

Heather Dryden: As you know this session is scheduled for discussion of new gTLDs. And I think many in the community participated, or were present, rather, at the meeting yesterday that we had with the Board. And so from a GAC point of view, we have fairly good consensus on the concerns that we have and the kinds of issues that we would like to raise in our communiqué from this week's meetings.

So with that in mind, would there be interest from other parts of the community in using some time this morning to actually discuss the DAG and new gTLDs with the GAC? Would some of you like to ask questions or make comments based on what you would have heard in the exchange with the Board Meeting yesterday and so on? Is this a useful opportunity for the community?

[background conversation]

Heather Dryden: Oh good, I heard one yes at least. Okay. I see a few more hands. Okay, show some hands if you think that's useful? Okay. We do have some empty seats up at the front, but we do have a roving microphone as well. So if we can be prepared to -- okay, alright.

So let's invite some comments from the floor. And if you could be very clear about your name and your association; that will help us I think in the discussion. I see an enthusiastic hand over there. Okay. The far corner was first.

Anthony VanCovering: Hi, my name is Anthony VanCovering, I'm the CEO of Mind Machines, and I really appreciate the opportunity to ask questions, and I think it's a great thing that you're doing this.

One of the major stumbling blocks to formulating policy in ICANN, I feel, is the -- the fact that we really only get to meet a few times a year, and so we sort of go forward quickly, then we stop, and everyone goes back to their life, and then they come back, there is a flurry of new information, everyone has to digest. We heard it yesterday from the GAC members about how there wasn't sufficient time and so on.

So I would like to know specifically to the GAC if you have any -- have thought about, or have any plans to constitute yourselves in such a way that you can make decisions or issue communiqués or give feedback to the community, other than at the ICANN meetings which occur so infrequently. Thank you.

Heather Dryden: Thank you for that question. We do provide advice interessionally, and that's articulated in the form of letters. And so that is -- is the result of GAC inter-sessional work. There are challenges for us to work inter-sessionally, and we value the face to face time that we have at meetings, and generally the practice is to decide at a face to face meeting that you will produce something inter-sessionally, and that's how we get around our formal structure.

And there's a reason why we work the way we work. And I think the GAC is always looking for ways to try and allow us to better work inter-sessionally, and that's certainly an area, I think that we can continue to consider. So would anyone else in the GAC like to comment on that? Suzanne?

Suzanne Sene:

Thank you, Heather. And thank you Anthony for your question. We are actually affirmatively discussing the problem in the structure of the way we have to provide advice, according to the bylaws. So under the bylaws, GAC advice goes up to the Board. It doesn't go any place else. We of course share it with everybody. It's completely public. And we know that many of you are in fact quite interested. So that's very gratifying.

But we have pointed out in the context, I think in our joint GAC Board Working Group on the role of the GAC within ICANN, sigh, big long name; I don't even think we have an acronym, but the challenge for us that we have identified is that actually we can't control then what happens to that advice. I mean we can't sort of make you take it on board; we can't make the ccNSO take it on Board.

We have adopted slightly different -- a slightly different working relationship with the ccNSO, for example we jointly produced the Fast Track policy proposal. That was a joint undertaking, but the challenge is how the bylaws have us providing advice up.

Now, it does seem apparent to us that the Board in considering that advice, it's not very clear whether they instruct staff to review it immediately and go to you. We're not entirely sure whether that happens. So we're not entirely sure what happens to our advice, we just know we are following the provisions of the bylaws. I don't know if that helps, but it might help give you a better description of how we are structured and we find that very challenging.

Heather Dryden: Thank you for that. Please.

Jay Scott Evans: My name is Jay Scott Evans. I am President of the Intellectual Property Constituency within ICANN. I'm also Senior Legal Director of Global Brands and Trademarks at Yahoo.

And I just wanted to make a comment to the GAC, that as an intellectual property owner of one of the most -- World's most famous brands, I appreciate very much the comments we heard from the GAC yesterday to the ICANN Board to let them know that there are many issues left unresolved, that need to be fixed.

