# GAC WG Protection
# of Geographic Names in new gTLDs

Olga Cavalli – GAC Vice Chair

Argentina Representative

ICANN Helsinki56

June 2016

# Background

- GAC Durban Communique - July 2013: work with ICANN to refine the rules for next gTLD round
- WG started in Oct 2013 during the Buenos Aires meeting.
- Document produced by WG, open for public comments from community during 2014, presented in Singapore meeting
- First work plan
- Best practices
- Review of "Pubic Interest" concept
- Revised work plan
- Use of regional names and related concepts

# Objectives of the WG

- Lower uncertainty for the applicant, for countries, regions and communities in the next new gTLD round.

- Prevent / Avoid misuse of names which are relevant for communities, regions, countries, etc.

- Lower the conflicts once the results of new round of new GTLDs will be announced.

- Give background information which can be useful to ICANN in the definition of the next round of new gTLDs rules.

# Agenda

- Updated WG Work Plan
- Comments about best practices
- Use of regional names and related concepts
- Revision: document about Public Interest
- Reactions to Strawoman paper proposed by CCWG on Country and Territory Names (Tuesday)
- Feedback: Request of inclusion of other experts outside GAC in our WG email list
- AOB

# Proposed Best Practices

**Applicant:**
✓If the selected string is directly related with a country, city, region, subregion or other geographic related spaces, the relevant authorities related with these denominations should be contacted.
✓Previous research and investigation about different meanings of the applied for string, considering also the notion of protection of a name even if it is being translated to another language.
✓In the case of doubts, encourage the applicant to establish contact previous to the application with the relevant authorities of the country – city – region – subregion.

**ICANN:**
✓Enhance outreach efforts to all countries and regions of the world before the next new gTLD round.
✓Governments should have an appropriate way to raise concerns about the use of geographic names associated with their territories.
✓Establish a clear process for governments to raise their concerns when their territory names used in the next new gTLD round.
✓Establish clear steps / way forward for both the applicants and government in reaching consensus with the applied gTLD

These should concile Interests of applicants in having legal certainty and a clear environment
Vs
Interests of governments, public authorities and communities

# Annexed / Occupied territories
## "Government internationally recognized" vs "relevant goverments"

- Raise attention on names of territories like annexed regions by countries.

- "Government internationally recognized" instead of "relevant goverments"?

- International and UN recognition is vital for understanding who is legally responsible for the territory geo names (self declared government or failed control government but internationally recognized).

- Consider ISO3166-2 list as a reference for of "relevant government".

# Sources of the "Public Interest" document

Analyze the debate, content and references about "public interest" that took place in three different multistakeholder debate spaces:

- The ICANN Strategic Plan for fiscal years 2016 – 2020
- High-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society
- The Internet Governance Forum Wokshop about "Public Interest" in relation with Critical Internet Resources

# ICANN Strategy Panel on the Public Responsibility Framework

*"ICANN defines the global public interest in relation to the Internet as* <u>ensuring the Internet becomes, and continues to be, stable, inclusive, and accessible across the globe</u> *so that all may enjoy the benefits of a single and open Internet. In addressing its public responsibility,* <u>ICANN must build trust in the Internet and its governance ecosystem.</u>

*This vision is central to ICANN's public responsibility framework; however,* <u>there is a need to define particular areas of focus and target topics, regions, and stakeholders</u> *that need to be addressed in relation to ICANN's responsibility to serve the global public interest.*

# ICANN vision´s reference to public interest

- *ICANN's vision is that of an independent, global organization trusted worldwide to coordinate the global Internet's systems of unique identifiers to support a single, open globally interoperable Internet. **ICANN builds trust through serving the public interest, and incorporating the transparent and effective cooperation among stakeholders worldwide to facilitate its coordination role.***

# ICANN´s Stategic Objectives

- *Evolve and further globalize ICANN*

- *Support a healthy, stable, and resilient unique identifier ecosystem*

- *Advance organizational, technological and operational excellence*

- *Promote ICANN's role and multistakeholder approach*

- ***Develop and implement a global public interest framework bounded by ICANN's mission.***

There is a specific reference about ICANN *"coordinating policy development **reasonably and appropriately** related to these technical functions"*

# ICANN´s Stategic Objectives

- The evolution of the domain name marketplace should not create "conflicting agendas of key players thwart cooperation and evolution of marketplace to serve the public interest".

- …Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest…

- … ICANN seeks to develop a public responsibility framework for promoting the global public interest in the coordination of the Internet's unique identifier systems and in furtherance of ICANN's mission.The framework will clarify ICANN's roles, objectives and milestones in promoting the public interest through capacity building, and increasing the base of internationally diverse, knowledgeable, and engaged ICANN stakeholders

# ICANN´s Stategic Objectives

- "Act as a steward of the public interest: The ICANN community's decision and policy-making structures and processes are driven by a clear understanding of the public interest, including a healthy unique identifier system and marketplace.

- Common use across the ICANN community of best practices that demonstrate commitment to the public interest.

- Streamlined reviews that demonstrate the effectiveness of best practices in support of the public interest.

- There may be a "Inability to reach consensus on what constitutes public interest and on best practices related to the public interest", and that there may be a "perception that ICANN is driven by selected interests rather than the public interest".

# ICANN´s Stategic Objectives

- All these references to "public interest" go beyond what the ICANN mission states as the sole coordination of a set of critical internet resources.

- These strategic objectives indicate a considerable relevance in the role of ICANN as a steward of the "public interest" in a more holistic way, related with the Internet and the Internet ecosystem as a whole.

# Other sources

- **HL meeting review WSIS outcomes** : While not directly making references to the "public interest", the document highlights the relevance of the multistakeholder dialogue, which must also focus on "public policy issues that require attention and have not been adequately addressed".

- **IGF WS "Public Interest" and CIR:**

- From a developing country perspective, the public interest entails preserving things that important to the whole community, and is related to social, community and cultural dimensions.

- Public Interest is about the common wealth, which is defined in a particular time in a particular framework and society, and as such is an iterative process that adapts over time.

- Public Interest is about protecting the ecosystem from capture but relates also to the prevention of inequality and increasing public participation.

# "Common good" vs "Public Interest" Contibution by Peru

- "Common good " is intrinsic or embedded in the public interest concept

- Notion of a "common good" goes well beyond the individual economic well-being to one where the center is the community and society as a whole

- For many, the phrase "public interest" still holds a strong connection with utilitarian notions that privilege business opportunities and therefore are not consistent with a multistakeholder approach

- References to international law are only headed to obtaining the rights to any given geographical name

# Next steps

- Wether difficult and challenging to define, "public interest" is present in important documents, debates and dialogues with ICANN and other fora.

- Specially within ICANN, there are several references to "public interest" that indicate that this concept is applied in a more extended way than the coordination of some critical Internet resources, covering also public policy issues, cooperation and evolution of marketplace and promoting greater participation.

- Submit this document as a GAC contribution to the ICANN wiki on Public Interest.

# Other activities in ICANN56 and beyond

- Continue developing WG Work Plan
- Refine: document about Public Interest
- Tuesday: Reactions to Strawoman paper proposed by CCWG on Country and Territory Names
- Feedback: Request of inclusion of other experts outside GAC in our WG email list

Many thanks!
Muchas gracias!

Questions?
Preguntas?

Olga Cavalli – GAC Vice Chair
Argentina Representative
occ@mrecic.gov.ar
olgacavalli@gmail.com