

Work Track 5 meeting



9 May 2018

Agenda

1

Welcome/Agenda
review/SOI updates
(5 mins)

2

Continue Discussion
on City Names (Non-
Capital City Names)
(50 mins)

3

AOB (5 mins)

Continue Discussion on City Names (Non-Capital City Names)

Agenda Item #2

Reviewing the mailing list discussion

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

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

- ⦿ The co-leaders acknowledge these different views but debate about these positions will not be the focus of the call today.

Objectives and Interests

During the Geographic Names Session at ICANN59, facilitators identified key interests for different groups. Are these still accurate?

Governments

- ⦿ Protect national identity + important subnational places
- ⦿ Avoid confusion between government/national TLDs and gTLDs
- ⦿ Maintain consent/non-objection authority on important strings

ccNSO

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

New gTLD applicants

- ⦿ Expand range of potentially available strings
- ⦿ Ensure a clear, fair, predictable + timely decision making process
 - ⦿ Brand Applicants: Enable, protect and use strings that support brand identity, including those that coincidentally match geographically significant terms

Thinking Creatively: City Names

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

Proposals: City Names (non-capital cities)

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

Reminder: Existing Policy and Implementation

A representation, in any language, of a capital city name of any country or territory listed in ISO 3166 (Example: London-Londres-Llundain)

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

Implementation (2012 AGB): Requiring support/non-objection from relevant governments or public authorities (see AGB Section 2.2.1.4.2).

City name, used for purposes associated with the city name (Examples: Bath, Spa)

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Implementation (2012 AGB): Requiring support/non-objection from relevant governments or public authorities (see AGB Section 2.2.1.4.2).

AOB

Agenda Item #3