
ICANN84 | AGM – GAC Capacity Development Session on New gTLD Program Next Round (2 of 2)
Saturday, October 25, 2025 – 15:00 to 16:00 IST

GULTEN TEPE

Welcome to the second session of GAC Capacity Development on New gTLD Program Next Round on Saturday 25th of October at 15:00 local time. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior, the ICANN Community Participant Code of Conduct, and the ICANN Community Anti-Harassment Policy.

During this session, questions or comments will only be read aloud if submitted in the proper form in the Zoom chat. Interpretation for this session will include all six UN languages and Portuguese. If you like to speak during this session, please remember to raise your hand in the Zoom room. Please state your name for the record and the language you will speak, in case speaking a language other than English. Please speak at a reasonable pace to allow for accurate interpretation. With that, I will hand the floor to Tracy Hackshaw. Tracy?

TRACY HACKSHAW

Thank you very much, Gulten. And welcome to part two. Yes, part two of our three-part Capacity Development ICANN84 initiative. So, for those whose appetites were whetted in the first session, now we're doing the deep dive into the things that you really want

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to talk about, which are the objections and early warnings and advice and so on. And to do that, we have two segments. The first 30 minutes will be split, will be, well, will be focused on community input, objections, and appeals, which includes the GAC early warnings that the GAC will be discussing in more detail in plenary in this meeting.

And then we'll have a 30-minute discussion to hear from actual GAC members who were involved in the 2012 round, including our illustrious chair, who is going to give us some insight. I will, I was there as well, so I'll give some of my thoughts. And we have the UAE, who was there as well, and will give some very interesting thoughts on the, let's say, some contentious issues that arose during 2012. I think for those who were not here, and we found out from the code was six of us who are here, or less. Certainly a handful of this room were around, so the majority of you were not here. I was actually the vice chair during all of this thing, and it was interesting. I'll just leave it there.

But it's important first to understand that the onus will become on you to review, do your due diligence, and come up with your countries, and your governments, and your institution, because it might be an IGO as well. Looking at these strings and trying to understand what they mean, and how they may impact your country law, international law, public interest as the case may be.

So without getting too much into detail right now, just reiterating, this is an interactive session. I still have some gifts prior to the

giveaway for questions. Keep that in mind. Let's focus on what we're going to do interactively, and as hands-on as possible. And let me now give the floor to ICANN Org, who will walk us through the process of community input, objections, and appeals. And like the last time, I just ask Org to focus again on the GAC role in this part of it, and keep it as interactive as possible. And we have about 20 minutes for this session. Thank you.

ELISA BUSETTO

Hi everybody. This is Elisa. And if you can go to the next slide, please. And the next slide.

So I'm just going to talk briefly about some of the ways the community can provide their input in the context of the new gTLD program. Like mentioned earlier, starting on string confirmation day, different parties will have the chance to provide their input in different ways. And while the session is more focused on GAC early warnings, I will just talk briefly about other venues as well that the community can use.

And so first of all, the general public will have the opportunity to submit application comments. GAC members can decide to issue GAC member early warnings, and the GAC as a whole can issue GAC consensus advice. In addition, the general public, and this is again anybody, have the chance to submit singular or plural notifications, and finally parties withstanding will be able to file objections, and the determination of these objections can be

appealed. But I will provide some more details in the next slide.
Next slide, please.

So again, starting on string confirmation day, anybody will be able to post comments to the so-called application comment forum, or ACF. This forum will stay open for the entire duration of the program, but only the comments submitted in the 104 days after string confirmation day, or within 30 days of specific application change requests, will be considered by evaluators. So comments are a mechanism for the public to bring any kind of information or issues they want to share with ICANN, evaluators, as well as applicants regarding specific applications. They do not have, per se, a direct impact on the application, but the evaluators will look at them and will determine whether relevant information, information that is relevant to the evaluation they're carrying out, should be taken into account, only if these comments are posted within the specified time frames that I mentioned earlier.

Application comments will largely be public, but there will be the opportunity to also submit confidential comments that will only be visible to ICANN evaluators, as well as the applicant, if they refer to confidential portions of the application. But in order to prevent abuse of this system, ICANN will review each confidential comment to verify whether it indeed refers to such portions of the application.

