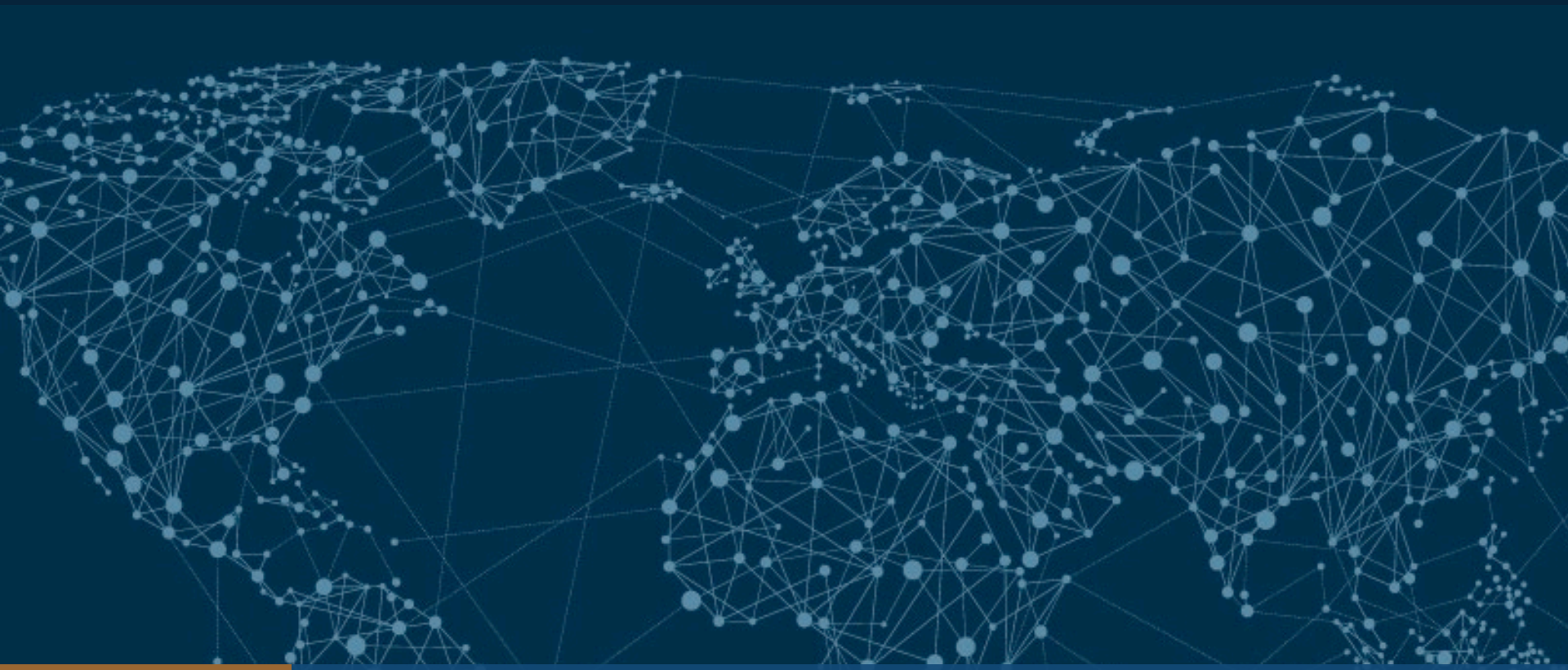


Work Track 5: Geographic Names as TLDs

4th At-Large Capacity Building Webinar

Cheryl Langdon-Orr, PDP WG Co-Chair
Javier Rúa-Jovet, ALAC WT5 Co-Lead

23 May 2018

Agenda

1. Welcome
2. Background to Work Track 5
3. Update from ICANN61 and where are we now?
4. Some Current Discussions
5. AOB

Welcome!

Agenda Item 1

Welcome!

Fourth At-Large Capacity Building Webinar

New gTLD Subsequent Procedures PDP, Work Track 5:

Geographic Names as Top Level Domains

by: Cheryl Langdon-Orr, PDP WG Co-Chair

Javier Rúa-Jovet, ALAC WT5 Co-Lead

Background to Work Track 5

Agenda Item 2

Background

- WT5 focuses exclusively on the topic of geographic names at the top level, including both ASCII and IDN forms.

