

**Study Group on Use of Names for Countries and Territories Telephone
Conference**
9 May 2012

Attendees

ccNSO

Ian Chiang, .tw
Keith Davidson, .nz
Sokol Haxhiu, NomCom Appointee to the ccNSO Council
Annebeth Lange, .no
Leo Maluwa, .mw
Ron Sherwood, .vi
Paul Szyndler, .au (Chair)

GAC

Elise Lindeberg, Norway

GNSO

Iliya Bazlyankov - RrSG
Avri Doria - NCSG
Heather Forrest, IPC

At-Large

Eduardo Diaz (NARALO)
Cheryl Langdon-Orr, APRALO (liaison)

Observer

Chris Disspain, .au

Staff

Bart Boswinkel
Marika Konings
Kristina Nordström
Gabriella Schitteck

Apologies

Jaap Akkerhuis
Martin Boyle, .uk
Joke Braeken, .eu
Irmgarda Kasinskaite-Buddeberg, UNESCO
Young-Eum Lee, .kr

20120509_CCNSO_COUNTRIES_SG_ID694827

Paul Szyndler: I'll look to get it underway and see how we go. We'll sort of recap for others that join us later. Kristina or Gabi, did you have a list of apologies?

Gabriella Schittek: I have five apologies. That's from Jaap Akkerhuis, Martin Boyle, Joke Braeken, Irmgarda Kasinskaite-Buddeberg, and Young-Eum Lee.

Paul Szyndler: Thank you very much. And those of you that have joined us, welcome to the May 9 teleconference of the country and territory names study group. Do I have steerage of the - - control of the -- I think I do now. Sorry, everyone. This is the Adobe Connect room. The agenda for today was just a couple quick updates on how we were going with the survey of UNESCO member states and also the progress reported I discussed that we would share with various constituencies in advance of Prague and then mainly getting on to the main business of today's teleconference, the identification of issues, how we're going to work through using examples, the different types, the different representations of country and territory names and the two that identified for today were as per identified in the Adobe room, three letter representations of countries and also the formal long and short-form representations of country and territories names. Because we've now set ourselves a schedule every fortnight or so, there isn't that much interstitial news to update or report people on. It's really a case of us getting down to the nitty-gritty of our work and delving into in-depth discussions on the different categories that we propose as part of our work.

As such, I won't spend too much time on the next slide which was a quick update on the survey and really that is as per the news that we shared on our last teleconference call. UNESCO are just at the point of finalizing their survey. Hello? Who joined us? I'll continue then. UNESCO are at the point of finalizing the survey and as I reported two weeks ago they very much have taken on board the advice that we've given them about appropriate diversity in terms of geographical representation of respondents, the languages they use, the script, and particularly countries that might have multiple languages and scripts. There is nothing further to update yet. UNESCO is working on that. As soon as we've got more news we'll share that with the group but ultimately the intent is when the survey does go out it will go out to the broader ICANN community as well by way of an announcement and let us WHOIS and NSO shares, that everyone's aware of what's going on.

The other quick update was the progress report and that is the chair is drafting at the moment. That would be me knocking together the report as quickly as I can. It's not supposed to be a formal call for comments but I'm just conscious that we haven't engaged the broader community aside from verbal briefings that I've provided to the GNSO and the GAC and others in terms of something in writing that everyone can see as to where we are with our work, where we intend to go, and when we intend to get there -- i.e. by the end of the year. The aim is that this will be circulated to the group in the next few weeks and then go to the broader community before Prague, that is following best practice hopefully a couple of weeks before the Prague meeting so everybody can read through it so they can have their questions ready for us when we're actually at the Prague meeting.

