy Recommendations permit it. You do not need to be having a conversation about whether that is the path forward because it already exists. And there is no objection to that.

Really, respectfully, I would suggest that you should be having a conversation about the questions that the Board has asked the GNSO and the GAC to discuss because that is the area that is the current focused. How do you find the path forward to permit closed generic? And we're talking here about a closed model where there is potentially a single registrant. How do you find a path that allows them to go forward where they do serve the public interest?

And the discussion about models that already exist and are permitted is very interesting, but to be honest, is a waste of your time.

JONATHAN ZUCK:

Thanks, Susan. I'm inclined to agree with your perspective there. That was a proposal was on the table that attempted to ... So further discussion about it might lead to some refinements.

But I do believe that the Board has directed this question back to the community to find a compromise that allows for truly closed generics to take place in some form if they're able to serve the public interest. And I think that as we try to further develop our own position to participate in those discussions, we'll need to, again, engage in additional nuance on this topic. This is obviously not the end of this conversation.

Alan, please go ahead.

ALAN GREENBERG:

Thank you. I think the answer is actually very easy. It's just not likely to be acceptable. We have had debates in ICANN forever on what the public interest means, and the adding the global public interest just makes it worse. We have come to the conclusion that we cannot define it.

But now we're talking about things like a framework so we can have a discussion a particular in issue and decide, “Is this particular thing in the public interest or the global public interest or not?” And I think the only real way that one could end up having a single-registrant closed TLD with a generic word which has the potential for misuse is to use that same sort of framework.

That is, you have some general guidelines, but then someone's going to have to talk about it and make a decision. And that implies either the Board or some external body that we nominate will look at the proposal and decide, “Does this actually meet the global public interest? Are there sufficient guarantees in it to let it go ahead?”

So, you know, this is not the first time this has been mentioned, but it means you have to have a set of rules with a large amount of discretion and someone can make a decision. And you cannot then appeal that decision because, ultimately, someone actually has to look at it, make a value judgment, and say yes or no.

To come up with more detailed rules, I just don't think we're ever going to get there. Thank you.

JONATHAN ZUCK:

Thanks, Alan. Are there other folks, particularly members of the At-Large community, that have an idea of a path forward in terms of a compromise position on this? We might need more clarity on

your proposal that involved eliminating half the root, or something like that.

Yeah, please go ahead.

LUTZ DONNERHACKE: After all of the discussion we have heard here, I came to the conclusion that nobody's interested in closed generics at At-Large. No objections, so I think that we have consensus here.

UNIDENTIFIED SPEAKERS: [inaudible].

JONATHAN ZUCK: Super funny. But the Board has turned the subject back to the community to decide, which is the right thing for the Board to do. So if we want to be a part of those conversations, we need to try to come up with constructive compromises on this issue.

Go ahead.

AMADEU ABRIL: So I asked for the floor earlier and I talked about that notion of closed domain name. Domain name is never the property of someone. It's an allocation of ICANN, and it doesn't become the property of a company or of a person. So we have to agree on that.

And the lady over there talked about the definition. What does that mean, the closed domain name? Is it going to be attributed to a company? To an association? Is it definitive? You cannot get the domain name back? That’s the question I had earlier.

JONATHAN ZUCK: Thanks. Some of those are open questions. The Board also directed the community to look into some of the terms being used, such as “exclusive.” So further defining the terms are definitely going to be part of that conversation.

Greg Shatan, please go ahead.

GREG SHATAN: Thanks.

AMADEU ABRIL: That’s not an answer to my question. I do not have a response about my question. What is a closed [inaudible] domain for you?

JONATHAN ZUCK: Say that again.

AMADEU ABRIL: We have to look at the definition of those closed domain names. Is it the property of the holder and nobody can get it back or recuperate it?

JONATHAN ZUCK: Yes, that's true. There is no permanent owner of a TLD. If that's your question. I mean, it's definitely the case. There's a default that someone would be able to continue to manage that TLD indefinitely, but it is not a given. It's something that can be taken back.

Greg.

GREG SHATAN: I think it's a red herring to discuss whether it's "property" or not. Clearly, it's a contract with the registry operator and ICANN, and there's various criteria that govern that. But in many ways, it is considered property just as second-level domains are considered property even if you can get ... There have been endless arguments about property versus license. That's largely a red herring for our discussion.

I think we are interested in discussing closed generics and I think, perhaps one thing I wanted to say specifically is that the conversation hasn't really been turned back to the community in the larger sense. It's turned back at this point to a mediated conversation between the GNSO small team and the GAC's small team, I assume, based on the framing paper and on what's transpiring, I think, even today in moving forward within the GNSO Council.

So maybe one question for At-Large is how do we even get into the conversation—

JONATHAN ZUCK: Greg, a separate thing that's already sort of in process—

GREG SHATAN: But I think that's where the—

JONATHAN ZUCK: —about getting us to participate.

GREG SHATAN: But I think that's where the conversation is happening now. So there is no—

JONATHAN ZUCK: But we don't need to discuss it here.

GREG SHATAN: But that's only—

JONATHAN ZUCK: That conversation is happening about how we get involved. This is about what we want to say when we do.

GREG SHATAN: Okay. So I guess I didn't realize we were assuming we were actually going to be able to get involved.

JONATHAN ZUCK: I'm operating on that assumption.

GREG SHATAN: Cool.

JONATHAN ZUCK: Because if nothing else, we'll be filing advice about it. Right?

GREG SHATAN: That's certainly the case.

JONATHAN ZUCK: Any other questions or comments? I think we've reached the end of our time. Obviously there's a lot more to discuss. And hopefully people ...

UNIDENTIFIED SPEAKER: [inaudible].

JONATHAN ZUCK: I'm sorry. Who's got their hand up?

UNIDENTIFIED SPEAKER: [inaudible].

JONATHAN ZUCK: Oh, okay. Please go ahead.

AMRITA CHOUDHURY: Thank you. Apologies, I don't know much on the subject. But from an end user perspective, I look at closed generics and ... For example, if I look at .apple, though it is used by a brand, as a consumer I would not look at .apple to go and buy Apple.

So I think we need to differentiate about if there is a closed generic name which is coming. Is it going to cause much harm if it is there? Vis-à-vis, if it is not going to ... A .apple or a .orange is definitely not going to cause me much harm as an end user. Or I'm not going to be deflected to go to those sites.

Similarly, some example which you used this if .book is there and Amazon is pushing people towards a .amazonbook, that is marketing. And companies do market to get the traffic. So that's not going to cause as much harm as we are thinking about it.

So I think when the discussions happen and there are applications coming in, in the review the potential harm is something which needs to be discussed. Competition does come in, but competition only comes in when there is a market [failure] from a competition point of view.

So I think the potential harm of a prospective name is something which needs to be dwelled more, even though we do not have a complete agreement about what global public good is or even what the public good is. The damage which it can cause or not is something perhaps that needs to be considered, and perhaps a checklist of some kind can help, even if there is no consensus. Thank you.

JONATHAN ZUCK:

Thanks. We'll allow that to be the last word on today's session. Thanks everyone for participating. We'll obviously take this up further in the CPWG within the At-Large. Thanks for all of you participating in open discussion. And then, hopefully, the peanut gallery enjoyed the conversation as well. And we will keep this conversation going, and with any luck be participants in the mediated conversations to come. Thanks everyone for your participation.

[END OF TRANSCRIPTION]