

All,

On the call on Wednesday, I would like to focus only on protections at the top-level to see if we can find consensus within the group on the GAC proposals. Below, I have laid out the GAC proposal along with the Questions we have been discussing. For each question, I have laid out what I believe are the options available to us to recommend. There may be other options I have not thought of, so the first order of business for each question is to discuss whether there are any other options available and to document those. Then, we will discuss the pros and cons with respect to each option and the merits associated with them. If people want to express their opinions as to which option they prefer on any question, that would be great. If not, and there is no pressure to pick an option on this call, I will put these questions out for a period of 10 days to get you to weigh in with the selection of an option. These will then be documented in a report to the Council.

I hope to do the same with the second level protections, although the issues are more complex and there are a lot more options. Granted, there is also more time before we need to finalize the second level protections.

Finally, I would like to discuss timing for an update to the Council and the GAC in February in preparation for the Costa Rica Meeting. In Costa Rica I would propose having the following sessions to address this issue:

1. A meeting of just the Drafting Team during the GNSO weekend in Costa Rica
2. An update to the GNSO Council during the GNSO weekend
3. A meeting with the GAC during the GNSO weekend

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Question 1. How should the Olympic and Red Cross/Red Crescent Terms be Treated in the Current Application Round

GAC Proposal

At the top level, the request is to protect the Olympic and Red Cross terms like the words “test” and “example” in the Applicant Guidebook (Section 2.2.1.2), extending those terms to multiple languages and receiving consideration during the String Similarity review. Right now, these terms (in not every language) is in the section entitled “Strings Ineligible for Registration” and would not invoke String Similarity Review.

- Option 1: Recommend no changes to Guidebook and reject GAC Proposal. This means that the names set forth in 2.2.1.2.3:
 - a) Are not considered “Reserved Names”
 - b) Applied for strings are not reviewed for similarity to the names in Section 2.2.1.2.3.
- Option 2: Treat the terms set forth in Section 2.2.1.2.3 as “reserved names” under Section 2.2.1.2. This means that:
 - a) the names are not available as gTLD strings to anyone; and
 - b) applied-for gTLD strings are reviewed during the String Similarity review to determine whether they are similar to those in Section 2.2.1.2.3. An application for a gTLD string that is

identified as too similar to a Reserved Name will not pass this review.

- c) Like other applied for gTLDs not passing String Similarity Review, there is no appeal.
- Option 3: Treat the terms set forth in Section 2.2.1.2.3 as “modified reserved names” meaning:
 - a) The names are available as gTLD strings only to the International Olympic Committee, International Red Cross and Red Crescent Movement, as applicable.
 - b) applied-for gTLD strings are reviewed during the String Similarity review to determine whether they are similar to those in Section 2.2.1.2.3. An application for a gTLD string that is identified as too similar to a Reserved Name will not pass this review.
 - c) Like other applied for gTLDs not passing String Similarity Review, there is no appeal.
 - Option 4a – Same as Option 2, except there would be an appeal process for those organizations that can demonstrate legitimate rights to the “reserved names.” Appeal mechanism TBD.
 - Option 4b – Same as Option 3, except there would be an appeal process for those organizations that can demonstrate legitimate rights to the “modified reserved names.” Appeal mechanism TBD.

Are there any other options?

Question 2. Should the protections set forth in Question 1 apply to languages in addition to those set forth in the chart in Section 2.2.1.2.3? If yes, which additional languages?

- a) Option 1: No, just the languages set forth in the Applicant Guidebook
- b) Option 2: Accept GAC Proposal stating asking for protection in “*multiple languages* - all translations of the listed names in languages used on the Internet.”
- c) Option 3: Extending protections to other languages, but a subset of languages.

Are there any other options?

Question 3. Should the Protections in Questions 1 and 2 apply to subsequent gTLD rounds?

- a) Option 1: Yes, it should apply in all future rounds
- b) Option 2: No, it should only apply to this current round.
- c) Option 3: It should apply in this current round with no decision on subsequent rounds. We should evaluate the results of this initial round, document lessons learned, and then decide on recommendations on subsequent rounds based on the results of the evaluation.

Are there any other options?