ICANN
Transcription
reconvened IGO-INGO Protections in all gTLDs PDP Working Group on Red Cross Names call
Thursday, 15 February 2018 at 14:00 UTC

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Coordinator: Recording has started.

Julie Bisland: Thank you so much. Well good morning, good afternoon and good evening everyone, and welcome to the IGO INGO PDP Working Group on Red Cross Names call held on Thursday, the 15th of February, 2018.

On the call today I have Stéphane Hankins, Heather Forrest, Osvaldo Novoa, Chuck Gomes, Thomas Rickert, Avri Doria and Jeff Neuman. I have apologies from Christopher Lamb and Ken Stubbs. And from staff I have Berry Cobb, Dennis Chang, Steve Chan, and myself, Julie Bisland.

I would like to remind all to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. And with this I'll turn it over to Thomas Rickert, please begin.

Thomas Rickert: Thanks very much and good morning, good afternoon, good evening to all of you. I'd like to welcome all of you to this 90-minute call of the IGO INGO Reconvened group. And let me, you know, we've done the roll call already. If

there are more participants that join please make yourself heard if you are just on the audio bridge. And if you are in the AC room we'll add you automatically to the list of attendees.

Berry has thankfully written up an agenda and circulated this. Are there any requests for changes to the agenda? I don't see any hands or do I hear anyone wants to speak. Then let's just check whether there are any updates to statements of interest. And again I will pause for a few seconds to give you the opportunity to speak. So that doesn't seem to be the case as well. And that allows us to move to the first agenda item and that's a quick recap of the working group activities.

And I think that Berry has prepared a little bit for that so he has raised his hand conveniently so over to you, Berry.

Berry Cobb: Thank you, Thomas. Berry Cobb for the record. So, yes, this is just to give us a recap of where we came from. Our last meeting was I believe at the end of November or early December. During that last session we basically had continued deliberations around the – creating the definitive list. And I think as a further recap up to this point the working group has more or less reached agreement that the Red Cross National Society identifiers will acquire reservation protections for those identifiers.

And then of course the second part per the GNSO Council instructions is to develop a definitive list of what those identifiers would be across I believe what is now 192 national societies.

From that last call staff had presented a kind of a spreadsheet to help log all of the various identifiers mostly for the fact that after this group has created its report, gone through a public comment and that there's consensus around the recommendations for the protection of these identifiers, the intent of the spreadsheet is hopefully to expedite at some point when they are implemented and this is handed over to GDD for implementation that this

definitive list will not require any extra review or any deliberations within the IRT about the list so that it can essentially – can – these identifiers can be extracted and run through the algorithm to create the actual DNS labels that would then make up the Specification 5 list which is an XML file that the registries could implement to block all of these various names or prevent from registration.

There were two components or actions coming out of that call. First, over onto the right in the Notes pod to the lower right is a working list of categories that define the variants; essentially, you know, we're starting off with what is called the formal – or official name of the National Society has is essentially supplied by the IFRC once they have approved or adopted the creation of a National Society. And then the second, third, fourth and fifth components are categories of variants that will help define the common or usual names of the National Societies as well.

So for instance, the use of a definite article of "the" the third is that some of these strings would include the use of Society or not; the fourth being the language which is English plus the official language or languages; and then the fifth in some cases the country designation as well.

The second output from the call was mostly an action for Stéphane and the Red Cross representatives and that was to create an initial example of National Societies on a route to getting to this overall definitive list. When I first sent the agenda at that time Stéphane had supplied I believe eight National Societies. Late last week he sent an updated version that now contains 12 national societies. And the idea there was to help the working group identify how National Societies are requesting the variations of their identifiers and to help the working group formulate this list of categories that define those variants.

So Stéphane has done that and the latest spreadsheet was sent to the list. In between that time I happened to be out in Geneva for the IGF and I met with

Stéphane at the Red Cross offices so that he has a better understanding of how to fill out the spreadsheet as well. And that was a very productive session to make sure that, you know, we were getting closer to what our target deliverable would be. And then as I said, since then these examples have been provided to the working group for review.

So essentially the rest of this call is going to be reviewing the example that was provided and hopefully as we deliberate about the examples we can still further refine the variant categories as we have listed over to the right and then once we review through that then we can move onto the next parts of the agenda.

So, Thomas, if you don't mind I'll just go ahead and take us into Agenda Item Number 2, which is to review the spreadsheet.

Thomas Rickert: Please do.

Berry Cobb: Great, thank you. All right so probably – I'm sharing a PDF version of the 12 National Societies that Stéphane had submitted to the list it's a pretty big printout or PDF so it's probably going to be difficult for you to follow exactly within the Adobe Connect room. If you are having difficulties following I'd recommend just opening up the spreadsheet yourself that was sent last week.

But in essence I'll just quickly talk about the structure of this and then I'd like to just highlight a couple of – not really issues but some things that we'll need to take into consideration as this definitive list evolves. And I'll talk about those pretty quickly and then Stéphane, I'd like to turn it over to you, and I think it would be informative for the group for you to explain how it is that you and your team are interacting with the National Societies to come up with all the possible variants for protection.

