

Attendance - 32 Members

Annebeth Lange
Avri Doria
Carlos Raul Gutierrez
Cheryl Langdon-Orr
Christa Taylor
Christopher Wilkerson
David McAuley
Greg Shatan
GZ Kabir
Heather Forrest
Jaap Akkerhuis
Javier Rúa-Jovet
John Rodriguez
Jonathan Agmon
Justine Chew
Katrin Ohlmer

Kavouss Arasteh
Liz Williams
Luca Barbero
Marita Moll
Martin Sutton
Michael Flemming
Nick Wenban-Smith
Pedro Huichalaf
Ricardo Holmquist
Robin Gross
Sara Bockey
Susan Anthony
Susan Payne
Svitlana Tkachenko
Thongchai Sangsiri
Yrjö Länsipuro

Audio Only: Dessalegn Mequanint Yehuala, Bram Fudzulani

Apologies: Maureen Hilyard

Staff: Emily Barabas, Julie Hedlund, Michelle DeSmyter, Steve Chan, Julie Bisland

WebEx Chat:

May 1, 2018	11:56:41 PM	from Javier Rua-Jovet to all participants:	Hi!
May 1, 2018	11:56:46 PM	from Svitlana Tkachenko to all participants:	Good morning!
May 1, 2018	11:57:37 PM	from pedro huichalaf to all participants:	hello
May 2, 2018 Chilean friend!	12:02:38 AM	from Javier Rua-Jovet to all participants:	Hi Pedro! My good
May 2, 2018	12:04:45 AM	from Terri Agnew to all participants:	as a reminder: please mute your mics
May 2, 2018	12:04:54 AM	from Javier Rua-Jovet to all participants:	Please mute
May 2, 2018	12:06:21 AM	from Heather Forrest to all participants:	+1 Liz - discussion in advance helped to identify some key questions and issues
May 2, 2018	12:06:29 AM	from Javier Rua-Jovet to all participants:	Your welcome Liz! (Your side of the World deserves it!)

May 2, 2018 12:07:17 AM from Carlos Gutierrez to all participants: A good way to disagree, yes!

May 2, 2018 12:07:24 AM from Robin Gross to all participants: Agree to the idea of more substantive discussion on list in between calls. That will help us to focus our calls.

May 2, 2018 12:08:16 AM from Carlos Gutierrez to all participants: terrible background noise

May 2, 2018 12:08:18 AM from Heather Forrest to all participants: Cheryl - your voice disappeared

May 2, 2018 12:08:41 AM from Annebeth Lange to all participants: I cannot see the hands, could anyone help?

May 2, 2018 12:08:41 AM from Javier Rua-Jovet to all participants: Please Mute!

May 2, 2018 12:08:44 AM from Carlos Gutierrez to all participants: its better now Cheryl sorry

May 2, 2018 12:09:20 AM from Terri Agnew to all participants: @All: please watch the mic to the right of your name, it will turn red when muted, gray if not muted

May 2, 2018 12:09:22 AM from Emily Barabas to all participants:Key points raised on the mailing list are being captured in the working document: <https://docs.google.com/spreadsheets/d/1FuPEq0y-cdSUQ1nvhWKhVnG8PLaC2RYXsCpQu91FDqo/edit#gid=358523414>

May 2, 2018 12:09:23 AM from Christopher Wilkinson to all participants: I would support the line developed by Alexander and Jorge.

May 2, 2018 12:10:11 AM from Martin Sutton to all participants: The email interactions are very constructive, especially the examples raised to support the comments. It also helps with the time management and allows more to contribute, given the limited amount of time we sometimes have on calls.

May 2, 2018 12:10:27 AM from Liz Williams to all participants: In that case I want to start calling out a question about "do we all think this is a reflection of consensus". I want to see us working more efficiently coming to more "decisions".

May 2, 2018 12:10:31 AM from Christopher Wilkinson to all participants: Also, I would assume that the 2007 Policy refers to the national laws in which the aplicant is incorportaed, in the jurisdiction of the geographic Name concerned.

May 2, 2018 12:13:45 AM from Carlos Gutierrez to all participants: Ar we looking at capital cieites only as per slide 06? I have no scroling right

May 2, 2018 12:14:11 AM from Steve Chan to all participants: At the moment, yes Carlos

May 2, 2018 12:14:20 AM from Javier Rua-Jovet to all participants: Please Mute!