- WT5 is tasked determine what, if any, changes may need to be made to existing policy. That includes (a) 2007 GNSO Policy Recommendations on the Introduction of New gTLDS & (b) relevant rules contained in the 2012 AGB, such as the Geographic Names Review procedure, Geographic Names Extended Evaluation, & Objection Procedures.

Background

- New gTLD Subsequent Procedures PDP WG Co-Chairs: Cheryl Langdon-Orr & Jeff Neuman

- With a goal of creating a consensus-driven and inclusive outcome WT5 is structured to encourage broad and balanced participation from different parts of the community and includes a joint community Work Track leadership structure (ALAC, ccNSO, GAC, and GNSO):
  - Annebeth Lange (ccNSO)
  - Olga Cavalli (GAC)
  - Martin Sutton (GNSO)
  - Javier Rúa-Jovet (ALAC)

Background

- All truly interested are welcome and encouraged to participate in WT5 as a member (e.g., participate during meetings, send messages on list, etc.) or observer (i.e., receives emails sent to the list).
- Only an SOI is required. Membership in the overall PDP WG is not required.
- Find all important WT-5 info (including links to join WT-5) here:

https://community.icann.org/display/NGSPP/Work+Track+5%3A+Geographic+Names+at+the+Top-Level

Background, ToR has been adopted

- While WT5 is a sub team to the full New gTLD Subsequent Procedures PDP WG, it operates under its own specific Terms of Reference: https://community.icann.org/display/NGSPP/Terms+of+Reference
- Critical elements of the Terms of Reference include:
  - **Problem Statement, Goals & Objectives, and Scope**
  - **Deliverables and Reporting**
  - **Rules of Engagement (e.g., decision-making)**

Background, ToR, Goals & Scope

- **Problem Statement**
  - Acknowledges **strong interest** within the community (e.g., **ALAC, ccNSO, GAC, and GNSO**)
  - Notes need for an open participation model, where participants feel comfortable that the process is **sufficiently inclusive.**

- **Goals & Decision-Making**
  - Goal is to establish a consensus-driven outcome.
  - WT5 is dedicated to the singular topic of GeoNames at top level (right of dot).
  - Consensus calls should always involve the entire Work Track members on the mail list; WT co-leads collectively designate consensus level of particular decisions (Full Consensus/Strong support but significant opposition/No Consensus/Minority View).

Background, Scope

- **Scope - Geographic Names at the top-level only**
  - **Country & Territory Names** (alpha-3 on 3166-1, short and long-form on 3166-1, additional categories in section 2.2.1.4.1 of AGB; translations, permutations, transpositions, separable components, exceptionally reserved strings & commonly known names as evidenced by treaty or int. gov org.) –**currently unavailable as gTLDs-**.
  - **Capital Cities** in 3166-1, city names, sub-national place names (e.g., county, province, state on 3166-2); -**Currently requires support/non-objection from relevant governments or public authorities-.**
  - **UNESCO** region; appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list). **-Currently require support/non-objection from at least 60% of the respective national governments in region-.**
  - Geographic names not in AGB (such as **geographic features** (rivers, mountains, valleys, lakes, etc.) & **culturally significant terms related to geography- no current requirements.**

Update from ICANN61 & where are we now?

Agenda Item 3

Where are we now: *some* objectives & interests

Governments

- Protect national identity + important subnational places
- Avoid confusion between “government/national” TLDs and gTLDs
- Maintain consent/non-objection authority on strings with such protections

ccNSO

- Avoid confusion between ccTLDs and gTLDs and maintain market for ccTLDs

New gTLD applicants

- Expand range of potentially available strings
- Ensure a clear, fair, predictable + timely decision making process
  - Brand Applicants: Enable, protect and use strings that support brand identity, including those that coincidentally match geographically significant terms
  - Peoples/communities associated with a geographic location or feature: should a people/community associated with a non-AGB geoname have rights of 1st refusal or priority evaluation for that string? Is that issue even within WT5 scope or is it WT3?
  - Other concerns: freedom of expression?