Now, being conscious of the fact that we've done quite a lot of summary and recap on previous calls, I wanted to avoid it this time. In three minutes I think I've done so. The idea of this call now is to keep working on identifying some of the issues that might exist with country and territory names, breaking it down along the lines of the categories that

we've identified in the survey, bite-sized chunks if you will. We've identified this in Costa Rica as hopefully an appropriate way to go forward and each of our teleconference calls would address the issues one by one. We all know of examples. We can all identify examples of country and territory names that might possibly be a little inconsistent when applied up against -- to expand the anecdotal evidence that we've seen before. And these particular examples we might have to build it up into a decent case study, a table, a schedule of examples that we can use as part of a final report that will add white to the discussions and the evidence we hope to be putting forward.

So, for today's call I would propose that we would touch on two topics -- three letter codes and formal, long and short form representations of country names. And three letter codes is a starting point. Just as a quick summary, broadly speaking, three digit in a range of different ways, they're allowed in the applicant guide book. Just not if they're ISO-3160-1 codes. That would therefore be a representation of country and territory names and couldn't be part of the process. They could also be subject to government objection and I'll get to that later. That is other three letter codes country might think are meaningful to them but aren't part of the ISO list. Similarly, three letter codes could be included as part of the IDN ccTLD fast track. In fact, a few examples have been and could well end up being part of the overall IDN ccTLD policy as long as they're a meaningful representation with non-ASCII characters and of course they're not coverage under ccTLD rules. ccTLD's two letters. We all know that. That's not proposed to change.

For some of the issues I was hoping to work through today was when we come to three letter codes and country name representations, it's something we've discussed previously and was raised as objections and concerns by various stakeholders within the group and outside. There are already examples of three letter codes that represent countries and yet they aren't ccTLD -- dot come being the prime example of that. And there's no proposal for that to change at this stage and yet at the same time the applicant guide book sort of contradicts that because no ISO three letter codes can be used at this stage. That introduces a specific level of protection at least for this round of the new gTLD process which is above and beyond what has existed before. And that sort of relates to the question that I've raised -- could countries attitudes change if they can raise an objection to three letter codes on the grounds of it being a meaningful representation of their country or territory? Is that a problem or is that not a problem?

Am I keeping everybody suitably entertained at this stage? Is that making sense to everyone? It's largely a summary of what is and we're working back through the processes and the current policy framework. But does that make sense broadly? Or does anyone have any concerns with that?

Unidentified Speaker: No problem. Very good.

Paul Szyndler: So, this is where we start getting into issues with the three letter codes. Currently there's a prohibition on ISO alpha three codes that might not exist in future rounds. It does now. It might now in future. So, what does that mean for how those codes will be treated? Is that a problem? Is that a concern? If that's how it were to evolve in certain rounds of the new gTLD process, this is where we start crossing over to some of the examples that Heather had raised and circulated with us all and a few that I thought of as well. There might be some codes like .NIC, .bin, and others that would fill even if the prohibition on meaningful representation to country codes were lifted could still be prohibited on other grounds. In the case of .NIC, that is a reserved names. And .bin could be judged to be confusingly similar to actually other ISO alpha two codes. I'll go into that in a bite more detail in a second.

In addition to that, ISO is also not the only widely used list of country codes out there. There are others. The Olympic list, the ISO abbreviations that are widely used -- NATO, ITU codes, et cetera, et cetera. And of those that I've listed, not all are consistent in how they treat three letter codes so you won't necessarily see the same abbreviations for each

country across each list. And that gets me to the table that was my next slide in the main example. It just broadly shows how it's not -- one can't assume that a three letter code will be treated uniformly across different policy processes. I have to use the example of BRB which was Barbados and only by virtue of the fact that that is not allowable to be used as part of the new gTLD process at this stage but that could change in future and yet another commonly used abbreviation for that country -- .BAR which is under the IOC list would be treated slightly differently because it could be a potential gTLD, at least it is a common, relatively generic term in English and yet there's the possibility that government might object to that code because it is a meaningful representation of that country and the rest of the table sort of works through a few other examples where there isn't necessarily consistency with how they'll be treated.