May 2, 2018 12:15:41 AM from Annebeth Lange to all participants: What we are trying to do is to make a better policy, so that policy and implementation are the same. Which it was not in the last round.

May 2, 2018 12:16:07 AM from Carlos Gutierrez to all participants: <question> are we talking about "capital" cities only?

May 2, 2018 12:16:20 AM from Annebeth Lange to all participants: For the moment

May 2, 2018 12:16:24 AM from Carlos Gutierrez to all participants: that's what I read in the frozen slide #06

May 2, 2018 12:16:34 AM from Martin Sutton to all participants: Carlos - yes, at this point. We will move onto others.

May 2, 2018 12:16:48 AM from Carlos Gutierrez to all participants: Thanks Martin.

May 2, 2018 12:16:52 AM from Javier Rua-Jovet to all participants: Carlos, slide 6 is about capital cities.

May 2, 2018 12:17:04 AM from Javier Rua-Jovet to all participants: but there is overlap

May 2, 2018 12:17:11 AM from Carlos Gutierrez to all participants: Thanks Annebeth for clarifying

May 2, 2018 12:20:15 AM from Robin Gross to all participants: Our existing GNSO policy (principle G) reflects that applicant's freedom of expression rights should be respected - which means people have the right to refer to terms with geographic meaning. And that is existing ICANN policy.

May 2, 2018 12:21:03 AM from Javier Rua-Jovet to all participants: Please Mute

May 2, 2018 12:21:41 AM from Christopher Wilkinson to all participants: Agree that we need policy for Place Names rather than only for Capital cities.

May 2, 2018 12:21:51 AM from Heather Forrest to all participants: I agree with Liz re not focusing on capital city names as some sort of separate category; there is no legal basis for singling out capital city names

May 2, 2018 12:22:10 AM from Heather Forrest to all participants: further, the term "capital city" is open to multiple interpretations and risks leading us into confusion

May 2, 2018 12:22:26 AM from Robin Gross to all participants: Yes, Heather, we need to be sure there is legal basis for any restrictions.

May 2, 2018 12:23:00 AM from Heather Forrest to all participants: Agreed, Robin - and given that we are dealing with a global resource we must look beyond domestic/national laws, which apply only within one jurisdiction's borders

May 2, 2018 12:23:51 AM from Martin Sutton to all participants: Hi Annebeth, I have my hand up too

May 2, 2018 12:24:15 AM from Annebeth Lange to all participants: I cannot see the hands, could staff help out so I can see them?

May 2, 2018 12:24:33 AM from Martin Sutton to all participants: no other hands up at this time Annebeth

May 2, 2018 12:24:35 AM from Heather Forrest to all participants: Annebeth - in order to see hands you must close the chat window

May 2, 2018 12:24:47 AM from Heather Forrest to all participants: Sadly Webex won't allow you to see both adequately

May 2, 2018 12:24:48 AM from Steve Chan to all participants: Sure thing annebeth. Martin is the only hand up right now.

May 2, 2018 12:25:33 AM from kavous arasteh to all participants: if gopvernments view is not considered being essential by some people then whose 's views are valid

May 2, 2018 12:25:44 AM from kavous arasteh to all participants: i disagree with such views

May 2, 2018 12:26:55 AM from Steve Chan to all participants: Kavouss has his hand up.

May 2, 2018 12:28:30 AM from Annebeth Lange to all participants: There is a hierarchy here - starting with capitals and then cities. We have to have that in mind as well.

May 2, 2018 12:28:33 AM from Javier Rua-Jovet to all participants: Bienvenido, Ricardo

May 2, 2018 12:28:43 AM from Liz Williams to all participants: Place names are only a proxy for us to think about what limitations, if any, should be put into our policy.

May 2, 2018 12:29:20 AM from Sara Bockey to all participants: putting this forward again: would like to see a geographic name being defined as a term/string that is associated with a geographic area and cannot be reasonably confused with any other geographic area or term.

May 2, 2018 12:29:40 AM from Robin Gross to all participants: Individual people of countries is exactly who is being restricted by such a proposal.

May 2, 2018 12:30:42 AM from Annebeth Lange to all participants: Governments are supposed to represent the people in the country

May 2, 2018 12:30:58 AM from Robin Gross to all participants: Agree with Sara's proposal for discussion.

May 2, 2018 12:31:40 AM from Katrin Ohlmer to all participants: Which problem are we looking to solve, which arose in the last round for 2.2.1.4.2. ?

