ICANN
Transcription
GNSO New gTLD Subsequent Procedures PDP WG Work Track 5 (Geographic Names at the top-level)
Wednesday, 2 May 2018 at 5:00 UTC
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Coordinator: The recording has started.

Julie Bisland: Great, thank you. Well good morning, good afternoon and good evening everyone. Welcome to the New gTLD Subsequent Procedures Sub Team Track 5, Geographic Names at the Top Level call on Wednesday, the 2nd of May, 2018 at 0500 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the WebEx room. If you're only on the audio bridge could you please let yourself be known now? Hearing no names I would like to remind all participants to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll turn it back over to Annebeth Lange, you may begin.

Annebeth Lange: Thank you. And welcome to everyone. Let's hope that WebEx treats us well and doesn't kick us out as it did last meeting. So Martin is standing by to take over if I'm kicked out and I'm happy to tell you that the next minute we will have Adobe Connect back.

Before I go through the agenda, are there any changes in the statement of interest from anyone? And then, Emily, could you start the slides please? Thank you. I hear nothing. So then before we start the discussion, a few words about the meeting schedule. The Doodle we had out was answered by 37 participants and 20 say would meeting weekly for 60 minutes and 17 meeting every other week for 90 minutes. So since the majority of responses favored the meeting weekly we will try that out and arrange meetings and also monitor and see if this has any impact on the participation and we go on from there.

Any comments to the agenda, apart from this? I hear nothing. As you see from the agenda, the cochairs have set aside most of the time this meeting to discuss city names as they are especially controversial and created some problems in the last round. There has already been an interest and input on the Work Track 5 email list that will be of course but we are interested to hear what you have to say here as well.

So we started the discussion on city names last time and continue today but we start with the capital. On the slide you see the 2007 policy available but it was a challenge mechanism to governments to initiate an objection. And the applicants should be aware of the GAC principles from 2007. And applicants must be present that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

And then implementation in 2012 in the Applicant Guidebook requiring support non objection from relevant governments or public authorities. There is a lot of background noise here, could anyone - could all please mute when you're not talking?

So what we are discussing today is the future treatment. So I'll leave the work to you and let us hear what you think about this. Do you have any good ideas how to solve this in the future? Anyone?

Liz Williams: Hi, Annebeth, it's Liz Williams speaking. I'm putting my hand up…

((Crosstalk))

Liz Williams: …in the WebEx center but I'm also on my phone so I just wanted to say that that is working but I don't want to jump in on the queue against anyone else.

Annebeth Lange: I can't really see here so please, Liz, go ahead. And I try to find the hands.

Liz Williams: Yes, thanks. I'll take it down now. Thank you. I - so first of all I was so grateful that the call is on it Wednesday afternoon at three o'clock in the afternoon which means that all of us on this end of the world are totally awake compared to those of you who are at the other end of the world that perhaps are not which is a great opportunity for us. I tried to do something different this week in terms of trying to facilitate conversation on the list prior to the meeting taking place.

And I think that might have been partially successful because there was a tiny bit of exchange on a number of important issues which I was hoping, Annebeth, first of all you could answer and perhaps Emily might be able to answer this a bit differently, how that discussion is going treated, because of course it's a very limited discussion but it does set up perhaps some scenarios, some options, some problems. And I wanted to see whether that was actually a good way of working and if so, then could I encourage everybody to dive in into that process. That's my first question.

And then once that question is answered, then I want to go to talking about the city names and then the dealing with objections if we could please?

Cheryl Langdon-Orr: Annebeth, Cheryl here. I'd like to jump in on replying to Liz if I may?

Annebeth Lange: Yes, please. Please do.

Cheryl Langdon-Orr: Thank you. Hello antipodean, or fellow antipodean, and yes, this is why we rotate times so we all get to share the pain on these call schedules. Now, I'm very pleased with the interaction that's gone on and it is also a reflection of the particular interest that the email list has on the topic in general and subtopics such as Liz has raised, so Jeff and I, if I'm going to speak on behalf of Jeff and I, and I am, as well as I am confident the rest of the work track leads would be delighted if more this course can be (unintelligible) out of you all on matters on the email list.

To answer Liz's question, however, on how is it going to be dealt with, the work track leads and the (unintelligible) it is very important (unintelligible) for example…

Annebeth Lange: Cheryl, you're disappearing…

((Crosstalk))

Cheryl Langdon-Orr: Thank you very much.

Annebeth Lange: Cheryl, come back.

Cheryl Langdon-Orr: I'm watching the microphones as well so I can start naming you all if need be. The (unintelligible) sound coming out of the (unintelligible). Right, I guess I could wait a lot longer for that not - for that background noise to be silenced. Anyway, thank you. We certainly would be of a - I don't have to recap for too long - be very pleased to have more interaction on the email list, how we are dealing with it is as we do with any other interaction that goes on in any of the work track email lists, we take specific note of it so the voices you raise in a meeting and the voices you raise on your email lists will be treated equitably.

We take a watching brief as we do if it is seen as an idea or conflict that has particular carriage or support, we will then specifically make sure that we note it in the same way as we note conversations and suggestions in meeting

records. So the staff are fabulous at doing this but it's also the responsibility of the work track leads, so there should be no risk of disequity with contributions made on the list versus contributions made in a meeting.

But as we do with other work track activities, we will never be making a decision and agreeing on an outcome on any discussion in any one meeting. You - pardon me - will always get a first and second and sometimes more than two readings on anything. And this is not even getting to the discussion of consensus calls later on. So with that I'll stop and I think if I hand back to Annebeth right now just Liz, you should note that the agenda will be covering in good order all of the following-on topics with cities - city names to follow. Back to you, Annebeth, thank you.

Annebeth Lange: Thank you, Cheryl. And as Emily notes also in the chat, is that the key points raised in the mailing list are being captured already in the working document so we encourage everyone to say their meaning or their comments either in the mail and even better also participating in the meetings of course.