Certain ones may or may not be eligible under the new gTLD process. Others might be prohibited for different reasons and again getting back to the example of .NIC which is one Heather raised, it is the three letter code for Nicaragua and even if in subsequent rounds of the new gTLD process this would be lifted as a restriction the thought now is that it's on the reserved names list. That wouldn't necessarily be used or couldn't necessarily be used under current rules. I'd also identify .DEN and then a series of IDN ccTLD with the three letter codes as well. There's probably no need to work through them in any great detail but what I was hoping to assess was the view of the group in terms of is any of this of concern? Some abbreviations, some three letter codes may have certain sets of rules apply to them. Some may have others. Does this give rise to concern to anyone? Is this something we should observe? Is there any particular comment we should make about it? Is it something that the group agrees that we just observe is and that's the feedback we give to the rest of the community.

Heather Forrest: Paul, can I chime in?

Paul Szyndler: Fire away. Please.

Heather Forrest: I think there is something to be said. Some of these are isolated cases and some of them are going to be somewhat endemic. I wonder if the one that seemed to come up when I was looking at this, the most consistently I suppose or the most frequently was the overlap between the two letter codes and three letter codes. And I wonder if that -- simply the frequency with which those issues will come up warrants something more than just pointing them out on our part?

Paul Szyndler: You'd mentioned a few examples in your --

Bart Boswinkel: Excuse me. If you're using Adobe and using the bridge as well, could you mute your speakers for Adobe? Thank you.

Paul Szyndler: That's better. I'm sorry. Thank you for that. Could you provide a couple examples. I'm sorry. You raised them in your email but I think in case people haven't seen them, it's probably worth expanding upon those a little bit more?

Heather Forrest: Sure. There's still a powerful echo. My speaker's off.

Unidentified Speaker: It's someone else's speaker. Maybe we can mute phones as well? That might help. Thanks to --

Paul Szyndler: It's better now.

Heather Forrest: How's that? That's better. Good. Can everyone still hear me?

Paul Szyndler: Absolutely, Heather. Thank you. Please, go ahead.

- Heather Forrest: No worries. I think there's several different kinds of overlap. Some are purely a confusion basis. You have two letters or of the three that are an existing country code, look -- that's the case for 98% of the three letter codes simply because of the nature of those codes and how they were set up. There's a different kind of overlap in terms of there are some codes, the three that I pointed out in my email and those were really just the first three in the list, I didn't go through the whole list, where there are at least two completely different parties involved in the codes.
- There's a total disconnect if you like. The Arlap Islands, ALA, and the alpha three -- if you take two of those letters -- AL is Albania and AA is not listed in the ISO list. An example of three entities involved is BEN which you've already pointed out in another context as well, Paul. Alpha three, Belgium in the alpha twos. There I think you'd be hard pressed to find an alpha three code that didn't have some sort of a conflict or a non-overlap issue raised in connection with it which is why I put to the group does that in and of itself warrant saying something more than there's an issue here?
- Paul Szyndler: I'd be quite happy to send that question out to the group. Does anyone have any particular views on that? Because as I've conceptualized earlier, there is obviously quite clearly a demarcation of space here in terms of what has been deemed to be two letter codes and how they represent countries in the past and three letter codes largely has been raised as an issue as part of the new gTLD process because that is a category for exemption at this stage. Even if that category were to be removed you would then have, as Heather points out, the possibility of confusion. Does anyone have any particular views on what that means or what the implications of that might be?
- Annebeth Lange: As long as it is the ISO-3160 codes, they're all representations of countries and territories, the same as the two letter codes with just one less or more. Just a scenario that could mean for a lot of countries if the dot two letter codes already is a cc representing the country and the three letter codes that have only one more letter will be a gTLD and registered freely and representing the same country with a different policy from a different system. That could be very confusing for the users. Like, just from our sake, .no, Norway, cc, and then if it's a gTLD .nor. They get it where someone else anywhere in the world can also use it as a representation for Norway.
- Paul Szyndler: That's right. What you're saying is it's not just -- I think we're taking it beyond inconsistency between -- I'm sorry -- confusion between alpha two and alpha three codes in the ISO list and just general issues of confusion. I think everyone has already seen that in terms of the implementation of at least anecdotal evidence in terms of what's happened with .co and .com. There have been a few examples there in terms of what's happened. But it extends beyond the ISO list as an issue and alpha two and alpha three codes and it is something that we'll -- even if that protection were to be removed as part of the process, just subsequent rounds of the new gTLD rounds, new gTLD process, we would still end up with potential confusion. I think that's something worth flagging. Heather, I think you were suggesting it's more than just saying this is one of the potential areas of confusion? It's actually quite a substantial one. Is that right?
- Heather Forrest: Yes. I think -- and I could take the time to do it but I haven't yet done it. I think you would have difficulty finding a code in that list which is -- what? 250 odd codes long? To find an instance where there isn't some sort of confusion and that alone, the scope, the breadth of the problem suggests that this is a legitimate confusion issue across the board, not simply for a handful of codes but as a general matter.
- Paul Szyndler: I have to apologize here. I've been studiously ignoring my boss who has his hand up in the Adobe room. Chris, the floor is yours.
- Chris Disspain: Thank you. That's nice of you to let me speak. I just wanted to make a couple points. First of all there's a mismatch here between the two letter code list and the three letter code list. The two letter code list is protected even if they haven't been issued yet. All