Update from ICANN61 (where are we now?)

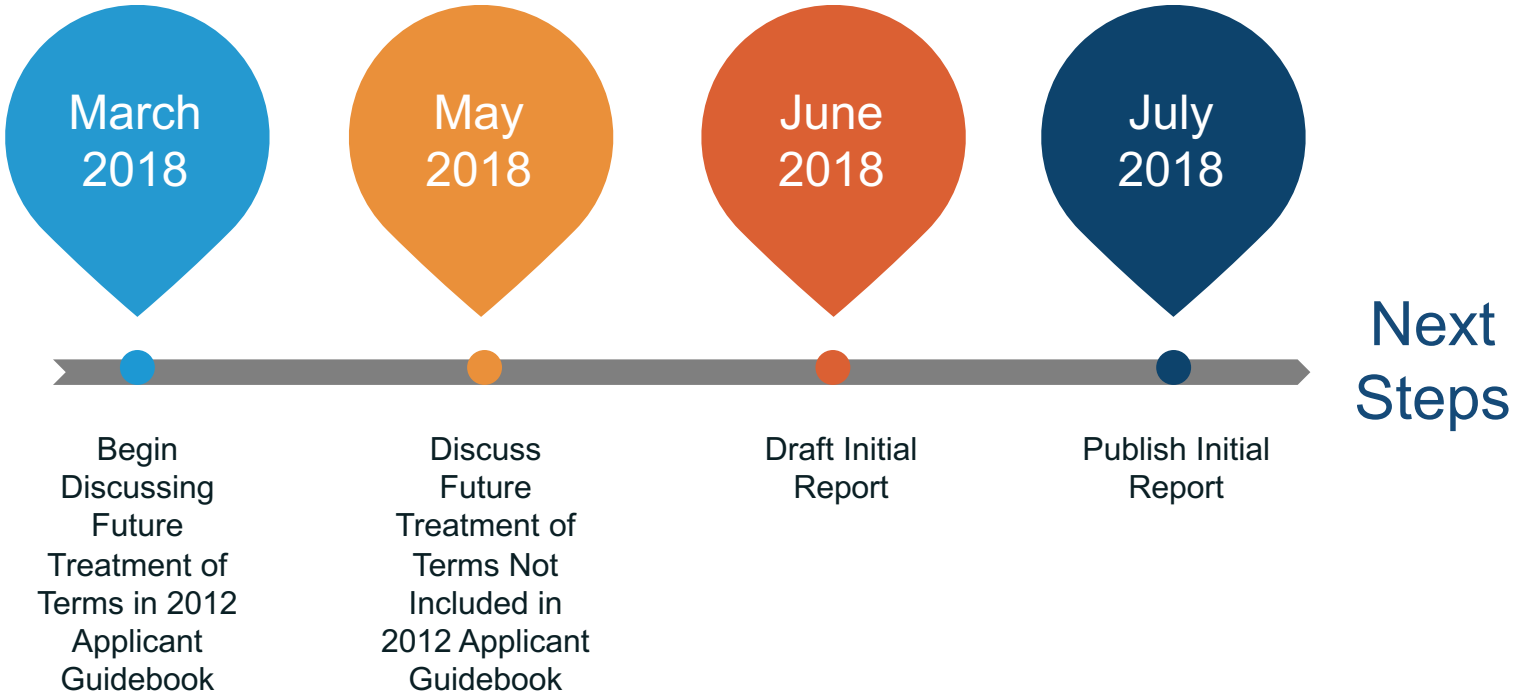
- WT5 held a public session at ICANN61
  - provided a brief background and summary of progress
  - Presented the timeline the group is working towards to deliver an Initial Report in July
  - Some discussion of future treatment of geographic terms contained within the 2012 Applicant Guidebook (AGB).

