
BUENOS AIRES – GAC Plenary 12
Wednesday, November 20, 2013 – 11:00 to 12:00
ICANN – Buenos Aires, Argentina

CHAIR DRYDEN: Okay, everyone. If we could take our seats, please, we will begin our next session.

Okay. We don't have a great deal of time for this next topic, so we do need to get started.

So we are now going to look at an issue related to a reference in the Applicant Guidebook about the release of two-character codes at the second level. This is a topic that has been brought to our attention in particular by the Brand Registry Group, and so Philip Sheppard is here from the BRG and can assist us with taking us through some of the issues from their perspective. Also, we have a U.K. lead on this topic. So, Mark Carvell, if you could take us through the issue this morning for the GAC to consider and have some discussion around.

Thank you.

MARK CARVELL: Yes, thank you, Heather. This is a half-hour session, so we are under a bit of a tight timeframe for this.

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This session is to consider a proposal by the Brand Registry Group, the BRG, for an addendum to the Registry Agreement. This addendum would streamline the process for registry operators of brands to enable them to use country names and two-letter codes and characters at the second level.

This is not just for information. We have to take a decision on whether to agree to this proposal.

As Heather indicated, the BRG submitted this to the GAC back in September. The director general, Philip Sheppard, wrote to Heather about the proposal and will introduce it shortly.

So just a reminder, the Registry Agreement currently prohibits all registry operators from using country names in two-character strings in new gTLDs. An operator has to ask individual governments on an individual basis to seek an exemption from that prohibition. So this is about streamlining that process that benefits the brands, the businesses, and also of course benefits us because we would possibly be quite heavily loaded with these requests. You have to remember that one-third of all gTLD applications were from brands. Isn't that right, Philip?

PHILIP SHEPPARD: Correct.

MARK CARVELL: So we're talking about a significant proposal here with important ramifications for the business sector and also for governments.

So without further ado, I'll hand over to Philip to describe the proposal in a little detail. And I think you've got a -- Yes, you've got a slide -- slide set up there for that.

So over to you, Philip.

Thanks.

PHILIP SHEPPARD: Mark, thank you very much. And, ladies and gentlemen, thank you for hearing us.

So as you heard, my name is Philip Sheppard, director general of the Brand Registry Group. I have a few slides, about a five-minute presentation, and then we go to a Q&A. And helping the Q&A, we have the president of the Brand Registry Group, Martin Sutton, who is also an applicant for the string dot HSBC, and we have Brian Beckham who is the (indiscernible) advisor to the BRG.

So if I may have the next slide, please, which is just our agenda. So a quick reminder of who we are, and then I'll get on to the subject matter in hand.

Next slide, please.

So as we heard, brands were a full one-third of all TLD applications. The and ethos behind those applications is the support of existing brand equity, because brands are not in the business of selling domain names. It's all about the brand and support of the brand.

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Who we are as the BRG is an independent membership organization. We're a trade association. So far, just with the members we have of the BRG, the annual turnover of the companies behind those applications is some \$873 billion U.S. We are registered now for a not-for-profit under Belgian law.

And the key point here about this discussion today is that after some negotiations with ICANN, we are now identified in what will be a new Specification 13 to the Registry Agreement as to what is meant by dot brands. So this process, this request to the GAC for the release of country names is based on -- will only be coming from those registries who are dot brands, and they're recognized in the RA under Specification 13. So it is uniquely from those that this request would come.

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So what is this talking about? The background to it is very straightforward. Brands will want new URLs of the type, here we are in Buenos Aires, of Argentina.brand or possibly country code

AR.brand for all the countries around the world. The rules today require your permission for that to happen. But the scale of requests that you may be getting is quite significant. There are over 400 brand applicants, and may be up to about 500 applications of different strings behind those applications, behind those -- made by those applicants, the majority of whom are going to want to have use of a country name at the second level also in their -- in their new dot brand.

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So considerations we looked at to decide what this process should best look like was essentially it needs to be a process that is efficient. Efficient for the dot brands, for the registries, of course, and in particular, efficiency to be not burdensome for yourselves. And that's the essence of the proposal that we have created. And of course today what we're asking for is not terribly unusual. Today, you've got a sort of identification of a form brand.com/country. Tomorrow we're simply looking at country.brand. And of course the existence of that is all part of helping promote economic development at the national level.

Next slide, please.

So the proposal in five bullet points. You have a hard copy of the detail of the proposal in front of you on the table, but in five bullet points it is the following. It's a request to release of country names or two-letter country codes. The request will be in a

standard form, so once you see this, you will understand who it's coming from. Specification 13 type registries. We are proposing that we might even, to make life even simpler group, those applications. So rather than seeing 400 standard ones, you might see a few with a selection of dot brand names as part of that.

And the request for you to say yes for the release of that is essentially three possibilities. Either you very rapidly come back and say, yes, that looks okay, in which case it's fine and everything goes ahead. But the key to our proposal that is different to where things are today is that if there's no reply in 180 days, as it comes from a dot brand, then the default is it is okay and it's deemed okay.

So, in fact, you could doing in, and the proposal would be deemed okay; but uniquely for the dot brands, Spec 13 type registries.

And of course if there's any objection at all, then it goes through the normal objection process for registry services evaluation process and that objection is then discussed and resolved.

So what we're trying to say is we believe that typically this application is likely to be something that you would want to say yes to, and we're trying to find a process that makes it efficient for all concerned.