So I have problems seeing if there are any hands up here, so can you see someone back, Cheryl, and then make me aware of it?

Cheryl Langdon-Orr: I can. And, Liz, is that a test or is that a hand up for response?

Liz Williams: That's a hand. I want to now move onto what I wanted to actually say.

Cheryl Langdon-Orr: Go ahead, Liz.

Annebeth Lange: Okay, go on, Liz.

Liz Williams: Thank you very much, Cheryl, for those comments, and I've added additional things in the chat perhaps for Emily to capture in terms of trying to come to some early tests of consensus about ideas. I then wanted to move to the thing that has been troubling me about all of this which is - and Jorge quite

carefully alluded to this in the back and forward that we had during the week, I wanted to be sure that in - with respect to the slide it says, "Available but challenge mechanism to governments to initiate an objection." And that is, to me, insufficient.

So what I would like us to see putting into place is the equitable way in which we analyze any objection from anywhere with a flat treatment of objectives, so that objectives work in the same way. So there's no doubt that the capital city names of countries and territories are contested, and I use the example of, for example, Jerusalem, during the week. There is also the contest around the linguistic representation of those names, and we've got those on the screen there.

And then we've got the way in which an applicant might want to do something that is not necessarily in the purview of governments and not necessarily agreed to by governments. And I think that's where we come a bit unstuck because Jorge comes correctly from his perspective, the fact that government decisions are based in law and that the attribution of a right to run a top level domain may well be rooted in national law.

But national law only helps us to a certain extent when this is not about national law, this is about an application process for running a top level domain and we need to think more carefully about the way in which we come up with objection procedures. So that's Number 1 point.

And then the second point, which is on the screen as well, "Applicants must represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated." Now that to me is not practical. And as we have seen in the 2012 round and in 2004 and in 2000, the applicant can be located anywhere in the world (unintelligible) Island, Timbuktu, they can be located wherever it is most beneficial for their business.

And that doesn't help us with respect to the use for processing, which might be in violation of the national law in which the applicant is incorporated. And I think we need much more careful treatment of that particular question. So there are two separate issues, one is on the nature of objection, and there will always be objection as in any ICANN process because that's just how we roll. And then we need to deal more carefully with the proposed string being in violation of national law where the applicant is incorporated. To me that is insufficient.

And the third piece that is insufficient which I tried to bring out during the week was the difference and the very significant difference between letters of support and non-objection. And that non objection is not only about non objection from governments or public authorities, but - and I'll continue to use the Australian case, and I'll continue to use the Perth analogy, the city of Perth has an indigenous name, a colonial name, a migrant, in inverted commas, use and demographic, and I just wonder whether we are not being a bit superficial in thinking that the only support or non-objection comes from relevant governments. And I would call on our civil society colleagues to help me with that analysis because they're in a much better place than me to think about protest, legitimate protest, things that are being done outside of the bounds of national governments, which national governments might disagree with, but might well be legitimate freedom of expression manifestations of a top level domain.

So, Annebeth, I apologize for that rather complicated three part process, and I hope that Emily has got that down. And if she needs more detail on that then I'm happy to do that offline. But I really want us to drill down into these details.

Annebeth Lange: It's Annebeth here for the record. Thank you, Liz, for your careful thoughts. You've really thought a lot about this and this is really useful. So we have questions on the list whether we are discussing only capital names now and where the slide of the capital city name is up, but of course some of these

questions are going into each other. So what you are saying is not only relevant for the capital names, it's for all city names and right, Liz, that's what you mean. Liz, are you there?

Liz Williams: Sorry, Annebeth, I had muted my line. I think that I want us to get away from this distinction about capital cities…

Annebeth Lange: Yes, yes.

((Crosstalk))

Liz Williams: …it isn't helpful to us. And I think that David Cake and I swapped some names backwards and forwards. I think that what we're talking about here is geographic names and I think that the use of the capital city name distinction doesn't help us and the objections or the possibilities that one might have of any kind of name that is not a capital city will fall into the same bucket. So I'd quite like us to move away from the crutch that we've been using to limit us to consideration of capital city names. I'd like us to think about place names and that will get us out of the pickle of worrying about ISO 3166-1.

Annebeth Lange: Thank you, Liz. But what you really are saying then is that also those may not on the Applicant Guidebook today will fall in the same bucket as city names. So it's not only place names.

((Crosstalk))

Liz Williams: …and I - and the reason I'm saying that, Annebeth, is that there are many capital city names that are the same around the world. There are many names that are not interesting - that people are not interested in but they might well be interested in a name, I'm trying to think of one off the top of my head, I should have made a list before I was speaking. But there are plenty of names that in Martin's context, which he quite helpfully pointed on one of

the emails during the week was this is an opportunity for people who live in similarly named places to work together and to identify areas of interest.

And Perth is actually a good example of that. Some people in Perth went to Canada, others went to Australia and that's a pretty common migratory pattern in certain periods of time.

Annebeth Lange: Could I ask you a question, Liz? Are you aware if it's - the name of a capital, is it - and different countries having the same name on the capital? I've never heard that.

((Crosstalk))

Liz Williams: Annebeth, I'm sorry, I can't answer that explicitly, I don't have that list.

Annebeth Lange: Okay. But we have to have that in mind as well, yes.

Liz Williams: Yes, but…

((Crosstalk))

Annebeth Lange: Are there any hands up now?

Liz Williams: What you've identified, Annebeth, is not just the name of the capital city, it's the different representations of it. And the slide you have that you've put up now indicates that it will be unsurprising if the people who are running dotLondon wouldn't have something significant to say about the French running (London) or the Germans running (Lunden) or in the Berlin example I'm sure that Katrin and the dotBerlin chaps would have plenty to say about different representations of that city but being represented in different languages, which are significantly similar, which are confusingly similar.

So I don't think, again, the capital definition gets us out of trouble. And I'd like us to have a broader conversation about place names.