- Slides, transcript and video stream can be accessed via the ICANN61 Meeting Schedule page - https://61.schedule.icann.org/meetings/647704

- Feedback from the session, and periodic calls has been incorporated into the working document for the Work Track: - https://docs.google.com/spreadsheets/d/1FuPEq0y-cdSUQ1nvhWKhVnG8PLaC2RYXsCpQu91FDqo/edit#gid=358523414

- Some members have raised concerns about the format of the spreadsheet used to track deliberations. **Currently working on a narrative document to facilitate tracking; will be shared soon.**

Work Track 5 Work Plan



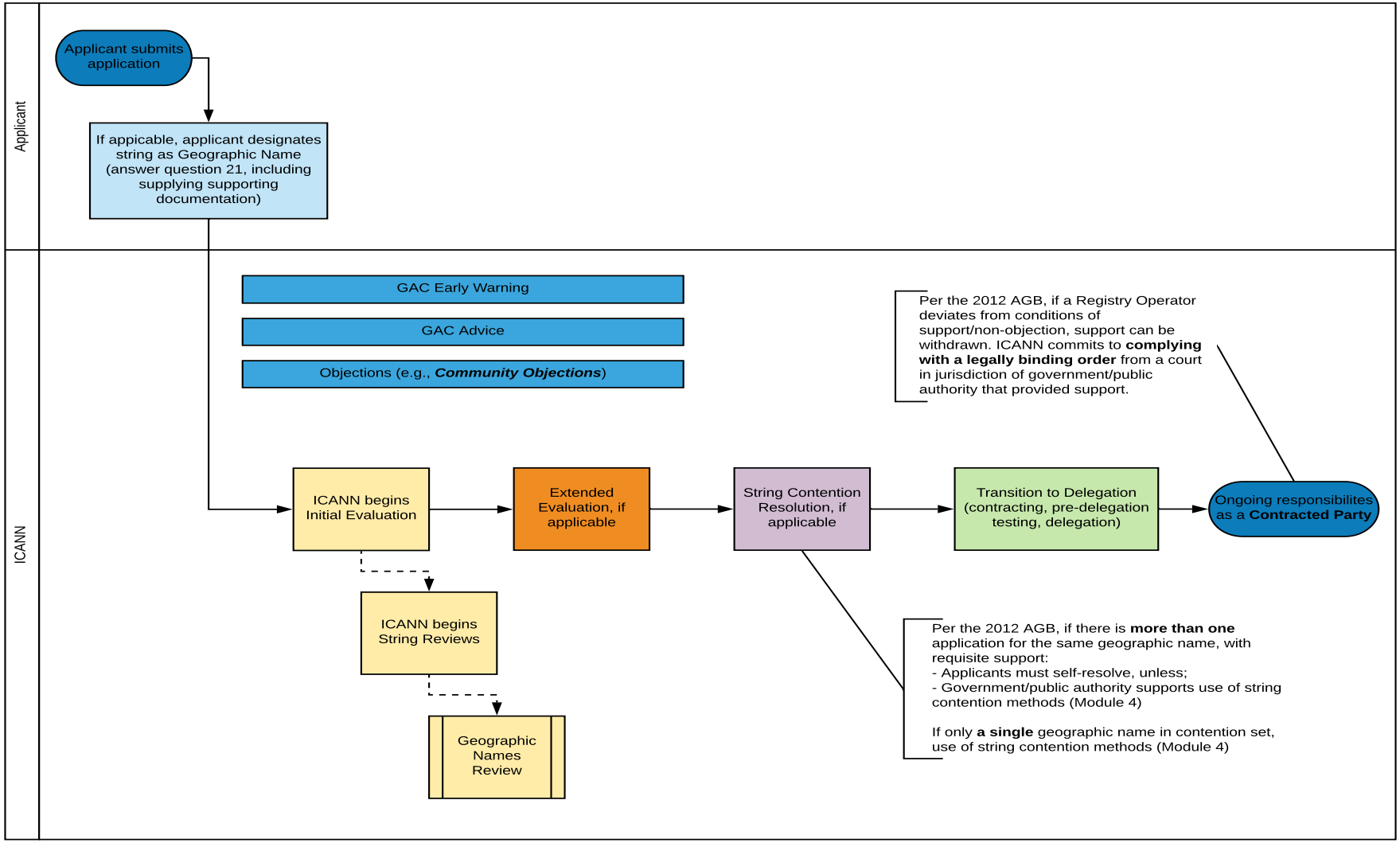
Where are we now?

