

Michelle DeSmyter:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 2 Legal/Regulatory Issues call on Thursday, 14 September 2017 at 03:00 UTC for 60 minutes.

Michelle DeSmyter:Agenda wiki page:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_9hkhB&d=DwIFaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbpSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwehFBfjrsjWv9&m=5NatGh4BgZA-POFAy6_OCDhu0lujKGTXeD3PaGBRxN8&s=m9SERfdwoFfC7OYAUL1PMT4uutjgeC0FJpMWB8jgUt4&e=

Jeff Neuman:Will we get to 15 participants?

Michael Flemming:I'm only logged in on my phone so that must be an imposter me

clo:sorry I am on my mobile phone we have lost landline phone lines it seems

Michael Flemming:closed generics

Michael Flemming:not registrant protection

Justine Chew:Do we know if Jannik Skou represents any stakeholder group? Is his (potentially) the only comment from a non-commercial group?

Kristina Rosette (Amazon

Registry):https://urldefense.proofpoint.com/v2/url?u=https-3A_www.linkedin.com_in_janniskou_&d=DwIFaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbpSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwehFBfjrsjWv9&m=5NatGh4BgZA-POFAy6_OCDhu0lujKGTXeD3PaGBRxN8&s=7P8M-7KHhx0V1gwYTqvHlka9lz6RjFyVq44wSBjev9M&e=

Emily Barabas:Jannik Skou SOI:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_display_gnsosoi_Jannik-2BSkou-2BSOI&d=DwIFaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbpSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwehFBfjrsjWv9&m=5NatGh4BgZA-POFAy6_OCDhu0lujKGTXeD3PaGBRxN8&s=lqd0D43VH3ffCkNyAb-sCHJQB1XremYoXE9QTBz-zUw&e=

Justine Chew:Right, thanks. Then his is not a "community" comment.

Justine Chew:@Jeff, yes that's what I wanted to get at. Thanks.

Justine Chew:@Avri, thanks for the clarification.

Heather Forrest:Norway

Jim Prendergast:I agree we need to ask the GAC to clarify. I don't think anyone wants to try and interpret what the GAC says

Heather Forrest:International law requires that jurisdictions protect signs (including generic terms) that have acquired distinctiveness.

Justine Chew:Yes, TM protection also based on classes of goods/service.

Michael Flemming:yes distinctiveness

Trang Nguyen:Implementation of GAC Category 2 Advice (exclusive access) can be viewed at:

https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_applicants_advisories_gac-2Dcat2-2Dadvice-2D19mar14-2Den&d=DwIFaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWG1BLwwwehFBfjrsjwV9&m=5NatGh4Bgza-POFAy6_OCDhu0lujKGTXeD3PaGBRxN8&s=qqu2ivanYpgfctUra76x5wU_C32cuItbRXSKNby4apE&e=

Heather Forrest:Yes - context is a significant part of consumer recognition

Trang Nguyen:There were 12 applicants that stated that it was their intent to operate exclusive access registries. ICANN asked those applicants to provide a response for how the proposed exclusive registry access serves a public interest goal.

Trang Nguyen:I can't recall how many of the 12 ultimately decided to stay exclusive access. Let me do some checking.

Justine Chew:Fine balance between "changing goal-posts" and "moving forward with the times".

Kristina Rosette (Amazon Registry):did everyone else just lose audio or just me?

Michelle DeSmyter:Jeff, we are not able to hear you

Justine Chew:Lost audio

Jim Prendergast:hung up instead of unmuting

Jim Prendergast:dialing back

Jeff Neuman:Thanks Jim. Let us know when you are back in

Michael Flemming 2:Our decisions can allow for paths that back track to 2012 applicants

Cheryl Langdon-Orr (CLO):no audio in

Cheryl Langdon-Orr (CLO):sorry Aug winds playing havock....

Cheryl Langdon-Orr (CLO):Hard to hear

Michael Flemming 2:Thanks Jeff, gotta drop

Trang Nguyen:Of the 12 that initially indicated they will operate as exclusive registries, 7 withdrew, 1 obtained a Spec 13 (FOOD), the remaining 5 signed the RA, which includes Spec 11.

Spec 11 has a provision that says: "Registry Operator of a "Generic String" TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person's or entity's "Affiliates" (as defined in Section 2.9(c) of the Registry Agreement). "Generic String" means a string consisting of a word or term that denominates

or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others."

Trang Nguyen:sorry about that copy/paste

Trang Nguyen:Of the 12 that initially indicated they will operate as exclusive registries, 7 withdrew, 1 obtained a Spec 13 (FOOD), the remaining 5 signed the RA, which includes Spec 11. Spec 11 has a provision that says: "Registry Operator of a "Generic String" TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person's or entity's "Affiliates" (as defined in Section 2.9(c) of the Registry Agreement). "Generic String" means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others."

Trang Nguyen:Sorry, that should say remaining "4"

Trang Nguyen:The 4 are .GROCERY, .DVR, .DATA, .PHONE

Justine Chew:@Trang, thanks, useful info.

Emily Barabas:Full comment from NORID is available here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_spreadsheets_d_1tcWZt1bdoYH7vJl2Yi9G0jah7Qzyh_qU99tXnl3qV0rc_edit-23gid-3D1963024039&d=DwIFaQ&c=FmY1u3PJP6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWGlBLwwwhehFBfjrs_jWv9&m=5NatGh4Bgza-POFAy6_OCDhu0lujKGTXeD3PaGBRxN8&s=VZSMgalZMo--OttD8W15b-trWEbbjscQZ7aknhV_l4E&e=

Trang Nguyen:Safeway's GROCERY was withdrawn. The one that was delegated is from Wal-Mart.

Heather Forrest:None, thank you Jeff

Kristina Rosette (Amazon Registry):Good night.

Justine Chew:Thanks!

avri doria:bye