And I think that's the end of my presentation and we move to your questions.

Thank you for hearing us.

MARK CARVELL:

Yes, thank you, Philip.

So without further ado, let's hear some reactions, first of all.

Is this something that we can support and take an early decision on?

So we've got one -- oh, okay.

Argentina. Olga, thank you.

ARGENTINA:

Thank you, Philip. Thank you for the presentation, and thank you for circulating the letter yesterday.

One question about the two-letter country codes that ISO 3166-1, two-letter code. This is one question. And the GAC principles for new gTLDs in -- that we agreed the text in, we agreed in 2007, talked also about the protection in the second level not only about two-letter code and country names but about other names which are relevant for countries.

I want to know if you're thinking about considering that document or not.

PHILIP SHEPPARD: I might just ask Brian to respond to that, if I may.

BRIAN BECKHAM: Thank you. I think really the answer is that this request is focused specifically on the language of the ICANN Registry Agreement which focuses on two-character labels and country names. So we've really focused on the prohibition in the Registry Agreement.

CHAIR DRYDEN: Thank you, Argentina.

I see a couple more hands. I see Netherlands and Peru and Norway.

So the issue is the release of the two-letter codes and country names so that the brand registries can actually make use of them.

So currently they're reserved. The Applicant Guidebook has said to applicants, and this is confirmed in the Registry Agreement, that they cannot make use of these unless they have permission, essentially. Yes.

So if we did nothing and the brand registries were to proceed, then they would be contacting each of you, presumably, this is how we have done things in the past, in order to get permission to allow these to go ahead.

So -- And for the brand, it's a particular consideration because -- because it is a brand and you can imagine, it's going to be a tightly crafted registry policy. It's for the express purposes of managing a brand, so you can see how there is value there for someone with a brand TLD to be able to associate that brand with a particular country or so on.

So they're really, I think, asking us whether we would like them to contact each of those individually each time in order to have the permission that they would need in order to have something like, you know, Canada.brand, and that sort of thing.

Okay.

So we had Netherlands, Peru, and Norway.

NETHERLANDS:

Thank you, Heather. And thank you, Philip, for introducing the matter. I think what -- We discussed this also with the ccNSO, this question, and basically I think our approach from the Netherlands is that the part which was originally in the Applicant Guidebook was not conceived by us or not, let's say, triggered by our objections -- or, sorry, our advice, meaning that we were not -- we have not asked for this originally in the Applicant Guidebook. So there's no reference to something we asked, ever.

And then we asked to the ccNSO, okay, what's your opinion. We did not get an -- They said "we don't have a policy on this." All our

ccTLDs have, let's say, concerning the question of the use of two-letter codes, ccTLD letter codes versus countries, to be used on the second level. There's no, let's say, policy on this in the ccNSO because every registry does it in its own way. In Netherlands, we don't have any restrictions at all.

I have not heard of stability questions or concerns. So my first impression is that there is no -- there is no impediments for having this.

I have just one question which is relevant. This proposal is your proposal. It's not one of the Applicant Guidebook, to be very clear, meaning that you still make known that a brand is going to be used on the second level, but if no reaction is there, okay, we proceed. That's the question, which I would think is, from the Netherlands point of view, is already a good safeguards, because it's being done on many other second-level critical names or -- So that's -- Thank you.

CHAIR DRYDEN:

Thank you for that reply.

Okay, we have Peru next, Norway, answer this Italy.

PERU:

Well, I'm going to speak in Spanish.

Without prejudice for the internal assessment that we have to do in Peru on this proposal, I am inclined to think that this will have an unfavorable result, that we will not be in favor of adopting this proposal. I wonder, what will happen with all those countries that are not represented here? Who is protecting their interests? Who will look after the interests of countries? For instance, here we don't have several Andean countries like Bolivia or Ecuador. And here a decision that is very important is being made. This has to do with the right of each country to protect its name.

Thank you.

CHAIR DRYDEN:

Thank you.

So if I understand the proposal that's in front of us, the brand registry group is asking us whether we would agree to a standard way of requesting and considering a request. So in each instance, you would have the option of agreeing or declining. And because the brand registries don't want to be in a situation where they just receive no reply, then I think they're suggesting 180 days limit so that if they don't hear back, then that will be viewed as permission, receiving permission.

So these are, I think, the two key points.

The first one, in terms of a standard request, that seems to be in everyone's interest, that if we can agree to a standard way of

doing it or maybe a template, maybe if it looks a certain way each time, that's useful to everybody here to manage those requests. So that seems to be quite straightforward.

And then regarding the 180 days, well, that does seem like a reasonable amount of time within which a government or a GAC representative, as it would be in this case, would have in order to get the reply back to the brand registries.

So this is what's being proposed to us today.

Okay. So next I have Norway, Italy, and then Egypt, please.

NORWAY:

Yes. Thank you, Chair.

And just to -- it's probably me that haven't read this properly. But my immediate response is that we have difficulties having this kind of operational procedure put to the GAC. The GAC is not an operational entity and should not have operational task. So that is one of my responses to this. And because like system for this should normally be kind of forwarded to public authority or intergovernmental entity in the country which actually would be responsible for making decisions on that and release that use the country names or not. So that's just a response to the sort of proposed system for this.