And I think it is incumbent upon this organization and all the constituencies to make sure that we do this correctly. Because there are a lot of people watching how this is going all over the World. And there are a lot of critics. And we need to be very careful and very cognizant of that as we move forward. So I thank

you all for your support. We appreciate very much your comments yesterday. Thank you.

Heather Dryden: Thank you very much. I don't see any requests for the floor. Ah, there's a hand.

Carlton Samuels: My name is Carlton Samuels. I am the non com member from Latin America Caribbean on ALAC. As you might know, the At-Large has been grappling with looking at the so-called implementation process for the Rec 6 under the new gTLD program, and we understand that from speaking to the GAC members that there is some concerns, probably shared concerns and the GAC as it is in the At-Large. And I wondered if we could have an expanded view of those concerns from other GAC members. Thank you.

Heather Dryden: Any other requests? No one else has a question? Okay, alright.

Mark Morrow: Hello, my name is Mark Morrow. I'm with the Royal Canadian Mounted Police. And I just heard yesterday as part of the meeting, you did refer and ask the Board what the status was for the law enforcement recommendations that was made, and I was just wondering if there was an answer provided or not. I didn't hear it.

Heather Dryden: No answer.

Mark Morrow: Okay. Is there going to be an update later on, do you know from the Board? Will you -- are you expecting an answer back from them?

Heather Dryden: We would like an answer.

Mark Morrow: Okay.

Heather Dryden: I don't know whether we're all in complete agreement and -- or whether we're just shy. Okay. Mike is going to help us out, okay.

Mike Palage: My name is Mike Palage. Over the last ten years I've worked with a number of registries and I'm actually working with some potential applicants right now, so that's sort of my viewpoint that I'd like to elaborate upon.

First, I'd like to join in Jay Scott in thanking the GAC for their comments most off -- first with their support of the ICANN model. As this being my 35th meeting, I believe in that model. I believed in the model that Louie Tuton and Mike Roberts and Esther Dyson about 11 years ago set forth on a journey. And I continue to support it, and it was very encouraging to hear the governments around this table support that model.

With regard to one of the comments that I've raised many times during the public forum is bringing a responsible closure to this process. And one of the things I'd like to comment on is up until

this meeting or a couple of months ago; we were stuck in sort of infinite loops on both sides of the equation. ICANN was going to through DAGv 1, DAGv 2, DAGv3, DAGv4 and we had comments from the GAC where they were raising concerns, but not necessarily getting responses. So we sort of had two infinite loops.

And what the ICANN Board did for better or for worse is they broke out of their infinite loop and got onto a train track saying we're going to approve something at this meeting. And I think what the US government did in their letter, as well as some of the comments from the governments here this week, is they came out of their loop. So now we're on the same train track.

And the question is; how long is that train track? I don't think a couple of days is a long enough train track to resolve the issues. So what I would like is we heard the Board actually say how we -- they might be able to engage in full-day sessions with the GAC. So perhaps if we could hear -- what I'd like to hear is what would be helpful as a mechanism for the GAC to interact with the Board, and perhaps the rest of the community in resolving those issues, so that we could perhaps stop those trains before they meet on the track and preserve the model that has worked so well; or one that I still believe in, and I think does work.

Heather Dryden:

Thank you for that question. The GAC hasn't discussed as a GAC the specific way forward. But we are looking for ways to ensure

that we don't get back into that loop certainly. And I think you put it very well that we can't continue this in the same way as we have been. And I think that's been made clear.

And also, I think you're quite right to remind us that this needs to be connected to the community more broadly. You know, this isn't just an exchange between the Board and the GAC. So thank you for that. With your train track analogy, all I could think is where is the train, where is the train, you know? If we're all on the train track. But okay, so hopefully that addresses to some degree here your question. Ah, we have another microphone ready, okay.

