At-Large Consolidated Policy Working Group (CPWG)

Supplemental Initial Report on the New gTLD Subsequent Procedures PDP (Work Track 5 on Geographic Names at the Top Level)

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CPWG: What, How & Timeline

1 What are we developing?

ALAC Comments/Statement to the GNSO New gTLD Subsequent Procedures Supplemental Initial Report (WT5 on Geonames as TLDs)

Wiki workspace: https://community.icann.org/x/kAP_BQ

To comment, please go to ALAC draft on Google Doc

PC page: https://www.icann.org/public-comments/geo-names-wt5-initial-2018-12-05-en

2 How and Timeline

[1] Start	[2] Deliberate				[3] Settle for ALAC Vote	[4] Submission
Call for pen-holders to review report & frame issues, positions	Call for input to proposed positions	Consider proposed positions	Consider draft statement	Consider draft statement	Settle draft statement	Submit ratified statement
12 Dec 2018	**Via CPWG email list & wiki**	**CPWG call 9 Jan 2019**	**Via CPWG email list & wiki**	**CPWG call 16 Jan 2019**	**Per wiki 21 Jan 2019**	**22 Jan 2019**

What are the Key Policy Issues for At-Large?

❑ Following the GNSO New gTLD SubPro WG's earlier Initial Report, this WT5 Report seeks community feedback on preliminary recommendations, questions and proposals on geographic names as TLDs

❑ WT5 members had to grapple with inconsistency between GNSO 2007 policy for geonames and ICANN implementation for 2012 round via AGB amendments

❑ While no official call for consensus made within WT5 proceedings, leadership needed to establish some level of support particularly for hotly debated issues in order to produce this WT5 Supplementary Initial Report

❑ **Key Policy Issues for At-Large** (with hotly debated topics marked in red):
  - What constitutes a geographic name?
  - Geographic Names Panel – expertise, lists, source of reference basis etc
  - Continued reservation of all 2-letter-letter strings as ccTLD
  - Non-availability of 3-letter strings matching Alpha-3 codes listed in ISO 3166-1 standard – make them available with conditions as to who can apply?
  - Geographic names versus generic terms – should and on what basis can geographic names be prioritized?
  - Preventative versus curative mechanisms – which is better for public interest?
  - Treatment of applications for strings matching capital city names versus non-capital city names – requirement for letters of support/non-objection
  - Treatment of applications for strings confusingly similar to geographic term
  - Other terms not included in 2012 ABG for increasing predictability – geographic features, additional sub-national and regional places, geographic in nature, geographical indications
  - Additional 'geo-related terms' not included in 2012 AGB – ISO 4217 Currency codes

GNSO 2007 policy and/or implementation guidance

Relevant 2007 Policy Recommendations

Recommendation 5: Strings must not be a reserved word

Recommendation 20: An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted

Reserved Names Working Group Final Report

Re: Recommendation 5:
- Should be no geographical reserved names (i.e. no exclusionary list, no presumptive right of registration, no separate administrative procedure, etc)
- Proposed challenge mechanisms would allow national or local governments to initiate challenge, so no additional protection mechanisms needed, so long as use not in violation of national laws applicable to applicant
- Applicants should be advised of GAC Principles and advisory role vested under ICANN Bylaws
- Applicants provided summary overview of 'geoname TLD' obstacles encountered previously to allow informed decision
- Applicants warned that failure by GAC (or individual GAC member) to file challenge not waiver of GAC authority under Bylaws

RE: Two letter names
- Retain practice allowing two letter names at TL only for ccTLDs

VS

2012 Round Implementation: AGB v4

ICANN Board, urged by ccNSO and GAC, directed changes substantially different to GNSO's policy recommendations:

- **s.2.2.1.3.2 String Requirement, Part III, 3.1** – only strings in ASCII or three or more visually distinct characters allowed. Two-character ASCII strings not permitted, to avoid conflict with country codes based on ISO 3166-1 standard.
- **s.2.2.1.4.1 Country or Territory Names** – strings considered country and territory names not available, these are:
  i. alpha-3 code in ISO 3166-1 std
  ii. long-form name in ISO 3166-1 std, or translation in any language
  iii. short-form name in ISO 3166-1 std, or translation in any language
  iv. short or long-form name associated with code designated as "exceptionally reserved" by ISO 3166 MA
  v. separable component of country name on "Separable Country Names List", or translation in any language
  vi. permutation or transposition of any above names
  vii. name by which a country is commonly known – recognition by intergovernmental or treaty org
- **s.2.2.1.4.2 Requiring Govt Support** by document of support or non-objection from govt or public authorities:
  1. Capital city names of any country or territory in ISO 3166-1 std, in any language
  2. Non- capital city names only where (a) applicant declares intention to use TLD primarily for purposes associated with city name and (b) city name listed on official city documents
  3. Exact match of country, province, state listed in ISO 3166-2 std
  4. UNESCO region or "Composition or macro geo (continental) regions, geo sub-regions, and selected economic & other groupings" list, where ≥ 60% rule applies

KEY ISSUES (part f.1.2 of Report, pages 22-43)

- ❑ f.1.2.1 Who owns a string? Who has rights to a string? What is the appropriate role of geographic communities and governments?
- ❑ f.1.2.2 What types of mechanisms should exist to exercise rights or establish roles in the process?
- ❑ f.1.2.3 What law and policy considerations should be taken into account? Which should take precedence?
- ❑ f.1.2.4 What is a geographic name for the purposes of the New gTLD Program? Does the intended use of string matter?
- ❑ f.1.2.5 What are the key takeaways from the 2012 round for the purposes of future policy development and implementation?
- ❑ f.1.2.6 Are there alternate methods of consultations or collaborations in the application process that could satisfy all stakeholders?

PRINCIPLES AND VALUES (part f.1.3 of Report, pages 40-41)

Principally in context of city names and additional types of terms not included in 2012 AGB, proposed principles include:

- ❑ In alignment with Principle C 2007 GNSO Rec, program should allow for introduction of new gTLDs
- ❑ In alignment with Principle A 2007 GNSO Rec, enhance predictability for all parties
- ❑ Reduce likelihood of conflicts within and when application process concludes and TLDs are delegated
- ❑ Policies and procedures should be simple to the extent possible

PREVENTIVE vs CURATIVE MECHANISMS

Such mechanisms fall broadly into 2 categories:

- ❑ **Preventive:** Measures include reserving certain strings to make them unavailable for delegation or requiring letters of support/non-objection from relevant governments or public authorities, either in all cases or dependent on intended use of TLD
- ❑ **Curative:** Measures include objection mechanisms, contractual provisions incorporated in RA, enforcement of those provisions, and post-delegation dispute resolution mechanisms

Continue to reserve as unavailable at the top level

Consistent with
GNSO Policy & AGB 2012?

1. All two-character letter-letter ASCII combinations (reserved & available for ccTLD only) **[PR #2]**	✔	✔
2. Alpha-3 codes listed in ISO 3166-1 standard **[PR #3]**	✘	✔
3. Short or long-form names listed in ISO 3166-1 standard * **[PR #5 & PR #4, respectively]**	✘	✔
4. Short or long-form name associations with codes that have been designated as "exceptionally reserved" by ISO 3166 Maintenance Agency **[PR #6]**	✘	✔
5. Separable components of country names designated on the "Separable Country Names List" * **[PR #7]**	✘	✔
6. Permutations and transpositions – clarify unavailability applying to (3), (4), (5) & (7) but strings resulting from permutations and transpositions of (2) should be allowed **[PR #8]**	✘	**CLARIFY**
7. Names by which a country is commonly known, as demonstrated by evidence country is recognized by that name by an intergovernmental or treaty org **[PR #9]**	✘	✔

* Issue of whether translations should be reserved and if do, in what languages is to be explored further

Continue to require a letter of support/non-objection from relevant govts or public authorities of certain strings at the top level

Consistent with
GNSO Policy & AGB 2012?