Regarding the use of the two-letter codes or country names, maybe not as strong opposition for having brands to use them, because that would probably be normal. Like a brand is registered in different jurisdictions, and they are using, and they have offices in the countries, they are a registered trademark, et cetera. And so it might be okay to use it. So that's -- I don't have any sort of strong views on that at this point in time.

But I think it's the procedure I have some doubts if it's the way forward or not. So I would also like to hear other comments from colleagues on this issue.

Thank you.

CHAIR DRYDEN:

Thank you, Norway.

To your point about the resource implications of having the GAC field these requests, it might be useful for you to have a bit of insight into the occasional similar sort of requests that we do get. So now and again, a request will come, ordinarily to me, and then it is forwarded to the GAC representative. And in the limited instances in which this still occurs, into -- regarding some of the existing top-level domains, then we -- we, you know, on a best-efforts basis, refer it to the GAC representative for them to okay or have an exchange directly with whoever is making the request.

So there are occasional requests like that. But, of course, regarding the brand registries, that's a significant undertaking compared to having an occasional request with the existing top-level domains.

Okay. So I have Italy next. Then Egypt.

ITALY:

Okay. Thank you, Chair.

So just to make some example, first of all, I'm in line with my consideration with Norway in that we would like possibly that the GAC is not involved in having authorization for each one of these cases.

But if I -- the brand have subsidiaries and offices in the countries. And then, in my opinion, it should be a direct contact, and then the authorization not passing through the government, let's say, because I see this thing that in the end that we would say no. This is my opinion.

And then about using two-letter codes, that might enter into conflict with country codes, why not using three, for example? There is a set of three-letter codes.

And so if Google.italy want to open a second-level domain, why not? Having the full name of countries might create a lot of complexities, because some countries have a simple name,

France, Italy, for example. Other countries have a very long name. And then it could happen that the countries involved start looking at the names and then object. And then a problem is created.

Thank you.

CHAIR DRYDEN:

Thank you very much, Italy.

So we have time to go through the remaining speakers. And then I think we're getting short on time remaining in this discussion.

So, all right, we have Egypt, Morocco, Singapore, Sweden, and New Zealand.

And then -- Okay. Then, Mark, perhaps we can close after that.

Okay. All right.

So Egypt, you're next, please.

EGYPT:

Thank you. I'm -- we -- I don't have a strong position on this right now. But my first impression is positive. But two questions on this.

I mean, the codes and the country names are reserved but are not available for further delegation; right? I mean, they cannot be

delegated to the governments or otherwise. So they are simply reserved at the time being. So this is first.

Second, I would be cautious that we take a decision here, and like Peru mentioned, we don't have everyone here around the table. So if we decide to adopt this policy, then those who are not represented here might not even know about the 180 days time limit. And then we are taking decisions on their behalf. So I'm likely to -- I'm inclined to having each and every country have their own -- I mean, to approve it. And if it -- if an approval is not received, then this should not be considered an approval. So -- But, again, those are very first impressions.

Thank you.

CHAIR DRYDEN:

Thank you, Egypt.

So I think, to clarify, in the past, it hasn't been the case that the GAC has approved anything or has really any other role other than someone looking to contact a government about an issue like this tends to come to the GAC and say, "We would like to raise this issue." And then what I have done when I have received these is send it to the GAC representative, who has been able to address it in each of these cases. But it's certainly not something where you would want the GAC to weigh in about a particular country code

or particular issue. Yeah, I would -- I think we would want to avoid that.

So next, I have -- I think it's Morocco. Is that right?

MOROCCO:

Thank you, Chair. I will speak in French. Thank you.

I agree with the chair, because we had a case in the past as well in which we resorted to the GAC. The table of codes is available in the United Nations Web site. So what I suggest is for applicants to consult this table and contact their governments, because the country codes are reserved, protected by the United Nations. And the country is sovereign. And each country can adopt a position on this matter. In my opinion, going through the GAC can represent problems.

There is another issue. The territories that have been objected, the country code is taken by several parts. For instance, in Morocco, there is part of the territory where the delegation was submitted its request by a different party, so the geo codes that are under dispute was a process to be followed, because several doors could be opened and it could very well be that the parties might avoid the problem and acquire the code that is under dispute. There should be a clear position from the GAC on which codes are being objected or disputed or the territories. And we

have to see what the applications are like until the matter is regulated by the United Nations.

Thank you.

SINGAPORE:

Thank you, Chair. First of all, thanks to the group for chairing the proposal. Appreciate it.

Just wanted to share the comments of Norway and Egypt. I think about this -- these members that are not represented at the GAC, but I think to which, (saying name), you had clarified that.

We don't have strong views on this proposal. The only thing that we are not clear is, if there's objection, then you refer to registry services evaluation process.

For our education, could you briefly highlight the key element of this process. What does it entail?

Thank you.

BRIAN BECKHAM:

Yes. So I think this is what the chair was referring to in the past, different registry operators. So in 2011, dot org and dot Asia proposed the release of one- and two-character names. And so the RSEP is the ICANN process by which a registry operator would apply for what we're asking for here today.

UNITED KINGDOM: Singapore, does that help? Or did you want to follow up on that briefly?

SINGAPORE: I think we are familiar with the dot Asia procedure. So we will look it up. Thank you.

UNITED KINGDOM: Thanks. I think we had Sweden next.

SWEDEN: Thank you, Mark.

Well, I just -- I want to share the hesitations that has been expressed by other countries as well. It seems -- it seems to me it would be difficult to take a position here today. At least we, Sweden, needs to better understand what this actually would entail.