May 2, 2018 12:31:54 AM from Robin Gross to all participants: Annebeth, that presumption assumes the govt is democratic, and ICANN has no such requirement. So that doesn't work.

May 2, 2018 12:34:03 AM from Carlos Gutierrez to all participants: springfield.music and springfield.mass

May 2, 2018 12:34:04 AM from kavous arasteh to all participants: there is high degree of disdtortion when Gereg speaking

May 2, 2018 12:34:19 AM from Carlos Gutierrez to all participants: if there is more than one, then they will have to move to the 2nd level.....

May 2, 2018 12:34:19 AM from kavous arasteh to all participants: i can not follow that distorted line

May 2, 2018 12:34:53 AM from Sara Bockey to all participants: I have to agree with Greg...

May 2, 2018 12:35:00 AM from Robin Gross to all participants: I do as well.

May 2, 2018 12:35:14 AM from Javier Rua-Jovet to all participants: Please mute!

May 2, 2018 12:35:18 AM from Terri Agnew to all participants: Kavouss, his line is very clear to me, it could be your connection

May 2, 2018 12:35:18 AM from John Rodriguez to all participants: +1 with Greg

May 2, 2018 12:36:36 AM from Martin Sutton to all participants: Annebeth, I have my hand up

May 2, 2018 12:36:47 AM from Annebeth Lange to all participants: ok, Martin

May 2, 2018 12:37:16 AM from Robin Gross to all participants: We need a basis in law to restrict, otherwise, we will have idea who feels entitled to exclusive use of a word. And the ICANN existing policy is that rules need to be predictable and known in advance.

May 2, 2018 12:37:46 AM from Robin Gross to all participants: ... NO idea, rather, ...

May 2, 2018 12:38:52 AM from Robin Gross to all participants: What is the rationale for refusing to use international law for a basis in our evalauation of this policy?

May 2, 2018 12:39:35 AM from Carlos Gutierrez to all participants: <suggestion> if there is only one name, then treat it as a capital city, if there is more than one, and both want to be in the DNS,

then we have to move them to the 2nd level. (my interpretation of Martings summary comments).
Thanks

May 2, 2018 12:39:49 AM from Katrin Ohlmer to all participants: To add on Martins comment, which issue are we trying to resolve which has been an issue in the previous round?

May 2, 2018 12:40:12 AM from kavous arasteh to all participants: I suggest we first demonstrate the idifficulties and seek for suggestion in a written manner

May 2, 2018 12:42:20 AM from Sara Bockey to all participants: I don't hear any distortion

May 2, 2018 12:43:08 AM from kavous arasteh to all participants: Pls kindly ask the operator to redial Greg as he is heard with echo

May 2, 2018 12:43:26 AM from Martin Sutton to all participants: Kavous - I don't hear any distorton

May 2, 2018 12:43:45 AM from Martin Sutton to all participants: do you have webex and phone line open

May 2, 2018 12:43:57 AM from Robin Gross to all participants: The intended use of a word is important. We can restrict mis-representations of a term under law, but not ban total use of a word.

May 2, 2018 12:44:30 AM from Javier Rua-Jovet to all participants: If phone line and webex open at the same time by anyone please mute both when not talking

May 2, 2018 12:44:36 AM from kavous arasteh to all participants: pls kindly go back to adobe connection and NOT this webex

May 2, 2018 12:45:05 AM from Annebeth Lange to all participants: Emily, could you take the next slide forward?

May 2, 2018 12:45:16 AM from Javier Rua-Jovet to all participants: Kavous,I think we will go back to Adobe soon (hopefully)

May 2, 2018 12:45:44 AM from kavous arasteh to all participants: Pls give an example Martin

May 2, 2018 12:45:47 AM from Nick Wenban-Smith to all participants: Martin is right on the non geo use of city names, you could have used bath for baths and not the UK city

May 2, 2018 12:46:17 AM from John Rodriguez to all participants: Agree that context is important.

May 2, 2018 12:47:12 AM from Justine Chew to all participants: Agreed, Martin is right. Is is ICANN Compliance responsible for ensuring no digression between actual use and what was stated in the application?