So – and typical Berry form, as you know, I love spreadsheets and this is set up so that across all of the columns is helping to identify the actual identifiers for each one of the National Societies, Column 1 being the English version and Columns 2, 3, 4 and 5 are the national languages or official languages of the National Societies and then the last column just being an indication of what languages are being covered per that National Society.

So the intent here again, I think staff had presented several meetings ago is to kind of create a chain of custody so that we have a proper inventory that goes back to – or connects back to the official or formal name of the society which happens to be Column 2. So Column 1 is the count; Column 2 is the National Society, and then Column 1 and subsequent columns are there to help identify what the common or usual names of those societies are.

In each row is expanded so for example Row Number 1, which is American Red Cross that being the formal or official name of the National Society, and then there are child rows embedded to the right which are the possible variations that I discussed based on the categories we have defined thus far and then of course continuing over to the right again are the official language or languages that are recognized.

So now I'm just going to quickly highlight, and this is mostly for Stéphane's information as he continues on this work, but there are a couple of items I'd just like to highlight to him, and Stéphane, we can certainly go offline to these in more detail. But moving down into Row 2, which is Argentine Red Cross, I'll note that Column 2 where it has – I'm sorry, Column 3 that has the English version of the variations there are a few that do not have an official language being listed to the right. And I'm not sure if there is – if that's intentional or if that particular society still needs to complete that. But I think we need to have kind of an understanding about some of the blanks to the right.

The same kind of the – occurs with Azerbaijan, for example, its first item, Azerbaijan Red Crescent Society, has a translation over to the right which is

in Azerbaijani, but the rest of the fields are left blank which kind of means that there's no translation for these other variations. And again, I just think we need to have an understanding of why that's the case.

But what I wanted to start to bring to everybody's attention is the last row within Azerbaijan Red Crescent Society is at the very bottom is kind of the more generic form of Red Crescent. And the reason why I've highlighted it in red is mostly because this particular example contains characters that will not show up as a DNS label. And so we'll need to talk through this offline, Stéphane, but it'll be helpful that as this definitive list matures that we try to omit characters in these formal or official names and common or usual names that don't include these particular types of characters, so that's just one aspect that I'd like highlight there.

Secondarily, as I mentioned with the couple of the previous examples for the British Red Cross Society, we have a list of seven English versions of that society name but only four of them contain a translation in Welsh. And so again, we'll just need to understand if that's purposefully intended to not include those translations and the like.

Secondarily, as I kind of mentioned like with Azerbaijan, Row 7, the Red Cross Society of China there's – included is a forward slash, which is a separation between Society and Association. Again, that would be a character that wouldn't be converted into a DNS label and so we just need to be – have an understanding of what the intent and the use of that is. So for example would it be Red Cross Society as one string, or Red Cross Association as a secondary string? Or are they meant to be together? So that's just another example where we need to get some clarity on.

And I think the rest that it have highlighted in red are kind of just a repeat of the examples that I've mentioned about the DNS label. And I see one other thing that I will mention then I'll address Jeff's comments in the chat, for example, the Netherlands of Red Cross, these examples include comments

that are specific to that particular identifier. And I think what might be helpful is that if we create an additional column for just comments because again the original intent of having these particular columns is that it's an easy export of these strings so that they can be converted to the DNS label, the algorithm.

And so speaking of the algorithm, Jeff, to your comments below, essentially what the process is, and just to remind the group, is once this definitive list has been finalized and the working group agrees to the definitive list and it's passed onto the GNSO Council for approval, then over to the Board for approval, essentially what GDD staff will do is take an export of Columns 3-6 that have all of the English versions plus the official language versions and essentially create it into a text file or a CSV file.

That file is then run through an algorithm and that algorithm will account for spaces. So the first thing that'll happen, so for example, Dutch Red Cross, that string will have the spaces removed and collapsed Dutch Red Cross into a DNS label. It will also put in dashes between Dutch and Red and Red and Cross as another variation to that string.

And in any example where the conversion of this human readable name to a machine readable name or DNS label, as Jeff noted, if it exceeds 63 characters it'll basically be tossed out because that is the limit of a DNS label in of itself.

And so those are the three primary components of the algorithm. Obviously capital letters of the DNS label are not – are not relevant so capitalization would be removed. And there's a couple other smaller aspects to this algorithm that I don't think is for example periods would be removed and some of those aspects. But in general that's kind of the crux of the algorithm and the way that it works.

So again, just to kind of recap on this, our action from the last working group was to at least have 10 but now we actually have 12 Societies to kind of

review from. And I'm going to turn it over to Stéphane in just a second so that he can talk about the process by which he engages – he and his team engage with the Societies, maybe he can also talk about some of the challenges that he has or if anything kind of give the group a sense of how long it would take to get to the definitive list across the 192 Societies. And then from there then we can continue on in the agenda to look at confirming if our starter list of categories for variations is workable, whether we need to add to it or edit what we currently have and we can go from there.

Oh and, yes, Jeff, so, yes, that's a good point. So all of the strings that are identified in this list will convert the foreign language or the non-ASCII character examples into Punycode according to the accepted language tables, that is my understanding.