Amadeu Abril:

Good morning, my name is Amadeu Abril representing CORE Internet Council of Registers and we are traveling the last wagon of that train. We, like many others who want to thank the GAC for being clear and expressing articulately with our -- all the concerns they have. Some of the concerns you have are shared by all the community. Not all the community to the same degree; and the problem, as we all know, is that perhaps not all of us agree on what are the solutions. We don't have any magic solution to provide for trademark concerns, short of the killing DNS and using IP addresses. But it's a little bit excessive probably.

Our question here is that how can we address these concerns and in which time frame as many others have expressed? The problem is that of all the concerns you express that are absolutely legitimate, and I repeat we share, making sure that expansion of the DNS



provides for many more advantages that is of the benefit to the community, as a general principle out weighs clearly the cost to the community or identified groups in this community; trademark concerns and some concerns regarding the certain users of geographic names in certain cases where they are the top or second, third level, we share these concerns.

The problem is, we know that not all the proposals that are on the table may come have any real issue with any of these concerns. So our point here is that we hope we'll finally find a solution for all them, if not, stopping many legitimate proposals, simply because many others may raise these concerns is somehow that's close to an acceptable discrimination. And we should find a solution there.

So Plan A is we all want as a community to find a global solution. Plan B is we still need six more months we should seriously think of finding a way to test the waters with some kind of proposals that don't address these issues. And I'm not saying that because a proposal is an IDN should be a low, or because it's a ccTLD or a cultural TLD, or a very well defined community with lots of you know safeguards should be allowed.

There should be checks and mechanism to make sure that they really, despite of the general label, don't relate to any of the outstanding issues. But there are ways of doing that. And I would be glad to know whether GAC is willing to support that way, if the

real answer fails and only if the real answer to the global question fails in the next month.

Heather Dryden: Thank you for that. Do we have any GAC members that would like to comment or react to that? Norway.

Ornulf Storm: Thank you very much, Chair. Just a quick -- a quick response to this train analogy. I think one -- some of the answers would be -- I would expect to be in the draft recommendations of the review teams, like from the GAC perspective, we see that the ICANN Board is avoiding our concerns. They are just not addressing them. And of course to be able to then get a dialogue, they must address our concerns, and then provide what we have sort of comments and responses to what you have said, and then rationales for what decisions the ICANN Board are doing.

So I think some of these recommendations in the review teams are urgent to then implement to make the ICANN model -- well, to work, to be able to land some of these issues. Well, that's at least our perspective. That's -- some of that can sort of -- some of that solution would be in some of those things. Thank you.

Heather Dryden: Thank you, Norway. Italy.

Stefano Trumpy: Okay. Starting from a sentence of Michael Palage, we have to bring this process to a responsible closure. I fully agree on this objective, and that I think that we have to interact with the Board,

and in a way that is possible sort of a convergence agreement, because actually what we verified is that the preparation of all the final -- the draft of final DAG left a number of problems that there were not completely resolved, and so the -- also the letter of the NTIA was mentioned, and I think that the Board has to interact with us, and with also other important sectors of the community in order to make what I call the convergence agreement in order to reach possibly in a short time, next meeting or let's say how it will be needed to complete the studies and to interact with the community in order to unblock this process that is so great importance for the future of ICANN. Because if it fails, ICANN fails.

Heather Dryden: Thank you. Any other questions or comments, either from GAC or the audience? I see a hand over here.

Anthony VanCovering: Thank you again, I will be brief. I see the interaction from afar of the Board and the GAC and I've watched it for some time and it resembles much more than anything else a failure to sort of find a way of communication. It really reminds me of something that needs some marriage counseling.

There are a few substantive issues, but they're not being addressed in a constructive way by either side, I think. There's a great of defensiveness and I think -- I congratulate the GAC on their part for having lowered those barriers considerably from when I first started watching them.

But I encourage everyone on both sides to instead of demanding that things be communicated my way or I'm following this law, but you're not, the 15 days is a great example of this, that perhaps some intermediaries can go and sort of work out a way to communicate. I really don't think that many of the issues are substantive, they are actually embedded in cultural differences about how to communicate, and I encourage you to look at that as a way forward. Thank you.