8. Capital city names of any country or territory listed in ISO 3166-1 standard ** **[PR #10]**

9. Non-capital city names where (a) applicant declares intention to use TLD primarily for purposes associated with city name and (b) city name listed on official city document **[PR #11] Note change in language cf AGB 2012**

TWEAK

10. Any string being an exact match of a sub-national place name (eg. county, province or state) listed in the ISO 3166-2 standard **[PR #12]**

11. A string listed as a UNESCO region or appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list **[PR #13]**

** Issue of whether translations should require support/non-objection, and if do, in which languages

Geographic Names: 2-letter-letter ccTLD versus 3-character gTLD, ISO 3166-1 std

⭐ **PR #2:** Continue to reserve all **two-character letter-letter ASCII combinations** at TL for existing and future ccTLDs

⭐ **PR #3:** Continue to consider **alpha-3 codes listed in ISO 3166-1 standard** as country or territory names reserved at TL and unavailable, but with grandfathering exception

❑ **Proposal 13:** ISO should not be the source of 3-character strings used by ICANN to identify geographic names

⭐ **Q.e7:** Should WT5 be asked to recommend a **process to delegate 3-letter codes and/or other country and territory names to specific parties, such as govts, PAs, or other entities**?

❑ **Proposal 11:** Delegate alpha-3 codes on ISO 3166-1 std as gTLD with requirement of govt support/non-objection until a future process is designed specifically for delegation of three-character codes

❑ **Proposal 12:** Delegate alpha-3 codes on ISO 3166-1 std as gTLD with requirement of govt support/non-objection only in cases where applicant declares intention to use TLD as it relates to geographic meaning of the term

Proposed ALAC Position / Response

- **Agree with PR #2** – retain two-character letter-letter ASCII combinations at TL for ccTLDs

- **Agree partly with PR#3** –
✓ STRONG SUPPORT for continued reservation of ISO 3166-1 alpha-3 codes as country or territory names, so **NO** to **Proposal 13**
✓ **Q.e7** – Yes, CONSENSUS for ISO 3166-1 alpha-3 codes **to be made available for application by relevant governmental authorities, ccTLD managers or entities acting in and/or for public interest / public benefit** (i.e. **the Carlos Gutierrez proposal**) – more consultation needed on "public interest / public benefit"
? If proceed with no limit on who can reply, then support **Proposal 11** (but **NOT Proposal 12**)
✓ Grandfathering for .com and procedure needed to allow affected existing and future countries and territories to apply for an alternative to their alpha-3 code
x **Q.e7** – No to other country and territory names being made available

Topics / Issues for CPWG Discussion

Geographic Names: More on ISO 3166-1 standard

PR #4: Continue to consider **long-form names listed in ISO 3166-1 standard** as country or territory names reserved at TL and unavailable * | Change to GNSO Policy

PR #5: Continue to consider **short-form names listed in ISO 3166-1 standard** as country or territory names reserved at TL and unavailable * | Change to GNSO Policy

PR #6: Continue to consider **short or long-form name associations with codes that have been designated as "exceptionally reserved" by ISO 3166 Maintenance Agency** as country or territory names reserved at TL and unavailable | Change to GNSO Policy

PR #7: Continue to consider **separable components of country names designated on the "Separable Country Names List"** as country or territory names reserved at TL and unavailable * | Change to GNSO Policy

PR #9: Continue to consider **names by which a country is commonly known**, as demonstrated by evidence country is recognized by that name by an intergovernmental or treaty org, as country or territory names reserved at TL and unavailable | Change to GNSO Policy

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Proposed ALAC Position / Response

- **Agree with PR #4, PR #5, PR #6, PR #7 and PR #9**

Examples
PR #4, PR #5, PR #9: China
➤ long-form: the People's Republic of China
➤ short-form: China
➤ commonly known as: China by the UN

PR #6: UK
➤ long-form: United Kingdom
➤ short-form: UK

PR #7: Antigua and Barbuda
➤ short name: Antigua and Barbuda
➤ separable names: Antigua, Barbuda, Redonda Island

Topics / Issues for CPWG Discussion

Geographic Names: ISO 3166-1 - Permutations & Transpositions

PR #8: Clarify unavailability applying to **permutations and transpositions** of:
- long-form names listed in ISO 3166-1 std
- short-form names listed in ISO 3166-1 std
- short or long-form name associations with codes designated as "exceptionally reserved" by ISO 3166 MA
- separable components of country names designated on the "Separable Country Names List"
- names by which a country is commonly known (with evidence of recognition)

but strings resulting from permutations and transpositions of alpha-3 codes listed in ISO 3166-1 standard should be allowed |
Change to GNSO Policy

☐ **Proposal 14:** Individual govts should be asked which **permutations** should be reserved in connection with a corresponding country or territory name