combinations of two characters in ASCII are protected against confusing similarity in the IND space. With respect to the three letter codes there's currently a protection in the guide book existing -- only existing three letter codes that are assigned to countries are not allowed. So, I'm not suggesting that necessarily means anything but it is worth remembering. The second thing is I think you need to look at layers of confusion. Annebeth's point about a three letter code being issued as a gTLD and operated as if it is that country's is a perfectly valid one. But it would be challenging in my view to take a stance that said that the Alberta Unicycle Society should not be entitled to apply for AUS. Because it's about the layer of confusion. There would be no confusion when you went to the website because you'd find a website full of unicycles. But the question you need to ask is whether the mere use of AUS as an address is confusing. Thanks.

Paul Szyndler:

And that gets back to some of the points we've discussed previously. I think what Chris has touched on first there about protections for all possible combinations of two letter codes is well appreciated. With three letter codes, it's only existing ones that are currently protected. That sort of gets back to earlier discussion we heard about historical and future names and how it would be extremely problematic to protect those, even to develop any policy around that. In terms of layers of confusion, yes, the point's well taken that there is absolutely no reason why that AUS under the current rules, using Chris' example couldn't be registered or applied for and operated by a particular group. Unless of course there were objection from the Australian government because under the current rules they could do so and appropriately so. But that's not to say that will be part of the process in subsequent rounds of new gTLD applications.

And that really is getting to the purpose of this study group. To make observations of how the names are used, the different layers of confusion that might exist and particularly the one letter off is a valid one that might cause some concern. There is evidence out there in the market when it comes to .com and .co and how that launch has gone and how that has resulted in consumer confusion. It's entirely reasonable to assume that one letter difference could reasonably result in some sort of confusion in future processes. That's not our purpose. It is not our purpose to say that is a bad thing. That will automatically happen and therefore we need to do something to prevent it happening, but rather just to observe that that might be a possibility. Is that something that the community more broadly needs to consider? Were there any other particular comments that people had to offer on the three letter code list? We haven't gone into it too much and hadn't heard from you yet, Bart. Was there anything that I missed? Did you feel there was anything?

Bart Boswinkel:

No. I think you captured it very nicely.

Paul Szyndler:

Look. I did just throw in some of the IND ccTLD survey because it's done in the Ukraine because they are actually examples going through the delegation process in terms of they are three letter representations of country codes currently. It just means three letter codes fit into a whole bunch of baskets. They may be new gTLD and could be prohibited as a representation of country codes and also be included in the IND process. I think the overall summary and what I'm trying to work towards is as it currently stands the snapshot of this particular item and acknowledging the survey we've got UNESCO working on at the moment covers ten or 11 different issues.