Heather Dryden: Thank you. United States?

Suzanne Sene: Thank you, Heather. I just wanted to take a crack at a possible response to Amadeu's question. I think the GAC actually, perhaps not in a formulation that you might like, or would have supported, but we have tried to advance the idea of sort of testing the process, testing the waters with a measured roll out.

And the Board, or at least the Chairman of the Board in writing back to us, I think it was this November response to the GAC's comment on DAGv4 said that no, they didn't like that idea. And they were not going to follow it.

Heather Dryden: New Zealand.

Frank March: Thank you. I was going to make much the same point as Suzanne just made. We have tried to explore a possible way forward where

instead of being caught in endless loops, we could gingerly and carefully test the waters with some very, very safe processes to lead to a *de facto* Fast Track for gTLDs, as you say not quite along the lines perhaps as Amadeu had in mind, but nevertheless testing the water.

I just wanted to come back to the point that Anthony was making about better communication. I think that we've actually had more break throughs in terms of communication with different parts of the community, including the Board at this meeting, then we've achieved in the whole time that I've been involved in the GAC, which is far too long for me to give -- care to admit to really. And there are other avenues of exchange I think they're opening as well. We've long had a productive relationship with the ccNSO, and again as Suzanne pointed out, the Fast Track IDNs for ccTLDs worked extremely well, as a part of that engagement.

I believe we're on the verge of engaging with the ALAC to a much larger degree than we have, we've discovered many common points of interest, and that came through the Rec 6 Cross-Constituency Working Group, where ALAC members and those GAC members were able to take part in discussions, and the Working Group found that they had much more in common than they had differences, which was a very useful experience.

And we have had a number -- much more extensive, much more in-depth and much more meaningful exchanges with the Board at

this meeting than we've ever achieved before. So I'm hesitant to bring in a note of optimism, but I think some progress has been made. Thank you.

Heather Dryden: Yes, please.

Carlton Samuels: You know we have floated on behalf of the intellectual property owners before that there is a way forward, and that is to get the registries that are willing to offer the requisite protections and are willing to voluntarily do so should be given a Fast Track. The ones that are not wanting to argue over every issue, the ones that are willing to go forward with maximum protections, should be allowed to go forward, and those that want to argue and fight for more -- what they deem as freedom for their business models to have to wait.

And that has been something that has been resoundingly rejected, and not even put forward on the table. But we have suggested it. We are not trying to be obstructionists. We know that there are people out there who have reached out to us individually from cities, ccTLDs, and others who are willing to do the right thing, who are willing to take the right steps and because they have responsible business models, and we do believe that they should go forward. However, that is not something that the people who are running the system are willing to consider.

Heather Dryden: Very interesting example, thank you. It does seem clear that introducing a conservative first round is the best way to manage risk and the unknown. So Germany.

Hubert Schoettner: Yes, thank you. I also think it might be a quite interesting approach and I know there are quite a lot of industries here that invested quite a lot of time and money for a long time to -- to get the application, and the process is still pending, at least as we know it in 2008, and I think yes we should at least as a secondary way find some kind of yes, Fast Track, but from my point of view that would be a solution that would be handled, because for example, this gTLDs probably will not be the kind of TLDs that cause the problems.

We are concerned that there are other issues that needs to be further considered, and yes, I think if there is a consensus of the community for this movement, I think GAC would fully support it, and as Suzanne mentioned before, it was already mentioned in our -- in our letter to the GAC Board that we should consider such kind of solution, especially for those companies and industries that were involved in this discussion for a long time, was very clear and predictable and non-controversial approach. Thank you.

Heather Dryden: In the far corner?

Eric Brunner-Williams: Thank you, Madame Chair. My name is Eric Brunner-Williams. I'm here with the North American At-Large organization, and I want to point out that at the Sydney meeting, I actually—

[background conversation]

Eric Brunner-Williams: Thank you. My name is Eric Brunner-Williams. I'm here with the North American At-Large organization, and I wanted to remind the audience that at the Sydney meeting, I presented to the -- from the floor to the Board, the step by step proposal, which is compatible with what Jay Scott has said, with what Suzanne has said, with what other members have said, of some form of a trial of an early beginning, so that the simple could proceed, and not wait for the complex.

