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PDP
Work Track 5 – Geographic Names and
EPDP on gTLD Registration Data

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About Work Track 5

◉ Work Track 5 is a sub-team of the New gTLD Subsequent Procedures Policy Development Process (PDP) Working Group (WG).

◉ The overall WG is tasked with calling upon the community's collective experiences from the 2012 New gTLD Program round to determine what, if any changes may need to be made to the existing 2007 Introduction of New Generic Top-Level Domains policy recommendations.

◉ Work Track 5 seeks to review the existing policy and implementation related to the topic of geographic names at the top level, determine if changes are needed, and recommend revised or new policy and/or implementation guidance, as appropriate.

◉ Anyone can join Work Track 5 as a member or observer.

Scope of Work

The scope of work includes geographic names at the top-level only:

◉ Two-character ASCII letter-letter combinations

◉ Country and Territory Names (alpha-3 on 3166-1, short and long-form in ISO 3166-1, additional categories in section 2.2.1.4.1 of AGB)

◉ Capital cities in ISO 3166-1, city names, sub-national names (e.g., county, province, state in ISO 3166-2)

◉ UNESCO regions and names appearing in the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings"

◉ Other geographic names such as geographic features (rivers, mountains, valleys, lakes, etc.) and culturally significant terms related to geography (also known as non-AGB geographic terms)

Current Status

◉ **Supplemental Initial Report** published for public comment on 5 December 2018, with the (extended) period closing on 1 February 2019. A total of 42 comments were received.

◉ Public comments were compiled into the Public Comment Review Tool, attempting to provide an initial assessment of Agreement, Concerns, New Idea, Divergence in relation to WT5's report.

◉ Work Track 5 categorized every comment, seeking to ensure that it understands the comment and asked questions where it may not be clear. *Transition - now undertaking substantive deliberations to determine if change is needed.* This exercise is NOT an assessment of consensus.

◉ **The purpose of this phase of work is to reach agreement on a set of recommendations** that will be sent to the full WG for their consideration and formal consensus call.

High-Level Themes From Public Comments

Overall - Existing 2012 implementation / Preliminary Recommendations

◉ Support from most commenters to maintain the existing geographic names protections deployed in the 2012 round (which are largely identical to the preliminary recommendations, with the exception of translations of certain terms). Some of that support is reluctant, in the sense that many commenters do not believe governments have an exclusive legal basis in geographic names, but nevertheless, are willing to support what they believe is a compromise solution. However, there is outright opposition from some commenters, which is discussed in the Outstanding Items - New Ideas/Concerns/Divergence section.

High-Level Themes From Public Comments

Three main groupings for preliminary recommendations

Country and Territory Names (Recommendations 2-9)

◉ Support from most commenters to maintain the existing geographic names protections deployed in the 2012 round (which are largely identical to the preliminary recommendations, with the exception of translations of certain terms). Some of that support is reluctant, in the sense that many commenters do not believe governments have an exclusive legal basis in geographic names, but nevertheless, are willing to support what they believe is a compromise solution. Exceptions to this general support do exist in this category (e.g., alpha-3 code) and in addition, there is outright opposition from some commenters; both of these elements will be discussed in the Outstanding Items - New Ideas/Concerns/Divergence section

High-Level Themes From Public Comments

Geographic Terms Requiring Letters of Support/Non-Objection (Recommendations 10, 12, 13)

◉ Support from many commenters to maintain the existing geographic names protections deployed in the 2012 round. While there is still some reluctant support (e.g., commenters do not believe governments have an exclusive legal basis in geographic names), there is more outright opposition from some commenters here, in particular against capital city names and less so against sub-national names and UNESCO and M49 regions; this will be discussed in the Outstanding Items - New Ideas/Concerns/Divergence section

Geographic Terms That Require Letters of Support/Non-Objection Dependent Upon Intended Usage (Recommendation 11)

◉ Support from some commenters to maintain the existing geographic names protections deployed in the 2012 round. There is still some reluctant support but again, there is more outright opposition from some commenters here. However, the opposition here comes from two very different angles 1) that cities do not have a legal basis and 2) that applicants should always be required to provide a letter of support/non-objection. Again, this will be discussed in the Outstanding Items - New Ideas/Concerns/Divergence section.