Annebeth Lange: Okay, thank you very much. Are there any hands up now? I can't see, so please help me out, Cheryl.

Greg Shatan: This is Greg Shatan, could I get in the queue please?

((Crosstalk))

Kavouss Arasteh: My hand is up. My hand is up. Kavouss Arasteh.

Annebeth Lange: Hi, Kavouss. Okay.

Kavouss Arasteh: Yes, I'm sorry.

((Crosstalk))

Kavouss Arasteh: It is 15 minutes that I am struggling with this damn WebEx. It does not allow me to raise the hand. Some people speaking too fast in particular some people with some special accent. We cannot understand, please consider that we are not all English spoken person. Don't speak too fast. Please speak slowly. I have a comment and I happen to make this comment, I have waken up this morning and I have to join and I have to speak and I don't have this possibility of this WebEx. This does not allow. Sometimes I cannot raise the hand. Please kindly consider and kindly do not defend the system. Just listen to the people who have problems. So I have a comment on this situation.

You talk about mechanism and I want to know what mechanism we are talking about, whether mechanism has two parts, applicant and government, or applicant government and ICANN, where the mechanism it goes to which either they connect to each other directly or they connect to each other through the ICANN. And then the objections or support it is implicit objection,

or explicit objection. Implicit means that in the certain time if you don't reply you agree. Explicit means that you must give the agreement, otherwise it is considered as disagreement.

Then you said that it is not only government, it is all others or many others, who are those others? I have no problem to discuss this issue but I want to know, please can we do not continue as you know everything, let us other people to talk. This becomes a (unintelligible) two people talking to each other and come quickly the end of the situation. This shows up because name is vital for us. Please slowly all the three point you raise is valid, very, very good but speak slowly put them on a paper, let us think and let's other people to talk. We don't want that the microphone be monopolized by two people. Thank you very much for listening to me. Thank you.

Annebeth Lange: Thank you very much, Kavouss. And as I said in the beginning, we think that we will have Adobe back next time so that will make it easier. We have had some problems by seeing the hands and - on this WebEx. So, Greg, you have your hand up.

Greg Shatan: Yes, thanks. It's Greg Shatan for the record. Personally I find myself quailing at the idea that every place name is now going to be accorded some sort of right of objection based on what right, I do not know. That could be brought by parties public, private, semi-private. I think this is going in exactly the wrong direction. While I think letters of non-objection are worse, even giving rights out based on just some sort of sovereignty concept and not on the rule of law and basically turning the applicant into a book of objection possibilities, I think is dangerous and ill advised.

You know, in the previous round, one I can think of that, you know, troubled me was the idea that Tata, which is a multinational company founded in India but around the world, they had to seek a letter of support or non-objection from a province in Morocco called Tata, with maybe 50,000 people in it, maybe 5000 people in it. And that somehow that province was given some

sort of trump card over Tata, that even though there's no indication whatsoever that they ever had or would have an interest in applying for a domain name, or for a top level domain.

I think the - we're best served by allowing those who wish to register top level domains to do so. If we have objection rights, and we do have the legal rights objection, for instance, let's - we need to be very careful when we talk about objections as to what the basis for the objection is rather than deciding that somehow there is some sort of divine right of kings or divine right of commoners to object to anybody else's use of their name particular whether the people who own dotLondon or dotBerlin have any right to object to dot(Lundre) or some other version of Berlin in another language, that to me seems dangerous.

And I think we need to be very conservative and very careful about creating rights and hurdles for those who wish to seek a top level domain especially if they have any type of valid right or interest of their own and perhaps even if they don't because we need to decide what right is being violated before we decide that there is an objection right to be had. Thank you.

Annebeth Lange: Thank you very much, Greg. And Martin, you have your hand up as well.

Martin Sutton: Thank you, Annebeth. And just I think just to - one of Kavouss's points there, I'm certainly hearing some other - the voices on this call so that's helpful. But I would also highlight the earlier conversation about the email conversations that have been going on, and this is a great opportunity for points to be put across with context, with strong argument as to why you may have a particular position to put forward. So that's very helpful so I would encourage Kavouss and others to utilize that email exchange mechanism between the meetings to reinforce any of the comments.

And to Liz's point on place names, I think this is a good conversation to have and all I would say is that creating this change of emphasis to place names,

we need to be wary that the treatment of city names had more stringent control than non-capital cities - sorry - capital cities had a stronger treatment versus other city names particularly where other city names were not being used for a geographic related purpose. So just to bear that in mind, and if there's any ideas as to how that can be managed that would be helpful input as well. Thank you.

Annebeth Lange: Thank you very much, Martin. And Kavouss, you have your hand up again.

Kavouss Arasteh: Yes, I have my hand up again. First all…

Annebeth Lange: Thank you.

Kavouss Arasteh: Yes, I don't agree with the people saying that one particular people have any ideas, if you exclude a people of the country to decide about the use of the geographic names which are the identity and saying that everybody should have freedom to use that; I don't agree with that rules. We need to respect that. It is not government, is people of the country which are connected, concerned about a particular name which identify them and which they have attachment.

And Number 2, we have to distinguish between the use of the capital name and the use of the city name. I understand sometimes they are mix up whether you say Georgia, capital, a country name or Georgia a city name, but this is exception, is not always like that, it's exception. So we have to clearly (unintelligible) my main problem is that you could not associate this important issue with government. I know there is some anti-government process here. But we are not dealing with government, we are dealing with people of a country. We are talking of the country.

They have the right to protect their geographic names and they must be consulted and they must be consulted in an appropriate manner giving them the right to comment. Normally they don't want to put any obstacle to the use

of it but sometimes there might be some point of view that need to be properly considered by the applicant. We have discussed that for years and so on so forth. It is five years that we discussed it in the GAC, 45 countries express their views about the situation that we need to have a proper mechanism. It is not an issue that who is right, who is wrong.