I gave this proposal. I shopped it to every member of the Board who was present, except Rita, who was not. And they did not vote on this. They -- we really never got a response from them, and I encourage you to press this issue, because it really is the case that the simple are waiting for the complex, and problems that can be solved for which solutions exist, offers exist, acceptance exists are still not able to proceed. Thank you very much.

Heather Dryden: Thank you. There's a hand, yes, in the far corner, okay.



Elaine Pruis: Thank you. I'm Elaine Pruis, and I really appreciate the opportunity to respond and speak in this session instead of Tweet about it, so thank you for that.

A couple of things. We have worked as a community, all of our constituencies together to create the Applicant Guidebook as it is now. The intellectual property constituency has been a part of the rules that have been created to this point. I just would like to remind everyone that we have to work together, and those are the compromises we came to. I really find it quite frustrating to hear that it's not good enough, but that's what we came to as a community, that was acceptable amongst the people who have participated, that's the consensus we reached.

The second point is that the idea of geoTLDs would be non-controversial is a fallacy. You look at how many ccTLDs do have 250 something there is trademark protection policies in those. The policies vary and the registrations vary across those TLDs depending on their policies, so you can't really say that oh, if we do dot Seattle, there won't be any trademark issues there, it depends on what the policy is, and as a community we've created the policy that's in the current Applicant Guidebook.

Heather Dryden: Thank you. Mike.

Mike Palage: Elaine, to respond to your point there about consensus on the Guidebook, one of the things that I found very important in the

affirmation of commitments last year was paragraph 4, which talks about certain communities not being as well represented in the ICANN model as others, and the ICANN Board to account for all those.

I think what we hear here in the GAC is some of those communities whose interests may not be represented, those are the public policy concerns and issues that you're raising. So to sit there and just say we've gone -- we've turned the crank for three years, this is now a consensus and we're locked in, I don't think that is the way it goes. I think that's what we've heard here this week from the GAC, and I think this is one of the things that ICANN and the US government acknowledged in the affirmation of commitment specifically with regard to paragraph 4.

Heather Dryden:

Thank you. UK.

Mark Carvell:

Thanks very much and some very interesting points being made. On rights protection, my feeling is that this is not a lost cause. I think we can work with the community, with the experts from the IP community to fix those, some of those problems. We've talked earlier in this session about the extent of problems needing fixing, and I feel fairly positive about that. Over the next couple of months or so, maybe we could make significant progress in addressing some of the rights protection issues and also some of the geo name issues.

We will have I believe a session with the Board and with the staff on that area. And I think it is worth us revisiting this argument for the measured phased introduction, which I've always touted as a reflecting engineering best practice, which such a major initiative like this deserves. So I'd be interested if actually if there's anybody in the room who thinks that's not a practicable proposition, and what the fundamental reasons why without going into too much technical or other detail. Thanks very much.

Anthony VanCovering:

Yes, thank you. And I can address that very briefly. The problem with that is that it is not an engineering issue. The primary problem with the phased rollout is that you have to choose between which is good and which is bad, which puts us back in the position of the Board or some other group engaging in a beauty contest, which heretofore, and we have over the last 10 years rolled out several TLDs, and we have dot Biz for example, which was not NeuStar's first choice.

They were actually given a TLD that said do this one, we like this one better. We have had sponsored TLDs, which have been burdened with policies that have, on the whole, impeded their commercial viability and many of those have gone back to the Board and said, hey we need to change the rules, because these don't work for us, we actually not able to sustain ourselves.

So unless you can come up with a compelling reason about why one should go ahead of the other, it makes no sense. And if you do

come up with those reasons, they are typically going to be a judgment call, about whether you like this business model better than that business model, or you like this TLD better than that TLD. And that is highly subjective, and in the past has really not served the community well. Thank you.