Application comments do not have any kind of costs associated, and applicants will be given the opportunity to respond to these

comments publicly, if these comments are public, or confidential, if the comments are confidential. And GAC members may also submit application comments, of course. So this is something that can be done. And next slide, please.

Of course, the GAC can also issue consensus advice on any application at any time. And consensus advice is issued according to the ICANN's bylaws. A rationale must be issued, and it is intended to address applications that are identified by the GAC to be problematic. Applicants will have a certain time frame to respond to GAC advice, and this time frame is 21 days. And this is because this will give enough time to the Board and to the GAC to take the applicant's response into account, when considering the advice. And if the advice is accepted by the Board, it may prevent an application from proceeding, or from proceeding unless certain modifications are made, such as, for instance, the addition or the modification of an RVC that Ariel talked about earlier. Next slide, please.

The general public, and this is again anybody, can also submit a so-called singular or plural notification in the 30 days following string confirmation day. So in this case, the time frame is much shorter compared to GAC early warnings and application comments and objections. And singular or plural notification is based on a claim that an applied first string is a singular or plural form of another applied first string, an existing TLD, a string being processed from a previous new gTLD around, or a block name.

And this singular or plural notification must include evidence, and the details are included in the Applicant Guidebook of the kind of information that needs to be submitted. It doesn't have, again, any costs associated. And if a match is found, the relevant string or strings may be placed in a contention set or prevented from proceeding. So they will be placed in the contention set if they are found to be the singular or plural form of another applied first string and prevented from proceeding in the other cases. And next slide, please. Thank you.

And then another way to provide the feedback for the community is submitting objections. And this is a much more complex and costly process. So only certain parties will be able to submit objections, good parties withstanding. Objections can only be submitted on specific grounds, and you can find the exact information on the four different grounds in the Applicant Guidebook. Objections are administered by external dispute resolution service providers that have already been selected, and information is public. And they have costs associated. So filing an objection and having it considered by a dispute resolution service provider has significant costs and could be having significant costs.

And we will also have a standing panel of independent objectors who will be looking at the comments submitted on the application comment forum and determine whether an objection can be filed on the grounds of limited public interest and community, given certain conditions.

TRACY HACKSHAW

Elisa, there's a question and chat from Jorge in Zoom. Jorge?

JORGE CANCIO

Sorry. I just realized that you already provided the answer to the question, which is that the GAC consensus advice can be delivered at any time, but at any time must have some end date, isn't it?

ELISA BUSETTO

Yes. It can't be delivered after delegation, I believe. So it has to be on an active application, because if after delegation, I think this falls outside the remit of the program, of course. But for the sake of the program, it has to be done before then. And of course, the sooner, the better, because of course, it's going to be easier to address it with not incurring significant delays. Thanks for your question.

And yeah, back to objections. So if an objection may also, like a panel may also determine that an application against which an objection was filed cannot proceed or can only proceed if certain modifications are made, the same as for GAC consensus advice. And unlike in 2012, objections can be appealed against. So the non-prevailing party to an objection will have the opportunity to file an appeal with the same solution service providers which are administering objections, but with a different panel. Again, this is a quite complex process, and if you would like to find more

information, you can check the section 4.5 of the draft Applicant Guidebook that Benedetta shared earlier. And I think next slide.

And finally, I think this is what you will be discussing more in depth in this session, and I think also in a session tomorrow, GAC Member Early Warnings. So these are warnings that are issued by individual or groups of GAC members, as well as observers. So observers would also have the opportunity to file them.

And they provide the applicant with an indication that the application is seen as potentially sensitive or problematic to these GAC members, and per se they don't have a direct impact on the application, like consensus advice or objections, for instance, but it may signal the likelihood that the application may be subject to GAC advice earlier later, meaning that the applicants should really pay attention to GAC member early warnings and try to address them as soon as possible in collaboration with the GAC member that issued them.

Early warnings must also include the rationale as to why they were issued and also how the applicant may address these concerns. In addition to that, the early warnings should also include the contact details of the person that the applicant can contact in order to discuss the concerns addressed in the early warning. And this is because we really encourage applicants and GAC members who have specific concerns to try and address these issues before they escalate or before GAC advice is issued.

