
SINGAPORE – GAC Plenary 8
Sunday, March 23rd 2014 – 14:00 to 15:00
ICANN – Singapore, Singapore

PETER NETTLEFOLD:

Hello, everyone. Just to let you know we'll start the GAC's afternoon session in about five minutes. We'll give a couple more minutes to see if some more people are coming back from lunch, but we will try to start because the next session, we only have 30 minutes so I don't want too much of it to evaporate before we get started.

Cheers.

Hello again, all. We'll start the session in just one or two minutes from now, so everyone can take their seats, please.

So good afternoon, everyone. As we discussed before the lunch break, Heather and Tracy and Thomas are off discussing intergovernmental organizations, the IGO issues, so I'll just be chairing this session.

We've got three things on our agenda before the coffee break this afternoon. The first is the working group which is looking at new gTLD issues for future rounds. Then at 2:30 we'll be looking at an update regarding the multistakeholder Meeting Strategy Working Group, and I'll be looking to Portugal and the United States to come up and join us here at the front table for that session. They're two of the GAC members who are involved with this working group, so they'll be leading on that update.

Then at 3:00 we will be having a GAC/GNSO session to discussion the consultation group progress report and discussion.

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At that stage I'm hoping that Heather will be back to help co-chair that one, but I think we'll also be looking to Manal as the GAC's lead on that one, and we'll be having the GNSO with us for that session.

But first of all, in terms of an update of progress with the working group on new gTLD issues for future rounds, as members may recall, this working group has been working for a few months now. We gave a short update -- well, not a short update but an update of progress at our last meeting in Buenos Aires. And as you'll recall from that discussion, there are three issues which we're looking at. And we've divided essentially into small subgroups to progress those.

So the -- There's one issue, looking at the -- one subgroup looking at community applications, so the cluster of issues to do with becoming a community applicant and also the community objection processes.

That work is being led by Thomas Schneider from Switzerland and Mark Carvell from the U.K.

At this stage there's been little progress with that issue. This is a long-term project that we're looking at, so we'll be looking to ramp it up essentially as other work issues become less busy.

In terms of the second issue, which is the cluster of issues around developing countries and applicant support, that's being led by Tracy Hackshaw from Trinidad and Tobago. Tracy has circulated a number of questions to get at that subgroup started, and any GAC members who are participating in this working group, I'd encourage you to have a look at that information and those questions which have been circulated by Tracy, which I think form a pretty good basis to start the work of that



subgroup. Again, this work is at an early stage so we won't be providing an update on that today but I do encourage people to start looking at that.

The third issue we're looking at is to do with geographic names. And as we discussed in Buenos Aires, this is the area that we have had most progress to date, and we'll be providing an update today. This work is being led by Olga from Argentina.

We've had some good exchanges on this issue, and I think without trying to steal Olga's thunder, I think it's fair to say that this is complicated. It's not easy, and that's why we're still discussing it.

So today, Olga is going to present some -- I'll give you a rundown of some of the discussions we've had, where some of the difficulties and complexities are and we would really welcome some feedback from the GAC as a whole.

The second thing we'll discuss is that we've got a session scheduled for Thursday to discuss this with the community. And what we're currently proposing is to take a pretty open listening approach with the community. We'll quickly frame the issue and its interest to the GAC, and inform them that we are trying to be proactive in looking at ways to deal with this issue better, more effectively, see if there are ways we can do it better for future rounds, and take some input from the community on two things. One is the policy issue itself, like how can we do that, and the second is the process. From where we're starting at now, how can we start to engage really effectively with the community to be well prepared for a second round?



My assumption is this will feed somehow into a GNSO policy process, but how can we work with the community?

And I think we'll genuinely be asking some questions about some ideas on the policy and some ideas on how can the GAC work effectively, getting involved really early in this sort of policy process for a second round.

So with that introduction, I'll pass over to Olga for an update on the activities of the working group.

ARGENTINA:

Thank you very much, Peter. Thank you, everyone, and thank you for being with us after lunch. Challenging for some of us who have 11, 12 hours of jet lag but we're here. It's so cold that it will keep us awake. So thank you very much.

Let me give you a little background of why we are working in this subworking group. There were some requested strings for new gTLDs that were using names of some regions or subregions or rivers of some countries. It happened to be that some of them were from Latin America, but we do believe this is not a problem of Latin American countries. It could be also a problem to other countries.

Yesterday we had this conversation about dot spa. Also, there were names from China, like Shangri-la and others that we can recall. Not now, but it's in our experience from the first round.

So after some discussions in the GAC during the Beijing meeting and then in Durban, if you can recall, the Durban GAC communique, just to



put us in the same page, is some number 7 of the GAC communique it says that geographic names and community applications, there is one point which is any geographic names, we agreed that the GAC recommends that ICANN collaborate with the GAC in refining for future rounds the Applicant Guidebook with regard to protection of terms with national, cultural, geographic, and religious significance in accordance with the 2007 GAC principles on new gTLDs.

For those that are new in the GAC, those principles were developed and finalized by the Lisbon GAC meeting in 2007. Some of us were there. Not many of us, but some were present there in that meeting. It was an important document issued by the GAC, and it's online. The link is referred in the document, in the draft document that I presented.

So what we did from then, we had some discussions in Buenos Aires. I grab all the comments that I got from different colleagues. And we prepared this background document that you have a copy among your materials, and also it's online in the Wiki space that GAC has.

The document has two parts. The first part is the background document that we prepared with all the comments. And then you see some -- some tables with all the comments that we received summarized somehow to fit into, like, three, four pages, and it's divided in columns related with the countries that sent their comments.