We had -- on the gTLDs, we had some difficulties establishing a process at home to take a position on 1,900 domain names, and now we're being asked to institutionalize the process being taken on second-level names as well. I will have a hard time explaining that at home.

I would like to know if you have any foresight on how many such cases you would expect over a year, you know, to get some idea of what this would mean. And, you know, that would be helpful.

Thank you.

PHILIP SHEPPARD:

Thank you very much. That's a good question.

It is most likely that the vast majority of brands, dot brands, will want some sort of country identification, because these guys are typically multinational or multiregional organizations. That's why they applied in the first place. So the ability to subdivide and give customer navigation to a trusted national area is going to be very important for them. So that means today, a scale of maybe -- 400 applications, 400 applicants, maybe up to 500 strings. So that's the scale of that.

All we're trying -- we are reacting to what I believe is the wording in the registry agreement, which is that such requests about country names have to be reviewed by the GAC. So I'm sympathetic to what colleagues, your colleagues, have said around the table here in terms of who should it go to. But we're just trying to see a process that has been embedded in the contract and make it as practical as possible for yourselves and ourselves.

And the request in terms -- we won't be asking for anything different to the defined lists of names that already existed and were part of the process. And the applications are typically going to be rather general rather than -- rather than specific in terms of this country or that country. And we're just trying to make it a process that is eminently practical for all concerned.

UNITED KINGDOM:

Thank you, Philip, for responding to that.

Let's move quickly on, as we're out of time, basically.

But New Zealand next, I think. And then we had Norway. So New Zealand first, and then we'll have to draw a line, I'm afraid. Thank you.

NEW ZEALAND:

From the New Zealand perspective, I think it's completely impractical for the GAC to be involved in any individual or even collective set of requests. So that's an impractical outcome for the GAC. Operationalizing the GAC at that level will not work for us. So it has to be a question of approaching individual countries, I would have thought.

And, again, that thought fills me with considerable dread at the thought of individual applications coming to my ministry and somebody having to respond on that level.

Frankly, we would -- as a small trading nation, we welcome commercial activity by global brands in New Zealand. We welcome the attempt to localize their presence and their identification for our people. So we would want to be on an international register which says, yes, please, come and register your brands in New Zealand. Use newzealand.brand, use nz.brand. We would be very happy to see you do that.

So I would suggest that some form of international registry, where we could say, yes, example trade in our country, we'll join that.

Thank you. U.K. okay. Thank you, New Zealand.

Norway.

NORWAY:

Yes, thank you.

I -- just listening to my colleagues and the comments here, I think the only way -- the only solution, the only way forward, is to have the possibility, according to the registry agreement, to use the two-letter codes and country names if the approval for the government has been given. Of course, it allows the brand names to use them, according to the contract, if the approval has been given by the country. And the solution to provide that approval is not through the GAC. In our mind, the only solution is to approach each country to provide that, because we are not an operational entity here.

So I think that would be the only solution that can fly, that you need to get in contact with the relevant government.

Of course, the GAC can be -- the GAC member from that country can be asked, for example, to identify the relevant government authority that should deal with this, of course. So, of course, also the GAC members have been used in the past, and should be asked to try to help and identify who to ask to get the approval for using this. So I think that's what the GAC should be used for, but not a part of this process.

Thank you.

UNITED KINGDOM:

Okay, thank you, Norway. That's a very useful point to make.

I'm sorry, Netherlands, we're really out of time. Just very quickly, Martin, you just wanted to come back in, following New Zealand's comment, I think. But very brief.

MARTIN SUTTON:

It was more broadly than that. Hello, I'm Martin Sutton from HSBC.

I just wanted to give it some perspective from an individual brand, first of all, that operates in 80 countries and territories. And we have 55 million customers around the world. And we want -- obviously, with the dot brand, we want to use that to control

efficiently the services that we provide and deliver them in a secure way to our customers, where they feel that they will be going into a trusted zone.

So I think we are still trying to navigate the ICANN processes, and many other brands are that have never been in the ICANN process before. And I think that from a practical business perspective, with the current processes outlined in the contract, we are looking to try and make sure that there are effective, simple processes to adopt that will enable us to reach our consumers and give them the consumer protections through a trusted dot brand TLD.

So one of the things I would say is that we are trying to define the dot brand with ICANN to make sure that what we do is very clear and only those brands that fall under that description will go through this more streamlined process. So I welcome all the comments today. It's very interesting to hear your perspective. And thank you very much.

UNITED KINGDOM:

Okay, Martin. I think we have to wrap up there, as we're over time.

Obviously, a very useful round of comments, observations, concerns, and so on. And I think what we should do next is allow a time for written comments. That's my suggestion, Chair, if you

agree, that perhaps by the end of the year, we invite your comments, and after further reflection -- it's a very specific proposal. It's about efficiency gains, potentially, for business and also for GAC. And we just have to sort of bottom-out the processes, I think, is the kind of key aim here.

So I would suggest, Chair, that we allow perhaps to the end of the year for written comments and then we revert to you, Philip, with a collation of the views.

CHAIR DRYDEN:

Sounds fine. Okay.

Thank you so much for coming to brief us about this and to further our understanding about what are some of the related issues, and also to let us anticipate that this is coming. We've been focused on a lot of gTLD issues, but not this one specifically. So this has helped, I think, get our attention to it. So that's very welcome. Thank you.

