

**Adobe Connect: 46 Members**

Alan Greenberg  
Alexander Shubert .berlin Mobile  
Alfredo Calderon  
Ann-Cathrin Marcussen  
Annebeth Lange  
Ashley Heineman (US)  
Aziz Hilali  
Barrack Otieno AFTLD (ccNSO)  
Carlos Dionisio Aguirre LACRALO  
Cheryl Langdon-Orr (CLO)  
Chris Casavale - IPC  
Christa Taylor  
Christopher Wilkinson  
David McAuley  
Dessalegn Yehuala

Gnanajeyaraman Rajaram  
Greg Shatan  
Griffin Barnett  
GZ Kabir  
Hadia Elminiawi  
Heather Forrest  
Jeff Neuman  
Jessica Hooper  
Jim Prendergast  
John Rodriguez  
Jorge Cancio (GAC Switzerland)  
Juan Manuel Rojas  
Justine Chew  
Katrin Ohlmer  
Kristina Rosette (Amazon Registry)

Luca Barbero  
Marita Moll  
Martin Sutton (WT5 Co-Lead)  
Matt Johnson  
Maureen Hilyard  
Pascal Bekono  
Phil Marano  
Ricardo Holmquist  
Robin Gross  
Sara Bockey  
Sarah Langstone  
Statton Hammock  
Susan Anthony  
Taylor R.W. Bentley (Canada, GAC)  
Yrjö Länsipuro  
Zornitsa Marcheva

**On audio only:**

Ejieme Egbuogu  
Vernatius Ezeama

Sala Tamanikaiwaimarao  
Bram Fudzulani

**Apologies:**

Jaap Akkerhuis

Darcy Southwell

Olga Cavalli  
Javier Rua

**Staff:**

Julie Hedlund  
Emily Barabas

Heidi Ullrich  
Steve Chan

Berry Cobb  
Fabien Betremieux (GAC Support)  
Terri Agnew

Terri Agnew:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 5 – Geographic Names at the Top Level call on Wednesday, 30 May 2018 at 14:00 UTC for 60 minutes

Martin Sutton (WT5 Co-Lead):Hi Terri, could you hear me?

Terri Agnew:Yes, I can hear you and I am speaking to you

Terri Agnew:I just spoke with Christopher and he could hear me

Martin Sutton (WT5 Co-Lead):I will call back in.

Terri Agnew:Ok

Terri Agnew:@Martin, I am speaking and I confirm I can hear you

Terri Agnew:thanks for confirming

Ricardo Holmquist:Good day everyone

Cheryl Langdon-Orr (CLO):Welcome everyone

Emily Barabas:everyone can scroll for themselves. Yay Adobe!

Cheryl Langdon-Orr (CLO - PDP Co-Chair):slide 2

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Move to slide 4 now...

Terri Agnew:finding the line

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thx Terri

Emily Barabas:slide 5

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Slide 7 now

Cheryl Langdon-Orr (CLO - PDP Co-Chair):back to slide 5 now...

Hadia Elminiawi:yes but if you can raise your voice please it would be better

Jorge Cancio (GAC Switzerland):Agree with Christopher. Besides, as said post-delegation fixes regarding "intended use" are easily gamed, require heavy monitoring and do not address third-party behaviour of e.g. registrants

Alexander.berlin Mobile:The non-geo clause is a disaster in the make

Terri Agnew:Annebeth is on the telephone

jeff neuman:It would help for people to weigh in on this issue. We have 41 participants on this call.

jeff neuman:The chat can be used as well.

Katrin Ohlmer:+1 Jorge - this reflects also what we've seen with the PICs in the previous round

Cheryl Langdon-Orr (CLO - PDP Co-Chair):indeed this is exactly the right time to make suggestions on any changes to the last process that you may wish to consider as a possible recommendation for change

Katrin Ohlmer:PICs will not be enforceable by Governments as they do not have the bandwidth to monitor them regularly

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thx Greg

Alan Greenberg: Given the number of people (often with non-English first languages), on substantive discussions like this, it would be useful to display the specific question.

Cheryl Langdon-Orr (CLO - PDP Co-Chair): Well noted Alan

Heather Forrest: Thanks Jeff - good point

Annebeth Lange: +1, Jeff

Ashley Heineman (US): Use absolutely makes a difference...

Greg Shatan: Dismissing all curative measures as easily gamed, etc., etc., is ridiculous. Curative measures are a fundamental tool of ICANN policy and implementation.

Cheryl Langdon-Orr (CLO - PDP Co-Chair): Thanks Jeff as a reminder we have not as yet got to the stage of the Co-Leads assessing any level of consensus on anything

Cheryl Langdon-Orr (CLO - PDP Co-Chair): Jorge indeed we now need to hear as many views and opinions on matters as possible

Jorge Cancio (GAC Switzerland): co-leads need to take the degree of traction and opposition of the idea of "intended use" across SO/ACs very seriously - hope this is accurately mapped in the document

Greg Shatan: Counting the "squeaky wheels" is not a particularly good way to measure "traction.". I'm sure the co-leads can do their job without coaching.