So one brief reference to the GAC principles regarding new gTLDs from 2007. I think there's a general agreement among who worked in this subworking group that this document is relevant, and we should consider it as the base for our understanding. I will remind some parts



of it. It's a longer document, but I just capture some part of the text which we think it could be important to have in mind.

New gTLDs should respect national sensitivities regarding terms with national culture, geographic and religious significance. New gTLDs should not prejudice the application of the principle of national sovereignty until the naming system is a public resource and it must be administered in the public and common interest. ICANN should avoid country, territory, or place names and country, territory, or regional language or people descriptions unless in agreement with the relevant governments of public authorities.

So this document was made -- agreed by GAC in 2007.

So this draft document that you have copies, and I have also circulated to the whole GAC for your reference, and we have been working with in the subworking group, has some parts that I will briefly describe here. First, some suggested actions at the national and regional level. Then a reference that we just put for consideration to the group as a repository of these names that we think are important for our countries. Some suggested changes in the text for the Applicant Guidebook.

I also included the problem that could bring the use of these names at the second level, but I think it's not the time for discussing that, but it was included in the draft paper. And some suggested next steps.

I would like very much to thank those countries that really sent very relevant contributions which were Peter from Australia, Belgium, Chile, Iran, European Union, and Peru.



I will summarize briefly the comments that we received for one of each of these issues.

One thing that we suggested in the document is that as the Applicant Guidebook refers to ISO lists for -- for putting names that shouldn't be used for new gTLDs, like ISO 3166-1 and 2, one of the things that we were proposing is that this list should be enhanced. For example, in Argentina, 3166-2, sorry, only has the name of the capital city and the provinces. It doesn't have the name of subregions of the country.

So we are working now with our national authority for geographic areas in enhancing this list in the ISO. That will take some time, but this is a way that countries could make some protection, some more level of protections of those names.

So about that, received some comments. One comment was from European Union. Actions at the national level also and regional level should be enhanced by outreach initiatives to non-GAC members. You know, many countries are not aware of what the new gTLD process is about, and it is extremely challenging because it takes time, money, and an effort from not only the participants but also from ICANN and from the different groups of participation. And about the changes in the ISO list that we propose as one step forward, Peru made an interesting comment, and we are experiencing that right now at the national level that every country in the world would have to deal independently in a guarantee of success with ISO in order to safeguard the names much its cities or even provinces.

So this is a suggested step forward that has, as we can see, some inconveniences, and we will welcome comments from you.



About the repository of geographic names, I would make a special comment about we didn't propose a list. We have talked many times about doing lists of names and terms that could be important for our countries and the thing becomes really complicated. It's very difficult to build a list. It's very difficult to maintain it, and it could be, perhaps, so wide and so big and so difficulty to define that, in general, it's something that we would love to have but it's extremely complicated. So we don't welcome that idea.

The proposal of doing a repository was a reference that the applicant could have to go and check if the name really is relevant for a country.

What happened with Argentina and the name Patagonia, I talked to several people when the company requested that name for a new gTLD, and they said, well, it's not on an ISO list so it's available. I don't find it anywhere. I don't find it as a relevant name. I don't see it. And for Argentina, Chile, and I think for the whole world, we all know it's a big part of the land of South America. But it seems that if it's not really put in some place where people can check, it is not somehow considered to be a name that could be problematic if requested as a new TLD.

So the comments received about this repository, which is not a list, it's just a repository, perhaps, of links or maps or places where the company could go and check before presenting the application if the name could be problematic for one country, or two or many.

So some comments received with that idea.

To be a valid reference globally, it would have to be -- this repository would have to be comprehensive in terms of transliterations and



translations into other languages. This is a comment from European Union. And also they ask how it should be created. How would administer it? Revised, and by whom?

Should include regional languages and people descriptions and refer to names with national, culture, or religious significance. Also from European Union. And Australia pointed that it would be difficult to agree on the scope of any list. This is something we all agree. And it could be also intensive to maintain, and there is always a risk that names could be missed and/or wrong included.

So those are comments received from the -- to the suggestion we made about doing a repository, which is not a list. Our idea was to build a repository of links that country could -- could send.

Then if you can recall in the meeting in Buenos Aires, the representatives of Chile sent some suggested changes to the text in the Applicant Guidebook that refers to this paragraph that it's in the screen, and it really enhances the text that it's already in the Applicant Guidebook but giving more emphasis to the fact that these names should be protected, and also that the applicant should check before the importance of these terms to the country.

So I will really briefly read the blue part, which is the new proposed inclusion of the text.

Applications for gTLD strings must ensure that appropriate consideration is given to the interest of governments or public authorities in geographic names. This is the new part, "Taking into consideration that, according with the 2007 GAC principles regarding



new gTLDs, ICANN should avoid country, territory, or place names and country, territory, or regional language or people descriptions, unless in agreement with the relevant governments or public authorities."

And then I will skip the last part, and I will go to the enhanced part of the text, which is the part in blue. All applied for gTLD strings will be reviewed according to the requirements in the section, regardless of whether the application indicates it is for geographic name.

Nevertheless, in the event of any doubt, it is in the applicant's interest to consult with relevant governments and public authorities and enlist their support or nonobjection prior to submission of the application in order to preclude possible objections and pre-address any ambiguities concerning the string and applicable requirements.

This is in addition to the it already exists in the Applicant Guidebook, and we were talking before starting our session today with Peter, and he said, well, maybe the Applicant Guidebook has a different text. But this is something that we are suggesting as an input in relation with these names and important words for our countries.

So comments about these suggested changes. We all (indiscernible) agreed that the rules should be redefined, especially about this issue. That the 2007 GAC principles on new gTLDs should be the foundation for GAC advice on new gTLDs. This is a comment from -- both comments are from the European Union. That the introduction within every applicant's application for a TLD concerning the name of a city or a term requiring the applicant to provide for a letter of approval or authorization from the relevant local authority. This is an input from



Belgium, and it was discussed yesterday, especially about the Spa, and there is a letter from Belgium about the Spa new gTLD.