Okay. For the GAC, we're now moving into the next topic that we have for discussion. And this relates to the issue of the sunrise process and geo top-level domains. And here we have another lead. Thomas Schneider from Switzerland will take us through the issue.

We have some ICANN staff to brief us on some of the discussions going on in the community. And as well, I understand that there

are some from the geo TLD community that are here as well to help address questions or provide a perspective from their point of view.

THOMAS SCHNEIDER: Thank you, Chair. Now that everybody's more or less seated, I just wanted -- will be brief and just wanted to tell you that as you know, we have already started to discuss aspects of this issue in the exchange with the board yesterday where we raised this in conjunction with geo TLDs and/or community TLDs, because, in fact, it's actually important for both.

And I understand that Karen Lentz will give us a short update on where ICANN is in this discussion. And as the chair has said, we have also some representatives of the TLD constituency community here with us that are willing to participate with this discussion.

Thank you.

KAREN LENTZ: Thank you very much.

Thank you to the GAC for the invitation to brief you on this topic. I will review some of the work that has been done by ICANN in the area of implementing the sunrise and claims services that are required as rights protection mechanisms in all of the new gTLDs,

and then particularly the work that has occurred since the meeting in Durban.

The new gTLD program, part of that program requires that every new registry that starts up must offer a sunrise period and a trademark claims service. Those -- You may recall from the GAC scorecard of advice on the program that those were recommended to both be required because they served different purposes. The sunrise is an opportunity for trademark holders to request names relating to their trademarks before they're generally available, while the claim service provides notification when registrants are registering names that match marks in the clearinghouse, as well as providing notice to a rights holder when names matching their trademarks are registered.

The registry agreement, specifically, specification 7, contains requirements for the registries in terms of how those services need to be implemented. And the document called the RPM Requirement is incorporated now by reference into that specification. The requirements themselves have been developed with community input.

Once the requirement was established that all of the new gTLDs would need to have a sunrise, we then had the task of defining what that meant in a scalable way so that the rights protection goals could be met while registries could continue to have the

flexibility to implement the business models that they had envisioned.

So we did that by having extensive consultation with the community. And the RPM requirements that exist now provide the specificity and details around implementation.

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So the procedure that we followed here on developing the requirements, the initial draft set of requirements was published for discussion before the meeting we had in Beijing. We had extensive discussions at that meeting, received many written comments from stakeholders. We held an open consultation that was participated in pretty widely on that, resulting in posting another draft for public comment in July, as well as a group of registry proposals that we also sought comment on for inclusion, for possible inclusion in the requirements.

And once the comment period was closed, we took in all of that feedback and developed the RPM requirements themselves, which were published in September. And since that time, we've continued to discuss and try to educate the community on what those requirements are. We held a Webinar shortly after the publication and have posted some answers to some of the more frequent questions that we received.

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So I'll just give a brief overview here of what is in the requirements and what they cover.

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So the requirements do include some testing and startup requirements for all of the registry operators. This is to ensure that the clearinghouse system, the registrar, the registry systems, all of the parties who interact in these processes are working together.

The startup process provides that the registry needs to provide notice of a sunrise -- or of TLD startup information before they begin their sunrise. So that would include the dates, the complete sunrise policies, the dates of trademark claims, any additional periods they may have and confirmation that they've completed the technical testing.

That information gets fed into a public resource that does help track when some of these TLDs will be starting up and what procedures and policies apply.

Additionally, they -- it's required that if the registry changes any of the information that's been submitted, that they have to provide notice of that as well.

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Requirements relating to sunrise. There's a minimum 30-day sunrise period required for each new gTLD. The registry is required to ensure that any registration that occurs during the sunrise is based on a valid Signed Mark Data file. That is a file that's issued by the trademark clearinghouse when it's been established that a particular trademark record is eligible for sunrise, or meets the eligibility requirements for sunrise.

In sunrise, the registry does have the ability to establish other restrictions related to its TLD. Those include when -- when a trademark was issued. Could be restrictions on classes of goods or services that can be registered during the sunrise. Could be restrictions on the jurisdiction where the trademark was issued.

In the case of a community-based TLD, there may be community-related restrictions, or any TLD can have certain eligibility requirements. So any of those can be applied during the sunrise period as appropriate in the TLD.

It's also required that registries provide a sunrise dispute resolution policy so that registrations can be challenged.

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The document also provides for what are called limited registration periods, and that is a period that might be registry-specific; a period that would precede general availability and has

additional restrictions or some sort of restrictions other than what would be applied during the sunrise.

Typically, a limited registration period would occur between the sunrise and the claims period, although there is some variation in the timing.

But these are optional. The registry does not have to have any limited registration periods. They could have several. They have the flexibility here to schedule what periods fit for that particular TLD launch.

There is still, in terms of allocation of the domain names, a priority given to the sunrise registrations. So in the event that, say, a registry was collecting requests for names during a sunrise in a limited registration period, the limited registration period names would not be allocated until all of the sunrise names had been completed.

Also, if the registry does choose to offer one of these limited registration periods, they are required to offer the trademark claims service during those periods so that that would generate the notices to registrants and to rights holders of any registrations that match clearinghouse records.

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Okay; thanks. Jeannie, can you go to the next one?

Thank you.

The trademark claims period is also a requirement, and that occurs during the first 90 days of general registration, at least. It can go longer than that. As I spoke about, it does provide notification to registrants where there's a match to a clearinghouse record as well as providing notification to the rights holders.