Cheryl Langdon-Orr (CLO - PDP Co-Chair): I am confident that the Co-Leads will indeed do that Jorge the working document when released should also allow WT Members to reassure themselves that their voice has been accurately captured.

Greg Shatan: In any case, until there's consensus, there's no consensus.

Cheryl Langdon-Orr (CLO - PDP Co-Chair): Thanks Taylor

Hadia Elminiawi: + Taylor

Annebeth Lange: +1 Taylor

Taylor R.W. Bentley (Canada, GAC): Excellent, and let me say that I see a value-neutral process of laying out all the options as a useful step forward to keep things constructive.

Cheryl Langdon-Orr (CLO - PDP Co-Chair): Indeed Talyloe

Ann-Cathrin Marcussen: + 1 for Taylor

Jorge Cancio (GAC Switzerland): Confusion is not key when considering Top Level Domains which are unique - the question is about the scarceness, the uniqueness of the resource, which requires that all interested parties, included the relevant public authorities are at a table at the very start of the process

Kristina Rosette (Amazon Registry): Apologies for being so late. Appointment ran long. I'll catch up after the meeting.

Susan Anthony: If someone wants a TLD, then they should consider applying for that TLD.

Jorge Cancio (GAC Switzerland): @Susan: I guess that that idea presumes that all are at the same level of development when ICANN starts the next round, which is obviously not the case

Robin Gross: Jorge, I'm not following your logic that law doesn't apply at the top level because domains are unique. I think the law still applies - legal rights still apply. Where does it say in the law that TLDs are immune from rules of law?

Jorge Cancio (GAC Switzerland):@Robin?

Heather Forrest:I fully understand and appreciate the principle of having all parties at the table, but it's not clear to me why one party (any one party) would be prioritised over other parties

Jorge Cancio (GAC Switzerland):@Robin local law applies pursuant to the ICANN Bylaws... it appears that in your argumentation to tend to forget that

Robin Gross:Jorge, local law applies locally. International law applies internationally. You are trying to replace international law with local law, and they are distinct and different.

Jorge Cancio (GAC Switzerland):@Robin: I feel that GDPR teaches us how ICANN is complying with what is said in its Bylaws...

Robin Gross:If a govt doesn't even want to apply for something, the idea that no one can because someday a govt might wake up and want it doesn't make sense to people who are engaged in the process.

Jorge Cancio (GAC Switzerland):@Robin: the letter of non-objection is a requirement open to any interested applicant, as the 2012 round showed in worked well in the vast majority of cases

Jeff Neuman (PDP Co-Chair):@Jorge - if it worked, then perhaps the use requirement also worked. In other words, those not intending to use a string that corresponds with a city name in its geographic sense was not required to seek a letter of non-objection. I guess that worked as well?

Robin Gross:There is no reason why other legitimate interests (people with legal rights) should be required to get a letter of non-objection from a party who has no legal rights.

Jorge Cancio (GAC Switzerland):I'm sorry to see that this is being portrayed by some as a zero-sum game, when in fact the letter of non-objection creates a framework for positive sum results, as the 2012 round has shown...

Jorge Cancio (GAC Switzerland):@Jeff: facts would help on that... at least in the case of ".spa" the non-geo intended use was apparently not helpful

Robin Gross:That is your interpretation, Jorge, but many of us do not consider those with legal rights needing to beg for permission from those without legal rights as something that worked with positive results for all.

Jeff Neuman (taking off chair hat):@Jorge - if those not intending to use a string in its geographic sense were required to seek a letter of non-objection, perhaps difficulties would have arisen.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):WT's are focused on top level names

Jeff Neuman (taking off chair hat):@Jorge - not helpful from which perspective

Greg Shatan:@Jorge, that is incorrect re .spa. Please see my email referencing that.

Griffin Barnett:AGree with Robin here...Governments should have the ability to object to applications, just like any other third party, but I don't see any justification for a requirement of applicants to seek non-objection from governments

Jorge Cancio (GAC Switzerland):@Jeff: both for the applicant and the public authorities, as the lack of that requirement meant no prior contact and a protracted conflict... (as in other geoname TLDs where no letter was required under the 2012 AGB)

Jorge Cancio (GAC Switzerland):@Greg: what is incorrect... I guess you did not see the various replies to your email...

Justine Chew:For area 5, apart from improvements in monitoring and enforcement, attention needs to be given to publicize avenues such as PICDRP for users or communities to raise any transgressions by RO of a delegated geo TLD ie intervene as an affected party (who is not a contracted party).

Ann-Cathrin Marcussen:A comment from me - what about those countries in the world that are not part of ICANN and do not have a clue about what is going on with their resources? We must make sure that also their voices get heard.

