

**Attendance: ( 32 Members)**

Adrian Carballo	Jaap Akkerhuis
Alexander Schubert	Justine Chew
Ann-Cathrin Marcussen	Kavouss Arasteh
Annebeth Lange	Martin Sutton
Barrack Otieno	Maureen Hilyard
Cheryl Langdon-Orr	Michael Flemming
Christopher Wilkinson	Nick Wenban-Smith
Dev Anand Teelucksingh	Olga Cavalli
Ejikeme Egbuogu	Rahul Gosain
Erich Schweighofer	Raymond
Greg Shatan	Sarah Langstone
GZ Kabir	Sophie Hey
Hadia Elminiawi	Subhash Dhakal
Heather Forrest	Susan Payne
	Timothy Asiedu

**Audio only:** Bram Fudzulani, Vernatius Ezeama, Harold Arcos

**Apologies:** Sanna Sahlman, Katrin Ohlmer, Alfredo Calderon, Jim Prendergast, Kristina Rosette, Carlos Raul Gutierrez, Jorge Cancio, Robin Gross, Rosalia Morales, Alan Greenberg

**AC chat:**

Michelle DeSmyter: Dear all, welcome to the New gTLD Subsequent Procedures Sub Team – Track 5 – Geographic Names at the Top Level call on Wednesday, 05 September 2018 at 05:00 UTC.

Michelle DeSmyter: Agenda wiki page: <https://community.icann.org/x/cBhpBQ>

Adrian Carballo - LACRALO: Hello

Olga Cavalli - GAC Co-Lead: Hi all good morning!!

Olga Cavalli - GAC Co-Lead: HI Michelle can I check my audio?

Rahul Gosain-GAC: Hi All

Cheryl Langdon-Orr (CLO - PDP Co Chair): Hi how was my audio?

Michelle DeSmyter: Sounds good

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

Cheryl Langdon-Orr (CLO - PDP Co Chair):I can do god :-)

Cheryl Langdon-Orr (CLO - PDP Co Chair):well goddess perhaps

Michelle DeSmyter:lol - Good! ;)

Cheryl Langdon-Orr (CLO - PDP Co Chair):Yes we can excellent Martin

Olga Cavalli - GAC Co-Lead:You sound good Matrtin!

Martin Sutton (WT5 Co-Lead):Thx Olga, first time I used it today :-)

Olga Cavalli - GAC Co-Lead:me too ;)

Annebeth Lange, co-lead ccNSO:Hello, everyone

Olga Cavalli - GAC Co-Lead:yes

Martin Sutton (WT5 Co-Lead):we can, loud and clear

Cheryl Langdon-Orr (CLO - PDP Co Chair):Yes Annabeth very well

Kavouss Arasteh:Hi everybody

Olga Cavalli - GAC Co-Lead:Hello Kavouss good morning

Michelle DeSmyter:Cheryl, your line is breaking up

Olga Cavalli - GAC Co-Lead:I cannot understand who is talking?

Olga Cavalli - GAC Co-Lead:this is much better

Cheryl Langdon-Orr (CLO - PDP Co Chair):Good to go then :-)

Steve Chan:Slides are now unsynced - on slide 4 as Martin mentioned

Cheryl Langdon-Orr (CLO - PDP Co Chair):slide 5

Cheryl Langdon-Orr (CLO - PDP Co Chair):slide 6

Steve Chan:Martin has moved to slide 7 now

Cheryl Langdon-Orr (CLO - PDP Co Chair):now 8

Hadia Elminiawi:slide 8 correct?

Steve Chan:@Hadia, all, now 9

Cheryl Langdon-Orr (CLO - PDP Co Chair):Now 9

Cheryl Langdon-Orr (CLO - PDP Co Chair):]10 now

jaap akkerhuis:Mornin, apologies for being late

Olga Cavalli - GAC Co-Lead:Hi Jaap

Barrack Otieno:Morning everyone

Olga Cavalli - GAC Co-Lead:HI Barrack

Annebeth Lange, co-lead ccNSO:Should we go back to the different proposals?