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Proposed ALAC Position / Response

- **Agree with PR #8 –**
  - ✓ Clarifies and reinforces protection for accepted country and territory "proper" names to include permutations and transpositions
  - ✓ Clarifies that permutations and transposition of ISO 3166-1 alpha-3 codes are not geonames, therefore are allowed

- **Proposal 14** – not necessary if all permutations contemplated under PR #8 are automatically made unavailable

Topics / Issues for CPWG Discussion

Geographic Names: Translations

Q.e6: How should we **limit exclusion of translations of unavailable geoname strings**?
- continue to reserve as unavailable translations in any language
- reserve as unavailable translations in UN languages
- reserve as unavailable translations in UN languages and the official languages of the country
- reserve as unavailable translations in official languages of the country
- reserve as unavailable translations in official and commonly used languages
- reserve as unavailable translations in official and relevant national, regional, and community languages
- reserve as unavailable translations in "principal languages" where the principal languages are the official or de facto national languages and the statutory or de facto provincial languages of that country
- a combination of two or more categories above

❑ **Proposal 16:** Add translation "in any language" to the "A name by which a country is commonly known" reserved names category per evidence of recognition by an intergovernment or treaty org

Proposed ALAC Position / Response

- **Q.e6** – continue to reserve as unavailable translations of all geonames in any language

- **Proposal 16** – **agree,** translation "in any language" protection of geonames should be consistently applied across the board

Geographic Names: Preventative measures for capital city names & translations

PR #10: Continue to require govt/PA letter of support/non-objection for strings at TL matching **capital city names of any country or territory listed in ISO 3166-1 standard** ** | Change to GNSO Policy

❑ **Proposal 17:** Require support/non-objection for capital city names only if applicant intends to use gTLD for purposes associated with the capital city name

❑ **Proposal 18:** Eliminate support/non-objection requirements for capital city names

Q.e8: Should requirement for letters of support/non-objection from relevant govt or PA be mandatory for **translations of capital city names** of any country or territory listed in ISO 3166-1 standard be changed from "translation in any language" to:
- translations in UN languages
- translations in UN languages and the official languages of the country
- translations in official languages of the country
- translations in official and commonly used languages
- translations in official and relevant national, regional, and community languages
- translations in "principal languages" where the principal languages are the official or de facto national languages and the statutory or de facto provincial languages of that country
- a combination of two or more categories above?

Proposed ALAC Position / Response

- **Agree with PR #10** – continue to require govt/PA letter of support/ non-objection for capital city names
- x **Proposal 17** – **against**, capital city names should be subject to requirement for support or non-objection from relevant govts or PAs **irrespective of intended use statements**
- x **Proposal 18** – **against**, capital city names should be afforded preventative protection

- **Q.e8** – requirement for support/non-objection for translations of capital city names should remain as "translation in any language" because protection of geonames should be consistently applied across the board including for translations

** Issue of whether translations should require support/non-objection, and if do, in which languages to be explored in Q.e8

Geographic Names: Preventative measures for <u>non-capital city names</u> [1/2]

PR #11: Continue to require govt/PA letter of support/non-objection for strings at TL matching **non-capital city names** where:-
(a) applicant declares intention to use TLD primarily for purposes associated with city name; and
(b) city name listed on official city document
Change to GNSO Policy

Q.e9: **Should the requirement for letters of support/non-objection** from relevant govt or PA for an application **for non-capital city names** where:-
(a) applicant declares intention to use TLD primarily for purposes associated with city name; and
(b) city name listed on official city document
be kept, eliminated, or modified?

❑ **Proposal 19:** Maintain provisions in 2012 AGB requiring applicants to obtain letters of support/non-objection from relevant govts or PAs if:-
(a) It is clear from applicant statements will use the TLD primarily for purposes associated with the city name; and
(b) Applied-for string is a city name listed on official city document

❑ **Proposal 19 Variant 1:** Implement provisions to prevent misrepresentation, increasing contract requirements and enhances protections for geo places – changes standard for when letter is needed for non-capital city from usage associated with city name to usage intended to represent a connection to the authority of the non-capital city name

❑ **Proposal 19 Variant 2:** Change (a) to "The Geographic Names Panel determines that the foreseeable use of 2nd level domains by registrants will be to a significant degree for purposes associated with the city name".