So, Stéphane, if you can please just give the group, like I said, a high level overview of the process, any challenges you think you might be facing – or thirdly, maybe just kind of – give us a general idea about how long you would think that it might take to get to the final definitive list of the 192. Please go ahead. Thank you. Stéphane, if you're speaking we can't hear you. Stéphane, we're still not hearing you, if you are speaking.

And Julie is just mentioning in the chat that doesn't seem he has audio. And Stéphane is typing. So we'll give it just a second while they work on the audio. Does the group have any questions about what they see in front of them as it states right now while we get Stéphane up on audio?

Right, hearing and seeing none, while – again while Stéphane is trying to get up on audio I'll go ahead and kind of slightly talk about – next step is with what we have today, you know, it's clear that this is going to take some time to get to a formal definitive list and so something that the working group should consider is how can we efficiently get to our end deliverables so…

Stéphane Hankins: Hello, can you hear me?

Berry Cobb: Yes, Stéphane, yes. Please go ahead.

((Crosstalk))

Stéphane Hankins: Yes, I can hear you. Can you hear me?

Berry Cobb: Yes, sir. We can hear you loud and clear.

Stéphane Hankins: Okay. Can the group hear me?

Chuck Gomes: Yes.

Berry Cobb: Yes, we can.

Stéphane Hankins: Yes, I'm in the Red Cross Red Crescent conference. Stéphane Hankins. It's a bit urgent because they're waiting for me to speak. Yes.

Julie Bisland: I think he might be calling in.

((Crosstalk))

Stéphane Hankins: Hankins. H-A-N-K-I-N-S. I'm actually in the Adobe Connect already. Thank you. Yes. Thank you. Thank you. Hello? Hello?

Berry Cobb: Hi, Stéphane. We can hear you.

Stéphane Hankins: I'm very sorry. I've had one of these technical problems and everybody is running around trying to help. I'm sorry for this.

Okay so I have listened in so I've heard Berry's introduction and thank you for that. So good morning, good afternoon to all. Okay so – as I mentioned, I heard what Berry would like me to comment on so I will try to do that now. So

indeed we have proceeded along the lines that I think I had introduced in the past which is we have worked together with a selection of national Red Cross Red Crescent Societies to ask them based on the criteria that we had agreed upon to provide lists of designations, identifiers which they feel would be legitimate to protect and to reserve.

So we – as I would do for the 191 National Societies we sent out a message to them with an explanation of the process and of the criteria which we have been discussing. And then they submitted names and then we had a conversation and at times indeed I had to explain sometimes in some detail, you know, the constraints also on the process and on the lists that we should be providing.

So this has taken quite some time because we were trying a least for the mockups really to do the best job we could so that, you know, this could be understood and according to what different criteria that we had mentioned. So a few comments perhaps to some of the dilemmas that we face, and there were several because of course the question of official languages, for example, raises a number of questions of its own.

There were certain National Societies which are in this list which had indicated for example that they have minority languages as in the case of Sweden, they have five or six minority languages and so we explained that you know, the reservation should be reserved to official languages. In the United States the concept of official language does not, as far as I'm told or understand, does not exist. And the submission from the American Red Cross was names in English as well as in Spanish due to the commonly used names of the National Society in Spanish.

Other types of questions I listed also in my last message, there were different questions also with regard to the – branches of National Societies or some of their substantive branches. And there also we had to make a selection in for example in the case of the Belgian Red Cross, the way it is structured and

the – which is in line with the composition and organization of the Belgian state was in – insisted that we would also reserve the names of their linguistic communities. And we have not included territorial branch names in any other instance and we don't really intend to. But in this particular case because of the insistence and the particular political context in Belgium it was included.

So there are a number of different issues that came up. Sometimes it was related to the commonly used names of the National Society, another example is that in several languages, and there are other National Societies in that situation, the National Society is known in its national language by the words "Red Cross" in the national language rather than, you know, the full name of the society or with the adjective indicating national affiliation. J

So it's the case for example of the Kenya Red Cross which I eventually did not include because I was missing some elements, but for example in Swahili the Kenya Red Cross is known by the words "Red Cross" in Swahili. And there I think you know, when that will come forward and it has come forward for the Nordic – the National Societies in the Nordic countries, we would propose to – we propose to add the word "Red Cross" in national language.

That in effect is in any case by interpretation also an application of the protections accorded under international law anyway because the words "Red Cross Red Crescent, Red Crystal," the designations as such are protected – they are being protected only in the six UN languages by principles. This is what has been agreed. But we will have I think certain – a certain number of National Societies which will require the words "Red Cross" on their own to be included.

What I've just described has indeed implications for the template which Berry shared with us and which we tried to fill in for the 12 submissions we have sent. The agreement is as far as I have understood is the names would be protected in English for all national Red Cross Red Crescent societies and

then in national languages or in other national languages where English is not a national language.

So indeed as Berry has described, there is the first column with the words in English to which we have tried to stick to the criteria including notably the article – including the names of the National Societies with the word "Society" or without the word "Society" and so – if you take the Argentinean Red Cross case, this is the second one, so if you look through you see on the – in English we detailed together with the National Society all the different variations according to criteria.

Now, the Argentinean Red Cross did not, you know, insist that – or, you know, that we necessarily replicate in the Spanish language column everything that, you know, came out from the criteria agreed to English. So I – so that's something that explains why, you know, sometimes in the English column we have a longer list than in the national language column.