The issue that we need to convince each other, I don't think that because of the non-participation of some of the peoples from a particular country or so on so forth, other people they could override their views. We have to be quite democratic. Please kindly look this matter very, very carefully and don't rush into any conclusion as such. Email exchange, by the way, by Martin, thank you very much, we do that. But that what give rise to some difficulties because people using my email sometimes against me.

And I don't want to do that anymore, I want to speak at the meeting and exchange the views with the people like me and not to the email. This email is just exchange of information without any results at all because there is nobody who try to put up together the result of this exchange of emails. We have done that during the last four years, tens of thousands of email exchange without any results. Thank you very much.

Annebeth Lange: Thank you very much, Kavouss. Emily, you could move the slides to the next please? So this discussion goes to the same names actually because we haven't actually discussed the capital per se but all the city names together. So but the next slide is city names used for purposes associated with city names. And there the problems were even greater because of the so many generic names also have a city name and also brands.

So please let me know any thoughts about how we can solve this. I think it's been raised some - especially by Martin and from Liz that to work together we - it would be possible in some cases to share a top level domain. But I know that that is done with the second level but could we find systems that we could do that in first level as well? Anyone?

Greg Shatan: This is Greg Shatan. Can I get in the queue please?

Annebeth Lange: Hi, Greg. Come on.

Greg Shatan: Thanks. Greg Shatan for the record. I think it's rather idealistic but also completely impractical to think that multiple geographic locations that share a name are going to somehow get into some sort of coalition or that we can establish some sort of concept where everyone has a right eventually to get a little piece of that name. Consider Springfield, for instance, they're probably in the United States, 25 or 30 or more towns named Springfield plus one on the Simpsons as well. As well there is a Springfield Rifle, which is a brand, there is Rick Springfield, which is the singer - who is a singer. What if he wants dotSpringfield? Does his right come ahead of or behind Springfield, Illinois? I have no idea.

I think if we try to create some sort of hierarchy of rights based on what I do not know, we have - we're just getting into a huge can of worms. So I think that - and the idea of creating rights I heard Kavouss say that the citizens of a country or citizens of a city or town have a right to control the use of that name. Where does that right come from? I don't know.

That is not a right that I can find a basis for. It's - I can understand the feeling but we're not here to defend feelings. We're here to delegate domain names and to protect against misuse of domains. And anything that goes beyond that I think is getting us into a very highly regulatory nature that I think this very process is ill suited for. Thank you.

Annebeth Lange: Thank you very much, Greg. Kavouss, is that a new hand?

Kavouss Arasteh: Yes.

Annebeth Lange: Okay, go ahead.

Kavouss Arasteh: There is a background. Excuse me, there are some background. Do you want the operator call me back again? I see some background. I hear some noise.

Annebeth Lange: Everybody just mute if you're not talking.

((Crosstalk))

Annebeth Lange: Try again, Kavouss.

Kavouss Arasteh: Now is better.

((Crosstalk))

Kavouss Arasteh: …discussions, yes, there were distortion. People asking where these rights come from, do you want to have (unintelligible) regulation or something seen as a common law, customary law? If you want that everything be written, I don't think that is correct. I don't think that we should mix up the second level to the first level or top level domain. I don't know which we are talking about, user geographic names at top level domain, or user geographic name in the second level. We had discussion…

((Crosstalk))

Kavouss Arasteh: …only top level. It is not…

Annebeth Lange: Yes.

Kavouss Arasteh: It is not appropriate to use the geographic name in the top level because geographic name is identifying that country name. And is it not admissible to use that and I don't think that some people think that where these law comes from, law comes from the customary role, law comes from the things which organize this way of life. You cannot ask for everything there is in law. How

you want to use a geographic name in the top level of a country without its permission, without its - as agreement? This is impossible, so we have to stop that if that is be used. Thank you.

Annebeth Lange: Thank you, Kavouss. Martin, you have your hand up.

Martin Sutton: Thanks, Annebeth. A couple of points. I think in response to Kavouss it would be helpful to understand when that should apply because I think what we've - keep hearing of and is repeatedly said is that there are different contexts of use where names, place names, are also generic terms, they could be brands, so it's trying to break down that discussion further. So to say that only one sort of government perspective is that they have complete control is something that has been repeatedly said so we're trying to work through alternative ways to manage that.

So any - rather than keep restating things like that it would be very helpful to come forward with any suggestions about how we manage the different perspectives that come forward and the different interests that exist especially where we're now moving away from specific terms like the country codes and the capital cities, for instance, this is far broader.

So where we're looking at, at this particular point in time is different city names but used for the purpose associated with a geographic term. So there is a difference here so I can appreciate some of the comments emerging, but what we're not hearing is any suggestions about how to go forward on any of this, so that would be very welcome as input.

And I think to - I know Greg mentioned about this - this sharing element, that Annebeth reminded us from an email exchange, I mean, that was very specific where there were a number of geographic place names, and I think I was referring to the point that there may be multiple place names that are the same, that could potentially work together. I am not suggesting that we, as Work Track 5, work out ways that they can do that; what I was hoping to just

illustrate was the fact that that could occur if there was interest from sufficient parties.

And particularly where there are smaller locations with the same name, it may actually be an advantage for them to work together to make sure that there is sufficient interest and purpose for second level registrations to make it sustainable operation because we mustn't forget that these take effort, they take resources, there's costs associated with it, there's risks associated with it. So to manage those aspects there may well be advantages for some to come together.

It would probably be more difficult to consider different types of sort of generic term plus city names co-sharing because they may have very different interests in the way it should operate and similarly with a brand that wants to operate sole use for the security that it provides them then that may be, again, not a good marriage to open it up to geographic terms for second level as well. So just to try and clarify those points to Greg. Thanks, Annebeth.