Annebeth Lange, co-lead ccNSO:Hi Barrack

Hadia Elminiawi:@Kavous this is slide 9 not 8

Annebeth Lange, co-lead ccNSO:The suggestion came from Jorge

Heather Forrest:Hi everyone and apologies for missing the last call due to a very busy load in the GNSO Council. I don't wish to waste everyone's time by asking my question by voice in case it was already discussed in the last call, so I will ask here in the chat instead. On slide 6 'Principles discussed' I would be grateful to know if compliance with international law was discussed as a principle.

Justine Chew:Also for applicant to provide evidence that contact or request have been made to relevant RGPA

Timothy Asiedu:Thank you for the opportunity to join you from Accra, Ghana.

Cheryl Langdon-Orr (CLO - PDP Co Chair):Welcome Timothy

Heather Forrest:Thanks Martin - I didn't want to waste time if the question had been asked

Heather Forrest:I am worried that any rules we make that are not legally compliant will lack credibility/legitimacy

Susan Payne:To the extent that there is some support/non-objection obligation on any geo terms a designated Govt focal point is essential. One of the reasons to have a tacit approval requirement is that without this there is no incentive for a Govt/local authority to deal with requests in a timely manner or at all, or to appoint a focal point

Christopher Wilkinson:@ Heather: international law is useful when it exists, but is not essential in this context, because the Articles of Incorporation refers to applicable local law. Provision that was inserted to fill that lacuna in the ICANN context for such purposes.

Justine Chew:Slide 9 last bullet add proviso that applicant has provided evidence that contact or request has been made to designated RPGA

Maureen Hilyard:I'd support that proviso

Justine Chew:sorry, RGPA, I mean

Greg Shatan:Every Articles of Incorporation for a California non-profit has an "applicable law" requirement. This is not special for ICANN.

Greg Shatan:The compliance with international law issue still stands.

Hadia Elminiawi:correct greg

John Rodriguez:O

Heather Forrest:1.2(a) says: In performing its Mission, ICANN must operate in a manner consistent with these Bylaws for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and international conventions and applicable local law, through open and transparent processes that enable competition and open entry in Internet-related markets.

John Rodriguez:Sorry, typo.

Susan Payne:Absoliutely Greg

John Rodriguez:I am curious what we mean by "non-agb" terms? There were references to "geographical features." What does this mean? How far do we go? mountains, rivers, streams, lakes, hills, neighborhoods, streets, etc? Point being that it is undefined.

Heather Forrest:On what basis will names be considered "sensitive"?

Heather Forrest:Exactly, John -we were thinking something similar

Greg Shatan:Human nature will lead go to the desire to go shopping,

Alexander.berlin backup:If a letter of support is required, then a "non-response" is the absence of such letter - and the application should NOT move forward! Examples are country subdivisions - where it's usually NOT the "central government" that is authoritative; but these might simply not understand what the demand means - and chose to not respond! Plus: Local authorities in most countries do NOT necessarily react to ENGLISH inquiries! The applicant has to get a positive reaction - or he won't get the string! End of story.

Annebeth Lange, co-lead ccNSO:@Kavouss, this could be a list worth while checking for applicants to start discussion between the government and applicant

Annebeth Lange, co-lead ccNSO:Is that what you mean, Kavouss?

Kavouss Arasteh:Alexander+1

Greg Shatan:Annabeth that assumes there's a reason to talk to a government

Annebeth Lange, co-lead ccNSO:Agreed, Greg, but it would be good to hear from government what they really mean here

Kavouss Arasteh:Raul +1

Rahul Gosain-GAC:+1 Martin

Rahul Gosain-GAC:May or not want to address at that point of time

Greg Shatan:Indian law can't prohibit me from registering .delhi.

Christopher Wilkinson:@Martin: I think it is stronger that the risk for the applicant. The 'missed opportunities' relate primarily to the communities that use the geo-name.