But again, in my understanding and in our past discussions that we have had I believe the understanding was that we would protect the names in English and we defined criteria for that. We protect the names in English for all National Societies in light of the fact that, you know, English is the primary language on the Internet and that indeed if a risk of fraud exists it would be likely to be the case in English for maximum impact.

So that's for – to try and explain why indeed for certain National Societies, you know, the English and the other national language columns are not necessarily identical. For the Chinese Red Cross it's the same, you know, the notion of – or for certain languages the notion of definitive article does not exist in national grammar rules.

As for, you know, other questions and interrogations that Berry presented in his introduction – can you hear me? Hello?

((Crosstalk))

Berry Cobb: We can still hear you, Stéphane.

Stéphane Hankins: Okay, just checking that I'm not speaking in the emptiness. Okay, so in – where was I? I'm sorry, I can't remember where I was. But in any case, what we again what we will or what we want to do is really, you know, to reference the criteria to National Red Cross Red Crescent societies in different context and then ask them to provide us with their return and then we will – we would make a determination and then share it with Berry and with the group when we're ready.

In regard to timeline, which is a question that Berry raised, because I was waiting for this conversation to take place, I haven't yet sent out the request to all National Societies nor to all ICRC delegations around the globe, which we will ask them – which we will entrust with following this up with the National Societies. This is going to take some time. I'm – as soon as we have this conversation and we agree or, you know, on what is possible and you know, whether, you know, the mockups are acceptable or not, then I will make this ask and write to all.

In terms of timeline, if the past experiences is any indication what we submitted the very first list of National Societies names, this is not something that is necessarily easy to do. Last time around we had quite a lot of issues of getting the names in a workable format, in an ASCII format, we were getting the names in national languages, in PDF for – for the (names) and so on. So it's going to take a little bit of time.

My expectation is – and I will set a deadline of two weeks but my expectation is that it would – it will presumably take a month or more. So this is a little bit what I wanted to mention. I don't know if any of this was – if all of this was clear. So I don't know if there are any questions or that you would want to ask

me before Berry opens the floor for a broader conversation. Thank you very much.

Berry Cobb: Thank you, Stéphane. I'm actually going to go ahead and turn this back over to Thomas to carry on with the rest of the agenda. I think we both articulated kind of the introduction of where this chart stands and, you know, what it would take to get to the 192. Thanks.

Thomas Rickert: Thanks very much, Berry, and thank very much, Stéphane for showing us through the chart. Are there any questions with respect to Stéphane's explanation? So I don't see any hands raised. Jeff has a few questions and made a few points in the chat which I think have been responded to.

I think what I would like to do and probably we can adjourn early and don't need to exhaust the full 90 minutes, so I guess from what I heard and saw there are two things that I would like to discuss with you. One is that Stéphane asked for the protection of Red Cross and Red Cross only. And I think that's a deviation from the mandate of this reconvened group to only look into the National Society names. So let me check with you whether you are – you agree with me that we would be – or that it would be problematic to expand the scope of the protections.

So let me pause here for a second and see whether there are any comments on that and then I will go to the second point that I would like to discuss. Stéphane, please.

Stéphane Hankins: Okay. I don't know if others want to speak first, it's also possible. Yes, what I can mention here is that the point I'm trying to make with this question of, you know, the words or the names Red Cross in national language is that in my understanding and I think that is also the case of, you know, several of the National Societies we had this detailed discussion with where the name in national language Red Cross is commonly used to identify the National

Society then that denomination falls within the category of commonly used names.

As you will recall, what we have agreed is that the names would be protected in their official version as they appear notably within the National Society recognition act law or decree in the domestic legal order or when the actual statutes or constitutional-based texts of the National Society. That's the official side.

And then there's the commonly used name question. And here, you know, there are different you know, there are different cases. There are certain National Societies which official name includes, you know, the definitive article (were) for example, other National Societies that do not have that.

Some National Societies have within their commonly used – within their official name the word "Society" but they're commonly known by a name that does not include the word "Society." The British Red Cross Society, for example, is the official name; British Red Cross is the commonly used name.

Now for me, you know, if in a national language, you know, the National Society is known by the words "Red Cross" and it's relatively common or where the words "Red Cross" are part of the official logo of the National Society, at least the case for several of the National Societies in Nordic countries like Sweden, Norway is a place that use and their logo in the national language, in Norwegian, for example, they just have the Red Cross and then they have it beside it they have the Red Cross in Norwegian.

That to me, you know, requires consideration in the sense that that's, you know, very clearly a commonly used name. And I have in mind the Kenya Red Cross case because I had conversations these past few days. You know, it was assured to me that the Kenya Red Cross in Swahili is only known by the words "Red Cross" in Swahili and not, you know, in the Swahili

language at least. So I think that, you know, for that reason, you know, that falls into the criteria of commonly used names.

Thomas Rickert: Thanks very much, Stéphane. I think I have a little bit of difficulty not in terms of protections but from a procedural point of view because if there's one thing that the cochair or any cochair of a PDP in ICANN should be concerned about its process. And we have the consensus policy that already covers the protection of the term "Red Cross" and augmenting that protection via this reconvened PDP working group that has a very limited and you know, precise mandate to open up (unintelligible) of these protections (unintelligible) I find it problematic at least.

