

# Work Track 5 meeting



11 September 2019

# Agenda

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1. Welcome/agenda review/SOI updates (5 minutes)
2. Closure of discussion on Additional Categories of Terms Not Included in the 2012 Applicant Guidebook (25 minutes):
  - a. Review results of the poll
  - b. Decide whether to close the discussion
3. Closure of discussion on Non-Capital City Names (25 minutes)
4. Final review of public comments - Proposals on Change to Scope of Protections/Restrictions (20 minutes)
  - Covered in the public comment summary document beginning on page 32: [https://docs.google.com/document/d/1rsyxCEBd6ax3Rb\\_w1kms\\_E9n29XL1\\_lw3Yp9XQ4TeCY/edit?ts=5ce64d6d#](https://docs.google.com/document/d/1rsyxCEBd6ax3Rb_w1kms_E9n29XL1_lw3Yp9XQ4TeCY/edit?ts=5ce64d6d#) [docs.google.com].
  - For reference, full text of comments is available at: [https://docs.google.com/spreadsheets/d/1WKSC\\_pPBviCnbHxW171Zlp4CzuhQXRCV1NR2ruagrxs/edit#gid=543808477](https://docs.google.com/spreadsheets/d/1WKSC_pPBviCnbHxW171Zlp4CzuhQXRCV1NR2ruagrxs/edit#gid=543808477) [docs.google.com]
5. How to present WT5 recommendations to the full WG (10 minutes)
6. AOB (5 minutes)

# Welcome/Review Agenda/SOI Updates

Agenda Item #1 (5 minutes)

# Closure of Discussion on Additional Categories of Terms Not Included in the 2012 Applicant Guidebook

Agenda Item #2 (25 minutes)

# Status

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- ⦿ Following extensive discussions on recent calls regarding additional categories of terms not included in the 2012 AGB, the Work Track co-leaders felt that it would be helpful to gather some additional input from the Work Track on one remaining proposal under consideration. The proposal focuses on an Early Reveal Process for adjectival forms of country names.
  
- ⦿ Purpose of the straw poll:
  - Gauge whether there was interest amongst the whole WT5 to pursue this any further.
  - Allow those that had not been able to join last week's meeting and other recent calls to have a say.
  - Allow those who may not feel comfortable speaking directly on the calls to provide their perspective.
  
- ⦿ The straw poll is an additional data point and is not intended to give any definitive answer on this issue.

# Reminder: Proposal on Early Reveal Process (1/2)

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Proposal. There should be an Early Reveal Process, which is an opportunity for national governments to receive early notification about particular applications so that they can take whatever steps they wish to take.

Affected Strings. 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, shall be subject to the Early Reveal Process described below. The adjectival forms of country names shall be found on the World Bank Country Names and Adjectives list ([World Bank List](#)).

Purpose. The purpose of the Early Reveal Process is to provide early notice to relevant national governments regarding new gTLD applications for exact matches to adjectival forms of country names found on the World Bank List.

Notification by National Governments. Interested national governments must provide relevant contact details to ICANN at least three (3) months in advance of the opening of each application window.

# Reminder: Proposal on Early Reveal Process (1/2)

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Notification to National Governments. As soon as possible after, but never before, the close of each application window , but no later than 1 month after the close, ICANN Org should reveal relevant applied-for terms and applicant contact information to those national governments who provided contact information.

Notice by ICANN. ICANN Org will provide notice of the Affected Strings to National Governments who timely submit their contact information. There is no obligation for applicants arising from this Early Reveal Process to seek a letter of consent/non-objection from the relevant public authority.

No Legal Effect. 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.

# Poll Results

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- ③ 30 responses to the poll were received. 22 responses indicated acceptance of the proposal on adjectival forms. 8 responses indicated that the respondents could not accept the recommendation.
- ③ Respondents were members of a range of SO/AC/SG/Cs. Most responded in their individual capacity.
- ③ Some of those responding have been vocal participants in recent meetings while others appear to be providing their opinion on this issue for the first time.
- ③ Those who accepted the proposal and provided comments indicated that they did so in the spirit of compromise, that they wanted to see some form of meaningful output from Work Track 5, and that while a relatively small measure, this appeared to be a possible common denominator.
- ③ Those who did not accept the proposal and provided comments indicated that this appears to be a solution without a clear problem, that there is not sufficient rationale for why this particular category would be singled out for this specific treatment, that it is not possible to respond to the poll in a vacuum, that this new requirement may open the door to future expansions of rules.
- ③ One response flagged that the proposal focuses on adjectival forms of country names in the country's official language and that "The adjectival forms of country names shall be found on the World Bank Country Names and Adjectives list (World Bank List)." However, the World Bank list is in English.