Proposed ALAC Position / Response

- **PR #11** – support for recommendation, but because of uncertainty over "primarily" and enforcement of limitation (i.e. can be circumvented by not declaring intended use or declaring another intended use) requirement for support/non-objection letter should be the sole mechanism for city name applications … hence, answer to Q.e9.

- **Q.e9** –support for **Proposal 19** status quo, but also strong support for modification to require support or non/objection for all applications for city names irrespective of intended use statements – uncertainty over "primarily" and prevention of "breach" at TL & SL

- **Proposal 19 Variants 1, 2, 3** – **against**, mainly due to uncertainty over enforcement

❑ **Proposal 19 Variant 3:** Change (a) to "The applicant is able and will confirm that neither he nor his sales channel will use TLD as a geographic identifier".

Geographic Names: Preventative measures for <u>non-capital city names</u> [2/2]

□ **Proposal 20:** Eliminate preventative protections for non-capital city names and focus instead on curative protections

□ **Proposal 21:** Always require letter of support/non-objections from relevant govts or PAs for non-capital city names regardless of intended use

□ **Proposal 22:** Give small cities, towns, and geographic communities first right to apply for TLD associated with that place

□ **Proposal 23:** Develop list of large cities around the world and require applicants to obtain letters of support/non-objection from relevant govts or PAs for strings on list, regardless of intended way of usage, based on a or combination of standards – absolute, relative, percentage

□ **Proposal 24:** Have each country decide what it considers to be a city within its own country based on national laws and policies – could have each country designate set number of cities considered particularly significant, requiring govt or PA support/non-objection

□ **Proposal 25:** Reserve non-capital city names that have "global recognition" – if a city wants to apply for gTLD, it can apply for string containing name of city followed by applicable country code – allowing multiple cities with same name in different countries to obtain a gTLD

□ **Proposal 26:** Simply raise awareness, increase knowledge among potential applicants about opportunity to apply for TLDs, thus not impacting level of protection and could supplement any of the above proposals

Proposed ALAC Position / Response

- **Proposal 20** – **against**

- **Proposal 21** – strong support

- **Proposal 22** – some support but also recognition for process to be in place to deal with contentions

- **Proposal 23** – considerable support but need to agree on implementation details

- **Proposal 24** – some support

- **Proposal 25** – interesting proposal, needs further consideration to determine if risk of confusion significant

- **Proposal 26** - **against**

Names Requiring Support/Non-objection – Sub-national Place

PR #12: Continue to require govt/PA letter of support/non-objection for strings at TL where string is an **exact match of a sub-national place name (eg. county, province or state) listed in the ISO 3166-2 standard** | Change to GNSO Policy

☐ **Proposal 27:** Eliminate support/non-objection requirements for sub-national place names (counties, provinces, states listed in ISO 3166-2)

☐ **Proposal 28:** Require letter of support/non-objection for applicants intending to represent a connection to sub-national place from place's authority. If no such intention, protections to be inserted as contractual requirement into RA to prevent misrepresentation

☐ **Proposal 29:** If string corresponds to a sub-national place (counties, provinces, states listed in ISO 3166-2) but applicants intends to use string in generic/brand context, then support/non-objection not needed

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Proposed ALAC Position / Response

- **PR #12** – **agree**

- **Proposal 27** – **against**

- **Proposals 28, 29** – **against**, letter of support/non-objection should be required irrespective of intended use of string

Names Requiring Support/Non-objection – UNESCO Region, Other Groupings etc

PR #13: Continue to require govt/PA letter of support/non-objection for strings at TL where string is listed as a **UNESCO region or appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list** | Change to GNSO Policy

❑**Proposal 30:** Eliminate support/non-objection requirements for strings listed as UNESCO Regions or appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings list ("Groupings List")

❑**Proposal 31:** Require letter of support/non-objection for applicants intending to represent a connection to a UNESCO Region or any region in Groupings List from place's authority. If no such intention, protections to be inserted as contractual requirement into RA to prevent misrepresentation

❑**Proposal 32:** If string corresponds to a UNESCO Region or any region in Groupings List but applicants intends to use string in generic/brand context, then support/non-objection not needed

Proposed ALAC Position / Response

- **PR #12** – **agree**

- **Proposal 30** – **against**

- **Proposals 31, 32** – **against**, letter of support/non-objection should be required irrespective of intended use of string

Geographic Names: How should they to be established?

