

LOS ANGELES – GAC Meeting: Two-character Domain Names in New gTLDs
Sunday, October 12, 2014 – 09:00 to 10:00 PDT
ICANN – Los Angeles, USA

CHAIR DRYDEN: Good morning, everyone. Welcome back to the GAC meetings.

Before we get started on our first session for the day, Tom has some announcements to make.

TOM DALE: Thank you, Heather.

Good morning, everybody.

Just a couple of logistical matters.

In the first place, you'll have noticed we're still working in a tent. That hasn't changed.

Secondly, it's very important that people attending the meeting register the fact that they are attending. We have a low-tech analog way of doing that, and that is an attendance sheet to be completed by people. Some of you completed that yesterday. If you haven't or if you've just arrived today, there is a copy of the attendance sheet at the table at the back just as you come into the facility. Please ensure that your name is recorded there so that when the minutes are circulated, you don't find yourself omitted. We know your presence here is valuable.

And finally, can I ask for those of you who are not GAC members but who are attending, to listen, it would be appreciated if you could leave

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the table space with microphones for GAC members if there is a seating problem. We are a bit short of space, I'm afraid.

Thank you, Heather.

CHAIR DRYDEN: Okay. So let's get started.

Our first agenda item is to discuss two-character domain names at the second level.

So there was a bit of activity after the London meeting about this, and if you look in the brief that has been prepared for this discussion, it outlines all the issues and some of the background to this. There are hard copies in the back there with Julia, if you need a hard copy.

But essentially, there have been numerous requests made to ICANN by applicants as part of the new gTLD round for the release of two-letter letter codes. For the most part, these are requests or entirely are not requests for two-letter codes at this time that are on the country code list, also known as the ISO 3166-1, alpha 2.

And so as a result, we have had some exchanges on the GAC email list about whether the GAC would have a view in light of the pending request for the release of these letter-letter codes, two-letter codes, at the second level that are not on the country code list.

So as things stand at this particular time, that is the request that's really driving this particular discussion here today in the GAC.

So that is where we need to focus, is on that particular aspect of things.

Since we have a number of applicants that are very interested in this discussion and I know were intending to be here, if I can just get a sense of whether we have some of those applicants in the room.

I know there was a request from .WIKI, the Brand Registry Group, maybe some other applicants. Ah, I can see some hands over here. All right. So that's a yes. All right.

So we have the opportunity to hear a bit from those applicants and how they intend to use these letter-letter codes, and that can help inform our discussions today.

So again, please refer to the brief prepared for the meeting. It sets out very clearly what is the background to this, what is the nature of the request being made.

And for our discussions here in Los Angeles, what is, I think, of greatest importance or what is most pressing is whether we, as GAC, would want to communicate a view about the two-letter codes that are not on the country code list, because as things stand, those are the requests that have been received by ICANN.

It is true that we can expect further requests in the future that would be for country codes, the two-letter codes, that are on the ISO 3166-1. We can also expect requests either as individual governments or perhaps coming to the GAC around country names. So if I use Canada as the example, Canada, the second level.

So that's for the future. What we're focused on here in this discussion are these requests for two-letter codes that are not on that country code list.

Okay.

So if I can get a sense of colleagues' thoughts on this, now is the time.

We can also ask questions to our applicants that are here in the room, if colleagues have any questions from them.

Okay.

Thank you, Michelle. So Michelle has just drawn to my attention there is one request coming from NeuStar that does include the country code list. So there is some variation in the kinds of requests that are coming forward.

So in that example, it's a request for two-letter codes that are on the country code list as well as those that are not covered by the country code list.

So, all right, then. Perhaps -- Ah, I see a hand. Is that United States?

Yes, go ahead, please.

UNITED STATES:

Thank you, Madam Chair, and thanks to the interest in the room and to the registry operators who are seeking to engage with us on this issue.

We're certainly hopefully that we can give them some reassurance that there is an approach. From our perspective, we're very, very mindful that two-letter labels, including two-letter country codes, are in fairly wide use in the existing gTLD environment.

There is, for example, for us, there is US.com, US.org, US.info. They are all currently in use.