New gTLD corresponding to a city name cannot be delegated in the absence of an agreement meeting the interests of the town. Also an input from Belgium.

Other comments sent by Australia about these comments to the changes to the Applicant Guidebook rules. And I think these are very interesting comments. Call for the gTLD process to be fair, transparent, predictable and nondiscriminatory. And all interested parties should have the opportunity to make their case and have it heard.

One comment that I would like to make, it's about these rules to be predictable also for the applicant. We all -- Companies are from our countries, and we all expect the companies to participate in a process that is clear and predictable also for the companies and also for the countries. So what we would like to have is a text that reflects this predictability in both sides.

Other comments. Governments' interests should be heard, and decisions should be made based on an assessment of the potentially broader public interest. This is a comment by Australia. And if the agreement between the relevant -- This is a comment about part of the text, it's in quotes. "If the agreement between the relevant governments and the applicant cannot be reached, the public interest should be priority." This is always the question. How should this ultimate decision be made, and by who? How do we define public interest?



This is a comment also by Australia. Outreach initiatives for non-government non-members as well as those countries not participating in ICANN is important. An in-depth discussion about establishing fair, effective, and cost neutral dispute resolution procedures could be important. I want to remind you that, if a country wanted to make an objection to a new gTLD, there was financing by ICANN only for one objection. And so, if the country had to make two or three objections, they had to pay. And the payment was sometimes for sometimes for some countries could be expensive. Also it takes time. It's sometimes in the country, it's not only the money. It's the time that it takes for the authorization to get the funds. So that could be complicated.

Date of application of the modified rules on new gTLDs shall be the date on which it is approved without having any retroactive effect. This is a comment sent by Iran.

It is important to insist in the notion of a protection of a name even if it's being translated into other languages, like Amazona, Amazonia, Amazon is a comment sent by Peru. And the following should be introduced among the definitions of geographic names. This is a comment sent by Peru. In codes geographic indicators as understood and defined by the World Trade Organization and the World Internet Property Organization.

Finally, possible outcomes of this process: We all agree that we should enhance outreach initiatives to non-members into our community and ICANN. We would welcome an in-depth discussion about establishing a fair, effective, and cost neutral dispute resolution procedure for geographic and other sensitive terms. The rules need to be redefined.



Are we okay with this new proposed text? Should we enhance it? Should we change it? Could we use it as a base for establishing a dialogue? Nico, you want to say something?

PARAGUAY: Yes, a question. Nicolas from Paraguay for the record. You mean refined or redefined?

ARGENTINA: Refined.

PARAGUAY: Thank you.

ARGENTINA: Let me find the word. Where is it? It's in which paragraph? Enhanced outreach -- I cannot find the word. Sorry.

PARAGUAY: The third paragraph.

ARGENTINA: Refined. I think it should be refined.

Because there is a specific reference about geographic names. The problem is that we -- as we have been discussed up to now, it is not enough emphasis and not enough clarity that the applicant should



consult with the country. So we think it's refined. And thank you for the question. It's a very good question.

So are these changes good for proposing to be included in the applicant guidebook? Should be no delegation in absence on agreement and meeting of the interest of the town, country, region? Could we add other changes to the text? How can these changes be implemented? Who should talk with? Which are the new texts of the applicant guidebook for the next round developed?

So some suggested next steps from the group. We would perhaps build an action plan that includes at least some actions like how can we implement these changes in the applicant guidebook? How can we reinforce the outreach initiatives to countries which are not participating in the GAC so far? How can we start an in-depth discussion about establishing this very effective and cost neutral dispute resolution or other actions that we would propose?

So I will stop here. I would welcome comments from you. It could be now. It could be during the week. The idea is, as Peter said, to present this to the community and have some feedback from the community. As what we would like to achieve is a process that it's clear for governments, clear for companies, clear for all the stakeholders in our ecosystem. Thank you very much.

Stefano has a question.

ITALY:

Okay. Thank you, very much, Olga, for the work that you coordinated and all those that contributed to the explanation that you gave to us.



ARGENTINA:

Yes.

ITALY:

I have to say that, from our side, we didn't contribute. But we followed the discussion. And one of the reasons is that in many countries, including my country, it is, of course, not easy to find an authority that is able to produce a list or may be to change the 3166 number to a list. Because we have to understand that the question is not easy at all.

So then I could say that the target of this discussion is to limit the contentious cases for geographical names. It is almost impossible to prevent. We have to be very aware of that. I remember the case that we had a few years ago about dot info where all the GAC members were asked to provide the protection of a second-level names, geographic names under dot info.

And one of the agreement of many of those that responded was to follow the country code names that are protected, let's say. But -- so the idea of making a repository is certainly is a good idea. But we have to admit that, in any case, also, if we ask everybody, then the kind of names that will be -- the lists that will be provided will not be sufficient because the sensitivity of the -- of the interested community appears in some cases also in cases that is not easy to predict.

I take the example, for example, of the dot date. That is a contentious case born from a transliteration of a Japanese name. So this is not something that easily you can foresee before. And also, these are cities. There are two cities that their name is transliterated in English. And the two cities have 5,000 inhabitants. Almost the same number of the two.



And also, we mentioned -- you mentioned the case of dot spa. That is a very small city, but that has a real meaning for generic name, let's say. It became a generic name.

So the idea is to do something not possibly to limit the case of contentious cases. And, if you mention subregions, if you mention provinces -- and, for example, if you go to municipalities, in Italy we have 8,500 municipalities. And the -- in the 3166 we have only the list of the provinces and not of the municipalities.