Mark Carvell:

I'd like to reinforce what Anthony just said. But also note that due to the nature of the application process at the moment, the sequence of steps involved in evaluating an application, and due to the nature of the testing process, there is going to be in fact a very natural phasing built into the system in terms of how TLDs are entered into the route. I think even if we have a very large number, say like 400, we're not going to see 400 applications actually entered into the route in a short space of time. In fact if you look at all the steps involved and the different processes involved for different TLDs, it's going to be probably over I think a 12 to 36 month period, you'll see those TLDs introduced.

So point number one, I think is going to be a natural sort of phasing in. Point number two, nothing's set in stone in the internet process for ICANN. So if we detect problems, if we want to introduce new IDNs, there's an entire consensus policy process as you know to do that. So two points, really, there's going to be I think a natural lengthy phasing of the introduction, plus as we see things occur during that, we have the ability to remedy the problems if they emerge.

Heather Dryden: Would anyone like to respond to that point? I think some of the concerns are that if you're going to open a round on a certain understanding and with certain rules and procedures in place, you have to ensure that that -- that due process occurs and that it's fair, and that it's predictable. So I think there's that aspect of the issue.

In terms of making a judgment, some sort of subjective judgment, that's why you create the rules carefully, so that you're actually not making subjective decisions, and if your rules are sufficient, then and defined, you're defining different kinds of TLDs successfully. And that's -- the devil is in the details.

You know we heard a proposal for one way in which you could differentiate, but there are all kinds of ways in which you can differentiate between different top level domains, but -- and it may be complex to do, but that would be sort of my initial reaction to that. Do you want to speak again?

Mark Carvell: Just to quickly respond to that.

Heather Dryden: Yes, please. Sure.

Mark Carvell: Yes, I think those were good observations, but every contract, every applicant knows that and they contractually agree that certain parameters can change, and they will. That's what we do. We evolve policies over time, you know if fundamental structures or the way things are selected changed, I think that's perhaps

probably your point, that's creates unpredictability. But in terms of the actual rules, I'm particularly talking about rights protection mechanisms for example, those sorts of things, we all understand they will evolve and we hope they do, we will learn which ones work the best, and we'll introduce them.

So in terms of the selection, I would -- I can't remember who said it, but I would also strongly reiterate in my view it is a complete fallacy that certain categories for example geo will be somehow less controversial and have fewer problems. To my mind in fact it's the opposite. I would think that certain geo classifications would be -- would inherently have more problems.

Heather Dryden: Yes, you haven't spoken yet today I don't think.

Mark McFadden: No, I haven't. That's very unusual for me.

Heather Dryden: Okay.

Mark McFadden: I regret very much using Mike Palage's metaphor here, but we're back to the trains. And something happened in yesterday's meeting, I think was very, very important, and I hope that the GAC when it considers its communiqué, thinks about it very carefully. And one of the things that you need to think about is when does the train stop.

We talk about these trains all the time, but one of the questions that was a very good one yesterday, was at what point do you know that you've reached the end of -- either the end of the objections, or you've reached a point where the objections that are still remaining, the concerns that are still remaining are such that you can move forward without trying to deal with those objections as the process evolves.

I think the GAC has to consider very carefully, and I believe the ICANN Board has to consider this very carefully, there has to be a point at which you agree that the objections that remain, if there are any, are objections that either will never be solved, or concerns and problems that will never be solved, or ones that can be solved as part of the organic evolution of the process in the future.

And so I hope that one of the pieces of advice that the GAC gives the Board is some sort of set of metrics about when the train will stop, and how to decide that it's time to move on. I'm not -- I'm not wise enough to suggest whether or not now is the time or not, and I think the conversation that you've had with the Board is very interesting on that topic. It's clear that neither the GAC nor the Board have come to a very effective way of deciding at what point the train should stop.

Heather Dryden:

Could you identify yourself?