The use of the, quote, "US," unquote, two-letter country code at the second level has not presented any technical or policy issues for the United States. We, in fact, do not require any approval for the use of US two-letter -- two-character country codes at the second level in existing gTLDs and do not propose to require anything for new gTLDs.

It does strike us, because there are differing opinions regarding the use of two-letter country codes between governments, each government may apply their own policies, of course. But it strikes us that this is, therefore, not an appropriate matter for consensus GAC, as GAC advice; that that would be up to each individual country.

And in light of the requirements of specification 5, we would expect that each government would decide on its own and convey its national position.

Thank you.

CHAIR DRYDEN: Thank you, United States.

Are there any other comments? Netherlands, please.

NETHERLANDS: Thank you, Heather. Yes, we have a similar view as the United States. We think it's hard to have an argument to basically regulate this in contracts for something which is already common practice and has not -

- at least for dot -- for NL, dot other domains, has not led to problems which we know of, and also our registry has said this. So I don't see a real need for extra protection in this sense.

Another thing is I think that we recognize also the squeeze which new registries will be put in for using two-letter codes for which they cannot get government approval because they are not existing or not in place.

Thank you.

CHAIR DRYDEN:

Thank you.

Denmark, please.

DENMARK:

Thank you, Madam Chair.

We share the view of the U.S. and Netherlands. For our point of view, we do not have a system internally in Denmark where we can prevent this, so it's up to the ccTLDs. And from the outset, we have difficulty to see that we should have another point of view when it comes to the gTLDs. So we have difficulty to see the need for any advice here at this moment.

Thank you very much.

CHAIR DRYDEN:

Thank you, Denmark.

Austria next, please.

AUSTRIA:

Thank you. Good morning, everybody.

I share opinion put forward by U.S., Netherlands, and Denmark.

In the past we had some cases where on the second level Austria was registered, and it was handled in accordance to the Austrian Constitution.

So I think it would be the wrong place to reinvent the system on the level of the top-level domains. It's up to the domestic legislation and the legal system whether or not there should be or could be a problem.

I think it's not a matter of ICANN to decide whether or not there is some interest or not.

There are existing mechanisms for that problem, and we should stick to that.

Thank you.

CHAIR DRYDEN:

Thank you, Austria.

Is that Spain?

SPAIN:

Good morning, thank you.

I don't know if the Board has requested the GAC its opinion on this view or we are discussing this because we expect that, some point in time, they will address us and request our opinion, but from the letter we've received from the business constituency, I think I draw the conclusion

that what the registries interested in the release of the two-character labels have asked ICANN to do is approve their release of the reservations in their Registry Agreement.

And this kind of procedure doesn't require that the affected country or the affected ccTLD manager expresses their views or gives their permission to the registry to use the two-character string.

So we must be clear in what the registries have requested ICANN to do is to modify their Registry Agreement so they can use the two-character labels of their choice without having to consult with any government or ccTLD.

Having said that, I concur with the colleagues that have spoken before me. We don't see any major problem in releasing the use of two-character labels so far.

Thank you.

CHAIR DRYDEN: Thank you, Spain. Are there any other comments? Australia. Please.

AUSTRALIA: Thank you, Chair. And thank you to colleagues who have spoken before. Agree with the sentiments that have already been expressed. These two-character codes are in wide use at the moment in existing gTLDs and ccTLDs.

From the Australian perspective, it's certainly in the current round we don't foresee significant problems. As a matter of practice, what we see

at the moment is that ICANN is putting these RSEP requests out for public comment. And it would be open to any government to use that public comment period if they did feel, in some instances, that there was a concern. So I concur with colleagues who said that I don't see a role for GAC here or for issuing GAC advice. If individual governments do feel that there is a concern, then it is open to them to use the RSEP process to draw those concerns out and to make them known. So that would be our position.

CHAIR DRYDEN: Thank you, Australia. Are there any other comments here? Okay.

So it looks like we wouldn't want to advise as such on this matter. And many GAC members and those that have spoken it seems are wanting to extend the approach that they have taken to existing top-level domains and not depart from it with that approach with the existing -- sorry -- the incoming applications for new gTLDs.