ARGENTINA: Me, too. Yeah.

ITALY: This is a very difficult problem, especially if we want also to involve those that are not regularly attending the GAC meetings. It would be even more difficult to explain how to build this repository for the countries. So I think that, in any case, for looking at the next call of new gTLDs that we don't know when it will happen, maybe not earlier than three or four years, in my opinion.

ARGENTINA: We don't know.

ITALY: Yeah. In any case, we have always to be prepared on the fact that the sensitivity comes later. Maybe after the domain name has been



delegated. And so we have to face this and to impose the problem of respecting geographic names, religious or cultural names.

Also being aware of the fact that the legal protection, especially when you go down to small cities or maybe the name of mountains or name of rivers and so on, will be something that has to be negotiated in single cases. And, for example, I welcome the resolution of -- for dot spa that was communicated by Belgium government. Because in many cases it may be that community that is interested would never apply for a new gTLD. But they could take advantage of someone outside that will provide this and make an agreement.

ARGENTINA: Sure.

ITALY: Okay. Thank you.

ARGENTINA: Thank you, Stefano. And I'm sorry, Iran, if you allow me one comment. I fully agree with you. But say we have a place where companies could go first and check. I can assure you -- and I will give you concrete examples. But you can think about what I'm talking about -- that if the applicant would have come to the country and talked to the country before applying, things would have been totally different. And the outcome could have been, perhaps, different. Good for the company and good for the country. So I fully agree with you. And the idea of the repository was to give the companies a reference place where they



could find these names and first approach to the government or provinces or regions. So thank you very much for your comment.

Iran.

IRAN:

Thank you very much, Olga. And thanks for the hard work that has been started. And it would be more harder in future, if you want to continue. It's a huge job. I imagine that the volume would be enormous. It's not an easy task.

First I wish to refer to my distinguished friend from Italy that the purpose is not to limit. Perhaps, if he agrees with me, the purpose is to extend practice of minimizing the conflict of contention, but not limit it. We could not limit that at all. We could minimize it, but I agree with you that we could not prevent that at all. It is impossible under the circumstances that we have. That is point one.

Point two is I would request you go back to the slides that you put, in particular some of those points raised by our distinguished colleagues from EU. They raise a lot of questions, but they should give some answers to that.

Who administered that? They should have some suggestions such as this one. It's good to raise the question but also good to have some suggestions. Then they also put that it is incumbent to each individual country to look after the implementation, updating, and maintenance of that.

Then we have to find a way how we do that. How we react or contract or intervene between GAC and countries. In particular, what about those countries that never come to GAC? We have 194, 193, I don't know. 204 how many you have, depending on cases. Some of them we have 128 coming to be listed by GAC. We have four added today. 132. But sometimes we have 50 and 60. I don't know whether remaining reading or not reading. But what about the others who are not at all reading and coming and so on and so forth? And how we should act that?

So there is a lot of actions to be taken. This is a big, big job. And then you have to really take that into account. And then one of the questions also says that the applicant goes to the country and, before applying for a particular name and so on and so forth.

So what about that if there are similar names in another country? The applicant may not aware of that. Or the country to which the applicant goes may not be aware of that. So we give agreement of its own. But all of a sudden you find exactly the identical name is elsewhere. So these are things we need to look at very carefully. So, in summary, it is a big job and good luck. Thank you.

ARGENTINA:

Peter.

PETER NETTLEFOLD:

Thank you, Iran. I think you've summed it up very eloquently. In terms of the speaking order, we next have Indonesia, then European Commission, U.S., and Norway. Given the time, I might see if we can



close down after that so that we give some time to our multistakeholder meeting group colleagues before we have to move on.

I understand this is, obviously, of interest to a wide number of -- range of GAC members. So do recall this is an ongoing working group, and we would love you all to join and participate actively intersessionally. So next I have Indonesia.

INDONESIA:

Thank you.

First off, I appreciate the activities that can come up with application guidebook from ICANN. I think it's very useful and a very big job then for us. We, as I personally have mentioned yesterday, and also chair, also, you mentioned in geographic names, there may be also the one that you said religious-based names in geographic. There's a lot of those. Macai (phonetic) is one of them. Kabbalah is one of them. I can mention thousands of those. What does it mean? It means that there's a social aspect that should be taken into account when we say yes or no to particular names. The problem with a social aspect is that a name that might be okay today may not be okay or have a problem in two or three years' time. Now, because of this aspect, I would like to ask the -- you know, the GAC to consider how if ICANN keep the right to change the location of the name? We can allocate the name of gTLD, but we still keep the right in case of necessary to change the name or to cap again the name and remove the name from the gTLD.

Now, it's more or less like what ITU did, when we allocate the frequency or satellite orbit, then when there's a change, whether it is a



technological change or whatever or an agreement over plenipotentiary meeting, I understand many of us are also sitting in the ITU, you know. And the ITU will keep the frequency or the swat orbit (phonetic) from the operators that have been using them. And it is the job of the plenipotentiary meeting as well as the country that will do that.

Now, giving the name and then change it again, it give a bit of uncertainties to the operators, of course. But, Chair, if telco operators can live with there for many years, why not interoperators? So just to give a bit of possibilities. We give something, but we still keep the right if something happened between them. Thank you.

ARGENTINA:

Mm-hmm.

PETER NETTLEFOLD:

Thank you, Indonesia. There is a post delegation dispute resolution process, I believe, which we could look to to see whether that's a useful area for us to focus on going forward. So that's a very useful point. Thank you. Next European Commission.

