

# New GTLD Subsequent Procedures PDP

## Work Track 5

### WT5: “Geographic” Names

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# New GTLD SubPro WT5 “GeoNames”

## What is “Special” About WT5?

- Started recently (end of 2017), more than 18 months into the New GTLD SubPro PDP (concludes subsequent to WT’s 1-4 as well). Goal: WT5 initial report by end of summer, final report by end of Q1 2019.
- WT5 created in response to pressure mainly from governments to restrict use of words that have a “geographic” meaning.
- Structured Differently: Co-Chairs from all 5 Supporting Organizations & Advisory Committees
  - Concession to other SO’s and AC’s who are dis-satisfied that GNSO makes GTLD policy under ICANN Bylaws
  - GNSO Policy Development (PDP) Process and GNSO Operating Rules Still Govern WT5
  - Open to everyone – structured to include broader participation than just GNSO
- Intended to harmonize multiple simultaneous efforts at ICANN to address the same policy issue.
- Focused on Top-Level domains only, but there is concern that WT5 will set expectation and precedent for rules at second and other levels.

# New GTLD SubPro WT5 “GeoNames”

## Scope of Work Track 5

1. Work Track 5 will focus on developing proposed recommendations regarding geographic names at the top level, including both ASCII and IDN forms. WT5 will:
  - (i) consider **what constitutes a geographic name** in the specific context of the New gTLD Program;
  - (ii) analyze (a) 2007 GNSO Policy Recommendations on the Introduction of New Generic Top-Level Domains; and (b) relevant rules contained in the 2012 Guidebook, such as the Geographic Names Review procedure, Geographic Names Extended Evaluation, and Objection Procedures; and
  - (iii) take into account previous work related to geographic names that the community may have completed.
2. Broader discussions about the remit of SOs and ACs, as well as the allocation of second and third level geographic domains are specifically out of scope for this Work Track.

*(From WT5 Terms of Reference)*

# New GTLD SubPro WT5: Progress and Status

- Terms of Reference approved by WT5 membership on 17 January 2018
- Very early in PDP's examination of issue (so get involved – join WT5 today)
- Focus on **definition** of “geographic” name? And what is appropriate handling of “geographic” names in GTLD process? Balance competing legitimate interests over use of words.
- Some govts have proposed very broad definition of “geographic” names that includes words that are not “geographic” in meaning
- How broad of a definition to go? Slippery slope of restrictions on speech.
- Countries, regions, continents, cities, states, mountains, lakes, streams, creeks, gulfs, basins, fjords, seas, oceans, deltas, air port codes, currency codes, language, cultural, religious words

# New GTLD SubPro WT5: Opportunity for GNSO Cooperation

- **Legal Rights to “GeoNames” Do Not Exist** in International Law.
- Risk of **Subjugation of Existing Legal Rights** to Newly Created “GeoNames” Rights  
Trademark rights, freedom of expression rights, etc. could be “over-written” by rights that do not exist in law.
- GNSO’s **“Raison d’être”** is GTLD policy (chipping-away of GNSO authority wrt GTLD policy).
- **Private-sector led** GTLD policy (commercial and non-commercial interests, individuals).
- ICANN **risks credibility** by creating rights to words that do not exist in internationally accepted legal frameworks, (e.g., Treaties) and conflict with existing legal rights to use words in names.
- **Join WT5 Now!** It is just getting started; NOW is the time for influencing this critical policy’s development (which inevitably sets precedent for other issues down the line (“sensitive”, “religious”, or “cultural” words, etc.).