# Topic Closure

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- ⦿ The co-chairs and staff will analyze the different input on this issue based on on-line meetings, email lists, f2f meetings and the result of the poll and see if there is possible to recommend a change for status quo.
- ⦿ If the Work Track is able to come to an agreement to put forward this recommendation, this is the only recommendation Work Track 5 will make on the topic of Additional Categories of Terms Not Included in the 2012 Applicant Guidebook.
- ⦿ If the Work Track is not able to come to an agreement to put forward this recommendation, the Work Track will not make a recommendation on this topic to the full Working Group.

# Closure of Discussion on Non-Capital City Names

Agenda Item #3 (25 minutes)

# Status and Closure

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- ⦿ Two proposals have been discussed by the group on recent calls:
  - The first proposal seeks to provide clarification with respect to a particular type of string, .brands.
  - The second proposal provides a list of city names for which a letter of support or non-objection is required if the applicant intends to use the string primarily for purposes associated with the city name.
- ⦿ While there are a few members who have expressed strong views on these proposals, there does not appear to be broad support for making either proposal a recommendation.
- ⦿ If the Work Track does not agree to any specific changes on this topic, it will recommend to the Full Working Group that the 2012 AGB status quo remain.

# Reminder: Proposal 1

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Amend the text in AGB 2.2.1.4.2 part 2 on non-capital city names by adding the [blue text](#).

Additional amendment suggested by another WT5 member is included in [red](#).

2. An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.

City names present challenges because city names may also be generic terms or brand names, and in many cases city names are not unique. Unlike other types of geographic names, there are no established lists that can be used as objective references in the evaluation process. [However, applicants may find it useful to review the 2017 UN Demographic Yearbook Table 8 to find a list of city names with more than 100,000 inhabitants as a reference point](#) <https://unstats.un.org/unsd/demographic-social/products/dyb/documents/dyb2017/table08.pdf>. Thus, city names are not universally protected. However, the process does provide a means for cities and applicants to work together where desired.

An application for a city name will be subject to the geographic names requirements (i.e., will require documentation of support or non-objection from the relevant governments or public authorities) if:

1. It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name. [For the avoidance of doubt, if an applicant declares in their application that they will 1. operate the TLD exclusively as a dotBrand; and 2. not use the TLD primarily for purposes associated with a city sharing the same name, then this is not a use of the TLD for “purposes associated with the city name”; and,](#)
  2. The applied-for string is a city name as listed on official city documents [\[or set out in national legislation designating the place as a city\]](#).
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# Reminder: Proposal 2

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Amend the text of the AGB by adding the [blue text](#).

Additional amendment suggested by another WT5 member is included in [red](#).

City names present challenges because city names may also be generic terms or brand names, and in many cases city names are not unique. [However, established lists can be used as objective references in the evaluation process.](#)

An application for a city name will be subject to the geographic names requirements (i.e., will require documentation of support or non-objection from the relevant governments or public authorities) if:

(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name, [and](#)

(b)(i) The applied-for string is a city name as listed on official city documents, [or](#)

(b)(ii) The applied-for string is a [\(non-capital\) city name as \[defined pursuant to applicable national legislation or as\] listed](#) in <http://unstats.un.org/unsd/demographic/products/dyb/dyb2015/Table08.xls>[\[unstats.un.org\]](http://unstats.un.org).

# Final Review of Public Comments - Proposals on Change to Scope of Protections/Restrictions

Agenda Item #4 (20 minutes)

# Public Comments: Proposals on Changes to Scope of Protections

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- In deliberations of the Work Track, members put forward proposals to either increase or decrease the scope of protections in the Applicant Guidebook.
- These were included in the Initial Report when it went out for public comment along with a number of other proposals on other topics.
- A summary of public comments on these proposals begins on page 32 of the [public comment summary document](#).
- Elements of these proposals have been discussed in the context of revisiting the draft recommendations as well as broader discussions in the Work Track.
- Public comments reflect that there is a mix of perspectives in the community on the different proposals – some in favor and some opposed to each, similar to what the co-leaders have observed in WT discussions.
- At this stage, the co-leaders do not anticipate that re-reviewing the proposals will lead to agreement in the Work Track on specific changes. Members have had an opportunity to raise if there are any points that they think need to be considered further, but none have been raised.
- Absent any new facts or considerations that need to be discussed, this issue will be closed.

# How to Present WT5 Recommendations to the Full Working Group

Agenda Item #5 (10 minutes)



# Work Track 5 Outputs

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- ⦿ Work Track 5 is concluding deliberations.
- ⦿ Once the Work Track has finalized its recommendations, these will be sent to the full Working Group for consideration and consensus call.
- ⦿ The leadership team is developing a draft document containing Work Track 5's outputs.
- ⦿ The focus of the document will be on the recommendations, the rationale for the recommendations, and any issues that the Work Track would like the full Working Group consider further. It will be more concise than the Initial Report.
- ⦿ Drafts will be shared with the Work Track for input.

# Any Other Business

Agenda Item #6 (5 minutes)