But let's please hear other views. So Jeff is typing, "Under the scope of our work, we have the right to recommend the protection of the commonly known names. If we do then so long as it is clearly defined and the list is specifically delineated I'm okay provided that the commonly known name is not an acronym."

So let me pause for a second with more views on that.

((Crosstalk))

Thomas Rickert: So that doesn't seem to be the case. And I think building on what Jeff said and that's a view that I do share. I think, Stéphane, we need to be very cautious that when you present the list to this reconvened PDP that list will be part of our final report and our recommendation, and I think that the Council as they've announced when we last presented the status update, will take a very close look at the scope of protection.

So I think whenever there is a specific case where the term "Red Cross" or any other term that is already covered by the consensus policy that has been adopted by the Board, you need to offer an explanation why this is the case.

Stéphane Hankins: Yes.

Thomas Rickert: So I would really caution against making the term "Red Cross" a commonly used name for all languages, right, just, you know, exaggerating it but just to illustrate the case because that would certainly lead to questions and pushback.

So I think if you proceed with the production of the list and if you stick to the criteria that we have – that we have defined, and if you avoid expanding the list to what might be perceived as trying to get a second bite of the apple, which I think you do not want, then I think we should then discuss the second topic…

((Crosstalk))

Stéphane Hankins: Thomas. Thomas. Thomas.

Thomas Rickert: Yes, Stéphane.

Stéphane Hankins: May I just say a word on that?

((Crosstalk))

Stéphane Hankins: Before you move to the next point?

Thomas Rickert: Please do.

Stéphane Hankins: Yes, I've just opened the Website of the Swedish Red Cross, for example, and, you know, their logo is a Red Cross with the words "Röda Korset" which is the words Red Cross in Swedish. I think what we had discussed in the past is indeed that you know, if we had what would appear is exceptions to make to the criteria we agreed, then we would require to submit, you know, evidence. And I'm, you know, I understand fully what you're saying that, you

know, we shouldn't and we cannot afford also to give the impression that we're suddenly, you know, expanding, etcetera.

But I think as far as I'm concerned, you know, for example if the logo is the way it is which is, you know, it includes the words "Red Cross" only in Swedish, that to me, you know, is evidence of a commonly used name or, you know, the fact that the National Society is commonly known by this name. It's almost more important than, you know, to have the words in Swedish without, you know, the word "Swedish."

So I don't know whether the group would be in agreement, but indeed if we – if we come across or we're – we come to the – to asking for, you know, something that, you know, might be questioned, I think we can commit, you know, to provide – to provide you with evidence. I mean, it's complicated process and, you know, it's a lot of time of work but I think that's something that, you know, we could – if it's possible for the group to agree to then, you know, we would commit to submit evidence. Thank you.

Thomas Rickert: Thanks very much, Stéphane.

Greg Shatan: This is Greg Shatan. I'm on audio only. Can I get in the queue please?

Thomas Rickert: And it's your turn. Over to you, Greg. Welcome.

Greg Shatan: Thank you. Sorry to be a bit late, I've been listening for a while though. I would caution against using logos as an example for commonly used names. If the words that we're choosing to protect here only appear as a, quote, commonly used name, in the logo, then I think it really – that's what would be called a composite mark where the parts exist as a whole. And kind of picking apart I think will get quite a bit of pushback, it's kind of an anti-dissection rule in trademark law and I think we'd similarly look at it this way as to whether here's evidence of it as a commonly used name.

I would say at some level in some way the term "Red Cross" is probably used in – without anything else, but that does not make it the commonly used name, you know, people call me all sorts of things but I wouldn't say that my commonly used name is anything other than Gregory or Greg; I would now say that (Greq), for instance, is my commonly used name, although there are people who call me that for some reason.

So I think by commonly used name I think we were looking more toward kind of the – trying to avoid being overtly kind of corporate and using a name that's kind of the official name but that nobody – or that – but that is much less used than the name that is used in common everyday communication. But I don't think the logo counts as such so if there are text-only examples that show that it's regularly and commonly used that's one thing. But I have a strong negative reaction to using the logo as any evidence of common usage of the name standing on its own. Thanks.

Thomas Rickert: Thanks very much. And, yes, let's see whether there are more comments on this. So Jeff and Greg seem to be aligned. And I think it's pretty much in line with my thinking as well. And Heather is just adding a plus two to this. You know, my reservation is that we need to be very cautious to have a clear demarcation between what we're doing here and what's already been approved as a consensus policy. And on Red Cross we have the UN six languages, right, and expanded the scope beyond that might already been seen as a violation of our limited mandate or as mission creep.

I think that, you know, maybe we should keep this in the notes that combined marks or (unintelligible) marks as Greg said, should not be used or limited to the word part of logos because that will lead us to difficult territory. If there is a commonly used name that's equal to the term "Red Cross," I think we might be able to defend the case. But let's not go into the direction of logos. That would be my recommendation. And let's hear Berry and then ask for opposition to go that route as I'd like to end this part of the discussion. Berry, over to you.