This particular one, I think the point is that we're saying that there are a number of ways, there are a number of slots that these things could fit into as exemplified by the table I've got up there in the presentation where the codes don't necessarily fit into one basket neatly. That's just an observation to make, not necessarily a criticism or comment. And noting in particular what Heather had said about potentially confusion between two and three letter codes and the potential for confusion to exist even if current protections were to be removed in future rounds of the gTLD process.

The second one I wanted to work on was just quickly cover on long and short form names of countries and territories. This sounds like a relatively simple and straight

forward process and representation of country names but generally is referred as official names for most countries except those who don't have the concept of official names. Traditionally within ICANN there haven't been historical protections but mechanisms have been put in place as part of the applicant guide book and that is the long and short form name as listed in ISO-3160. They will not be used as part of or they will be prohibited as part of the first round.

It's actually limited to ISO references and that should be fine but one thing I have to admit that I haven't devoted a lot of time to considering is are there any references, are there any ways in which countries and territories refer to themselves either in the long form -- so, the Commonwealth of Australia -- or short form -- Australia -- which are not consistent with the ISO reference. And currently the protections are very broad in the applicant guide book referring to representations of that country and territory name in all languages. Now, is that written or spoken or native or indigenous or 250 written indigenous languages in Australia, et cetera, et cetera, none of which would actually refer to the term Australia. Is there a potential for this to cause confusion or inconsistency down the track?

I haven't actually thought a lot about that particular one but I was just wondering, I'm not sure. Does anyone have any examples in terms of whether there could be confusion around this? It's not something people need to answer now. It's just something I'm throwing out there. One would assume that the official long or short form name of a country would be relatively straight forward and well identified but once you then multiply that into X number of languages, is there any possible confusion down the track? I haven't come up with any examples but again as part of working through our methodology this would be something worth considering. If anybody comes up with any examples, I'd welcome them.

Bart Boswinkel: I think answering that question is almost impossible. Depending on the list you're using as what are languages, there are -- I've covered some of these lists and they're at least 7,000 or 7,500 different languages already. It becomes an inherent complex problem. There are also lists which are even broader that go up to 17,000 different languages. It's impossible to answer your question.

Paul Szyndler: I well understand that. I think I was specifically poking my finger at the applicant guide book in terms of in all languages. It wasn't my -- I wasn't being vague intentionally but rather referring to the language in that document. It refers to all languages and consistent with what we've been trying to work through in this study group, are there any examples? Is there an example that someone can come up with? I acknowledge fully that 7,000 languages or possibly 17,000 would be very hard to work through. That in itself is an observation to say that there are that many languages out there. We've got to be careful with what we use and the language that we use referring to languages.

Bart Boswinkel: Maybe you can turn the problem around a bit because there is a protection in all these languages, depending on again with IND involved, et cetera, then you have another issue that at the end of the day you say somebody might apply not knowing that it is, for instance, especially in IND that it is a long or short form name of a country and then it slips through. It's almost an impossible threshold to monitor.

Paul Szyndler: That's right. I completely agree with you, Bart. If we were able to identify an example now, I'm conscious that in everything we've worked through before previously, the historical names, the potential future names, the three letter codes, we've been able to come up with meaningful examples that will give everyone an ah-ha moment because they can understand what we're getting at. In this particular case it is a lot more different because we don't know what the problem is until the problem arises. But I completely agree with that. If someone were able to come up with one example, that would be fantastic, but as a general observation, I think the default position of the study group

would be just to observe that this would be a significant problem that no one will know the scope of until a particular issue arises. I completely agree with you there.

The next slide that I cover in terms of long and short form names is they can currently of course be included as part of the fast track process because as long as they're a meaningful representation and have one non-ASCII character, but of course the limitations of that process is something we've talked about before is there will only be one language, one IDN ccTLD as part of the fast track process per language, per territory. And what happens with non-ASCII names that haven't been chosen as part of an IDN ccTLD? So, the example that we've used previously and Bart and I discussed through in Costa Rica is .RF or the Cyrillic equivalent of that for Russian Federated. Russia has not been used and therefore -- which is the short form name of the country but it's not been used as part of the IND process.