Q.e2: How should the term "geographic name" be defined for the purposes of the New gTLD Program? Should there be any special requirements or implications for a term that is considered a "geographic name"? Is "geographic name" the appropriate term to use in this context, as opposed to, for eg, "term with geographic meaning"? Why or why not?

Q.e3: What is the right balance or combination of **preventative and curative rights mechanisms** in relation to protection of geographic names in the New gTLD Program?

Q.e5: To what extent should these be the **basis of policy development regarding geonames**?
- International law
- National/local law and policy
- Norms and value (such as?)
- Another basis not categorized above (such as?)

❑ **Proposal 15:** As long as a country can provide substantial evidence that it is recognized by a name, that term should be included under "A name by which a country is commonly known" reserved names category

Proposed ALAC Position / Response

- **Q.e2** – **To be discussed**

- **Q.e3** – Preventative and curative measures can co-exist
  - ❑ eg, cities with large population (eg. 1 mil+) to require letter of support/non-objection vs cities with smaller population to rely on objection procedure
  - ❑ Else use some determinable measure eg if < 1 mil total population then 3 largest cities in that country should be protected by requiring letter of support/non-objection
  - ❑ Issue of limited timeline for relevant govt/PA to respond provided effective notice given
  - ❑ Issue of proper awareness of those who need to rely on objection procedure

- **Q.e5** – Support for international law, national/local law and policy, norms and values – applicants should be encouraged to research all these to extent possible and identify conflicts ahead of time
  - ❑ Also **immemorial usage** (usage of a name extends beyond the reach of memory)

- **Proposal 15** – **agree**

Geographic Terms not included in 2012 AGB

Q.e11: Should we support **protecting/restricting additional categories of geographic names** such as

- Geographic features (rivers, mountains, etc)
- Names of additional sub-national, regional places not included in 2012 AGB
- Non-ASCII geographic terms not included in 2012 AGB
- Any term that can be considered geographic in nature
- Geographical Indications
- Currency codes listed under ISO 4217?

Should additional types of strings have special treatment or rules in AGB? If so, which ones and on what basis? Can scope of category be effectively established and limited? What are the boundaries of category? If not, why not? Use preventative or curative mechanisms to protect?

❑ **Proposal 33:** Apply clear and unambiguous rule that any geographic term not explicitly and expressly protected is unprotected

❑ **Proposal 34:** Provide advisory panel to assist in identifying if a string is related to a geographic term – panel can also help applicant identify applicable govt or PA – or use Geographic Names Panel from 2012 round

❑ **Proposal 35:** Maintain a repository of geonames reflecting terms that govts consider sensitive and/or important as geonames – countries and territories can contribute but it would not require binding action by applicant

❑ **Proposal 36:** Leverage GAC expertise to applicants determine if a string is related to a geographic location and GAC to assist in identifying applicable govt or PA for support/non-objection (if needed)

Proposed ALAC Position / Response

- **Q.e11** – **To Be Discussed, linked to Q.e2**
  ➤ Thoughts on currency codes?

- **Proposal 33** – **agree**, good in principle but can "geographic term" be listed/described exhaustively?

- **Proposals 34, 35, 36, 37, 38** – **agree**, predictability, avoiding of conflicts and simplification of processes and policies are best facilitated by preventative measures, known to all before the process starts, rather than curative ones that make uncertainty prevail long into the process

❑ **Proposal 37:** Require applicant to demonstrate research done on whether applied-for string has a geographic meaning and performed outreach deemed necessary before submitting – supplement existing Geographic Names Panel measures

❑ **Proposal 38:** Applicant required to contact/consult with relevant govt authority and provide evidence of contact/consultation

Topics / Issues for CPWG Discussion

In General

PR #1: Unless or until decided otherwise, maintain reservation of certain strings at TL in upcoming "round(s)"

Q.e1: Asks to share any positive or negative experiences, including lessons learned and areas for improvement in subsequent procedures.