Berry Cobb: Thank you, Thomas. I think staff confers, you know, mainly from a procedural aspect here given the limited scope of this group. What I do offer as a way forward is as Stéphane and his team continue to collaborate with the different cities let's not disallow the fact that they may have the use of these more common names of the Red Cross or Red Crescent. They can be entered into the list here as we see it and we can at least get an idea once the – all the 192 societies have been identified or been collaborated with.

And when the working group reconvenes after reviewing this entire list we can see at least how prominent this might be and they can easily be removed from this list just from a procedural standpoint that it is out of scope. But then we can at least have an idea and it might even give Stéphane an idea about how the different societies view themselves. So it wouldn't be – I guess my point is it wouldn't be difficult for us to remove these from the definitive list keeping true to our procedural aspect, and depending on the size and scope of the use of the more common – or the more official short name, you know, that can be information that can be sent back to the Council and perhaps, you know, it can be addressed from a different policy perspective. Thank you.

Thomas Rickert: Berry, I guess that's a good suggestion. So let me now ask, Number 1, whether the group or anyone in this group objects to us confirming that protection should not be based on word parts of logos. And that the creation of the list should stick to the criteria that we have previously established. So let me pause here for a second to see whether there objections. That does not seem to be the case. And, Stéphane, do you want to speak now to the proposal that Berry made?

Stéphane Hankins: Yes, I just want to clarify one point which is I – my point was not to say that the words that are associated to, in this case the cross, the crescent, in logos should be protected for that reason; that wasn't at all my point. My point was that, you know, to identify commonly used names and to justify their protection we need to find some form as evidence. And, you know, I was just

mentioning this as a form of evidence, because the National Societies I've quoted whether it's the Swedish Red Cross, the Norwegian Red Cross, the Finnish Red Cross or others, they are known by the words "Red Cross" in their national language.

So, you know, and I'm – I find it, you know, a little bit difficult to, you know, to assess common usage or common practice – it's complicated unless, you know, we were to carry out a survey and bring it forward and say, well, you know, the Finnish Red Cross is known by the words "Red Cross" in Finnish in Finland, you know, unless we have a survey and we're not going to – I'm probably not going to be able to provide that.

You know, I'm trying to find ways to provide – it was certainly not my point to say that, you know, it extracts from the logo or parts of the logo as such but based on that criteria, that wasn't the point. Thank you.

Thomas Rickert: Thanks very much, Stéphane. Yes, let's see…

Greg Shatan: This is Greg. If I could get in the queue please?

((Crosstalk))

Thomas Rickert: Sure, let's – let me just read out what Chuck has said. "Let's not forget to address Jeff's earlier point about what we do with any already registered names. I don't think that it's a hard problem because processes have been used to deal with such situations in the past." So that's a good point, Chuck.

And let's now move to Greg, please.

Greg Shatan: Thanks. You know, just to put a point on it, I think the issue is that the logo should be given no evidentiary value so whether it's – so the fact that it wasn't proposed because of its mere existence in the logo is okay, but it was proposed as a piece of evidence. So the point of my earlier intervention was

that it should not be seen as evidence and that the evidence should be seen only where the words used are used standing on their own as such.

Secondly, and I think the broader issue is that there is – starts to be a feeling of boot-strapping or coming through the back door to try to protect Red Cross as such in every language or every language where one could make any sort of credible claim that it's used as such. I think the idea of the common name was not to use every variation that might be used. There is a general disfavoring of reserved names in ICANN especially for reasons other than technical reasons such as name collisions and the like.

So we have to, you know, go to a higher bar here in terms of what we allow. And this just does – if we want to succeed in our joint work here we can't make it seem as if we are providing essentially a door through which every translation of Red Cross standing on its own can be considered to be a commonly used name and thus a reserve name. Thank you.

Thomas Rickert: Thanks very much, Greg. And, yes, I tend to agree with Greg's assessment, which basically links in basically with what he has said previously. Let me pause for a second to see whether there's any change to the level of those who want to object against this interim result and a couple minutes, there was nobody objecting with taking stock that way.

Okay, so I think we have an answer to that question. The second point that I wanted to discuss is a procedural one and that is how we move forward with this whole work. As you will recall we have presented to the Council our idea of framing our recommendation in a way of a formula that would allow for populating the list based on the formula at a later stage, which would have allowed for this group to wrap up even before the list is created.

The GNSO Council was quite firm in its response saying that they would likely not accept anything that falls short of providing the Council with a finite list of names that shall be protected. And I think we now have two avenues.

We can either try to, let's say, provide the formula and attach a list for example based on – or consisting of the 12 examples that we've discussed today to illustrate to Council how a finite list would be composed and what it would likely look like.

That has a risk to it namely the risk that Council will push back and say, well, we're not going to accept this because it's not the finite list that we've asked for. So that is Option A, which could potentially allow for us to finish our work early; but it has the risk of being criticized by Council and handed back to the reconvened PDP working group to do more work.

Option B would be to hibernate this group until such time when Stéphane comes up and his colleagues, I should say, come up with the finite list that the GNSO Council has asked for. And we would then review what we've been provided with, apply finishing touches if necessary, wrap up our final report, including a finite list and present that to Council.