I would also like to stress that for GAC advice to be issued, there doesn't need to be a GAC member early warning before, so these are not related. And once again, early warnings do not mean that the application will not proceed. To stress again, we really encourage GAC members and observers and applicants to communicate as much as possible to address any issues identified in the early warning. Like comments as well as objections, they can be issued during the 140 days following string confirmation day.

And are there any questions about any of the community input processes or specific early warnings? There is a question.

ABDULRAHMAN AL MARZOUQI Hello, good afternoon. This is Abdulrahman from the UAE. Just a question in regards to whether there will be a website where GAC members will fill up requests for early warnings like the 2012 round. If I recall correctly, there was a website where GAC members will be able to go through a process where they can initiate and submit or upload early warning information. Thank you.

ELISA BUSETTO Thanks for your question. I'm also looking at my colleagues, but I think that this is part of the discussion that will come tomorrow, if I understand correctly. So there will be a form to be filled out by GAC members, but what this form will look like is going to be discussed more in detail by the group. And maybe it's also information that you could be interested in, is that any application

that is subject to a GAC member early warning will be flagged in our system, so you will be able to see if there's any ongoing processes such as objections or early warnings and advice in the application in what we call TAMs, so the TLD application system. And another question, please.

TOMONORI MIYAMOTO

Thank you for the presentation. This is Tomonori from Japan, for the record. I have a question about the deadline for the coordination between GAC members and the applicant, because after the GAC early warning, I think that there should be coordination on maybe RVCs about what commitment should be made for the applicant, but if it is under the discussion, can the delegation happen, or is there any deadline for coordination?

ELISA BUSETTO

So the idea is that the applicant can reach out to the GAC member or members or observers who issued the early warning, and they can discuss together how to address them. One of the ways they can address them, as mentioned, is, for instance, adding an RVC, but also make any kind like other changes to the application, and this they can do by submitting what we call an application change request, which will be processed by ICANN, and if this addresses the concern, it may prevent, for instance, GAC advice from being issued or any kind of other processes that might be triggered.

But it's not up to ICANN, or really, it's really up to the applicant and the GAC member to figure out a way how to best communicate, which is why we really encourage GAC members to indicate a contact point in the early warning. But I don't think ICANN will not be included in these discussions. ICANN will just be notified of any application change request that the applicant may decide to file. I hope this answers your question.

TRACY HACKSHAW

There's also Germany.

RUDY NOLDE

Rudy Nolde, Germany, for the record. I have a question regarding objections. Are there any circumstances in which it would be advisable for a GAC member, for a government to file an objection instead of, or in addition to, the GAC-specific remedies that we have? And is there any special, or I don't remember, is there any, you say that it carries costs, but is there any process, like for a GAC member, the costs are waived?

ELISA BUSETTO

So national governments can have their costs waived. To be clear, it's only the costs relating to the filing of the objection or the appeal and the processing of the cost. So any additional legal costs, for instance, will not be covered by ICANN. But yes, national governments have this opportunity. And yes, there are situations in which it might make sense for a GAC member to file an objection,

rather than trying and finding consensus on advice, because if there's no consensus, advice can't be issued.

But I think an individual GAC member, if they really have big concerns about an application, they can decide to file an objection. As mentioned, the national government will have to have standing in order to be able to file that objection, and more information is again in the guidebook on the different grounds and how to have standing for a specific objection. So yes, the answer is yes.

TRACY HACKSHAW

Any further questions?

JULIA CHARVOLEN

Tracy, we have a question in the-- this is Julia speaking for the record, sorry. We have a question in the chat from Kenyon asking, have all 90-day periods in the AGB been changed to 104 now?

ELISA BUSETTO

Yes, so this is following a public comment we received from the ALAC, who were requesting an extension of the, what we call community input and objection period. So now it is 104 days for comments to be considered by evaluators, GAC early warnings to be filed, and what am I missing? Objections to be filed as well. Whereas for singular plural notification, it's still 90 days, and for GAC advice, it's any time until delegation. So yes, this has been updated following the last public comment that happened in May.

TRACY HACKSHAW

Okay, anything else? Any more questions? Because we're coming to the end of this part of the session. Doing once, twice, okay, so Nico.