Jeff Neuman (taking off chair hat):@Jorge - Facts do matter. So I hope the leaders have taken the suggestion on gathering a list of all of the TLDs that have been applied for which match a city name are gathered

Jorge Cancio (GAC Switzerland):+1 Ann-Cathrin

Jorge Cancio (GAC Switzerland):@Jeff: agreed

Jeff Neuman (taking off chair hat):Then broken down by how many are "used" in connection with the city and how many are not

Jeff Neuman (taking off chair hat):how many required non-objection and how many did not

Griffin Barnett:@Ann-Cathrin - governments, like any other stakeholder, must be engaged if they want their voice heard...join the GAC, or participate otherwise in ICANN, if they have concerns

John Rodriguez:We should be mindful that a term can be used in various contexts, including uses completely unrelated to a use associated with a geographic term or name.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Please carefully note everything on slide 9 re the Working Doc

Jorge Cancio (GAC Switzerland):@Griffin: there is a difference between the direct interest in a specific string of a single applicant and the wide array of interests and limited resources, especially for developing countries, to monitor ICANN activities

Robin Gross:What we risk doing here by inventing new "fantasy rights" for govts that don't exist in law, is risking ICANN's legitimacy to govern at all. If ICANN becomes a place where govts can simply "policy launder" their wishes outside from legitimate legal institutions and that subordinate existing rights to these new fantasy ones, ICANN loses legitimacy.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):ICANN 62 slide 11

Jeff Neuman (taking off chair hat):@John - agree. This is why "use" may still be important which is against what was the suggestion by a few at the beginning of this call.

sara bockey:Agree with Robin

Griffin Barnett:@Jorge - other stakeholders share the same limitations in terms of resources and interests; governments are not unique in that respect

Jeff Neuman (with co-lead hat back on):Yes, please note that we are the last session on Thursday...so no leaving early :

Jorge Cancio (GAC Switzerland):Thanks Robin, I'll inform colleagues here in my Government that we have "fantasy rights" ;P

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks Martin and everyone , good progress to day and with the opening of your comments inot the new (yet to be released) Working Document we should start to progress further and faster u to and beyond ICANN 62

Ann-Cathrin Marcussen:@Griffin: Governments can participate in the GAC and make their voice heard there, but ICANN is dealing with the top level resource and that in my opinion means that also stakeholders that do not actively participate must be given the opportunity to take action when their resources are at stake. What is ICANN? A private organisation using scarce resources through a contract. You cannot force small

especially small countries, perhaps developing countries, to know about these complicated processes. There is still digital divide in the world, in my opinion.

Jim Prendergast:sorry but have to jump to another meeting

Jeff Neuman (with co-lead hat back on):All - Clearly GDPR will dominate discussions....please make sure your groups do not discount these discussions. They are very important

Susan Anthony:@Ann-Cathrin: What is meant by "their resources"?

Jeff Neuman (with co-lead hat back on):We have lots of work to do other than GDPR

sara bockey:Need to drop for another call. Thanks all

Jeff Neuman (with co-lead hat back on):I may wear a T-Shirt stating: "I am not here to discuss GDPR"

Griffin Barnett:@Ann-Cathrin - there are 176 Members and 36 Observers in the GAC currently. As I noted to Jorge, limited resources/interest is not unique to governments; if there are issues governments care about they must engage as best they can, just like all other stakeholders

Jeff Neuman (with co-lead hat back on)::)

Barrack Otieno AFTLD (ccNSO):-)

Greg Shatan:@Ann-Cathrin, perhaps the GAC needs to explore how to better inform their stakeholders.

Jorge Cancio (GAC Switzerland):"use" is a concept very tied to trademark law - here we are dealing with a wider policy context, where the uniqueness of the resources at stake is key

Robin Gross:There seems to a conflation of the concepts of having a unilateral right to kill other applications with the right to apply at all. Govts can apply - nothing stops them. What some govts want is the right to kill all other applications - which is different from a right to apply, which no objects to

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks agin everyone, bye for now...

Jorge Cancio (GAC Switzerland):@Griffin: direct tangible interests are clearly easier to organize than diffuse general ones...

Griffin Barnett:And lets not forge tthat "government" is not a monolith - it is intended to represent its governed citizens

Greg Shatan:In this case, we are not referring to "use" in the trademark sense.

Alfredo Calderon:Thank you! for the good work done!

Katrin Ohlmer:Thanks All!

Annebeth Lange:Bye all, and thanks for participation. We encourage everyone to speak at these meetings. We need your input.

Barrack Otieno AFTLD (ccNSO):Thanks and bye

Greg Shatan:But nice try.

Greg Shatan:Bye all.

Griffin Barnett:Thanks for the discussion all, bye

Robin Gross:bye, thanks!

Hadia Elminiawi:bye

Jorge Cancio (GAC Switzerland):Thanks all and bye!