May 2, 2018 12:50:12 AM from susan payne to all participants: Agree with Greg's comment about context being very important. If there is a brand, intending to use a term in the context and for the purpose of their brand, then there is no reason for objection by those who may have an interest in a name in another context. So perhaps we need to consider how we ensure under the contract that the name gets used in the manner the applicant proposes

May 2, 2018 12:50:17 AM from Annebeth Lange to all participants: Dear Greg and all, I feel that when somebody makes assertions (as Liz did and you are doing) you have to back them with data, especially if it regards an instrument that was the result of a very lengthy process in the 2012 AGB. The data I am aware of (which I have referred to repeatedly) was included in the materials prepared for a webinar held in April 2017 on the subject of Geonames (staff may point to it). From that material it seems that the non-objection worked well for most applications that went through that system... Something that many applicants have confirmed also repeatedly...
best
Jorge
ps: as to legal grounds, to name an example, cities in Switzerland have the right under the civil code to protect their names...

May 2, 2018 12:50:30 AM from Robin Gross to all participants: As Martin illustrates well, we must account for freedom of expression rights to use a word (as in existing policy).

May 2, 2018 12:50:31 AM from Justine Chew to all participants: Correct. But anyone can still submit an objection to the application for Spa for non-geographic use if they wished.

May 2, 2018 12:50:40 AM from Annebeth Lange to all participants: This message came from Jorge, which do not have contact with Webex

May 2, 2018 12:51:09 AM from Carlos Gutierrez to all participants: Martin@ your example helps to differentiate, but it does not help to prioritize. And I expect to be prioritizing geoNames, at least in this WT

May 2, 2018 12:51:29 AM from Robin Gross to all participants: ...to use a WORD...

May 2, 2018 12:51:36 AM from Christopher Wilkinson to all participants: There are several problems with non-geographic use: 1. Future brands have many alternatives; the people in the Place Name don't have alternatives. 2. A TLD is likely to be permanent. I don't foresee Places renouncing their future use. 3. Granted that there will have to be some grandfathers, but by now I assume that IPC is warning the TM community that it is a bad idea to try and take over place names in the future. CW

May 2, 2018 12:51:48 AM from kavous arasteh to all participants: Yes Martin

May 2, 2018 12:52:01 AM from kavous arasteh to all participants: tks we need to make it clearer

May 2, 2018 12:52:54 AM from Heather Forrest to all participants: It's not the IPC's role (or indeed any group's within ICANN) to attempt to revise trademark law (which as a general rule permits registration of geographic names as trademarks provided various legal criteria are met)

May 2, 2018 12:52:59 AM from susan payne to all participants: Christopher its not the role of Icann to change international law

May 2, 2018 12:53:14 AM from Heather Forrest to all participants: +1 Susan (clearly we were thinking exactly the same point!)

May 2, 2018 12:53:31 AM from susan payne to all participants: Indeed

May 2, 2018 12:53:48 AM from Robin Gross to all participants: Agree

May 2, 2018 12:54:13 AM from Martin Sutton to all participants: Agree Greg - good examples to illustrate how the application process was not clear enough to separate these issues clearly

May 2, 2018 12:54:15 AM from kavous arasteh to all participants: Who decides that such use would no no implication of geographic area in that country

May 2, 2018 12:55:57 AM from Nick Wenban-Smith to all participants: I hear what Greg says about the problems with Spa. But on the other hand lots of great TLDs were created - Paris, Tokyo NYC etc. The issue is ICANN granting a perpetual licence for an exclusive TLD, and the fundamental inherent contention issues which are not so hard in the trade mark world

May 2, 2018 12:56:07 AM from Martin Sutton to all participants: Can we move the slide on :-)

May 2, 2018 12:56:39 AM from kavous arasteh to all participants: To be aware on the problem of .spa, pls ask GAC chair or ICANN to provide a background document of that case which was subject of several years of dfiscussion

May 2, 2018 12:57:09 AM from Christopher Wilkinson to all participants: We should be careful about what we ask for. 1. ICANN is already obliged to respect appliccable local law. 2. As long as we demand written laws, we might get some of them!

May 2, 2018 12:57:16 AM from Annebeth Lange to all participants: And we have to remember that there is only one TLD of a word, while several can have a trademark with the same word.

May 2, 2018 12:58:27 AM from Christopher Wilkinson to all participants: Additional categories: the draft ToR included economic, cultural and regional considerations.

May 2, 2018 12:58:27 AM from Justine Chew to all participants: Categories which are not currently provided for in the AGB 2012?