NICOLAS CABALLERO

I have a quick question, Elisa, and thank you for the fantastic presentation as usual. Why 104 days? Why not 105? Why not 110? Why not 100? Is there any special reason for that? I'm just curious about the math.

ELISA BUSETTO

We added two weeks. This was a compromise solution, because actually the ALAC requested a much, I don't recall the exact number, but a longer period of time, and we were trying to find a compromise with other parties. That's where we landed. It was actually our council liaison who suggested 104 days, and we decided to stick to it.

TRACY HACKSHAW

All right, great question. So that looks like it, and we'll move on to the next part of our session. Thank you very much, Elisa. Appreciate it. Thank you.

All right, so now we come to sort of a more practical look at the next round, and this is the experiential views of other GAC members who have been involved or were involved in the 2012 round. So I'd like

to ask my colleague, Nico Caballero, who is apparently going to go on stage and do a TED talk, giving his experience. He said he had some slides, which is great, and then maybe after that we can ask UAE to give his experience and so on. So yeah, so he's going to do a TED talk as well. I'll stay here. Yes. UAE I'm sure has some very interesting stories to tell. The wars. All right, so let's over to Nico.

NICOLAS CABALLERO

Thank you so much. I think this is a little bit better in practical terms in order to get to see who's raising the hands and, a little bit more. Oops, and I see something here.

Okay, so I'm going to refer to the 2012. We're going to go back in history, right? Only six people in the room, as far as I understand, were there 13 years ago. This is going to be very quick. I divided my presentation into five different parts. The first part is just an introduction and then some historical context and the challenges at the time. And then I'll refer very quickly to the process, some lessons learned and changes implemented, as a matter of fact. And then finally some key recommendations.

Again my memory might not serve me well. I might have made some mistakes in my presentation and I stand to be corrected, but everything I will-- this is public information, is publicly available, so I compared my own personal notes at the time with the public information available so far and kind of matches. There might be

some little tweaks to be made, but in general, I just wanted to give you. And I'll be very quick, no more than 10 minutes, bear with me.

So as an introduction, I can say that the 2012 ICANN new gTLD program at the time, remember we're in 2012, right? It was a landmark expansion of the Internet's namespace. It was a critical component at the time, very especially for the GAC, right, and for GAC advice. And I'll refer very quickly to two very specific cases, the cases of .amazon and the withdrawn .patagonia application, which basically became emblematic of the challenges in balancing commercial application rights, on the one hand, with public policy concerns, on the other hand, particularly those raised by national governments over geographic names as I mentioned before, Amazon and Patagonia.

So in terms of historical context and the challenges faced both applications were filed by commercial entities, Amazon, I don't need to introduce Amazon, right, Amazon Inc. and the apparel company Patagonia Inc. They faced formal objections on the grounds of geographic name protection from the GAC, Brazil and Peru at the time, later joined by other--

TRACY HACKSHAW

Sorry, Nico, just the slides you have, does staff have them? Because they're not coming up on this.

NICOLAS CABALLERO These are just talking points. I prepared beforehand to have a more structured. I can share, but--

TRACY HACKSHAW No, we're just wondering if you had slides to show because--

NICOLAS CABALLERO I was just trying to have a more structured, because my memory is not that good. So again, Brazil and Peru were later joined by other ACTO, ACTO members, ACTO, again, standing for Amazon Cooperation, oh man, Amazon Cooperation Treaty Organization. Thank you, thank you, Switzerland. You have a very good memory.

So they basically asserted that the name .amazon was a vital cultural identifier and sovereign right of the Amazonian region nations. Similarly, Argentina and Chile objected to .patagonia, as it denotes a vast geographic region spanning their territories. I don't know if we have Argentina in the room, so I stand to be corrected by all means. Do we have Brazil in the room as well? Because as I said before my memory might not be that good and my notes might have mistakes, so again, I stand to be corrected.

So the core problem was a procedural and policy conflict. The AGB, the Applicant Guidebook at the time, didn't have a clear binding mechanism for resolving such I would say deep, deep-seated public policy objections against a validated application. So there were as regarding the process itself, there were divergent paths to resolution, right? In the case of .patagonia, there was a preemptive

withdrawal facing very strong and coordinated opposition from the Argentine and Chilean governments in the GAC. The applicant, Patagonia Inc. chose to withdraw its application. I think it was in 2013, and again, I stand to be correct, or was it 2014? Thank you. Thank you, Argentina. Yeah, 2013, prior to a key ICANN meeting, and again, I don't remember if it was before or after the Durban meeting. Argentina, if you can help me with that. After Durban, thank you so much.