Mark McFadden: Me? Let me look. My name is Mark McFadden, I'm with the -- I was formally with the Secretariat for the ISP constituency, now I work for a small consulting firm in London, England.

Heather Dryden: Thank you. Alright. I think one of our last speakers, yes please?

Amadeu Abril: This is still Amadeu Abril, still with CORE; I haven't changed the job in the last half an hour. Two questions, the first one is just something I check regarding what Anthony said. I just check, I attended 13 GAC Board meetings when I was at the ICANN Board; I never talk in one of them which is a real exploit of me. And I remember going to the you know the GAC Board meetings like going to the dentist, oh, I survived that, alright. And that's -- I'm not very happy about that, I am ashamed of having that feeling, but it was the feeling.

And really today it has improved a lot; I think that the GAC has done more than the other party to improve you know communication with the community and with the Board. But it's still -- all the groups seem quite defensive. It looks like ping pong to the community. And I think that Anthony is right, this is something that needs to be worked in between meeting to improve the general impression. Now, going back on the question of procedures, tags, et cetera, I don't want to give the impression that we want to favor any particular type orientation, label of TLDs over another. No. This was used as an example of why some types might have some arguments regarding, you know expanding



the uses of TLD or some values. Not that because they are anything open city, left-handed TLDs they're better or will not create problems.

You really need to trust them on the type. But you cannot have a process like that. The applicants agree to follow everything that's in the DAG and on top of that as it has been said, you agree with you know the highest possible level of right protections that has been proposed, and the highest level of you know fight against malicious conduct that you can propose, et cetera, et cetera. But you really need to trust that.

You know you can say well you know we don't know whether in the concrete proposal this will work or not. The other question is each group that has raised this question, that is any ICANN considered group, any SO as such, any stakeholder group within the gNSO, any house within the gNSO, any advisory group except the nom com, everybody else in ICANN should have a red flag, and say look this concrete proposal raises question for me.

So it's you know, the next wagon. It's not rejected, simply it waits for the general process, it's not a special process. It's simply a test, and anything that doesn't convince everybody has to agree beforehand that it will you know just be that and wait for the next time, you don't need to believe in labels, you need to believe in words, you need to check that, and see whether it really -- anybody has an issue or not, this can be tested. It could be useful.

Heather Dryden: Thank you.

[background conversation]

Heather Dryden: Yes please, go ahead.

Sébastien Bachollet: Sébastien Bachollet, incoming Board member ALAC, the At-Large community. I have the impression that I don't know in which chair I will be seated on Friday, how many (inaudible 0:44:36) and other type of things you will have put on the chair to sit me.

And I have the impression that -- and it's not at all even if we are in a GAC meeting, to where the -- for the GAC, for the GAC itself, but I have the impression that everybody -- every constituency, every second level has a need to try to make one step in the direction of the other, because at the end of the day, everybody will be much more unhappy if we -- if our decision will have to be taken one day, and I have the impression that now each one is taking his position and want to hold this position, and you need to think about how to help the Board to make a decision.

And I am sure that for one other reason, everybody will be unhappy with the decision, but I hope that for many other reason, everybody will be happy with the decision. Really I have this

feeling that this community need to do something to help the Board to take a decision. Thank you very much.

Heather Dryden: Thank you, yes, at the end of the table, yes.

Towela Jere: My name is Towela Jere and I'm a second time fellow on the ICANN fellowship program. I work with the Neped Planning and Coordinating Agency which is actually an implementing agency of the African Union. And I have a question regarding the new gTLDs, but before I ask my question, I will just provide a bit of background to where the question is coming from.

Basically, the African Union Conference of Ministers responsible for ICTs, they had a meeting in July of this year, and at the end of that meeting, they passed a declaration where they actually directed the African Union Commission to set up the structure and modalities for the implementation of a dot Africa project. Following this directive, the agency convened a task force that would actually look at the strategies and the means for implementing this project.

