

# Webinar on Geographic Names at the Top Level

Presentation by the GAC WG Protection of  
Geographic Names in new gTLDs

25 April 2017

# GAC Durban Communique (July 2013)

## *“Refine the rules for next gTLD round”*

For geographic names which are NOT in the AGB 2012 lists

*“The GAC recommends that ICANN collaborate with the GAC in refining, for future rounds, the Applicant Guidebook with regard to the protection of terms with national, cultural, geographic, and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.” Durban Communique, IV (7).*

# Working Group Objectives (from the WG's Draft Terms of Reference)

- The objective of the GAC Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs is to review and consider any necessary improvements to the existing protections by:
  - Developing practical options that are aimed at improving protection of geographic names during any future expansion of gTLDs.
  - Developing practical suggestions and rules to lower uncertainties both for the governments, communities and also for the applicants, once using a geographic or community name.
  - Developing best practice rules to avoid misuse of geographic and community names as new gTLDs and at the same time lowering uncertainties for the applicants, trademarks and the business involved.
  - To ensure the involvement of local community, Government and other relevant stakeholders in the initial stage to avoid future risks and delays for such new gTLDs applications.

# “Proposal under discussion on a future agreed framework for terms with geographic significance”

The GAC Working Group is discussing a draft proposal to create a future agreed framework for terms with geographic significance. At ICANN58 in Copenhagen, the Working Group decided that the proposal could not be the basis of Working Group consensus, but governments would seek to potentially revise the proposal to achieve consensus. The proposal, as initially circulated, included the following elements:

- *A repository of terms with Geographic significance to be maintained by ICANN.*
- *Governments, public authorities add relevant lists and/or terms to the repository.*
- *Effective public consultation requirement: opportunity to raise any concerns about any such strings.*
- *Contact obligation: In case of a match or a confusingly similar name, applicant would be obliged to contact the relevant government, public authority , etc.*
- *No objection requirement: Applicant would be required to obtain a non-objection statement from the respective community and government*
- *Dispute resolution process in cases that a non-objection is not obtained.*
- *Documentation obligation.*

# Divergent Views on the Draft Proposal

## AGAINST

- Any given string may have multiple legitimate uses and meanings, including without geographic significance
- Ex-post solutions are always preferential
- Suggests that there is a de facto legal right to certain terms
- Harm to legitimate commerce
- Impractical and overly burdensome to applicants
- Unclear legal status of such repository

## IN FAVOR

- Important to avoid future complexities and litigation
- Repository based on the existing reliable resources and gradually be further filled-in on concrete standardized parameters so that it may be considered as one of most authentic and useful resources, including UN / WIPO Sources.
- Work based on the experience of the past and trying to limit the damages.
- Repository is good, as long as it promotes an inclusive participation.
- The repository provides the applicant with a “bona fide” protection and sufficient guarantee to proceed

# *Comments?*

## *Interested in our work?*

### *Want to review our documents?*

- Participate in the WG and GAC plenary sessions in ICANN meetings (they are open!)
- Review all the documents produced by members of the WG on the GAC website:
  - GAC WG Draft ToR (<https://gacweb.icann.org/pages/viewpage.action?pageId=43713215>)
  - About Public Interest (<https://goo.gl/EXh9Qx>)
  - Protection of GEO names background document (it was open to public comments)
    - Public Comment Summary (<https://gacweb.icann.org/display/gacweb/Summary+of+community+input>)
  - Presentations

Do not see them on the ICANN Website? Send an email to:

[gacsec@gac.icann.org](mailto:gacsec@gac.icann.org)

Many thanks!!      Muchas gracias!!