There are requirements here both for registrars and registries in the process. The registrar in interacting with the end customer who is performing a registration is required to query the clearinghouse to obtain the data where a name is subject to a claim and to populate the notice that's shown to the registrant.

The registrar also needs to require an acknowledgment from the registrant in order to proceed with the registration. And the registrar is required to use the -- that information service only for the purposes of implementing the claim service.

The registry in this process is required to confirm that a valid acknowledgment has been obtained from the registrant once the notice is shown, and then the registry, on a regular basis, will provide the list of registered names that it has processed to the trademark clearinghouse, and that list is used to generate the notices that go out to the affected rights holders.

Next slide, please.

The requirements also provide a process for requesting what we call an approved launch program. This enables a registry on an individual basis to submit a request to offer a launch program that wouldn't otherwise be permitted under the requirements.

The request is reviewed in terms of looking at whether it would raise any concern in terms of creating consumer confusion or issues of intellectual property infringement.

There is, in the process, a presumption of approval where there has been a similar launch program approved for a similar -- similarly situated TLD, and also in the case where the registry has provided detailed description in the application of the startup plans and there has not been any concern expressed about that.

However, that's -- ultimately ICANN will consider them all individually, and where there is an issue that requires additional analysis or consideration, the process does provide for that.

Next slide, please.

Finally, there are placeholders in the requirements for a couple of other types of programs. The first I'll call the approved geo launch program. I think that's what it's called in the document.

So this provides notes that currently there's a group of gTLD applicants working with some intellectual property stakeholders on a program that could apply generally to applicants that had designated their applications as geographic. That's in addition to

the individual process that exists where a registry can submit a one-off request unique to its TLD.

We've heard that -- this characterized as the geo TLDs need to go request permission from intellectual property representatives in order to do -- to do their launch program, which is not how I would characterize it. The -- You know, the purpose of reviewing the launch programs, one of the things that's looked for is whether what's proposed would weaken or reduce the rights protection mechanism which were agreed on as part of the new gTLD program.

So we did as part of the consultation and public comment process have the Intellectual Property Constituency of the GNSO offer to work with geo applicants to develop a process which would help streamline that evaluation that would -- could support a more timely launch for geo TLDs if that was already -- had already been discussed and reviewed and found to be acceptable.

But, you know, absent this development of this, the registries do still have the ability to continue to submit their individual request to ICANN.

Secondly, the requirements provide for what's called a qualified launch program, and that refers specifically to requests to be able to allocate a limited number of names before the sunrise in order to promote the TLD. Again, this is something that has been discussed in terms of creating a general program that has been --

that would be applicable to everyone. In the absence of that, the registries do still have the ability to submit individual requests.

Next slide.

The last slide is references to many of the documents and things that I've been talking about. That includes the public comment forum, the requirements themselves, the Webinar that we did explaining some of these details, the FAQ, and then the process for considering approved launch programs.

So I hope the information is helpful to you.

Thank you very much.

THOMAS SCHNEIDER:

Thank you, Karen, for this helpful information.

I assume that -- so I think the idea was to have 30 minutes' time to discuss and get the views of the GAC members with input also from the geo TLD and community TLD constituency to discuss the views of the GAC on a few issues related to these. So I assume we still have this half an hour starting from now to have this discussion.

As said, we had already started a little bit of this discussion in -- at the Board, the Board yesterday. So I would invite GAC members to give us their views on specific needs of geo and community TLDs as some of them have expressed them yesterday. And we

can, of course, also invite the representatives of the geo TLD constituency to come in.

Thank you.

African Union.

AFRICAN UNION COMMISSION: Thank you very much. Appreciate that presentation.

I have a question. Perhaps I haven't understood it well, but what you're suggesting is that, for example, for the Africa region with both our City TLDs, dot Cape Town, Durban, Johannesburg, including the regional one, dotAfrica, we have initiated a process where we are reserving governmental names. So does that mean that we have to first register with the trademark clearinghouse before we initiate a program, like the government reserved name list? I think that's my first question, and then I'll follow up some more.

THOMAS SCHNEIDER: Thank you.

Karen, please.

KAREN LENTZ: Thank you.

So it's difficult to speak about specific registry plans and how they would apply. When it comes to reserving names, the registry has the ability to do that according to the Registry Agreement, and so that's really not tied in, necessarily, to the set of rights protection mechanism requirements we're speaking about here.

There have been requests and proposals where names aren't wanting to be so much reserved as allocated to governments or public authorities or other entities, either during or in advance of the sunrise. So in that case, that would be an individual request to do a program that would not be -- would not otherwise be permitted under the requirements.

So there are two -- two cases here. The reservation of names and the allocation of names.

THOMAS SCHNEIDER: Thank you. I see France.

FRANCE: Thank you. I will speak in French.

Before the previous comment, let me remind you that the geo TLD applications for names of cities enable the promotion of these cities in the Internet. So we find it relevant for registrants to make an early registration of authorities of public utilities, such

as the Underground or the police service, or names of local sites, such as the Eiffel Tower, Champs Elysees, in the case of Paris.

It seems as if the definition of the sunrise period grants absolute priority to brands that are registered in the trademark house, and this is discrimination against these services and utilities that cannot be registered with the trademark house.

I think it would be preferable to request specific validation procedures for geo TLDs that are at the same level as those offered by the trademark clearinghouse.