Annebeth Lange: Thank you, Martin. Katrin Ohlmer, had a good question here, which is, "Are we trying to solve which has been issue in the previous round?" So I think to go forward we have to find out the system we had, which problem did it create and could we do it better in the next round? So to find some different options that's what we are looking for. It's obvious that it's many different meanings here and it's quite a long way between the governments the way they look at it and the way other look at it. So to go forward, to try to do something with the process we have to find some options.

Is there anyone that has some comments to the questions Katrin asked?

Greg Shatan: This is Greg Shatan. I'll get in the queue. I don't want to keep things…

((Crosstalk))

Annebeth Lange: No, come on. I try to find out who's having their hand up and…

((Crosstalk))

Annebeth Lange: …the queue so come on.

Greg Shatan: I'll speak briefly. I'm sort of lying in bed in the dark at 1:40 in the morning but in any case…

Kavouss Arasteh: Distortion. Distortion. Distortion. We hear distortion. Line is not good.

Greg Shatan: Thank you. I'll do my best here.

Annebeth Lange: I hear you.

Greg Shatan: In any case, one thought about how to try to work through this is context. And I think Martin was touching on that. So for instance, if going back to my Springfield example, if the Springfield - if somebody wants to use Springfield or a non-geographic such as the Springfield Rifle Company or Rick Springfield, and the application states that they're not going to be running some sort of rogue Springfield Illinois top level domain, or multi-Springfield top level domain aimed at geographic use, that I think might be an important way to go, whether it's generic or branded.

For instance, a spa to my mind is anyplace where one goes for relaxation and maybe an exfoliation or a scrub and little beauty treatment. But it's also a town in Belgium and they made it quite clear under the system in the previous round that they weren't going to so easily let the generic use of their name govern. Ultimately something I think was worked out but I think it, again, was a bad system that just, you know, ended up, you know, with a tolerable result rather I think the generic use of spa should have been sufficient to keep the hands of Spa Belgium firmly in their pockets. Thank you.

Annebeth Lange: Thank you very much, Greg. It might be a good idea to get everyone to think through if they have some examples for - from the last round that created problems. Spa is a good example. So are there anyone else having more to add to the discussion about the city names or should we try to…

Martin Sutton: Annebeth?

Annebeth Lange: …move onto the next - yes?

Martin Sutton: Hi, it's Martin. Sorry to interrupt.

Annebeth Lange: Hi, Martin. Come on. Come on.

Martin Sutton: I just put my hand up as you were talking so…

Annebeth Lange: Yes, yes, yes.

Martin Sutton: I thought I'd…

Annebeth Lange: Sure, come on.

Martin Sutton: …jump in. I was just trying to check through, I mean, what Greg was saying I think was representative of what was in the Guidebook because I think here we've got that the city names, so the example that we've got actually on the slide here at the moment, city names used for the purposes associated with city names. So this implied that as long as you were not using it for a geographic related perspective, that you did not need to go through the process of support and non-objection.

So in principle that seems to resonate with what Greg just said. But I think that in reality there was problems experienced in that so I just wanted to clarify. Thanks.

Annebeth Lange: Thank you, Martin. Yes, you're right, that was the system last time and also I think it was some kind of post delegation or in the contract with the registry that if they did not follow that they had flagged for ICANN in their application then there could be some things happen afterwards. But these things are difficult, of course they are, but to move forward we have to find a way. So I think it's been a lot of useful suggestions now so perhaps we should try to get this on paper and go onto the next item in the agenda if there isn't anyone having more comments now?

Cheryl Langdon-Orr: Annebeth, Cheryl here. Kavouss has his hand up again. And that's fine but, Kavouss, we do need to progress through the agenda so can I ask you make this intervention very brief?

Annebeth Lange: Go on, Kavouss.

Kavouss Arasteh: Yes, I ask Martin, please kindly give an example of what he said. He tells is the - the geographic name is not used for purpose or something, I didn't quite follow that. Could it be possible that he kindly give an example of what he has stated which seems to be a good way of expressing the situation. But give example of that, thank you.

Annebeth Lange: Okay, Kavouss, could I give that example? I think that Greg already mentioned that like the Springfield example. If you register a domain name to use as a brand or a generic name and that's the purpose of it, you're not intention to advertise it towards a geographic area, it's your product or a generic name all together then you don't need the support non objection. That was how it was in the last round. Did that make it clearer?

Kavouss Arasteh: No.

Annebeth Lange: No, okay.

Kavouss Arasteh: Thank you.

Annebeth Lange: Martin.

Kavouss Arasteh: Thank you very much.

Annebeth Lange: Could you specify better?

Martin Sutton: Well we've got examples on the screen here, on the slide so Spa. Spa is a very common term for health treatment, so that is one way that that term could be used to promote that type of business service through a top level domain. It also coincides with a city name and probably I think also you might find that it's a branded term as well so there could be multiple types of use as a top level domain so as this example provides on the screen, spa, if it was applied for by an entity that wished to promote Spa as a city, and that would be a geographic term, geographic related term and therefore in the current Guidebook treatment would require support or non-objection from the relevant authorities.

In the event that it was used as say a brand did have the trademark, spa, and they wanted it for sole use for, you know, security purpose and to serve their customers, that would not be a geographic use and therefore that would not require a letter of objection or sorry, a letter of support, non-objection. And similarly if it was used as a generic sense of spa, as in the sort of health services, then again, that would not require any support or non-objection. So those are, you know, looking at it in three different ways, spa is quite a good example to illustrate that. I hope that helps, Kavouss.

Kavouss Arasteh: Yes, it helps but this sort of discussion should be held between the applicant and those other involved to decide and convince that the use is for brand, the use is for that particular business or the use is the promotion of the name of that area. This sort of discussion should be held between those people, but not we should not decide because we cannot generalize this (unintelligible) but is good that we leave it to the discussion between the people and the

applicant convinced that it is used only for the business purposes, therefore it may not need any objections or objection may not be valid. So but should not exclude this discussion and decide in advance of that because it would be difficult such judgment. Thank you.