And I think that I'm inclined to recommend we should use Option B and hibernate the group for a time span that Stéphane deems appropriate for finishing the work of producing the list because that would save us the trouble of potentially having an additional feedback loop and additional work of writing and then rewriting our final report and recommendation. We would nonetheless combine this with giving an update to the GNSO Council plus the wider ICANN community about why we're pausing this work at this stage and when the work will likely be finished in the light of Stéphane's estimate of time.

So I have presented to you now two options on how to proceed. Let me now ask for comments on these two options and ideally you would give me an indication of which of these options you prefer. Berry, is that a new hand?

Berry Cobb: Yes, sir. Berry Cobb for the record. I'd just like to kind of tack onto the second option that you mentioned, Thomas, that while the working group is in

hibernation mode that maybe on a monthly or – probably a monthly basis that Stéphane and his team send a status of their work to the list so that we can just at least kind of track, you know, how far things have progressed and getting to the full 192 National Society names.

That'll also allow the group to review what has been done and, you know, in terms of the identification of some of these variations so that if for some reason something does appear that seems outside of the boundaries we've identified with this formula for variations, you know, the group can be made aware of it and if need be we can come out of hibernation to talk about it. Thank you.

Thomas Rickert: Thanks very much, Berry. I guess that's a good addition with the reporting and thanks for the additional remarks. Any further views? So Heather writes, "Option 2 with Berry's monthly update (unintelligible) with the provision that we work to (unintelligible) to be able to wind up before the end of 2018."

Any further views? Chuck is now typing so let's wait for Chuck's comment.

Greg Shatan: This is Greg. Could I get in the queue as well?

Thomas Rickert: So Option 2B, I guess B is with Berry's monthly reporting – B for Berry. And, yes, Greg, the floor is yours.

Greg Shatan: Thank you. Greg Shatan for the record. I would also support Option 2 with the Berry amendment – Berry's on top. Thank you.

Thomas Rickert: Thanks very much. Any opposition to proceeding on the basis of Option 2 with monthly reporting? I don't see any red ticks or any other form of objection. So I think that's our way forward. And Stéphane, maybe you said this earlier and I may have overheard it, but can you give us an estimate of how much time it will take you to produce that list so that we can manage

expectations by the GNSO Council, the wider community and not (miss) this group? Stéphane, please.

Stéphane Hankins: Yes, thank you. This is Stéphane Hankins, ICRC. Well first of all I agree with Berry's proposal – Berry's proposal 2B. I think this is a good way to go and I think it's important that, you know, we be able to inform of, you know, any issues that come up and maybe discuss them and that we keep a – also communication line with Berry if, you know, we need to discuss particular issues. I think this is a good way to proceed.

I would only have one comment which is that, you know, we – the agreement if my understanding is correct is that we will produce a list in line with the mockups that we produced and that, you know, besides this issue of the inclusion of the words "Red Cross" in other languages, then, you know, the six UN, other than this question we can – we can – which will remain to be assessed, as Berry said, we will proceed with producing a list on the basis of – on this basis and of the criteria agreed.

I think it's important for us I think to complete this conversation with that agreement because if we mobilize, you know, national Red Cross Red Crescent Societies around the globe and we tell them, you know, this is the criteria that we're working on and then, you know, the criteria is disputed, then, you know, that is – that's not convenient. So I think we do need, you know, to finish this conversation to have also an agreement on this.

As for timeline, well I would say that, you know, to be on the safe side so that we can provide something that, you know, is solid, I think we will try to do it, you know, the soonest we can. But I would say probably that, you know, month and a half is the safest that we can expect for. We'll try to do it before but just in case, you know, we have dilemmas in particular with fonts and questions like this I think we need to have a little bit more time. Thank you.

Thomas Rickert: Thanks very much. Stéphane, did I hear you correctly saying that you need 1.5 months?

Stéphane Hankins: I think it's to be on the safe side. I would hope that, you know, we can provide the list beforehand, but this is Stéphane, but I just – I don't want, you know, to create an expectation and then everybody wait and so on. But in any case, you know, we'll keep you and Berry posted on progress.

Thomas Rickert: Well I – just to be clear I didn't ask for confirmation of 1.5 months because I think it was too long. Assuming the complexity I'm rather concerned that 1.5 months is too ambitious for completion. And if it were only quote unquote, 1.5 months, then I think we don't really need to make this group hibernate. You know, I was rather expecting you saying that you need like six months or so.

Okay, but that means that in response to Heather's point that it will be perfectly possible to end this work before the end of 2018, which is good news. But then I think we don't really need to officially put it to hibernation. But, Stéphane, I would suggest that we give you another week or so to reassess your timing and should you come to the conclusion that you need more time, which would be okay, please let us know and we will either do 2B with the monthly reporting at your estimate is that it will take longer than you estimate now and if you stick to the 1.5 months then we will report to Council accordingly.

I trust Stéphane, that old hand? I think Berry's hand is new so over to you, Berry.

Berry Cobb: Thank you, Thomas. I guess I'd kind of agree that ambitious is an appropriate word because, you know, 192 of these is going to be a monumental task. But I will just note that from what has been dated from a GNSO project list perspective is we've put a target for June or 2018 to have this work wrapped up. Just note that between now and whenever Stéphane and his team

conclude the 192 Societies and return this definitive list back to the working group staff will start drafting the recommendations report for this group.