Thank you very much.

BELGIUM:

Thank you very much, Thomas. Good morning, everybody. Well, the main objective of many of these new gTLDs is to serve the local markets. That's very important to remember. It seems logical for Belgium that this is taken into account in the policies defining the sunrise period.

Therefore, we support to have some GAC text in the communique which stresses the protection and the needs for protection, special protection, of the rights of governments -- examples have been given by France and also local companies -- via the launch plan mechanism foreseen in the Applicant Guidebook.

THOMAS SCHNEIDER: Thank you, Belgium.

I see the U.K. wants to speak.

UNITED KINGDOM: Yes. Thank you, Thomas.

I just want to intervene very much in the same vein as France and Belgium, that when the geo name applications came before us in my ministry, we were very cognizant of what the objectives of those applications were and the way in which they would serve the communities and various entities and agencies and services of those communities. In our case, London and and Wales and -- Wales, which has two domains, dot Wales and dot Cymru, the Welsh version for Wales.

So we would urge some consideration of this proposal which ensures that our ambitions for these domains are realized. Otherwise, we're going to get frustrated by a process that does not immediately serve what our intentions were in approving those geo name applications originally.

So I support this proposal.

Thank you.

THOMAS SCHNEIDER: Thank you.

African commission again.

AFRICAN UNION COMMISSION: I have a few more questions. I'm curious, how many marks so far that have been submitted through the trademark clearinghouse are from the Africa region? One question, how many of them?

My second question is what level of awareness have you created at the regional level specifically for Africa? Because I would imagine that would be quite a, you know, challenge, especially taking into consideration our experience generally, just the new gTLD program.

And you know, my third question is I think from my region, we're proposing a localized approach to the rights protection mechanism. And then to what extent ICANN is prepared to actually discuss with us and negotiate this process. Because as I mentioned yesterday to the Board, you may have some mark holders who are not really interested in reserving with the trademark clearinghouse across all the gTLDs. So how do we deal with that? Especially -- And also with unregistered marks.

Thank you.

THOMAS SCHNEIDER: Would you want to give an answer to this question?

Thank you.

KAREN LENTZ:

Thank you.

If I may, I'll respond to the last few interventions.

The -- The intention of the sunrise period was to create a rights protection mechanism for trademarks. In terms of creating an absolute priority, the -- the rules that have been built are designed to provide protections for trademarks.

The existence of the process for requesting approved launch programs does provide the ability to create exceptions in that where there may not be a concern about reducing the trademark protections that are available.

There -- You know, in the process of developing these requirements, it's very difficult to -- to write rules that would apply across all of the different types of applicants and applications in terms of, you know, what other types of names or other types of launch programs a registry might want to do and to write guidelines around all of those. So that not being feasible to do in the amount of time we had, that the purpose of having the approval process for unique cases is to be able to meet some of the needs and requests that have been expressed through the consultation process.

Also, I wanted to add, I believe in the discussions about the clearinghouse, when the GAC and Board were consulting on the GAC scorecard, one of the pieces of advice was that the trademark clearinghouse should be permitted to accept other types of -- the phrase "other," other types of intellectual property that a registry might wish to protect. And examples given were things like region names or business names. And so we do have that capacity in the clearinghouse, you know, with the ability for a registry who wants to do something unique to work with the clearinghouse to be able to accept those. So that that exists.

Coming to the specific questions about Africa, I, unfortunately, don't have the exact numbers. I will say that the numbers of trademarks from the Africa region I think is very few, and probably also the level of awareness is -- is low.

It's been a gradual process. We and as well as our service providers operating the clearinghouse have been engaged in quite a bit of outreach in the various regions. There's always more that can be done. And we certainly support and welcome the suggestions of how to address the problems that the African representatives were speaking about.

I think that's what I have currently.

Thank you.

THOMAS SCHNEIDER: Thank you, Karen.

So I understand from the interventions so far that there are basically two problems for geographic communities with this system. A), that is local public institutions should go before trademarks, or should not go after trademarks, at least, and that local businesses who are too small to basically fit into the trademark clearinghouse should also somehow get protection when they are -- when there is a clear local link to the geographical community; that is, the TLD.

Maybe we will request the constituencies of the geo TLD constituency if that corresponds to chair discussions. Are these the two most important issues that you have also in your discussions? Maybe Dirk can comment.

DIRK KRISCHENOWSKI: Dirk Krischenowski from dot Berlin and speaking here on behalf of the geo applicants. Not all, but some.

At the time of application last year in March, we did the best to work with the local governments to define such programs where the government may reserve its names for its institutions and functions and so on. And at this time of application, it was allowed to do so. It was not forbidden, like some lawyers make you believe -- I heard this here -- was really allowed. And 12 months after our application, the RPM requirements came out,

and we need to apply now for an exception of what has been allowed before in the applications. That's -- That's a thing which we found is some new provisions. We're coming in with the RPM requirements, and they make us -- it's hard for us now to persuade our local governments at home.

We have promised them at the time of application that they get their name in a local sunrise, let's say, or in a preferred names face, but they can't do any more. They have to apply for an exception. And it's absolutely unclear if they get names like, let's say, police or airport or metro or other names of significance but which have naming rights or even trademark rights but can't go into the TMCH because of the nature that these names are not being protected somehow.