Martin Sutton: Just to quickly respond, if I may, Annebeth…

Annebeth Lange: Yes, sure.

Martin Sutton: That, Kavouss, is all included within the applicant process so they would need to specify the purpose and use of their top level domain so that is already articulated so if we need to make that clearer for instance, in the way that the application is completed, then that may be an add on suggestion that we come up with which actually could help to direct the process into yes a discussion with the relevant authorities if it is not already provided with a letter of support or non-objection or if it's non geographic then it goes through - it bypasses that process and goes straight through to the other evaluations and any objection processes, which again, always provides opportunities for the application to be challenged if it is not clear as to what the purpose is. So there are other mechanisms as you go through the application process. Thanks.

Annebeth Lange: Thank you, Martin. I think we should move onto the next slide now, but before that it's been a lot of interesting comments on the chat so I hope the staff will just take care of that so we can get it into the material that we collect.

Greg Shatan: This is Greg. Can I just briefly reply to what Martin said?

Annebeth Lange: Sure, go on. Yes, sure.

Greg Shatan: This is Greg Shatan for the record. So the concern I have is while Martin says that spa is a good example, where spa is not being used for a geographic by the top level domain operator, I believe we need to look back

at what actually happened with dotSpa in the first round as I understand it, the applicant had no interest in using it for a geographic term and yet Belgium or the city of Spa was able to hold up that application for quite some time based on with I'm not quite sure since I don't have the record in front of me and nor does anybody else.

So if spa is a good example of one that should be able to go through, without concern about - from a geographic concept, if it's a non-geographic application, then what happened in fact shouldn't have happened and yet it did. DotTata is another example of something where a non - clearly non geographic use there, a brand use, was held up by a geographic claim. So again I don't have the exact facts but I know that these were problematic, that these happened.

So I think we need to look at the - what actually happened in the first round in these and other instances before we decide that we did or didn't have a problem in the first round because I think the facts - the actual facts are - seem more troublesome than the simple thoughts that we're having as to what might happen the next time. Thanks.

Annebeth Lange: Annebeth here. Thank you, Greg. I think that's a really good idea. We will try to find out what happened and what was the reason for everything in the dotSpa application so we can talk about that next time. So should we move onto the next slide now? Yes, this is also what we have already discussed so we can just go on.

So, Javier, I leave the work to you now and you take over. Javier, are you there?

Javier Rúa-Jovet: I'm here, can you hear me now?

Annebeth Lange: Good. Yes.

Javier Rúa-Jovet: Sorry.

((Crosstalk))

Javier Rúa-Jovet: This is Javier for the record. So I see in the attendee list some new people so welcome to you all to this call. I hope you can get to participate and perhaps in my slides now. So we're talking about, you know, categories that included in the 2012 AGB I think this is why we have opportunity to - for the work track to get more creative because it's not - these are names that are not tied to previous lists, previous manuals, to the AGB.

And the way we have, you know, created the slide is similar to the slide in the (unintelligible) questions and possible (unintelligible) questions to get people's, you know, juices going, their imaginations going and having the discussion on what are the costs, what are the interests of the policies we want to create.

So looking at the first question here in terms of additional categories of geo names beyond those in the AGB, or any other question in this slide, does anybody have any suggestions on how to go forward or perhaps somebody that hasn't spoken in the call before? Any hand up? Don't see any hands.

This - the discussion in the prior slides regarding context and intention of use, I saw a comment by somebody in the chat that they perhaps like this but that it didn't create priorities in terms of how to delegate, how to deal with an application. So the person that - can the person that made the comment expand on what they meant by that? Anybody? I see no hands.

Cheryl Langdon-Orr: You have Kavouss's hand raised.

Javier Rúa-Jovet: So…

Cheryl Langdon-Orr: Kavouss.

Javier Rúa-Jovet: Kavouss, go ahead.

Kavouss Arasteh: Excuse me, this system does not show clearly when the hand is up. But this question I raised before, I ask some more explanation about additional categories of geographic names, somebody from some country gave something but still it is not convincing. What we mean by additional categories of geographic names. Are we creating or inventing additional categories of geographic names, geographic names are geographic names. What we mean by additional categories? This question was raised, the answer was given which is not or was not convincing and we need more clarification. We don't object to this topic but we want to understand its implication. Thank you.

Javier Rúa-Jovet: Yes, anybody want to take a - answer Kavouss's concern? We have spoken in this in the list other possible categories have to do with geographic indications like rivers, mountains and others. There's an echo. Yes. There's also categories (unintelligible) if anybody has suggestions on categories. We might have seen in the mailing list categories having to do with cultural communities, linguistic communities, ethnic groups, indigenous groups. Do we want to talk about this? Do we want to, you know, categorize these interests? If that's something this working group wants to do.

I've seen some of the domain name on the mailing list, does anybody want to expand on that? (Unintelligible) we can't get more discussion. What's going on in the chat?

Martin Sutton: Javier, it's Martin.

((Crosstalk))

Martin Sutton: Thank you. Just jump in because it is interesting because there was a lot of push to get beyond what was specified in the Applicant Guidebook and open

up discussions for different types of geographic terms. So we had collected in the working document some of the suggested areas that people wanted to cover. So this is a really prime opportunity for those that did put forward other suggestions and areas that they would like to discuss and talk to the group about. But that would be - this is the prime opportunity to do so.

What we're also asking here though is to make sure that anything that is put forward as a suggestion is backed up with some rationale, which says, as to why it would need to have any separate treatment than already exists with the process of applications, which are scrutinized, evaluated and do go through objection processes that are available to the community. So please do take this opportunity to come forward now and expand on what was put forward so certainly if you were one of the members that put forward a suggestion, great time to come forward.

Alternatively, are we asking the wrong questions? So if anybody has a different way of different perspective to come forward on this please we welcome suggestions as well. So I'll leave it open to see if we've got anybody that wants to come in the queue. I think we've got Christopher in the queue. Thanks, Javier.