- Drawing on the conversation during ICANN61 and periodic calls, the Work Track co-leaders have submitted the following proposals for WT consideration:
  - **2-character country codes (ISO 3166):** Maintain the status quo, reserving all 2 letter-letter ASCII combinations for existing and future country codes.
  - **3-character country codes (ISO 3166):** Maintain the status quo (i.e. not available) and defer broader questions about which entity/entities can apply for these strings and how they may be treated (for instance, as a gTLD, a ccTLD or something else).
  - **Long and short form of country and territory names (ISO 3166):** Maintain the status quo (i.e. not available) and defer broader questions about which entity/entities can apply for these strings and how they may be treated (for instance, as a gTLD, a ccTLD or something else).

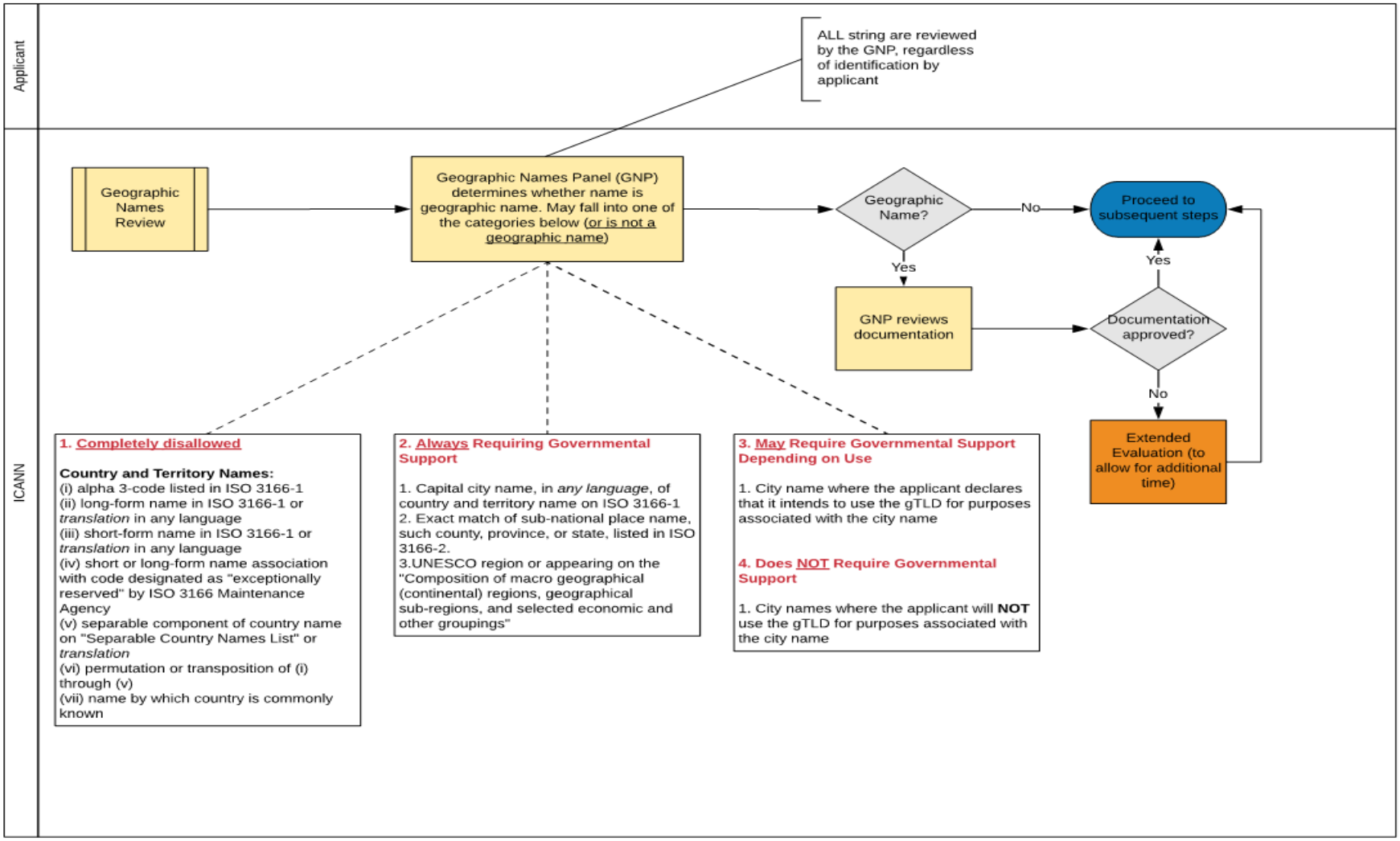
Focus on 2012 Process

- Recent discussions have focused on issues related to the geographic names requirements and geographic names review in Initial Evaluation.
- There are a number of additional elements related to string contention and post-delegation that may be relevant to review and discuss.
- Process flow diagrams help to illustrate how these elements worked together in the 2012 round.
- They may also help the Work Track identify and discuss areas where there were issues in the 2012 round as well as opportunities for improvement in subsequent procedures.

Focus on 2012 Process



Focus on 2012 Process



Focus on 2012 Process

- All applications and their respective strings were included in the Geographic Names Review procedure, regardless if they were designated as such in the application.
  - Applications that were designated by the applicant as a Geographic Name could be determined to **NOT** be a Geographic Name based on the criteria in the AGB.
  - Applications that were **NOT** designated by the applicant as a Geographic Name could in fact be determined to be a Geographic Name based on the criteria in the AGB.

Focus on 2012 Process

- Country and Territory names, as defined by the AGB, were **completely unavailable for registration, by any party**. Examples include:
  - (i) Alpha 3-char: **AFG**
  - (ii) Long Form: **the Islamic Republic of Afghanistan**
  - (iii) Short Form: **Afghanistan**
  - (iv) Exceptionally Reserved: **Ascension Island**
  - (iv) Separable Component: **Antigua** (for Antigua and Barbuda)
  - (vi) Permutation: **IslamicRepublicofAfghanistan** or Transposition: **AfghanistanRepublic**
  - (vii) Commonly Known: **Holland** (for the Netherlands)

Focus on 2012 Process

- Certain types of Geographic Names currently **require governmental support or non-objection**:
  1. Representation, in any language, of the *capital city name* of any country or territory listed in the ISO 3166-1 standard.
  2. Exact match of a *sub-national place name*, such as a county, province, or state, listed in the ISO 3166-2 standard.
  3. String listed as a UNESCO region or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings”

Focus on 2012 Process

- Parties were able to raise concerns about applications via several mechanisms:
  - GAC Early Warning
  - GAC Advice
  - Objections
    - ***String Confusion Objection*** – The applied-for gTLD string is confusingly similar to an existing TLD or to another applied- for gTLD string in the same round of applications.
    - ***Legal Rights Objection*** – The applied-for gTLD string infringes the existing legal rights of the objector.
    - ***Limited Public Interest Objection*** – The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.
    - ***Community Objection*** – There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

Future Treatment of Country & Territory Names

- Short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency. (examples: .eu, .uk)

- A separable component of a country name designated on the "Separable Country Names List," or is a translation of a name appearing on the list, in any language. See the Annex at the end of this module. (example: Åland, separable component of Åland Islands)

- A permutation or transposition of any of the names included in items (i) through (v). Permutations include removal of spaces, insertion of punctuation, and addition or removal of grammatical articles like "the." A transposition is considered a change in the sequence of the long or short–form name, for example, "RepublicCzech" or "IslandsCayman." (note: transposition does not apply to 3-letter codes)

- A name by which a country is commonly known, as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization. (Holland for the Netherlands)

Future Treatment: Other Geographic Names

Additional categories of geographic names are specified in the 2012 Applicant Guidebook and required consent or non-objection from relevant governments or public authorities:

A representation, in any language, of a capital city name of any country or territory listed in ISO 3166-1

Examples: London-Londres-Llundain / Berlin-Berlijn-Berlino

Policy (2007 PDP): Available, but challenge mechanism to governments to initiate an objection. Applicants should be aware of GAC Principles. Applicants must represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

Implementation (2012 AGB): Requiring support/non-objection from relevant governments or public authorities.