EUROPEAN COMMISSION:

Thank you very much. Just while trying to answer in the Iranian question, I don't know, questioning sometimes exposing the challenge in something. And I think that was what our purpose was with that, basically, asking the questions. Because we don't have an answer to this. That's why we asked the question. But maybe somebody else could come up with a good answer. I just wanted to draw your attention



to the inclusion of new geographical indications into this exercise. I don't have a strong feeling whether or not we should have it in here. But what I would like to make very clear is that geographic indications, at least in the European Union, are clearly intellectual property rights and not -- and so have to be treated like trademarks and nothing else. Then, of course, these geographic indications share the fact that they are also the geographical names, per se. So I don't want to say that we should not have the discussion here and that in the work group. But what I would like to highlight is the fact that they -- geographical indications are basically meant to be complementing trademarks in terms of intellectual property rights and that they are for us as such just to make that note.

ARGENTINA:

Thank you. It was a proposed text by Peru. Yes.

United States?

PETER NETTLEFOLD:

United States. Thank you.

UNITED STATES OF AMERICA:

Thank you, Chair. And thank you very much to Olga, Argentina, and other members of the working group. It's clear you have put in an enormous amount of time and effort. And we've done our best to try to keep up with your work. And, apologies, we've not had the opportunity to comment as yet. But we hope to be able to do so. I just thought I



would share a few preliminary comments for purposes of the working group.

We certainly concur that the emphasis on the 2007 principles is critical. Obviously, we all wrote them together. This is a consensus document. And principles have always served the GAC quite well.

What I think is helpful, though, in terms of a chronology to remind ourselves and especially for newer members, is we did tackle this issue in developing the GAC scorecard. And that was at the end of 2010. So, if you look at the Cartagena communique, that's what sort of led us to the scorecard, if you will. And, between the Cartagena meeting and the February 2011 face-to-face first ever GAC/board face-to-face on the scorecard, we did address the issue of geographic names.

And I believe at the time -- it's my recollection -- there are other members who also developed bits and parts of the scorecard. I don't quite recall who might have held the pen on geographic names. It could have been Germany. So, Hubert, you can correct me. It is. He's nodding. My memory is serving me well.

And we did encounter some of the very same challenges that you have, hopefully, refreshed our memories. As Iran has said -- I couldn't agree with him more -- this is a huge job.

I think what we encountered then -- and I appreciate that we're now trying to overcome those challenges -- is that the ICANN world -- this is my impression. And please, people, correct me if I'm wrong -- has kind of grown up around things like 3166, the ISO list. Because it made sense when the domain name system was first being created. And RFC 1591 is



sort of the Bible, if you will. The concept there was referred to a pre-existing list by an outside neutral third party source. So you weren't going have people make things up. And, if you were not, say, the United States, you could not get dot US. So there was no nonsense there. So the value of this kind of third party neutral authoritative list has been tremendous in the domain name world. I personally am not entirely sure I know how countries directly amend the list. It's always been my understanding that the ISO doesn't create the list. The U.N. does.

And feeds the data to the ISO.

So I confess, I have to do some research into 3166-2 and 3, because I don't know who controls. How do we make amendments to that? Very sympathetic to the idea of having lists, even though they're very hard to develop for all of us.

I recall -- in fact, there was a sponsored TLD at one point in time, dot travel. And they very graciously came to the GAC and offered every GAC member the opportunity to create a list of names that would be protected at the second level.

We took a look at that and decided oh, my God, we have no idea how to go about this.

And we have a lot of cities in the United States that borrowed their names from longer established cities in Europe. There's a Paris, Texas, for example. There are all sorts of -- so we didn't touch it with a 10-foot pole. I think Australia took a crack at it and almost regretted that they had because it was an enormous job.



So the issue of lists we've been dealing with for some time. So, on the one hand, we all know how challenging it is to create the list. On the other hand, the rest of this community is looking to us for lists because they want the guidance.

So I think we're dealing with a very delicate balance here between trying to provide some predictability to this community, which I think is appropriate, and yet trying to retain a sense of what sounds to me, as I read the document -- there may need to be some subjective element here because how -- you know, each country defines what is sensitive to them somewhat differently. So I just wanted to find that we have actually been down this road a little bit before. And we might want -- I appreciate that we are revisiting this for purposes of the next round. And I think it's an appropriate thing for us to do to, again, provide guidance.

So just a couple of questions, if I can. And then I will close up. I know we're running out of time.

There is a reference that we thought was quite helpful in section 5 of the paper, avoiding misuse of geographic names in future gTLD rounds. There is a reference to laws and regulations. And we thought that might be something useful for us to flesh out a little bit further. Because, again, if we can draw lines, if there are cases where there is a national law, that would be fairly clear. And I have -- in the course of preparing for all of our work here in the past year, I have learned that certain countries do have laws on the books, but not all of us do. So I remember being asked if I would be able to protect Niagara, which my Canadian friends -- we sometimes have little disagreements as to who



owns the word. Actually, we certainly don't own it. And I couldn't -- I couldn't table an objection to anybody from anywhere in the world applying for dot Niagara.

So, from our perspective, the role of law, I think, is an interesting question for us to pursue a little bit further.

And I will say that we were a little bit confused -- and maybe it's just we're not understanding the references. But there is a statement that trademarks are not gTLDs. And we found that a little bit confusing, because there are numerous new gTLDs that do represent brands protected by trademarks. So maybe it's just a question of revisiting how that concept --

ARGENTINA: Yes, English is my second language. So I have limitations. This is my mistake.

UNITED STATES OF AMERICA: No worries. And then, in terms of next steps, obviously, we're still at working group level. This is not a full GAC sort of consensus document at this point. It's still a work in progress, which I think is very helpful to share with the community, as you're proposing to do on Thursday. One thing we might want to consider is, if we are seeking to change the applicant guidebook for the next round, do we seek to do that on our own initiative? Or would we seek to do that jointly with the GNSO? So I'm just, again, not entirely sure what our next steps would look like but hope that we can put those discussions out there for discussion on Thursday. So thank you.



