

GAC Geo Names WG - Terms of Reference

[Draft]

To follow are the Terms of Reference for an internal working group of ICANN's Governmental Advisory Committee (GAC).

The focus of the working group is to examine how to improve the protections offered to geographic names in any future expansion of gTLDs.

Background

The GAC Principles Regarding New gTLDs[1] state:

2.1 That new gTLDs should respect: a) The provisions of the Universal Declaration of Human Rights which seek to affirm "fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women". b) The sensitivities regarding terms with national, cultural, geographic and religious significance.

2.2 ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities.

These concerns were captured in ICANN's Applicant Guidebook[2] which defines geographic names as:

- Capital city names
- City names where applicants declare that they intend to use the gTLD for purposes associated with the city name
- Sub-national place names such as those listed in the ISO 3166-2
- Regional names appearing on the list of UNESCO regions
- Regional names on the UN's "Composition of macro geographical (continental) regions, geographical sub-regions, selected economic and other groupings."

Although these definitions include some 5000 names, they do not cover all the possible geographic names in the world.

Therefore ICANN's Applicant Guidebook also notes that: "In the event of any doubt, it is in the applicant's interest to consult with relevant governments and public authorities and enlist their support or non-objection prior to submission of the application, in order to preclude possible objections and pre-address any ambiguities concerning the string and applicable requirements."

As result of the first round of new gTLDs, and after the reveal day in June 2012, during the ICANN meeting in Durban the GAC expressed concerns about the geographic names issue in the GAC Durban Communiqué[3], under the heading GAC Advice to the Board:

7. Geographic Names and Community Applications

a. Geographic Names

i. The GAC recommends that ICANN collaborate with the GAC in refining, for future rounds, the Applicant Guidebook with regard to the protection of terms with national, cultural, geographic and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.

b. Community Applications

i. The GAC reiterates its advice from the Beijing Communiqué regarding preferential treatment for all applications which have demonstrable community support, while noting community concerns over the high costs for pursuing a Community Objection process as well as over the high threshold for passing Community Priority Evaluation.

ii. Therefore the GAC advises the ICANN Board to: a. Consider to take better account of community views, and improve outcomes for communities, within the existing framework, independent of whether those communities have utilized ICANN's formal community processes to date.

Objectives

The objective of the GAC Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs is to review and consider any necessary improvements to the existing protections by:

- Examining (and describing) how relevant sections of the GAC Principles Regarding new gTLDs were implemented in practice.
- Examining (and describing) how relevant sections of the new gTLD Applicant Guidebook were implemented in practice.
- Clearly explaining why protections for geographic names are necessary as a matter of good public policy.
- Developing practical options that are aimed at improving protection of geographic names during any future expansion of gTLDs.
- Developing practical suggestions and rules to lower uncertainties both for the governments, communities and also for the applicants, once using a geographic or community name.
- Developing best practice rules to avoid misuse of geographic and community names as new gTLDs and at the same time lowering uncertainties for the applicants, trademarks and the business involved.
- Defining the terms “Public Interest”, “geographic name” and “community interests” or others that may be relevant to the Advice issued by GAC in Durban (2012).
- Engaging with the Cross Community Working Group in the use of Country/territory Names as TLDs, and any other ICANN bodies or groups dealing with similar issues.
- Proactively engaging with the GAC, ICANN and the ICANN community to develop support for the agreed best options.

The working group may then make a recommendation to the GAC about appropriate next steps regarding the agreed best options.

Working Group Members

The GAC's Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs will be chaired by:

- Dr Olga Cavalli (Argentina).

All GAC representatives and observers are welcome to join the Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs. Working group participants are expected to be able to:

- Demonstrate knowledge or expertise about aspects of the objectives of the working group; and
- Commit to actively participate in the activities of the working group on an ongoing basis.

All participants will be listed in the working group's online workspace, within the members-only section of the GAC website.

The working group will be assisted and supported by the ACIG GAC Secretariat and the ICANN GAC Support team.

Deliverables and Timeframes

As a first step the working group should establish and adopt an initial work plan and an associated schedule (timeline).

One of the likely deliverables will be to contribute (in due time) to the definition of the rules of future rounds of gTLDs, in order to be sure that principles issued from this work can be fully integrated into any new guidelines and regulations issued by ICANN.

The work plan should include the timing and methods for informing the GAC of progress made by the working group. As a minimum, the Chair of the working group shall update the GAC about the activities of the working group, and its progress towards meeting its objectives (including any challenges), at each face-to-face GAC meeting. The initial work plan and schedule should be published on the web page of the working group. The Chair will be responsible for maintaining and updating the work plan and schedule and for informing the working group and the GAC Leadership Team of changes made to the work plan and schedule. At the discretion of the Chair an email list may be established to aid the work of the group. Details of how to subscribe to the email list will be published on the web page of the working group.

Process for the development of a Position Paper or Statement

The working group, at its own discretion, may publish an Interim (or draft) Paper, which will contain a review and analysis of the topics it considers relevant, or a draft Statement. The schedule for drafting and decision-making relating to a Position Paper or Statement should be included in the work plan. In developing a working group Position Paper or Statement the working group shall seek to act by consensus. The consensus view of the members of the working group shall be articulated in the paper. If full consensus cannot be reached, the Chair will seek to express the range of views of the WG's members.

Such a paper will be circulated to the GAC for comment, and may be published with a view to seeking input from the wider ICANN community and/or relevant stakeholders outside the community.

Any such Interim Paper or Statement must clearly state that it is produced by an internal GAC Working Group and does not represent a consensus GAC view.

After revising an interim Position Paper or Statement, the working group may seek formal GAC endorsement or support for the document. In the event that the GAC does not support or endorse a Position Paper or Statement, the working group may, at its discretion, reconsider and/or revise the Position Paper or Statement.

When a GAC working group engages in work that is clearly related to ongoing work in other parts of the ICANN community, it should give greater thought to the status or standing of an “interim” GAC paper that does not represent consensus GAC views.

[1]

<http://archive.icann.org/en/topics/new-gtlds/gac-principles-regarding-new-gtlds-28mar07-en.pdf>

[2] <http://newgtlds.icann.org/en/applicants/agb>

[3] https://gacweb.icann.org/download/attachments/31326224/Final_GAC_Communique_Durban_20130717.pdf?version=1&modificationDate=1376101648000&api=v2

Related Pages

- [Community Input - The Protection of Geographic Names in the New gTLDs Process](#)
 - [Geographic Names in the New gTLDs Process Updated Summary and Report - February 2015](#)
- [GAC Geographic Names WG Members](#)
- [GAC Geo Names WG - Terms of Reference \[Draft\]](#)