

Work Track 5 Meeting

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Agenda

1

Welcome/Agenda
Review/SOI Updates
(5 mins)

2

Non-AGB Terms
(65 mins)

3

Work Plan and Initial
Report
(15 mins)

4

AOB
(5 mins)

Welcome/Agenda Review/SOI Updates

Agenda Item #1

Non-AGB Terms

Agenda Item #2

More Non-AGB Terms

- ⦿ Today we will revisit some of the topics discussed on the last call.
- ⦿ We will try to come to agreement about how to capture these discussions and outcomes (if applicable) in the Initial Report.

Non-AGB Terms

- **What is this about?** Some Work Track members have expressed that there should be additional protections in subsequent procedures for certain types of terms that were not included in the 2012 Applicant Guidebook.
- **Principles discussed:** The WT has previously discussed several principles that may apply -- the program should allow for the introduction of new gTLDs; predictability should be enhanced for all parties; likelihood of conflicts should be reduced; solutions should be simple.
- Initial questions for discussion:
 - WT members have mentioned examples from the 2012 round where different parties had different perspectives on whether a term was geographic in nature & this resulted in uncertainty and increased costs: .Thai, .GCC, .PersianGulf, .Amazon, and .Patagonia. What are the specific issues here or otherwise (e.g., problem in the AGB itself, adherence to the AGB, lack of clarity around GAC Advice, overreach. . .)?
 - Are there any problems that we need to solve with policy/implementation? If yes, please share examples of problems experienced or observed in the 2012 round. If no, please explain.

Non-AGB Terms – Types of Strings

- ⊙ Should additional types of strings have special treatment/rules in the Applicant Guidebook?
 - If so, which ones and on what basis? Can the scope of the category be effectively established and limited? Boundaries of the category?
 - If not, why not?
 - As opposed to preventative restrictions, would any changes to objections, post-delegation mechanisms, contractual requirements, etc. mitigate issues?

- ⊙ Categories previously mentioned:
 - Geographical features, such as mountains and rivers
 - Sub-national and regional terms not included in the 2012 AGB
 - What are some examples of names included in this proposed category?
 - Non-ASCII geographic terms not included in the 2012 AGB
 - What are some examples of names included in this proposed category?
 - **Note: Geographical Indications will be addressed as a separate issue.**

Proposals (1/3)

Given the problems we have identified, what treatment/rules would be proportionate?

Some Work Track members have proposed that **no changes** are needed and existing objections mechanisms are sufficient. Some additional proposals focus on process changes:

- ⦿ **Advisory Panel:** Provide an advisory panel that applicants can contact to assist in identifying if a string is related to a geographic term as well as any applicable governments and/or public authorities. Could be new panel or additional responsibility for Geo Names Panel.
- ⦿ **GAC Member Input on Geographic Sensitivities:** Leverage the expertise of GAC members to help applicants determine if a string is related to a geographic term and which governments and/or public authorities would be applicable.
- ⦿ **Repository of Geographic Names:** Maintain a list of geographic names reflecting terms that governments consider sensitive and/or important as geographic names. Countries could contribute terms to this repository.

Proposals (2/3)

- ⦿ **Application Research Requirement:** Require that an applicant demonstrate that it has researched whether the applied-for string has a geographic meaning prior to submitting the application.
- ⦿ **Applicant Contact Requirement:** If the applied-for string is a geographic term, the applicant is required to contact/consult with the relevant government authority.
- ⦿ **Support/Non-Objection Requirement for Non-AGB Terms:** Require letter for additional types of terms.
- ⦿ **Mediation Related to Support/Non-Objection Letter:** If government support/non-objection is required for certain applications, provide mediation services to assist if the applicant disagrees with the response received by a government or public authority.
- ⦿ **Support/Non-Objection Deadline:** In any circumstance where a letter of support/non-objection is required from a relevant government authority, establish a deadline by which the government must respond to the request. If no response is received, this is taken as non-objection.

Proposals (3/3)

- ⦿ **Notice and Opportunity to Object:** In this process, the applicant for a string with geographic meaning would need to provide notice to each relevant gov/public authority (RGPA) that the string was being applied for. The application would go forward, but each RGPA would have a defined opportunity to object based on standards we would define and filed through one of the existing objection processes or a variation on an existing process. The right to object would expire after a set period of time. A letter of support or non-objection would not be required. We could have some minimum standard on what constitutes a RGPA, so that applicants would not be contacting every wide spot in the road.

Non-AGB Terms – Geographical Indications

- ⦿ Points raised in support of additional rules for Geographical Indications
 - It is a category with clear boundaries. From this perspective, the boundaries of the category can be clearly documented, therefore increasing predictability.
 - Geographical Indications are an important component of the economy in many regions, and therefore their protection and use affects the livelihoods of many Internet users.
 - Geographic Indications are generally protected by applicable local laws.

- ⦿ Points raised against additional rules for Geographical Indications
 - One Work Track member stated that is the category without clear boundaries. Protections of geographical indications vary significantly from country to country.
 - One Work Track member stated that there is no standard terminology and there are no treaties in relation to geographical indications. There is no overall common basis for protection.
 - The Work Track member stated that to the extent the geographical indications are protected under local law, the protection varies significantly.

- ⦿ Additional perspectives or pros/cons?

- ⦿ For discussion: who would “own” the preventative right?

Work Plan and Initial Report

Agenda Item #3

Any Other Business

Agenda Item #4