ARGENTINA: Thank you, Suzanne. Thank you very much.

PETER NETTLEFOLD: Thank you. Very good questions. As I'm a fill-in chair, I have failed to manage the time particularly well. So we're running over. But I have had a couple of additional requests from the floor. So on the speaking list I have Norway, Germany, and then Paraguay. I would ask you all to keep it really short, if possible, please. Cheers. So Norway.

NORWAY: Thank you. Thank you, Olga, for doing this work. It is -- you have learned the hard way about the geographical sensitivity of the geographic names. So I understand why you do this. It's not clear for us either what the procedures will be for the next guidebook or the next round or what it is.

And I just want to echo the U.S. and Suzanne just said about the earlier process we had and all the work that has been done in the geographical case. It should be a lot of papers to look into and a lot of good things that has been said and has been discussed. Because I think this was one of the hardest arguments we had. And also it was a give and take with the other groups when we got the final text in the guidebook. So it's not going to be easy to just demand or -- well, fix it.

When it comes to details, we think that, of course, the more detailed our advice will be, according to if you're going to operate on lists or non-exhaustive list, we know from all the other work that we're doing,



that list is very spooky. And that, if it's very detailed, of course then the argument would be even stronger to say that the guidebook is exhaustive and the only source for the applicant to look into when they're going to decide if it's geographical or not. And so -- also, I would just like to put your attention to the working group on country and territory names that has been published by the ccNSO. We should merge in those two working groups. We should look into each other's work at least, because there has been some of the same issues that has been discussed there also about listing and so on. So you should absolutely contact the ccNSO to listen to who you're going to talk to there and who is going to do the work on following up on that work.

ARGENTINA: We already have been informally exchanging some ideas with them.

NORWAY: Okay. Thank you.

ARGENTINA: Thank you so much.

PETER NETTLEFOLD: Thank you, Norway.

So Germany.



GERMANY:

Yes. Thank you, Olga, for this presentation and for the work behind it. I would like to join the colleagues who mentioned it before.

I have a question in respect of this repository you were mentioning. And I, frankly, do not understand really the difference between this repository and some kind of indicative list or compilation of indicative lists that seems to -- for me, to be a similar question or similar amount of issue. According to the -- according to the process for the first round, I think our colleague from the U.S. was right. We really tried to find a way forward in this difficult question. And it is really would be difficult for us to give some kind of indicative list. I just want to mention that if you -- we have surely in our administration official lists of cities and towns in our country, that would be several thousand without any problems.

And, if you add other geographic names like rivers, mountains, and whatever you may think of. And, if you add abbreviations that are important because, in many cases, you use in the countries abbreviations to identify a region, I just want to indicate that often we use airport abbreviations that indicate normally also abbreviations for certain cities. It's an additional list. And I think it's really, really difficult to compile everything. But, having said that, the next question I would really have is what happens if an applicant would not -- would nevertheless apply for a string? This is on such an indicative list or should be on such an indicative list. And what would be the, let's say, the formal process? Because probably ICANN would not -- I wonder whether ICANN would be aware of that. And who would need to raise a finger and say stop it? Or would we have to discuss it again in the GAC,



as we did in the first round? I think probably we would end up in the same situation as we were in the first round. Thank you.

ARGENTINA:

Thank you very much. One brief comment about the repository. The idea behind it was that every country could prepare an online list of their relevant names. And those links could be all put together. But it's very preliminary. Thank you very much for your comments. Who else is in the list?

Paraguay. Nico?

PARAGUAY:

Thank you, Chair. I was going to mention something that was mentioned by my colleague from Iran, from the U.S., and from Germany regarding similar cities like, for example, my colleague from the U.S. gave, Paris, Texas. There are going to be, I guess, in the future, more examples like that, right? The process is going to be complicated and long, I guess, especially with Spanish names that also relate to religious figures to say like saints.

I'll give an example. In Paraguay there are about nine cities that have the same San Jose. There's also San Jose in California. It's also a rugby club. It's a mountain. It's a river. There are, like, three rivers. So I guess the dispute resolution process mechanism should be very well-refined, so to say. Thank you.

ARGENTINA: Thank you. You remind me of something that happened to me several years ago. Dirk Krischenowski from dot Berlin came to me and said there was a Berlin in the north of Argentina. I had no idea. And they held from our government and contacted them. So they took that enormous effort of finding all the Berlins around the world. I think that's an excellent example of an applicant that really wanted his application to be consistent.

Who else?

PETER NETTLEFOLD: So the last speaker we have, I think, is the UAE, is it? Thank you.

UAE: Thank you, Chair. I just wanted to comment on the topic of having a list. Certainly having a list is a very difficult task. I can't comment whether should we have a list or we should have some kind of rule. However, certainly, having a list would give more certainty to the applicant or the potential applicant whether he's going into a risk of objection or he can -- or his application would likely not have an issue in the future. However, if we are going to think about the list, may I suggest that we look at the United Nations group of experts on geographical names, UNGGN. Because I'm sure they've looked into the issue of defining names, geographical names in general. So perhaps we can at least learn from their experience and see if we -- if there's any overlap there that we can utilize. Because I do know that they have some kind of databases. And we can just at least explore what are the

possibilities of, you know, looking at them and see how we can use it at least. Thank you.

ARGENTINA: Thank you. That's it.

