

Terms beyond the 2012 AGB rules with geographic meaning shall be subject to a contact obligation with the relevant public authorities, in order to put them on notice.

Commented [1]: Some discussion that ICANN/Panel could handle notification process.

For the application of the above mentioned rule only the following terms will be considered as being "terms with geographic meaning":

- Adjectival forms of country names (country names to be identified from the ISO 3166-1 list) and/or other terms with geographic meaning, as notified by GAC Members states or other UN Member states to the ICANN Organization within a deadline of 12 months following the adoption of this proposal. In such notifications the interested countries must provide the source in national law for considering the relevant term as especially protected;
- Interested countries would provide relevant contact details with said notification;

Commented [3]: we may strike "public policy" if this helps to find a compromise

Deleted: or public policy

Commented [4]: we may add that ICANN Org maintains a public database of the terms notified by interested countries

Applicants for such a term will then be under an obligation to contact the relevant country. That contact notification (by the applicant to the relevant public authority) must happen, at the latest, in the period between applications closing and reveal day, but an applicant may choose to notify earlier than this. There is no further obligation whatsoever arising from this provision and it may not be construed as requiring a letter of non-objection from the relevant public authority.

Commented [5]: The rationale of this proposal by Jorge has been:

"... on allowing for an early contact between applicants and interested countries. This, by itself, would probably avoid many conflictual situations, as applicants will be early aware of the interests of the relevant country, while countries will be notified well in advance of the plans of the applicant..."

However, notifying applicants after they've filed their application will not decrease conflictual situations since changes to applications are not possible.

Why not sending out notifications during the application window?

Commented [6]: Some questions about whether the context of the TLD should matter.

Commented [7]: Some discussion about adding language that clarifies that these new protections do not constitute the creation of new rights.

Commented [8]: Some word-smithing suggestions to avoid possible confusion between GAC/UN member states notifying ICANN Org and applicants notifying relevant government/public authority.....

Applicants for such a term will then be under an obligation to contact the relevant country. That obligation to contact must be fulfilled, at the latest, prior to reveal day. Nothing in this provision shall be construed as requiring a letter of support or non-objection from the relevant government or public authority.

Suggested text considering all inputs (Susan, Paul, Katrin, Justine) so far (Jorge August 27, at 14:00):

Proposal.

Applications of strings regarding terms beyond the 2012 AGB rules with geographic meaning shall be subject to an obligation of the applicant to contact the relevant public authorities, in order to put them on notice.

Affected Strings.

(a) Exact matches of adjectival forms of country names (as set out in the ISO 3166-1 list), in the official language(s) of the country in question. The adjectival forms of country names shall be found on the World Bank Country Names and Adjectives list (World Bank List).

(b) Other terms with geographic meaning, as notified by GAC Members states or other UN Member states to the ICANN Organization within a deadline of 12 months following the adoption of this proposal. In such notifications the interested countries must provide the source in

national law for considering the relevant term as especially protected; The list of notified terms shall be made publicly available by ICANN Org.

Contact details of interested countries.

Interested countries must provide relevant contact details to ICANN at least three (3) months in advance of the opening of each application window.

Obligation to contact interested countries.

Applicants for such a term will then be under an obligation to contact the relevant country. Said obligation to contact must be fulfilled, at the latest, in the period between applications closing and reveal day, but an applicant may choose to notify earlier than this.

Said obligation to put on notice the relevant country may be performed in an automatized fashion by ICANN Org, if the applicant so wishes.

No further legal effect.

There is no further obligation whatsoever arising from this provision and it may not be construed as requiring a letter of non-objection from the relevant public authority. Nothing in this section may be construed against an applicant or ICANN Org as an admission that the applicant or ICANN Org believes that the Affected String is geographical in nature, is protected under law, or that the relevant government has any particular right to take action against an application for the TLD consisting of the Affected String.