Open Topics

◉ **Proposal 1:** Develop an online, searchable tool for prospective applicants.
  ○ Support from a variety of respondents.
  ○ Concerns about ability to automate and potential cost to do so.
◉ **Proposal 2:** GAC members could assist applicants in identifying which governments and/or public authorities would be applicable when letter is required.
  ○ Support from a variety of respondents.
  ○ Qualified support from those that do not believe letters should be needed at all.
◉ **Proposal 3**: If letter is needed, provide mediation services to assist if applicant disagrees with response from government or public authority.
  ○ Support from a variety of respondents.
  ○ Qualified support, with concerns about cost and who would serve as mediator.
  ○ Concerns that mediation is non-binding and that it does not necessarily increase the willingness to negotiate.
  ○ Divergence, believing that the government or public authority shoud have the final say.

Open Topics

- **Proposal 4:** Heighten the awareness of governments and others regarding the gTLD program so that they will be more likely to seek or support a registration for the relevant geographic name.
  - Support from a variety of respondents.
  - Qualified support from those that do believe this awareness building should be a part of regular outreach.
  - Some believe this outreach is the responsibility of the governments.
- **Proposal 5:** Where a letter is required from a relevant government or public authority, establish a deadline for response. If no response, taken as non-objection.
  - Support from a variety of respondents.
  - Qualified support from those that are concerned about the accuracy of information (e.g., contacting the right party, deadline for response).
  - Some believe this recommendation should be considered with Proposal 2.
  - Divergence from some who believe the mechanism could be gamed, by purposely contacting the wrong party.

Open Topics

◉ **Proposal 26:** Raise awareness and increase knowledge among potential applicants about the opportunity to apply for TLDs. Could not require binding action on the part of potential applicants.
  ○ Support from a variety of respondents.
  ○ Divergence from a few respondents for unspecified reasons.
◉ **Proposal 34:** Provide an advisory panel (perhaps Geographic Names Panel) that applicants could contact to assist in identifying if a string is related to a geographic term. The panel could also help applicants identify which governments and/or public authorities would be applicable.
  ○ Support from a variety of respondents.
  ○ Qualified support from those that believe this proposal introduces legal issues in terms of liability.
  ○ Divergence for a number of reasons, including: concerns that if an advisory panel is needed, this means the criteria are ambiguous; concerns that the standard of "related to a geographic term" is a broad expansion.

Open Topics

◉ **Proposal 36:** Leverage the expertise of GAC members to help applicants determine if a string is related to a geographic location. GAC members could also assist applicants in identifying which governments and/or public authorities would be applicable if letter is needed.
  ○ Support from a variety of respondents.
  ○ Some support dependent upon this proposal not expanding situations where a letter is needed.
  ○ Divergence based on a number of reasons, including: concerns about the burden placed on the GAC members, as well as questions about GAC members decision-making ability; determining whether a string is geographic depends on context of use.

EPDP on gTLD Registration Data

- Over the past decades, information on the individuals or entities holding a domain name ("domain registration data") made available publicly through the WHOIS protocol and related Whois services, has grown to become an indispensable tool for attributing content, services and crime on the Internet.

- Whois has been the subject of long-standing attention for the ICANN Community, including the GAC, in particular in relation to major challenges:
  - Concerns around the lack of protection of personal data, and
  - Inaccuracy of registration data.

- The entry into force of the EU General Data Protection Regulation (GDPR) on 25 May 2018 forced the ICANN Organization, Contracted Parties and the ICANN Community to bring WHOIS into compliance with data protection regulations. Specifically, since ICANN60, a process including several parallel efforts for bringing Whois into compliance with GDPR has raised a number of concerns for governments

EPDP on gTLD Registration Data

- **EPDP is concluded Phase 1 of its work** by releasing its Final Report to the GNSO Council, which adopted it on 4 March 2019.

- The EPDP Phase 1 report provides 29 policy recommendations to eventually replace the terms of the Temporary Specification on gTLD Registration Data

- Since 2 May 2019, the EPDP Team has resumed its weekly meetings:
  - A new Chair, Janis Karklins, current Latvian Ambassador to the UN in Geneva and former GAC Chair
  - GAC's representation in the EPDP Team:
    - 3 GAC representatives designated as "Members":
      - Ashley Heineman (US)
      - Georgios Tsenlentis (European Commission)
      - Chris Lewis-Evans (UK)
    - 3 GAC representatives designated as "Alternates"
      - Laureen Kapin (US)
      - Rahul Gossain (India)
      - Olga Cavalli (Argentina)

Thanks!

Questions?