And in terms of next steps is essentially once we get to the 192 Societies and this definitive list agreed to by the group and that there's agreement from the working draft of the report then we'll need to release this for public comment for 45 days. After the public comment the group will come back and review any comments as it relates to the definitive list or the recommendations, course correct where necessary based on those public comments and obtain final agreement, and then all of this package will be submitted to the GNSO Council.

And so, yes, it would be incredibly awesome if we could have this wrapped up by June, but the critical path is certainly on the efforts of Stéphane and his team. And Stéphane if, you know, please do reach out to me if you need any assistance in terms of questions about, you know, continuing to populate the spreadsheet and the like. Thank you.

Thomas Rickert: Thanks very much, Berry. Stéphane, is that a new hand?

Stéphane Hankins: No, it's not, I'm sorry.

Thomas Rickert: Okay. And there was the question of how to deal with domain names that have already been registered. And a response was given by Berry that they only become reserved at a future time after it (unintelligible) the domain name lifecycle. Let me pause here for a second whether there are any objections to proceeding like that, I mean, there's been a tested approach as to what I would say, the typical approach for dealing with these situations because we can't really take away names from registrants. But are there any objections to hard coding that as a solution to the issue of names that have already been taken into our report?

Berry, is that a new hand?

Berry Cobb: Yes it is. Just to try to make this point clear, so the original working group was these protections apply to all gTLDs and of course when we started the new gTLDs hadn't really been delegated at that point. So, you know, I think in general there's a small chance that, you know, based on what this current list of identifiers and across the 192 National Societies there is a small chance that some of these names will have been registered in legacy TLDs like Com, Net And Org. And again, that's where this procedure of what to do with a name that has already been registered and what will happen with that.

I'd say that there's probably extremely small chance, practically nil but not quite nil that any of these names will have been registered in the new gTLDs, but as I mentioned, for those recommendations that have been approved or adopted by the Board and that the IRT has implemented, that policy has been posted with a policy effective date starting in August of 2018. And there are two procedures to – that are part of that policy which I don't believe this working group needs to make any recommendations on to submit to the Council, but when this traverses – when the adoption of our proposed recommendation traverses over into the IRT, it will just piggy-back off these procedures.

And so the first one, again, is if the name is already registered you know, it will traverse this lifecycle meaning that only when it approaches pending delete would the registry then be required to block it from future registration. And then there's a secondary procedure is that if the Red Cross or any one of these National Societies would wish to register that protected name essentially that procedure means that that interested party would contact the registry directly and have the name blocked – unblocked from registration so that it could be registered to them for use.

So again, those procedures are already accounted for in the existing implementation and I don't think it'll be necessary for this group to worry about those. Thank you.

Thomas Rickert: Thanks very much, Berry. Thanks for the explanation. And let me see whether there are any objections to just putting that into our report as a matter of documentation. I don't see any objections nor do I hear any. And that allows us to adjourn unless I've forgotten anything. Berry, is there anything else that we need to discuss today? All good he says…

Stéphane Hankins: Excuse me. Just…

((Crosstalk))

Stéphane Hankins: This is Stéphane Hankins speaking. Yes, just one clarification because I see there's lots of messages now about the timeline. And I'm a little bit confused. So basically if June is the – is the time at which, you know, we would want – we would want the process to conclude and the working group to close down its work, that means that the list would have to be provided at what time to meet the deadline for the consultation with the ICANN community? What is the – what timeline are we looking at? If it's June then you know, I just want to know a little bit the timeline.

Thomas Rickert: Okay, so my proposal to you was that we give you another week, to reassess the…

((Crosstalk))

Stéphane Hankins: Right.

Thomas Rickert: …that you gave us for the completion of the task. So originally we had planned to wrap this up by ICANN 62 and whether or not we can meet that timeline, if you wish, to complete our work will hugely depend on how quickly you can come up with the finite list. So I would suggest that we satisfy when we can put this out for public comment, etcetera, once we know whether your estimate of 1.5 months stands.

Stéphane Hankins: Yes.

Thomas Rickert: Berry, you want to add to that?

Berry Cobb: Yes, please. So Stéphane, I think to answer your question is if our target date of June 2018 which isn't written in stone, but should that be close to written in stone which really kind of gives you until the end of April to finalize your definitive list which is greater than your 1.5 month estimate…

Stéphane Hankins: Yes.

Berry Cobb: …but if the – if it does take you beyond the end of April to complete the 192 National Societies then that would apply pressure to our June target date. As I mentioned, we'll have to have the interim report complete and this list, it'll take us 45 days to publish for public comment. I don't think we would be able to get approval to shorten that public comment, nor would I recommend it.

And then of course then the group needs to reconvene to review any of those public comments and then adjust the report which would take us, you know, this isn't a very huge scope so I can't imagine that it would take us more than two to three weeks at most to finalize the report and submit it to the GNSO Council. So again, end of April for you to hopefully have the definitive list complete. Thank you.

Stéphane Hankins: Thank you.

Thomas Rickert: Okay so with that I think we can adjourn. I'd like to thank you all for your participation and we will get an update on the list once we've heard from Stéphane. Bye and have a great day. Bye-bye.

END