Christopher Wilkinson:CW: the risk to the applicant

Alexander.berlin backup:Letters of support are required for: Capital cities (a soon exhausted list of names), country subdivisions and CITIES! Most letters will therefore NOT be addressed to central Governments. Mostly they will go to city mayors. Their office staff likely doesn't speak English. But even when a translation in the local language is added: A mayor's office will likely just not understand what is demanded - and likely just ignore the letter.Imagine a U.S. based company (or worse: a company based in the British Virgin Islands - BVI) asks the mayor of a Russian or Iranian city to support such application? Take my word: they will simply ignore that! And this shall result into waving the requirement of the city support? Preposterous!

Barrack Otieno:Good points Olga

Olga Cavalli - GAC Co-Lead:Thanks Barrack

Olga Cavalli - GAC Co-Lead:Well summarized Martin

Kavouss Arasteh:Let move on

Kavouss Arasteh:Martin , pls move on

Michael Flemming:If this is an honor system, I can see its potential. But, I think Greg makes a valid point about the validity of the "What if" or "So what" question.

Kavouss Arasteh:Greg, your government would not include yr last name as a sensitive name at all

Michael Flemming:Is there an objection procedure that you might be subject to? There seems like something is missing.

Kavouss Arasteh:People should kindly allow us to move

Olga Cavalli - GAC Co-Lead:@Michael objections are not easy to being made by many governments, in the first found they were expensive and required skilled language human resources, not easy for developing countries

Michael Flemming:Thanks Olga, it was just an example.

Kavouss Arasteh:The argument submitted is totally rejected

Kavouss Arasteh:The Repository would be helpful

Michael Flemming:Would the applicant then be subject to GAC Early Warning?

Olga Cavalli - GAC Co-Lead:Its also passed my bed time here ;)

Michael Flemming:At what point would this be viewable to potential applicants?

Olga Cavalli - GAC Co-Lead:@Michael can you clarify "viewable"?

Heather Forrest:I agree with Greg - I don't see how that has predictability or simplicity (referring to principles on slide 6)

Michael Flemming:I mean at what point would it be available? If we think about process, then individuals would need to be able to see it and consider before they apply. At that point we could consider what measures could be taken to move forward.

Olga Cavalli - GAC Co-Lead:@Michael IMHO it should be open an viewable for everybody

Kavouss Arasteh:I do not believe that the last name of any individual would be of interest to any country . This is an argument which is based on no rationale

Michael Flemming:Yes most definitely. I mean, I see the potential of this, but we definitely need to have principles, design, merit, demerits, and possible repercussions if any.

Susan Payne:I agree with Greg too, I think this has potential to be very chilling on applicants without there having been any identification of the basis for giving these terms some primacy

Greg Shatan:the slide has a broad view of that list,

Michael Flemming:In that sense I agree with what Greg has said

John Rodriguez:A potential concern with a list/repository is that it would lead to a claim of de facto rights, rather than just a resource of consultation.

Olga Cavalli - GAC Co-Lead:@John it depends on how the policy is developed

Michael Flemming:So lets explore the aspect of a resource of consultation\*

Greg Shatan:We first need a basis for consultation.

Michael Flemming>Last names very much derive from place names, so we can see plenty of conflict there

Greg Shatan:Resource before basis is a recipe for disaster.

Michael Flemming:I think a resource with basis, but for purpose of consultation, but not primacy in rights

Greg Shatan:We need to define that basis as a matter of policy,

Alexander.berlin backup:Again: The repository should only cover names that are defined in the AGB - to make it easy for applicants to check their string! And Greg is right: Governments should NOT be able to add strings "at will".

Greg Shatan:Why assume that a nongeog use of a string with a geo meaning has to be for a profit motive?

Greg Shatan:My position is not based on an individual interest.

Greg Shatan:The basis cant be up to each govt.

Michael Flemming:What legal basis, though?

Susan Payne:@Rahul, in what way would allowing a term to be registered as a TLD which may have more than one meaning (one of which is geographic) threaten the security and stability of the Internet?

Rahul Gosain-GAC:@Susan - I don't seem to have made my point clear

Greg Shatan:International law? Again, Indian law doesn't stop me from having Assam brand shoes in the US, Nor does it stop me from registering .assam.