PETER NETTLEFOLD: Thank you, UAE. And thanks to all of you who have commented. I think we've hit on some pretty common themes I think I can see emerging, basically, to do with lists, which provide some sort of certainty, processes which provide a mechanism to deal with the uncertainties which are -- will inevitably come up. What we currently have in this round is both. We have some quite tightly defined lists and a process or some processes. You know, if I was to predict what we might have in future rounds, it's probably going to be another combination of both. So the question is do we have more lists or less lists or better lists? And can we define those processes in some way, or can we find some wonderful new elegant solution? But look forward to working with you all intersessionally after this meeting. And I hope you can all make it to the session on Thursday where we'll have a similar discussion with the community but I think with a much more open and short introduction like we'd really try to seek community feedback on the policy issues. So thank you all.

Might just pause for one moment and see if we've got Heather back in the room and discuss what we do next from here.

Here in a minute.



Shall we start on the multistakeholder working group discussion? Portugal and the United States? Would you like to help us out here and join us at the front? I'm just advised that we're meeting with the GNSO at 3:00, which is already in the past.

So all right. Are GNSO colleagues in the room already? I'm looking around to see whether we should move to the session. Or -- okay.

No guidance. Okay.

Well, perhaps United States and Portugal will join us up in front. If their colleagues are not here, we can usefully use this time to deal with the next agenda item. Okay. So I might ask United States and Portugal to take over from here. I gather there is going to be some slides, but we're just making sure that works technically. But we'll pass to the United States for a quick introduction first on this issue.

UNITED STATES OF AMERICA: Thank you for that, Peter. And I was hoping to pass to my colleague to my right from Portugal. She will go through the slides. We do have a slide deck. But I'm happy to sort of give you -- share impressions.

It was Tracy Hackshaw, Trinidad and Tobago; Ana Neves, Portugal; and myself on the meeting strategy working group.

In advance of the slides, I don't want to steal any thunder from Ana to go through it. But we spent -- there were representatives from every other part of the community. So you had GNSO from the different stakeholder groups from within the GNSO, ccNSO, ASO, ALAC, and GAC representatives.



And I have to say I'm just going to share some personal impressions, if I may. It was a really, really effective way to bring together -- I had never participated in any of these cross community. And I think this is still an evolving concept that we probably need to spend more time on and refine as we go down the road and tackle more issues on a cross community basis. What was really, really interesting was to learn that very different views by different parts of the community as to the purpose of ICANN meetings, how they should be structured, what the different groups felt they were coming to ICANN meetings to accomplish. So it was -- what you see now in the proposed, the document that has been posted for public comment. And so the reason we wanted this on the GAC's agenda was to make sure this proposed new approach, the recommendations for consultation for public meetings, doesn't get lost in the midst of everything else that has been recently posted. So we did want to make sure this is on everybody's radar screen for us to develop comments. It was fascinating to sort of learn also from the meetings staff -- ICANN meetings staff, just how the meetings have evolved over time and the challenges that the meetings present to them as staff in trying to maintain and live up to the geographic rotation principle, which everybody believes needs to be maintained. So we still need to operate on that basis. But, as the size of ICANN meetings has grown, the number of participants has grown, the requirements for meeting locations has changed. And it's very, very challenging for the ICANN meetings staff to actually find appropriate locations in every region of the world. As the meetings have expanded in number and scope, there were -- there's a lot of data in the document about how many meetings are occurring at the very same time. I think one figure that I saw was 238 concurrent meetings.



That's a lot. So it was pretty stunning to sort of get these nuts and bolts and yet try to grapple with how do we refine the current structure? There's nothing sort of sacred about the way we currently do meetings. Some of you might remember we didn't have this Monday open session thing at the beginning. Stefano, I'm sure you remember this. I don't know when that changed. Thomas, I'm looking -- but all of a sudden we had the Monday thing. And we had to sort of adjust. Everybody adjusted their scheduled to meet that. Some parts of the community had no idea that both the GAC and the GNSO actually start to meet on Saturdays. They just had no idea. The ccNSO apparently only requires about 2 1/2 days of meeting to conduct their business. So it was really, really interesting to put all of these different perspectives -- and I think the three of us, while we were not there representing the GAC, we were there in our personal capacity. But, as GAC members, I think we tried to bring to the table what it is the GAC seeks to achieve at their meetings, why the face-to-face meetings are so important to us. Because that's when we actually can finalize work and we agree on intersessional work. So it was an interesting exercise in the community sort of educating itself as well as staff.

So I think what you're going to see is an attempt, the recommendations reflect really the views of the entire group to sort of propose some changes that are not dramatic changes to the current schedule -- some people might consider them dramatic -- that sort of take into account pro poles as for more time for cross community work and more time for SO/AC engagement. Because right now people -- everybody uniformly felt that that was too constrained, that we were still in our silos and we need to reconstruct the ICANN meetings to break down the barriers



between the SOs and ACs. So more time doing that, which means we need to focus on working methods as to how to make that happen. But, anyway, at least we'll have the structure to be able to do that. Others also want more time for capacity building/outreach in different regions. So, again, you have to build in time on the agendas to permit that to happen.

And then there had been a proposal that, actually, we did not retain. We amended it. There had been a proposal that was, I guess, tabled by perhaps staff -- I'm not entirely sure of the source -- for a lot of regional meetings. And the majority of the MSWG just said the more regional meetings actually would probably do all of us in. I think it would just kill us. I don't know how you do that. Everybody would feel the need to go to everybody else's regional meeting just to stay current. So we did not accept that concept. But what we did do -- and so it was a mix of sort of dealing with logistical challenges of how do you structure a meeting, how does the ICANN meetings team actually locate a specific, you know, convention center, et cetera, et cetera -- by proposing that the middle meeting of the year be shorter. Do away with the public session. You wouldn't need an opening ceremony. You wouldn't need all of this stuff.