NEIL DUNDAS:

I just want to add to that, it's Neil Dundas from dotAfrica, that clarity around the special launch programs needs to be prioritized within ICANN because a lot of the geos and a lot of the gTLDs in particular are looking at launching those names in the first quarter or second quarter next year. And clarity is required around whether we can proceed as what we have been planning for for all of this time with special launch programs relating to government or public service names and local validation services.

So if -- if we could urge ICANN to provide FAQ to the applicants for special launch programs with clarity on what they can and cannot

do, that will certainly assist with the launch and the outreach of these programs in these areas.

THOMAS SCHNEIDER: Thank you. Any further comments or questions?

The U.K.

UNITED KINGDOM: Just very quickly. And Dirk I think mentioned police. That's a good example because it's a sunglasses manufacturer. Police.london.

Thanks.

THOMAS SCHNEIDER: Thank you.

Other comments or questions?

I don't see anybody wanting to take the floor. So we might be all hungry and want to go and have lunch.

The Chair wants the floor back. Okay. Please, Chair.

CHAIR DRYDEN: So it sounds to me like we have requests for clarification around exactly what mechanisms exist currently and how they can be

used to address the kinds of issues that some of our colleagues from the geo TLD community are raising. So if we can identify a way for that to happen. Is that the next step? Or are there other next steps that others would like to propose?

Okay. All right.

So what is the best mechanism for that process?

CYRUS NAMAZI:

Thank you, Madam Chair. My name is Cyrus Namazi. I'm part of the ICANN staff. This program actually falls under my responsibility.

I wanted to address the concerns that were raised by our partners, dotAfrica and Dot Berlin and commit on behalf of ICANN that we will provide the clarity that is being asked for. This is a topic that has recently sort of come to our attention. We are diligently working on it. We understand the sensitivity of providing our position, our clarity, to the applicant community on the geo side, and we'll be working with them to provide that.

I do want to highlight to the GAC members, as well as everyone else in the room, that the issues that were raised are quite legitimate. But please afford us the time to understand the practical, operational, and contractual implications of anything that gets decided as a course of action before anything is cast in concrete. Because it's a much deeper issue to some extent, and

we're just now beginning to, so to speak, peel back the layers of the onion. So we ask for your indulgence in affording us the time to do that investigation and coming back with a clear course of action that we would recommend.

Thank you.

Dirk Krischenowski:

Dirk Krischenowski from Dot Berlin again.

Considering that the first gTLDs and, in a very short time, I think in the next couple of weeks, the first geo top-level domains will be delegated to the root and may start its sunrise phases, this point needs some urgency, because the geo TLD operators need clarity on this point. We already started a geo TLD group to work with the IPC on some points. But I think the points about the priority of governmental names in -- as legal rights here have not been addressed in this field. There are different points, the approved launch programs, and then the list of labels for the government. But this priority of I.P. rights of governments need to have some more discussions with ICANN, I think, and with the people from the TMCH to sort out how we can fix this.

CHAIR DRYDEN:

Karen, would you like to respond on that?

KAREN LENTZ:

Thank you. This is just a point of clarification on your comments, Dirk, about timeliness. And I just wanted to make sure it's clear that the -- the process for approved launch programs is there, so that it's not standing in the way of any registries launching. We have, I think, four requests from registries that we're actively processing now and do expect to be able to respond to those pretty quickly so that, you know, individually, no applicant is waiting on that.

CHAIR DRYDEN:

Thank you for that further clarification on the timing issue.

So at this point, can we perhaps sum up? And I'm looking over at Thomas. I think we can say at this point that the GAC has helped to highlight the issue, and then hopefully this will lend some -- some influence to this process that we're describing of trying to sort through these remaining issues, proceeding, and proceeding in a timely way, and looking at how the processes that you've described regarding launch and so on can address the issues that are being raised by the geo TLDs that we've heard from today. And there may also be similar issues experienced by other geos along with that.

Okay. So we have a commitment from ICANN to work with the geos. And can I suggest, then, that the GAC stay updated? I know we can ask the African Union Commission perhaps to help keep colleagues in the GAC updated about your progress. But as well, I

would look to the other geos and ICANN to keep us informed so that we know that that effort is on track.

Okay. So at this point, we can conclude this session. Many thanks to everyone. Thank you to Thomas for handling this issue here with us today in the GAC. And to ICANN staff. And as well to the geo TLDs that have spoken today about their particular circumstance to help us be informed on this issue.

So thank you.

I can see Iran. I expect you're giving us an update?

IRAN:

Thank you, Madam Chair. No, I just want to remind you that the meeting of the group on dot wine, dot vin, will be here on floor 24, the same place where we gathered yesterday. So I please kindly request you all to be there at 2:30 sharp.

12:30 sharp.

CHAIR DRYDEN:

We have the commonwealth meeting happening now, led by the U.K., in this room. And for the GAC, we will reconvene at 2:00. And we will have a discussion about those newer issues that have been proposed to identify, and give me a sense of what the views are in the room on those issues, and to identify what may or may not need to go in the communique or what is subject to further

discussion and so on. So that session will be open. And as I say, we will deal with that -- those newer issues that have been proposed when we first come back. And then after that, we will move into finalizing the communique once we have agreement on what will be the contents of the communique and what will be the topics covered.

You have a compilation circulated to you to give you a sense of what topics are currently anticipated to go in there. And we're just going to keep working through the various contributions and organizing them over the lunch period. So we will see you back here at 2:00, please.

Thank you.

[LUNCH]