

## About “Work Track 5” of the New gTLD Subsequent Procedures PDP Working Group

### 1- For the GAC to decide:

Nomination of a co-leader for, a new “Work Track 5” of the New gTLD Subsequent Procedures PDP Working Group,

ccNSO:

Designated Annabeth Lange.

Will participate under these conditions:

- The group to operate in a similar way as a CCWG
- Participating SO and AC need to support or non object recommendations before they become part of proposed GNSO consensus policies.
- AGB remains the same if there is no consensus about changes in rules.
- ccNSO letter can be found here:

[http://mm.icann.org/pipermail/council/attachments/20170901/24eded98/ccNSO\\_GNSO\\_wrtWT5-0001.pdf](http://mm.icann.org/pipermail/council/attachments/20170901/24eded98/ccNSO_GNSO_wrtWT5-0001.pdf) .

GNSO is in the process of designating their co-leader.

ALAC is still consulting its membership.

### GAC leadership proposal:

(a) accepting the invitation subject to the following conditions

(b) nominating a co-lead

(c) encouraging GAC members to join the Work Track on an individual basis.

The conditions for participation would be:

- Terms of Reference for Work Track 5 should be agreed by all participating SOs/ACs. In the case of the GAC, the GAC Chair will consult with the full GAC membership to determine if Terms of Reference are acceptable.
- There should be equal participation of all SOs/ACs, including in assessment of consensus calls, within the Work Track.
- Final recommendations from the Work Track should be agreed by all participating SOs/ACs before being submitted to the PDP plenary. In the case of the GAC this will require that the GAC adopt a specific position according to its usual procedures.
- The GAC will continue to exercise its advisory role to the ICANN Board under the Bylaws on issues relating to geographic names, and in doing so will take account of, but will not be bound by, the outcomes of the PDP.

### Proposal by Switzerland and Argentina:

The GAC should designate a number of GAC-appointed work track members (“GAC-appointed members”, probably 5, like in the CCWG Accountability), that would act in accordance with the principles and procedures we have defined previously for such participations in CCWGs (“*Guidelines for GAC Participation in CCWGs*”).

### Proposal by Denmark:

GAC aligns with the ccNSO so that we do not necessarily need support for all the directly participating SO/ACs to the final recommendations of the working group, but that we must have at least a minimum not objecting to the recommendations.

In case of one or more objections to the final recommendation, the currency rules with respect to country and territory names under the AGB remain in place for subsequent rounds until a broadly supported consensus solution has been found.

Proposal by France: (after debate with GAC leadership)  
What matters is that we need a positive action from GAC to support or at least not object to the outcomes of the PDP/WT5.  
We have to make it clear that an absence of response from GAC does not mean a non-objection.  
We propose that one of the conditions for GAC participation in WT5 is that the final outcomes need to be supported by a positive decision from each AC\SO to be considered valid (then it's up to each SO\AC to call it approval or non objection).

## **2- Some remarks / comments made during the two Geo Names Community Sessions in Johannesburg:**

Mention of the Repository of Geographic names, as contribution by some GAC members of the GACWG on Geo names.

What happens with names which have different meanings? Eg. Bristol

Geo PIC proposal: if Bristol is a brand, it does not need to have a consent letter from relevant Government. Geo PIC would be included in the Registry Agreement and would be enforceable by contractual compliance via a dispute resolution policy.

Proposal of some form of arbitration or essentially a hearing of geographic -a hearing from a geographic names panel of experts.

If the governments in the existing guidebook provided advice on a particular string, in the AGB today it states that there's a presumption that the top-level domain will not be delegated.

Fatal flaw in GEO Pic: Parties that have expressed their concern and they have inserted their concern in the repository, would be completely out of the process in assessing that the delegation will not affect their concerns. An ex post assessment and puts the burden on governments and ccTLD operators to provide for that. (Similar to what happens with two-letter code at the second level now)

TLDs are unique. And that for a solution to really work, we need to have all interested parties on board when TLDs are delegated.

Freedom of expression rights. People, businesses have legal rights to use geographical terms.

Key issue would be an early contact in between the parties, early contact before the application is made.

Use of three-character strings may match well known brand names or because they are common word or commonly-used acronym, and in those cases I don't believe any of those applicants would have an anticipation of requiring government non-objection.

A PDP on generic names, especially for the category of geographic names, should be responsibility a process with involvement of GNSO, ccNSO, GAC, ALAC, as all SO and AC are equally important.

The framework to do it is also equally important. It should be a framework that is legitimate according to all.

Issues with significant political and cross community implications and corresponding PDPs should not be led by the GNSO. Goal is to ensure a strong, balanced, cross-community participation.

[2017-06-27 / 2017-06-29 ICANN59 Johannesburg - Geographic Names Cross Community Sessions](#)