So this is something we might want to raise in our discussion with the ccNSO because they have a particular view on this matter as well. But to come back to what it is that we as a committee would do this morning and want to decide, we're clearly not converging here on having GAC advice about the treatment of these country names and two-letter country codes and two-letter codes that are not on the ISO list. And so we could expect to handle requests on an individual basis coming in from applicants, operators.

Okay.

Iran, please.

IRAN:

Yes, Madam Chairman. Good morning to you and to everybody.

Generally speaking, we share the views of distinguished colleagues. There are two issues here. Issue one is whether or not we need to have any advice to GAC. The general sense is that, no, there does not seem to be any need to have any advice on that. That's point number one.

Point number two, whether or not we reflect the result of discussion because we discuss in the communique or not that is another issue. And if yes, we should have a proper language which does not give rise to any misinterpretation in the future.

Nevertheless, having said that, the management of the issue under the second level is a national issue and within the authority of the government and country concerned.

We have also to indicate in one way or other that the world situation is changing. Changing since many years. Number of the countries are increasing. So we have to also talk about the limitations that exist under the provision for the future and so on so forth without having any impact on the authority of the countries. But we have to mention that usually there are geographical areas or countries that may be created, may come up and which has been the case since many years. The number has been increased. It has not to do with the subject directly, but you have to also mention that.

So, if you need to work on something for the communique, we need to have some text in the proper language to be mentioned, perhaps we should wait until we have our discussion with the GNSO and others. And after that the appropriate text needs to be properly and carefully

crafted and then comes back. And we should look at that one if there should be a need to put that in the communique.

CHAIR DRYDEN:

Thank you for that suggestion, Iran. The correspondence that we have been having with the board I think warrants a response from the GAC. And that would go into the communique at the end of our meetings. So what I suggest is that we begin to formulate some text taking into account the comments that we've heard in this session and indicating why it is that we are not providing GAC advice about the treatment of those two-letter codes whether they're on the country code list or not and then allow the operators, the applicants that are making the request to proceed and contact governments or pursue using those two-letter codes based on what list they're on and who it is that they're expected to get agreement from. And we will have the opportunity to discuss this with the ccNSO to understand what their particular concerns are. And then we can have -- we can adjust as well our own thinking around what would go in the communique. But I think, in the first instance, it's clear we need to reply, respond in some way to the correspondence that we've had with the board so that it is clear what concerns we have, if any, and how it is we think that operators and applicants should proceed to address this manner -- matter.

So there is a request in one of the letters coming from the board to have the GAC conduct a review of country and territory names. I don't know whether just means the two you-letter codes or the names. The names -- it's a separate process. Okay.

So this is one of the issues that the GAC does need to consider or will need to consider even if it's just to confirm earlier thinking and earlier approaches. There will be requests coming to ICANN to be using the names of countries at the second level. So that may, in fact, be a bit more sensitive for us here than the two-letter codes.

So begin to think on that. And, again, the brief for our meeting this morning, I think, is good guidance to us to consider that aspect of things.

All right. So is there anything further that we need to cover in this session? Okay. All right. So great. We can finish a little bit early and have our coffee break a bit early and ease into the day a little bit.

Thank you very much to the operators and applicants that came to sit in our meeting and be available to answer any questions. Iran.

IRAN: Thank you, Chairman. I don't want to have any interruption in your early coffee break.

With respect to the release by ICANN on the ICANN accountability, I personally spent some hours last night and got to the communique, not communique, but to the letter or to the issue and prepared some comments. So I don't know at what time you wish after you come back from the coffee break we discuss the issue. Because there are some very sensitive issues need to be discussed. Thank you.

CHAIR DRYDEN:

Thank you, Iran. So we will be able to circulate a guide or an agenda to our session coming up at 10:30. So there will be opportunity to raise issues and have some discussion about the revised process that has been posted by ICANN. Okay. So let's start at 10:30 sharp, especially since we're getting a bit of a longer break than we anticipated. And then we can stay on time, hopefully, for the remainder of the day. All right. Coffee time. Thank you.

[Coffee break]

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