Rahul Gosain-GAC:What I say is that we must work within a minimalist approach to advance our collective interests without stepping over the toes of others

Greg Shatan:A long list is inconsistent with a minimalist approach.

Rahul Gosain-GAC:Its the minimum that we need

Rahul Gosain-GAC:To serve as guidance for all the parties involved

Greg Shatan:Unless by a minimalist approach you mean an approach that gives maximal deference to government senses of sensitivity and importance.

Rahul Gosain-GAC:Not at all

Susan Payne:@Rahul multiple different interests have "toes" but we only seem to be worried about the toes of the Govt

Rahul Gosain-GAC:That is the last thing on my mind

Greg Shatan:I can get guidance from a gazetteer that a place exists.

Greg Shatan:I still don't understand why an applicant should care,

Rahul Gosain-GAC:I know

Rahul Gosain-GAC:And thats why I think such a list is relevant

Greg Shatan:Why?

Rahul Gosain-GAC:It serves as a single reference point

Rahul Gosain-GAC:Which is authentic

Greg Shatan:To what?

Rahul Gosain-GAC:Available

Rahul Gosain-GAC:and referable

Greg Shatan:But why would anyone want to refer to it?

Rahul Gosain-GAC:If needed it could also include brief on why a term has been included



Rahul Gosain-GAC:Rationale

Greg Shatan:Why would that brief matter to an applicant with its own reasons for applying for a string?

Susan Payne:@Olga - I believe all applications were checked to see if they were geographic, whether they said they were or not in the application. But that check was whether it was a term as defined in the AGB list since that was the agreed scope of protection

Rahul Gosain-GAC:It would serve as useful guidance for Applicant, ICANN and for all other stakeholders who may have any 'skin in the game'

Greg Shatan:Useful for what reason?

Steve Chan:@Susan, that is correct

Greg Shatan:As opposed to a list of plant names, for instance.

Olga Cavalli - GAC Co-Lead:@Susan this is ok and this is why I think that ended as a conflict in some cases

Rahul Gosain-GAC:@Greg I risk following the track of other items being discussed on the call

Justine Chew:I am repeating my earlier comment: Last 2 bullets (slides 9 and 10) further clarity is needed, to insert proviso that applicant provides eviyof actual notice or request to RGPA

Rahul Gosain-GAC:@risk losing

Rahul Gosain-GAC:Sorry

Greg Shatan:Feel free to answer on the email list at your convenience.

Rahul Gosain-GAC:Right

Justine Chew:\*evidence

Greg Shatan:Agree that chat should not be a sideshow....

Rahul Gosain-GAC:+1 @Greg

Steve Chan:@Martin, we also have the redline version as well

Cheryl Langdon-Orr (CLO - PDP Co Chair):List discussion on the matters for slide 11 ( and of course back over our other slides from today as well) between now and our next call

Greg Shatan:we should discuss notice proposal at some point....

Steve Chan:Geo Names Requiring Government Support

Steve Chan:e.g., capital city names, city names used for a geographic purpose, etc.

Greg Shatan:GNRGS?

Heather Forrest:Definition of geographic name

Heather Forrest:geo name requiring government support

Dev Anand Teelucksingh:Its on page 3 of the PDF

Steve Chan:...sub-national names, UNESCO, etc.

Greg Shatan:ZZZZZZZ

Rahul Gosain-GAC:Its regarding notice

Justine Chew:evidence

Cheryl Langdon-Orr (CLO - PDP Co Chair):Thanks then everyone, appreciate all your input today... do follow up on the mailing list... Special Thanks to Martin for Chairing today's call... Bye for now...

Olga Cavalli - GAC Co-Lead:Many thanks Martin and good bye

Rahul Gosain-GAC:Thanks everyone Bye all

Hadia Elminiawi:Thank you Martin and all bye

Heather Forrest:Thanks Martin

Alexander.berlin backup:Bye

jaap akkerhuis:bye

Heather Forrest:Thanks Cheryl

Greg Shatan:Bye

Dev Anand Teelucksingh:take care all