So, in other words, you hit the ground running. It be focused more on this concept of more SO/AC joint collaborative work. And that also permits you to continue to live up to the concept of geographic rotation, because that middle meeting might conceivably not require the same kind of hotel support, conference center supported, potentially could be a smaller location. And it was really helpful to hear from some previous sponsors of meetings. So, for example, Keith



Davidson from dot NZ made it very clear that dot NZ could not host a current ICANN meeting any more. They did host in 2006. At the time the community was slightly smaller. But they would simply never be able to volunteer to host a current ICANN meeting. They could do one of those mid-year kind of a meeting. So that was very interesting to learn that there is a great willingness out there in different regions to actually host a meeting and to help, you know, structure it but that they simply cannot accommodate the numbers that we have grown into. So I just give you that as a little bit of a flyover. I couldn't tell if the slides were ever presented or -- now I will defer to Ana.

PORTUGAL:

Okay. Thank you. Now I think that I'm going to only show you the pictures because -- Suzanne, thank you so much. You said everything. So I just have to show the pictures. So easy.

So we had this meeting strategy working group. That was composed by people from all the AC/SOs. So it was very interesting, because we didn't -- didn't know each other. And they didn't know that GAC would like to interact with them. And so we had this discussion not only about the meeting of ICANN, because we are having more and more people every year. But we discussed the problem of the lack of dialogue between the different advisory committees and supporting organizations.

So I don't know if you know, but this report is for open consultation. I don't remember the date when it's finished. But -- well, it's very easy to see it. But the point is the following: So nowadays we have these three meetings with regional rotation. And the point here is only to show two



things -- that we are increasing the number of people in every meeting and that there are lots of sessions overlapping. So this is the purpose of this picture.

Just let me tell you that tomorrow there will be a formal session that -- where Sebastien Bachollet will present all these reports and the strategy that is behind and that will be implemented. So now what we are proposing after lots of different discussions and very hard discussions, but at the end it was more or less easy to conclude that the best way to continue with these meetings every year will be to have three different sessions. So meeting A, meeting B, and meeting C. As you can see the current meetings, they are in gray. And they have the duration of five days more or less. Well, GAC has more days. So the meeting A will -- would be similar to the current meetings with more or less the same days. The meeting B, the second meeting every year would be a shorter one, well, like, three days. And it will be only a meeting of the advisory committees and the supporting organizations.

So nothing else.

No public forum, no opening, nothing. It will be only for work of these committees.

And the third and final meeting would be the annual general meeting focusing on showcasing ICANN's work. And this one will be a larger one. So we are thinking about, like, eight days. So it's like five days, three days, eight days.



Another point that was really discussed was the regional rotation for all meetings. And the problem that is in some regions, some countries, could never be -- could never host a meeting.

So as the second meeting would be a shorter one, because there would be only people that are part of the supporting organizations and committees. So we will have the chance to have meetings in other places that is not possible for the time being.

So this is one of the slides that I most like. So it is the interaction between all these different supporting organizations and advisory committees. So I don't know if you know, but GAC is one of the committees that people, they are not really fond of. And I realize that. So -- and I tried to understand why, because they don't know us. So they -- sometimes they are here. They hear some discussions. But they didn't get, really, what we are discussing here. So -- and they are thinking that we are imposing. And so they don't see the picture. And there was a big criticism that was that we were always meeting far away from the others. So, for me, it was really strange why GAC was always very far away.

So this time, well, we are in the middle, which I think it's a very good thing. And we can go outside, and we can meet anyone. And it's a first step. And people will see that GAC members are normal people. And we don't have to be really far away. And we never attend gala dinners. So -- but this time we will, because it will be on Monday.

So this picture shows you two things.



One is that we'll have more time and effective and more efficiency time for each supporting organization and advisory committee. And we should and we will evolve far more interaction between all these groups.

So we propose to continue to have the public forum only on the first and the third meetings. The second one I recall it will be only a meeting -- a working meeting of the -- of each constituency.

So but we thought that it will be interesting to have two public forums. So one in the beginning of each ICANN meeting where each supporting organization advisory committee would give updates and the board would listen and another one at the end where -- well, the regular one. So the community comments plus board responses. This is a summary of everything. So these are the recommendations that we are asking for some comments from either side. Until now, as far as I know, we have very, very few comments. So on one side maybe it's because our recommendations are very, very good. But I suspect that it's not really what is coming on.

So I think there is some fatigue of people about this kind of asking comments every time. I realize that people don't really care about the work that was being done during the last month. But this work is very important, because this is the structure of ICANN meetings. And these can change the interaction and the dialogue that we have at a multistakeholder level.

And that's it.



So -- so tomorrow we will have -- tomorrow? It will be Monday? Right. At 3:15 we'll have a formal session where all these recommendations will be expanded. And you will have the opportunity to put some questions, if -- but we thought that we should make this presentation at the GAC. Because there will be other meetings overlapping with this session. And so we thought that this presentation to the GAC all makes sense. So, if you have any questions, please.

PETER NETTLEFOLD:

Thank you to the United States and Portugal for this presentation. I think we all agree that this is a pretty important issue that is going to have implications for what we're working going forward. Sounds like there's a session tomorrow at 3:15. Is that correct? So anyone who is interested, I encourage you to go along, listen to that. And do take opportunity to take advantage of the opportunity that we have several GAC members who are, you know, actively following this working group. And get in touch with the United States and Portugal or follow the working group directly. We now have GNSO colleagues in the room. So we might take a moment to reorganize who is sitting where and begin our next session. Thank you, all.

Just to advance that session starting, if anyone does want more seats, there are still some seats over here on this side of the room. So anyone who is standing over there, there are still some seats available.

[END OF TRANSCRIPTION]