Javier Rúa-Jovet: There's a hand by Christopher here? Christopher, go ahead.

Christopher Wilkinson: Yes, hello. Good morning, good evening everybody. Just to put down a marker of we have been told several times already that geographical indications should be a distinct category. They are based on local law. They have many characteristics which actually are close to brands than to geographical terms as such. And although they - the interested parties are not - apparently not represented in this group or on this call, I just wish to recall that that is a definite marker which will - which we should address.

The - I'd also point out that there are other work tracks who apparently claim the rights of deciding this question. I've been on other calls where the

question of the categories of names was definitely discussed, including Communities. I don't know whether community concepts extends to geographic concepts. Thank you.

Javier Rúa-Jovet: Thank you, Christopher. Why don't you say community extends to geographic names if you can expand on that.

Liz Williams: Sorry, Javier, was that you asking me? It's Liz Williams speaking.

Javier Rúa-Jovet: Anybody. Christopher just said that he doesn't think community - the concept of community is, you know, can be discussed vis-à-vis, you know, with geographic names. I want to talk about - a little about that. I've seen some comments in the mailing list (unintelligible) communities themselves, so community applications by ethnic or linguistic groups, isn't that relevant in this topic or why - or why do we have to separate that? Just to - if Christopher can expand on his comment. So please (unintelligible). Anybody else please? I see a hand by Christopher, so Christopher, are you there?

Martin Sutton: Javier, in the absence of Christopher getting back on the line, we've got Liz and then Kavouss in the queue.

Javier Rúa-Jovet: Perfect. Liz.

Liz Williams: It's Liz Williams speaking. I just wanted to present without making any assertions or any facts or any data, I wonder if it's worthwhile of us thinking about geographic terms as brands? So for example if I use the example of Sydney, Sydney is a brand, we protect our brand, we fight for our brand, we promote our brand, although this week we've got bad news because kangaroos are attacking tourists because they're addicted to carrots.

And I just think we should perhaps, for a little short while, flip on its head the way we're thinking about geographic terms because part of our problem or part of our problem statement is that in many cases the treatment of, for

example, capital cities or important regions, or particular landmarks like Mount Everest, are brands. And they're critical to economic input, they're critical to business, they're critical to tourism.

And I don't quite know where to put this whether it is indeed an underlying interest but it would be helpful if we could actually have that conversation. And, Javier, I'm sorry that if this might not be the right spot to do it. But I think it's a really worthwhile piece of the puzzle to think seriously about the value, the brand value, and I'm not a brand person at all, I'm not a marketing person at all, but I do think that there are many examples in geographic terms that are protected precisely because they have enormous brand value and economic input.

And we only have to look - oh actually, no, really good little piece of evidence is the (Appalachian Controle), in the way in which we brand Camembert cheese, or Boudreaux wine or - and so on, and so on, which where the location and the geographic term is actually critical to the value of the product. I don't know how to treat that, Javier, but I would like us to think about that a bit more broadly.

Javier Rúa-Jovet: Thank you, Liz. Thank you, Liz, for that and thank you for all your thoughtful comments also in the list on other (unintelligible) conversation. I think you know, whether or not it's in this slide particularly I think we have to, you know, we have to, you know, weigh all these different, you know, alternatives and cost and benefits and we really welcome your thoughts on this. Does anybody have a comment on Liz's comments?

Greg Shatan: Well this is Greg Shatan. If I could get in the queue?

Javier Rúa-Jovet: We have Kavouss that has a hand and then you're after, Greg. Kavouss, go ahead.

Kavouss Arasteh: Yes, I had two comments. One is about the community, in the last call of the new round of gTLD I raised the issue that we need to have a clear understanding what we mean by community. They said that this is a matter to be discussed at Work Track 5. And I said that I don't understand that why we ping pong within two groups. So it should be quite clear the definition of the community is a matter in a general term should be first clarified by the main group rather than a particular track. But they ping pong it up and I use the term that they throw the monkey on the shoulder of Work Track 5 so it is up to us to decide to see whether we need to see what we mean by community because community has many applications.

We have social community, we have the commercial community, religious community, political community and different type of community and we cannot treat them all at the same level at the same way. So this is something.

Second thing, the term used it is banned, I don't think that I properly understand. Who banned the (unintelligible)? What we mean by banned? Is it because of economical interest, who decide on the economical interest? Is it country decide economical interest, or particular entity or particular enterprise say that this is my commercial and protections and I don't - I banned it to use for anyone else. So I don't understand the meaning of banned, and who makes the decisions and how we decide that this is an economical interest, an economical interest of who? Thank you.

Javier Rúa-Jovet: Thank you, Kavouss, for your comment. On your first comment, agreed, the work tracks must be clearly defined and keep to the, you know, the remit. I suppose when we speak about community here, and maybe that's not the correct term, but perhaps groups that are within a country that are not the state itself like a linguistic minority or maybe an indigenous group might have a competing interest with their state or with a brand on a geographic name. So that's something to think about. And there's been some discussion on points like that in the list and other calls.

Greg, you were next.

Greg Shatan: Thanks. Greg Shatan for the record. A few different points here. First, with regard to community, in the first round community really became critical where there were contention sets because the community if it passed the community priority evaluation automatically won the contention set. So there were - because of that a community priority evaluation system, which I really don't think we should be discussing in this work track, because it really is not a geographic issue, it's - I don't know whether it would have been possible for a geographic group, let's say, citizens of Staten Island to apply, as a community.

But if they did, you know, I'm not sure that we would be the ones to discuss that, rather the issue of how the community application should run if there is going to be such a thing in the second round probably should be elsewhere. And now that's the issue of community in the first round was really that very specific concept of communities getting priority and then the issue of what constituted community and who constituted the proper representative of that community became very fraught in the case of say, dotK or dotMusic. So that's a whole rabbit hole that I don't think this group should go down. But I'll leave that to the cochairs to decide.