May 2, 2018 12:59:10 AM from Nick Wenban-Smith to all participants: I for one would not seek to expand the geo names categories

May 2, 2018 12:59:25 AM from Marita Moll to all participants: it could go on forever -- rivers, mountains, canyons, valleys, hills

May 2, 2018 12:59:57 AM from kavous arasteh to all participants: We need a clear understang of what we mean by "Additional Geographic Names"

May 2, 2018 1:00:29 AM from Christopher Wilkinson to all participants: Sound lost. Slides appear only transitorily.

May 2, 2018 1:00:36 AM from Michael Flemming to all participants: Sounds like someone is beatboxing

May 2, 2018 1:01:40 AM from Michael Flemming to all participants: He sounds great now

May 2, 2018 1:02:26 AM from kavous arasteh to all participants: We do not yet xclearly understand what we mean by "additional geographic name"

May 2, 2018 1:02:36 AM from Marita Moll to all participants: could there be an arbitration process?

May 2, 2018 1:03:38 AM from kavous arasteh to all participants: Any use of geographic names must respect the national legislation , national law or national rules and customs in a given country

May 2, 2018 1:04:35 AM from Katrin Ohlmer to all participants: In the last roudn there were linguistic communities like bzh and eus.

May 2, 2018 1:05:00 AM from kavous arasteh to all participants: My hand is up

May 2, 2018 1:05:51 AM from Martin Sutton to all participants: You are next in the q Kavous

May 2, 2018 1:06:07 AM from Steve Chan to all participants: In the 2012 round, an application could apply as both a community-based application and be a geographic name. They were not mutuallly exclusive. Community-based applications are being considered by Work Track 3.

May 2, 2018 1:07:09 AM from Javier Rua-Jovet to all participants: please mute

May 2, 2018 1:07:44 AM from Liz Williams to all participants: @ Steve...and a brand?

May 2, 2018 1:10:01 AM from Steve Chan to all participants: @Liz, that seems like it could be possible under the 2012 rules.

May 2, 2018 1:11:52 AM from Liz Williams to all participants: @Steve...yes I think so too but I think it would be good to explore a bit further. For example, if .paris applied as a .brand then would that have had a different outcome? If so, would that apply to the application for new geographic terms? Not sure of the answer but I do want us to think about it.

May 2, 2018 1:13:02 AM from kavous arasteh to all participants: I agree with Greg that the issue of community should not be discussed in work Track 5 then Jeff or Cheryl could kindly raise the issue at the main group rather than ping pong it between the main group and WT5

May 2, 2018 1:15:43 AM from Steve Chan to all participants: As noted, Work Track 3 considered the topic of community

May 2, 2018 1:19:17 AM from Emily Barabas to all participants: The next call will take place at 14:00 UTC on Wednesday 9 May.

May 2, 2018 1:19:41 AM from Katrin Ohlmer to all participants: @Emily: It would be great to get a schedule for the next months so we can plan accordingly.

May 2, 2018 1:20:16 AM from Martin Sutton to all participants: Agree Javier

May 2, 2018 1:20:28 AM from Martin Sutton to all participants: Much better, should we keep it?

May 2, 2018 1:20:33 AM from Christopher Wilkinson to all participants: Webex crashed here. Safari notice: jexpired certificate. Server not found! CW

May 2, 2018 1:20:41 AM from Justine Chew to all participants: No. Webex crashed for me.

May 2, 2018 1:20:47 AM from Nick Wenban-Smith to all participants: it was rubbish connecting for me

May 2, 2018 1:20:51 AM from Heather Forrest to all participants: Thanks Annebeth, Javier and Martin

May 2, 2018 1:20:58 AM from Martin Sutton to all participants: ok - good feedback

May 2, 2018 1:20:59 AM from Nick Wenban-Smith to all participants: thanks all!

May 2, 2018 1:21:01 AM from kavous arasteh to all participants: bye

May 2, 2018 1:21:02 AM from Katrin Ohlmer to all participants: thanks all!

May 2, 2018 1:21:06 AM from David McAuley to all participants: bye

May 2, 2018 1:21:07 AM from Thongchai Sangsiri to all participants: I've a good experience with WebEx

May 2, 2018 1:21:11 AM from jaap akkerhuis to all participants: bye

May 2, 2018 1:21:13 AM from Jonathan Agmon to all participants: אישמלד

May 2, 2018 1:21:20 AM from jaap akkerhuis to all participants: Bye

May 2, 2018 1:21:22 AM from Thongchai Sangsiri to all participants: bye

May 2, 2018 1:21:25 AM from pedro huichalaf to all participants: adios a todos