So this action was a direct result of governmental pressure and the lack of a clear path forward within the ICANN process itself, for the applicant to prevail. Again, we're talking about 2012. So it basically showed the de facto power of strong GAC consensus advice to deter an application without the need for a formal ICANN board decision. So that was one thing, that was the example with the .patagonia. In the case of Amazon, and again we have Brazil in the room, I stand to be corrected again. Please chime in whenever you want. There was a, I would say, a protracted conflict in IRP, as a matter of fact.

So in contrast the Amazon Inc., the company, chose to contest the GAC's consensus advice, which led to a seven year, seven or eight year, I'm not sure, six, seven or eight years, I'm not sure, maybe seven. Seven, okay, thank you, a seven year deadlock. The NGPC entered into a prolonged unsuccessful, let's say, negotiations at the time, and the impasse was only broken after an IRP, an independent review process panel, that ruled that ICANN had violated its bylaws by failing to make a decision. And we have ICANN Org in the room as well. Lars, Kristy, I stand to be corrected.

Anytime I say anything stupid, please feel free to chime in. But this is my own recollection and my notes, and, you know.

So the board finally approved the application in 2019. I don't remember, I think it was May 2019. I wasn't around because I was not part of the GAC, I was not part of government. As a matter of fact, I had decided at the time to become a Buddhist monk in the Himalayas, and I was totally away. So contingent on the company granting culturally sensitive domain names and implementing a joint use model. I don't know if that was actually implemented at all. I'm not familiar with the details, but I'm giving you the vanilla version based on my notes and public information.

So some lessons, and I'll be quick here. Some lessons learned and some changes implemented afterwards. So we have positive and negative outcomes, you know. A negative thing was that the process was severely criticized, very much criticized for being unpredictable and adversarial at that time, right? The two cases basically created two vastly different outcomes. As I said before, one through external pressure, in the case of Patagonia, leading to withdrawal, and another through years of costly, very costly litigation and a long and complicated process and IRP and so on and so forth. So this ambiguity damaged confidence in the program's fairness and predictability according to some governments. Not the full GAC, but some governments, some participating governments.

There were positive things, right, because it basically forced a critical, I would say very critical, re-evaluation of the mechanisms for the handling of GAC consensus advice and geographic names. Highlighting the need for a more transparent and equitable process. And there were some subsequent changes, like the experience directly informed policy development.

For subsequent rounds, the subsequent procedures or SubPro PDP working group basically spent a lot of time crafting more robust and clear rules for geographic names, including, among others the early warning systems to which Elisa already referred to, basically strengthening the non-binding GAC early warning, the non-binding early warning to provide clearer signs, clearer signals to applicants. Clearer categories, defining different categories of geographic names, like, for example, capital city names, country names, UNESCO region names, and so on and so forth, with specific protection mechanisms.

And in the third place, a more formalized process creating more predictable paths for resolution in order to avoid years of limbo and costly litigations and provide more clarity for both applicants and governments. And finally, some key recommendations, sorry for taking the floor for so long, Tracy, but I really thought it was important to share my notes, my archaeological notes.

Some key recommendations, again, coming from a humble 2012 participant's perspective, is that clarity is paramount policy for future rounds must have unambiguous, clearly predefined rules for

geographic name protection and the weight of GAC consensus advice. You know, the current ambiguity, not the current, but ambiguity in general would lead to unpredictable, as I said before unpredictable outcomes, either withdrawal under pressure or lengthy litigation, which we all want to avoid, as per my understanding.

In the second place, to facilitate early engagement. Elisa already mentioned that, and I think Tracy also referred to this, but ICANN should mandate and facilitate structured dialogue between applicants and relevant governments before applications are submitted to identify potential points of conflict and allowing for informed application decisions.

Also building contingencies the rule book, so to say, the AGB must include clear time processes for what happens when negotiations between a commercial applicant and objecting governments break down, preventing indefinite, what's the word, stalemate or litigation. And finally leveling the playing field. The process should be structured in order to ensure that outcomes are determined by clear rules rather than the relative power or resources of the parties involved. A very, very important detail here. Be they multinational corporations or sovereign nations.