Secondly, when Liz refers to camembert and Bordeaux, those are geographical indications, which is what Christopher was referring to. And those are at least registered after a fashion, sometimes a different fashion, in different countries, and they, in a sense, sit between brands and geographic terms in a way. But to get to the main point, which was Liz suggesting that we look at geographic rights as akin to brands, or by analogy to brands, I would take that one step further and look at what rights brands have in the top level domain process.

Brands don't have a right of - to insist on a letter of support or non-objection being issued by them in cases such as spa or Tata or others, although maybe

there should be. And brands don't get to stop those with unrelated rights. So if the apple growers wanted dotApple to promote an apple-based TLD for the fruit, Apple couldn't stop them. There would not be a right, nor frankly do I think there should be a right. So maybe that is the route that we should follow. I think it's an extremely valid one and one that frankly is - make a lot more sense than this idea that everyone should be sitting around with an objection in their pocket. Thank you.

Javier Rúa-Jovet: Thank you, Greg. Anybody else want to chime in? Anybody want to, you know, answer any other questions in the slide in terms of the interests at stake. I see nothing. Okay, so what's going on in the chat? Yes, I see some back and forth on this issue of community and keeping the work tracks separated. Well and this is something to keep on talking about definitely because on the email list I've seen some people interested in this topic and I don't think they're here in the call. Kavouss, you have a hand up?

((Crosstalk))

Kavouss Arasteh: It is down. Yes, it is down. I said that now we understand that the community should not be discussed in Work Track 5, therefore I (unintelligible) Cheryl or Jeff or whoever in the main group take up this matter and when we discuss the issue saying that this issue will be discussed or to be discussed under the main group and not on the Work Track 5. So I fully agree that this is not a matter for Work Track 5 to talk about the community and implication community or expansion of communities of various categories and types. That was the purpose, I put it in the chat. Thank you.

Cheryl Langdon-Orr: Thank you, Kavouss. Cheryl here.

Javier Rúa-Jovet: Thank you, Kavouss.

Cheryl Langdon-Orr: …if I can just jump in?

Javier Rúa-Jovet: Go ahead.

Cheryl Langdon-Orr: Jeff and I will read this but community is the matter of a discussion of another work track, that is where the concept of definition of community will continue to be run out. But we do need to recognize that there is no mutually exclusive rule to say that you cannot be under the existing or a future definition of community, not also a geographic community. So community geographic name is a possibility we need to consider that. Community and its definitions belong to another track, absolutely, we don't need to change anything, that is how it is.

Javier Rúa-Jovet: Thank you for that, Cheryl. Good point. Anybody else?

Kavouss Arasteh: Excuse me, what is geographic names? What is community geographic names? It is a new definition? Community geographic names such as what?

Cheryl Langdon-Orr: Kavouss, Kavouss, Cheryl here. If you go further back in the chat Steve answered that question earlier on. I would recommend you review the chat earlier on and there are many examples of community geographic names at the second level, none to my knowledge at the top level at this stage. Thank you.

Javier Rúa-Jovet: Thank you, Cheryl. Anybody else that wants to speak on this? Or should we move on? I say we've had a good discussion. I think the coleaders also encourage keeping the discussion in the mailing list, we've seen some very good discussion going on there. And that's - as it was said before, everything gets tallied and it's reflected in the working documents.

So perhaps if we go to any other business if nobody else wants to speak on this? So let's move. So any other business? We have some time left for - the floor is open for any other business. Anybody? Any issues that somebody has that has been spoken about in previous slides or any other topic?

Liz Williams: Hello, Javier, could I just confirm what we said at the beginning about the move to the 60-minute calls every week? Could I just confirm that's what we're doing from next week, is that right?

Javier Rúa-Jovet: That's right. If Emily or Annebeth want to chime in on this point, what did we finally decide on the 60 minute calls?

Annebeth Lange: This is Annebeth here. Yes, I think that the plan is now to start next week with 60 minute call but, Emily, could you confirm that if you're there?

Emily Barabas: Hi, Annebeth. This is Emily from staff. Correct, the next call is scheduled to take place at 1400 UTC next Wednesday. And the invite for that will go out very shortly. Thanks.

((Crosstalk))

Javier Rúa-Jovet: All right anything else, Liz?

Kavouss Arasteh: Yes, it is Adobe connection or it is WebEx?

Javier Rúa-Jovet: We hope - Kavouss, we hope it's Adobe Connect. And I think it's great chance it's going to be Adobe Connect. Anybody - do we have any more info on whether we're going to actually have Adobe?

Emily Barabas: Hi, Javier. This is Emily from…

((Crosstalk))

Kavouss Arasteh: It was useful means and tools to use but not this WebEx. Thank you.

Javier Rúa-Jovet: Yes, we know. Emily.

Emily Barabas: Hi, Javier. This is Emily from staff. My understanding is that we will be back as part of the experiment to reincorporate Adobe next week but we will double check that and include the details in the invite. Thanks.

Javier Rúa-Jovet: Thank you. Excellent. We will - we're all hopeful that this happens because although this call today I think there were fewer problems than before. I think we're getting a bit used to WebEx or it was a bit better I think. But anybody else? Anybody else who hasn't spoken? Or might we end this call early? I see we have 10 minutes to go some of us could go to sleep actually. Anybody else? So I see no hands, I see no movement in the chat so maybe we can close. So I think this call is adjourned.

Annebeth Lange: Yes.

Javier Rúa-Jovet: Very good. Bye to all.

Annebeth Lange: Thank you, everyone.

((Crosstalk))

Martin Sutton: Thanks, Javier. Thanks, Annebeth.

Javier Rúa-Jovet: Bye-bye.

Martin Sutton: Thanks, everyone. Bye.

Annebeth Lange: Bye-bye.

Cheryl Langdon-Orr: Thanks, everyone.

END