Future Treatment: Other Geographic Names

City name, used for purposes associated with the city name

Policy (2007 PDP): Available, but challenge mechanism to governments to initiate an objection. Applicants should be aware of GAC Principles. Applicants must represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

Implementation (2012 AGB): Requiring support/non-objection from relevant governments or public authorities.

String coinciding with a city name, but used for non-geographic purposes

Policy (2007 PDP): Available, but challenge mechanism to governments to initiate an objection. Applicants should be aware of GAC Principles. Applicants must represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

Implementation (2012 AGB): No requirements.

Future Treatment: Other Geographic Names

Exact match of a sub-national place name, such as a county, province, or state listed in ISO 3166-2

Example: Badakhshān (AF-BDS) in Afghanistan

Policy (2007 PDP): Available, but challenge mechanism to governments to initiate an objection. Applicants should be aware of GAC Principles. Applicants must represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

Implementation (2012 AGB): Requiring support/non-objection from relevant governments or public authorities.

Future Treatment: Other Geographic Names

String listed as a UNESCO region or appearing on the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list

Examples: Europe, Northern Europe

Policy (2007 PDP): Available, but challenge mechanism to governments to initiate an objection. Applicants should be aware of GAC Principles. Applicants must represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

Implementation (2012 AGB): Requiring support/non-objection from at least 60% of the respective national governments in the region and no more than 1 written statement of objection from relevant governments or authorities.

Future Treatment: Non-AGB GeoNames

- Geographic names not in AGB (such as geographic features (rivers, mountains, valleys, lakes, etc.) & culturally significant terms related to geography- (No current requirements.)

- Some issues have arisen in relation to geonames as TLDs that were not covered under the 2012 AGB rules (one example: “.amazon”).

- Future Treatment: Some WT discussion has touched upon on creating a good mix of incentives for applicants and relevant authorities to arrive at mutually accepted solutions for the delegation of the strings, early in application process. However, very strong views are held on different sides of issues.

Some Current Discussions

Agenda Item 4

Some mailing list and call discussions

- There has been significant volume on the mailing list with strong advocacy for different positions with respect to the treatment of city names and geographic names more broadly.

- Key area of disagreement – who has rights in determining which applications with a connection to city name can go forward?
  - From one perspective, any rights granted through the application process should be based on international law. If no international law exists granting special rights to governments or other parties, no corresponding rights should exist through mechanisms in New gTLD Program.
  - From another perspective, national law, public policy, history, and public interest considerations provide a basis for granting rights to governments through mechanisms in the New gTLD Program.
  - There are also different perspectives on the scope and applicability of trademark law in this discussion relative to and in the context of other laws.

Thinking Creatively: City Names

- How might we meet GAC and ccNSO interests for protection and objectives of applicants related to use?
- Possible elements of protection include: support/non-objection letters, objections procedures, post-delegation measures, others?
- Are there proposals for creative solutions that might be mutually acceptable using one or more of these elements?
- Conversations between parties early in the process, or before application?
- Sharing arrangements?

Proposals: City Names (non-capital cities)

- Examples of proposals made by Work Track members so far:
  - Require government support/non-objection only when used in the geographic context (current AGB)
  - Require government support/non-objection even when intended use is not related to geography
  - Create a list of cities greater than a certain size and reserve those cities for use by the people of that city (variant: require consent non/objection for top x cities in a country, by population)
  - Handle all third-party concerns with an application using objections processes. Objections processes must refer to international law, domestic law, ISO standards or other objective measures.
  - Create incentives to bring all parties “to the table” when intended use is non-geographic, for example agreements to allow the use of second level strings (or the reservation of second level strings) where there is an inherent association with the government / local community.

- How can we expand on these proposals? Use elements of them in combination? Other ideas?

AOB

Agenda Item #5

Final info:

Next WT-5 meeting: Wednesday May 30, 2018, 14:00 UTC

Bye!