Q.e4: Do we agree with proposed principles:
- In alignment with Principle C 2007 GNSO Rec, program should allow for introduction of new gTLDs
- In alignment with Principle A 2007 GNSO Rec, enhance predictability for all parties
- Reduce likelihood of conflicts within and when application process concludes and TLDs are delegated
- Policies and procedures should be simple to the extent possible

Why or why?

Proposed ALAC Position / Response

- **PR #1** is a status quo position

- **Q.e1** – in general, more predictability is required specifically for terms which may be geonames or have geographic significance but not specifically stated as such in AGB

- **Q.e4** – support application of Principle A, predictability, avoiding of conflicts and simplification of processes and policies are best facilitated by preventative measures, known to all before the process starts, rather than curative ones that make uncertainty prevail long into the process.

Topics / Issues for CPWG Discussion

General Measures to improve New gTLD Program [1/2]

❑ **Proposal 1:** Develop online tool for prospective applicants – to indicate whether a string is eligible for delegation and whether there are issues requiring further action (eg obtaining letter of support/non-objection)

❑ **Proposal 2:** GAC members could assist in identifying applicable govts and/or PAs for obtaining letter of support/non-objection)

❑ **Proposal 3:** If govt support/non-objection required, provide mediation services to assist if applicant disagrees with response received

❑ **Proposal 4:** Establish program to heighten awareness of govts and others regarding gTLD program so they will be more likely to seek or support application for relevant geographic name.

❑ **Proposal 5:** Where letter of support/non-objection is required from relevant govt authority, establish a deadline by which govt must respond to request, failing which non-response is taken as non-objection

❑ **Proposal 6:** Once a gTLD is delegated with an intended use that is geographic in nature, all other variations and translations of this term are unconditionally available for application by any entity or person. Objection procedures could potentially still apply.

Proposed ALAC Position / Response

- **Proposal 1** – **agree**

- **Proposal 2** – **agree**

- **Proposal 3** – is this necessary? Does it encourage gaming? Would failed mediation lead to endless disputes, formal DRPs?

- **Proposal 4** – **agree**, this should be undertaken through Program pre-launch marketing/outreach and far before launch

- **Proposal 5** – **agree**, a deadline would prevent unreasonable delay to application moving forward, but effective notice is a must

- **Proposal 6** – **against**, this does not make sense

General Measures to improve New gTLD Program [2/2]

Proposal 7: Alternative approach where:
- Proper notice to be given to each relevant govt or PA by applicant, with no requirement to obtain letter of support/non-objection,
- Total reliance on curative mechanisms to protect geonames
- Each govt or PA has defined opportunity to object based on to-be established standards, with right to object expiring after set time
- Objections filed through one of the existing objection procedures or a variation
- A set of standard would need to be established to determine what constitutes a relevant govt or PA
- Approach could apply to all or some of the categories of geographic names included in 2012 AGB

❑ **Proposal 8:** If applied-for string is confusingly similar to a geographic term that requires letter of support/non-objection, should requirement be extended to applied-for string? (eg. common misspelling of a geoname)

❑ **Proposal 9:** At the end of the registry contract period, a govt entity has option of becoming engaged and can add provisions to contract that specifies conditions rather than there being an assumption that the contract will be renewed

❑ **Proposal 10:** A TLD associated with geography should be incorporated within the jurisdiction of the relevant govt and subject to local law

Proposed ALAC Position / Response

- **Proposal 7** – we favour preventative measures by requiring letter of support/ non-objection
  ✓ But useful to have a set of standard to determine what constitutes a relevant govt or PA, especially for city names

- **Proposal 8** – yes

- **Proposal 9** – not in favour, although good in principle, difficult to implement since conditions would be subject to negotiations; possibility of negotiations breaking down impacts end-users if registry contract ends prematurely

- **Proposal 10** – good in principle, but is it possible to mandate this?

Action Items

◉ Further questions at this point?

◉ Wish to provide input?
  ➢ Start an email thread on cpwg@icann.org; or
  ➢ Post input on wiki @ https://community.icann.org/x/kAP_BQ

◉ Penholders to update slides incorporating summary of deliberations from this call, comments via mail list etc and circulate updated slides before next call

Want to join the CPWG and participate in this At-Large policy-making opportunity?

Contact our Staff Support Leads:
Heidi Ullrich <Heidi.Ullrich@icann.org> or Evin Erdoğdu <evin.erdogdu@icann.org>

Thank you