So, again the Amazon and the Patagonia cases in my humble opinion, remain powerful lessons on the necessity of precise policy, the importance of early engagement for all governments, and the critical need to create a process that is both predictable and fair or

equitable for all stakeholders. I'll stop there. You know, I could go on because I have some more notes, some more archaeological notes, but I'll stop there in order to see if we have, in order to give time as well, right? So, sorry for taking extra time.

TRACY HACKSHAW

No, no, no. That's absolutely critical that you gave that insight, Nico, and I'm happy that you're able to shed light on the geographic part of this, which I think is one basket of issues. I believe Abdul is going to give a different spin, and I will actually come in with a different, another basket. So, maybe let's just go straight to Abdul and see how things go.

ABDULRAHMAN AL MARZOUQI

Yes. Thank you, Tracy, and thank you, Nico, for your perspective. I would share also and support, I mean, all of what you said about the previous round. I'll give my perspective on the applications that I led personally during the 2012 round, and honestly, at that time, I never thought that I would be involved in such lengthy processes. My worry at that time was about new gTLD applications that we were supporting for the Dubai, Abu Dhabi, and the Arab, but then I got involved in the, I would say, mostly the problematic part of the new gTLD.

So, during 2012 reveal day, we, in the UAE, we were leading the GCC discussion, so the GCC countries are part of, I mean, we are part of a block of six countries in our region, and we were leading that

discussion with the support from the GCC organization. The UAE was involved in four applications that we used different venues of objections, the early warning, the GAC consensus, formal objections, and finally the IRPs. So, these applications were .islam, .halal, .persiangulf, and .gcc.

Obviously, the first two are related to the religion of Islam, and obviously this is a very, very big and broad group of people who are interested in this. I mean, we are talking about 1.4 billion world population of Muslims. And then .persiangulf is the name that we contest. We recognize the name in the Arab region, the name of Arabian Gulf, so we are basically, this is sensitive subject to us, and the GCC obviously is an IGO, an intergovernmental organization, and we are part of it, so that's why it's an objectionable name.

So, the process was very, very lengthy, I would say, I mean, going through all of these processes. Some of the cases, I mean, the GCC, for example, took probably two years, .persiangulf took six years, I believe, Islam and Halal took as well around five years. The GCC, by the way, is still ongoing. The final IRP from the applicants of the GCC is still, I mean, debated between the applicant and ICANN. So, that took around 13 years and counting.

In terms of Islam and Halal, I think the lesson learned from my perspective is coordinating and communicating with the relevant organizations. I think this is the most difficult part. I mean, we are in ICANN, we are in the GAC, we understand what is ICANN, what is the new gTLD, but when you talk about it to other organizations,

it's alien to them. They don't understand the language, they don't understand what is this, what's the implication. So, I think that's the most important part, communication and alignment with the various organizations. I think that was the most difficult part and building up the position.

I think after the reveal day, there's a limited amount of time until the time of issuing the early warning. That's, I would say, a very intense time, because that's where most of the position building will be done. You know, when the time that we know these are the applications, who are the applicants, what these applications entail and what's the implication, and communicating with all these stakeholders that you don't know that you need to coordinate until the time you know what these applications are. Having a topic lead, I think that's the second lesson learned for these processes. You know, each topic or each, I would say, application or group applications of similar nature need a leader that would lead the discussion and try to build a position around them.

That's, in a nutshell, my perspective on the new gTLD program. And I share with Nico that I think some of these issues surface because of the lack of understanding from various stakeholders, including the applicants. Maybe the applicants, they write applications, they pursue these applications, thinking that there's no problem with them. And then they put in a position where they invested already in this. And it's a difficult position to pull out, right? So they continue not knowing what's the final outcome. And

I think that's having more clarity in the program in terms of what can they do, what they can't do, and what are the boundaries, and what are the issues. I think having that clarity is very, very important. That's it from my side. Thank you.

NICOLAS CABALLERO

So would you like to go ahead, Tracy? There are two hands, one from Switzerland and one from Indonesia. Or would you like to go ahead first?

TRACY HACKSHAW

I'm not sure I see the questions first.