The agency has basically indicated that it intends to follow a transparent and open process towards implementing a dot Africa registry, consistent with a desire to use that dot Africa name space for the benefit of the African continent, but also taking into account the need to uphold public interest. The AUC has further indicated that it seeks to ensure that delegation of continental

gTLDs, such as dot Africa and other derivatives, like Afric or Africa with a "k" are handled in a manner that is also consistent with the desire of the Ministers and also under guidance of the African Union.

My question is to what extent is the GAC able to ensure the dedication of new gTLDs; especially the geographic gTLDs is implemented in a manner that is consistent with preservation of culture and geographic heritage? And is the GAC in a position to recommend reservation of certain geographic names for delegation under supervision of recognized continental authorities such as in this case? Thank you.

Heather Dryden:

I believe Germany is best able to respond.

Hubert Schoettner:

Yes, thank you. I think the GAC has tried in the whole discussion process to yes, seek for some kind of what action mechanisms you're referring to. And we, you know in our first discussions, I think we sort of established in some kind of exhaustive list, where we mentioned every geographic names that could be possible; but very soon realized that this wouldn't be possible, and to define some exhaustive lists.

And therefore, I think we together was a discussion of gNSO and together with a discussion in Board, came to conclusion that it might be useful to have several categories that are protected per se

and must not be used without governmental yes known objection or support, and one of them is the country name.

Then we have subdivisions of the countries, like in many countries, you have provinces or federalist states, these are also excluded. And then we have the category of cities which is also a bit difficult because cities sometimes may also be used as generic names and brands; and the last category is the category of UN names that are also protected.

And we were considering that other than this, yes strictly protected geographic names, categories should also have at least a protection in this respect that they may not be used as geographic names. That means we need some kind of objection mechanisms that allow the respective governments, the respective community to object to a use of a certain string which could give the misinterpretation that it is a community TLD.

If it is used in another way -- if it was used in another way, I think for example as a dot brand, that is a way it would be difficult to object, but one issue that would be very clear that it should not be used or give the impression to the user that it is geographic TLD. Because if we have -- if we came to such a solution it would be easy to bypass every governmental support on an objection because the whole system would not be consistent yes. Did I answer your question adequately?

Towela Jere: I would say that you've answered it partly because I think what you're telling me is that really the only recourse is the public objection, basically, if in an instance where there is an occurrence of a dispute in terms of the gTLD.

But I guess my question still would be that you know given that you have a directive that's coming at a ministerial level, does that not have any bearing on the delegation?

Heather Dryden: Netherlands.

Thomas deMann: Well, I was not intended to press upon this question, but just to add something to the discussion, is that alright? Okay. Then maybe you saw for the sake of the non GAC members here, I think in our discussions about finalizing DAG 5, it's important that we have -- probably have two kind of issues, one issue is the point that we don't have yet a comfort feeling about certain outstanding problems in the gTLD process. I think Mark referred to this yesterday, that and I would say this is the issues which I would say we are not there yet. We don't disagree, but we have concerns still addressed, which and questions open. I think this is one part. Which we can get out probably, I have a feeling that we can solve this in the next month.

And the second thing, and that's more the tricky point is the things where we disagree, because we have been -- our advice has been rejected sometimes twice on geographical names. That means that

we have disagreement with the process. And probably there and what I said this is a tricky point of the DAG 5, then I think yesterday somebody in the Board member Jenkins asked okay what's the metric, how do we predictably go to an end solution? And then I would say if we don't get out of this problem, then we still have the bylaws, which is -- let's say the last resort remedy, in which we should have a reconciliation with the Board.

I don't hope it will get to that, and I think we should really prevent this but basically what we are now -- will try to do which I think is best to do is to have the thing which is an informal reconciliation with the Board and the committee to solve this second kind of questions. Thank you.

Heather Dryden:

Thank you. We're over our time allotted for this session. So unless anyone urgently has a comment to make, I will close this session.

And thank everyone here and for a number of you speaking and raising your concerns and asking questions with us, we appreciate that. So thank you.

For GAC, we will be in this room at two o'clock.

[End of Transcript]