NICOLAS CABALLERO

All right, so I have Switzerland. Please go ahead.

JORGE CANCIO

Thank you, Nico. And thanks to both of you for the experiences. I just wanted to share with you a comment, let's say, because as I was heavily involved in the SubPro proceedings, the PDP that worked out the new rules for the new round, I just have really to caveat caution, colleagues, that the rules on GeoTLDs are basically the same as 2012. We had a cross-community working group as part of the PDP, and we had co-chairs from the different stakeholder groups that were interested. Olga Cavalli, who is here in the room, was our co-chair of that working group, taking a lot of

work on her shoulders, and we had very intense discussions in that working group.

But basically between those who wanted basically to abolish any protections on GeoTLDs and those of us who wanted to have more clarity on GeoTLDs, we ended up with endorsing the existing rules. Maybe the only big difference is that now we know from experience and also from the rules that the GAC always has to be very careful in not only issuing GAC consensus advice, but offering a rationale. A rationale that then can be controlled or looked at by an eventual possible IRP proceeding. Because some of the cases that were brought before the IRP failed exactly because of that, because there was no rationale from the GAC. And later on when we were asked what was the rationale, we couldn't agree amongst each other.

I rejoined the GAC in 2015, and we still had, for instance, the Amazon history or criminal romance for about six years more until there was a decision. So I just want to share this with colleagues so that we are under no false illusion that this was solved. The fringe cases, be it a river, be it a mountain, be it a whatever, geographic landmark is not clearly resolved by the GeoTLD section in the Applicant Guidebook. Of course, we all have gained a lot of experience, sometimes very difficult experiences, especially amongst others for our dear colleagues from South America. And I hope the rest of the community also takes that into account. And if we have such cases and if we reach GAC consensus advice, we are

very mindful of having a very good rationale that can pass the test of an IRP. Thank you.

NICOLAS CABALLERO

Thank you so much for that, Switzerland. Very good points indeed. I have Indonesia next.

ASHWIN

SASONGKO

SASTROSUBROTO

Yes, thank you. Thank you, Nico. Very interesting presentation from our friends from UAE. The question I would like to ask is this. When .islam and .halal was applied in 2012, that time before it was accepted by ICANN, OIC and many other countries have proposed that it shouldn't be accepted before the acceptance. And after that ICANN goes to the alternate dispute resolution meetings and so on and so on. And after five or six years, it was rejected.

Now my question is this. What happens if a sensitive word like .islam and .halal was applied, but when applied, many countries still don't realize that it can be a sensitive word or sensitive name. And it is realized only after ICANN makes a contract with applicants .xyz, for example. And suddenly we realize, oh, it is sensitive. It already causes a big problem in many countries. And what should we do? What should we do? I mean, it's already a contract between ICANN and the applicants. Shall we go to U.S. court or shall we go to other court or whatever? I mean, what kind of legal process we can do to stop the contract between ICANN and the applicants? Thank you.

ABDULRAHMAN AL MARZOUQI This is exactly what we've done with Persian Gulf, by the way. I mean, it was we've done the early warning. The applicant continued. They decided to proceed. We've done the consensus. We were not able to reach a consensus within the GAC. We've tried to do formal objections. The rules of the objections for the arbitrator, they have to see, they have to assess six, I think, criteria. Or if my memory serves well, I think five or six criteria. And in our objection, we succeeded in five of them. And one of them was not very clear to the arbitrator. So basically we did not succeed in the formal objection.

And the last venue was not the last one, I think, but before the last one is the IRP. So when we went against ICANN, actually, in that case, with an IRP, we succeeded in the IRP by demonstrating that ICANN did not do enough in that application. And that was successful for us. So IRP definitely helped. But then if IRP fails, then ICANN is a US-based organization, so you have to go to U.S. courts, basically, against ICANN. That's, I mean, I'm not a lawyer, but I imagine that's the only way if you don't want to. I mean, if you want to compel ICANN not to proceed.

NICOLAS CABALLERO Thank you so much for that feedback. Sorry, sorry. Tracy?

TRACY HACKSHAW

All right. Thank you very much. So I had a different presentation to make in this session, but given the content that came up, I want to say a few words as we wrap it up. When the last round happened, I was there, and then I ended up here, because I was elected as vice chair during the process. In those days, the communique drafting was closed, so there was no audience, etc. And I'm not going to name any strings or name anything in this vision of my presentation. But what I do want to say is that at that time, there was a lot of contention, a lot of discussion, a lot of friction amongst GAP members.

These topics can become very, very personal. I'm not sure the right word, but contentious. And I want to encourage all GAC members to take a close look at the work that they're doing, because when we discuss it in the room, it should be discussed in a way that doesn't bring personal feelings into the matter. It should be discussed in a way that becomes very professional and that we look very, very carefully at the pros and cons. When the GAC works together trying to find consensus, it is something I think we can really work together on and look very, very hard at the issues that are there, if they're geographic, if they're religious, if they're indicators, if they're whatever they are.

And when we look at them, whether it be at early warning or we're doing consensus advice, as the case may be, I want to encourage everybody to talk to each other in the sidelines, in the margins, etc. and not necessarily bring it to the fore in the session here, all of the

issues that could essentially erupt in a large discussion that may be, let's say, not the best way to deal with things.

So I wanted to make sure we all understand that these discussions that are to come, I know you don't know what I'm talking about because you weren't there, but these discussions that can come up are going to be sensitive and they're going to be feelings that are going to be raised from countries and from individuals, etc. And I really, really want to ensure that everybody understands that we are all working together as a team and we all would like to work together to solve any problems that are going to come across and let us all work together to bring this round into full conclusion with good, amicable, good feelings and really strong, positive vibes as we go forward.

So that's what I wanted to say. I don't want to sound like I'm saying anything in particular to anyone in particular, but I just want to make sure that's clear to everyone in the room that that's the way we want to proceed. And I'm hoping that, Nico, as the chair, you'll see that as the next phase going forward. Thank you.

NICOLAS CABALLERO

Thank you so much, Tracy. So as I said before, these are all cases and examples. They all basically remain, as I said before, powerful examples of the need of precise policy on the one hand, the importance of early engagement. Early engagement, that's a very important thing. And again, as Tracy mentioned, the critical need to create a process that is both predictable and equitable for all

parties. Before we wrap up, I have Brazil who wanted to take the floor.

RENATA MIELLI

Thank you, Nico. Renata Mielli, Brazilian government for the record. I think we have another lesson to learn about all this process. And it's the difference between dealing with clothes and accessory company and a big tech, one of the most valuable companies in the world. And this is something we need to see. All the economic interest is involved, years and years of litigation with one of the powerful lobbies. And we need to avoid this kind of process.

That's why we need clear policies. We need a clear process. Because for us in Brazil, this decision-, and I want to emphasize that these decisions to the shared delegation with the .amazon were made in the last government and was very criticized. Because it represents very problematic questions to the countries that have the Amazon region. So I think we need to avoid this kind of process and look for how to deal with these powerful economic companies. Thank you.

NICOLAS CABALLERO

Thank you so much, Brazil. That's all we have time for. And I don't see any hands online or in the room anymore, unless Argentina wants to say anything or anybody else, as a matter of fact. We're

over time, but we might go a couple of minutes extra if you-- well, you're running the show, Tracy. Go ahead.

TRACY HACKSHAW

Thank you very much. Yes, I wanted to say thank you very much for today's session, two sessions we had today. There's a third one tomorrow with UNESCO and dealing with UNESCO capacity development session. Yes, with UNESCO tomorrow. So look forward to that. As I said, today's session was looking at the next round and trying to get a little more practical information. I do apologize for not doing any hands-on exercise as we planned, but let's hope that's resolved in Mumbai where we'll do, I promise you, scenarios and hands-on activities, going through early warnings and so on.

So thank you very much for coming out today and staying with us. As I said in my short brief, let's use the next few months as to do our homework, do our research, work together, work amicably, work as a team to build consensus and look forward to taking on this early engagement. That's the key, EE, early engagement. Let's take this forward with early engagement and good, good vibes. So thanks to you all for coming out and we're taking a break now, I believe. Yes, is it a break? Yes.

NICOLAS CABALLERO

Yeah, yeah. We're going to have a coffee break. Please be back at 16:30. Yes, exactly. Thank you so much. Enjoy your coffee.

[END OF TRANSCRIPTION]