Likewise, Serbia and Kazakhstan that I used as examples previously because they've chosen three letter codes so they thought of it as not quite part of one process and yet another. Again, I've gone back to the table format in terms of the Cyrillic equivalent of Russia currently would have not allowed use. It can't be used as part of the fast track because there's already been one and under the current protections it wouldn't be in the new gTLD process. Again, this is just an observation. Is it a problem? It's just a question I'm raising and would generally encourage the group to consider how we would look at that. Is it okay? Is it not? And the ASCII equivalent or ASCII representation of Russia again would similarly have no allowable use either because it doesn't slot into the IND process.

And again, current protections, meaningful representation in all languages including English and Russian. There are still some, I threw in the example of Uzbekistan that hadn't registered as part of the fast track process and yet couldn't be in the new gTLD process either. Is this particularly a concern? Is it just observations that we have to make? That these names will be treated in different ways and there are some inconsistencies? That was most of the example et cetera that I had to work through. Were there any general comments that people had at this stage about where this is leading us or not necessarily automatically leading us in terms of our deliberations? Yes? That's what I thought. I agree. It is rather difficult because for the most part I expect the study group to come back and say this is a statement of what is in the ICANN ecosystem. There are certain things we can't make policy for or make allowances for. We will never be able to fully estimate the range of languages out there and what representations may be and where conflicts may arise.

Similarly, we can't forecast what the future names of countries will be and develop policy in advance for those. I think the struggle for us will be to develop some sort of meaningful input that either this is okay, this is just the way it is, and it's something the community has to deal with but going beyond that and actually providing something constructive, something that can possibly lead to not necessarily recommendations but something that could lead to a working group process down the track that will provide a more substantive protection, something that will be built into the next round of the new gTLD process that will be well thought out because we will have all spent collectively sort of 12 months of our time or more working through this and one would assume that we'd end up with something that is better thought out than previously. So, the community, particularly the ccNSO had a chance to consider this. We've been given the opportunity to think about what we would need to do with country and territory names.

This is the point at which I'm really looking to the group to try to give us some ideas in terms of what angle we want to take. We've got to propose methodology. We're waiting on feedback from the new gTLD process when it happens just to see some of the data that comes through on that. The UNESCO survey will provide us some data but we're really getting to that point where we need to get a strong feel of where this study group is going to go in terms of what sort of advice would be preferable for us to provide to various

constituencies. I'm just conscious that unless we start getting some ideas amongst us at this stage we're just going to end up observing this is the way the situation is and we have no recommendations or we have no suggestions. This is just a snapshot. That is okay for the purposes of this study group but I am conscious that we do have the opportunity to come up with more if we feel strongly that way.

In absence of any further comments I just wanted to throw out one last example briefly. This is one that would be no doubt close to Annebeth's heart which was Norway which is a particularly good one and that's just because the way in which you can use .No or .Norge or .Nor in the case of you probably couldn't use it even if protections of it as a three letter codes were removed from subsequent rounds of the new gTLD process, it would still be assumed to be a confusingly similar term to NRO and of course .Norway and .Nordegg in other languages could end up floating into other processes. That's really all that I wanted to work through today.

Taking it away from the examples that I've run through and the examples I've given, does everyone feel that this is still a useful methodology, this is a useful way of working through some of the issues that are out there? It's somewhat tedious. It requires everyone to buy in and give a few examples if they can. Is there a different way people would prefer to see the way we attack this over the next couple teleconferences given that they're only two weeks apart as we head into Prague. Is going at it topic by topic like this and in the absence of any objection a reasonable way to attack them so it provides us with decent substance to go into our progress report and then our draft model report?

Excellent. Thank you. I just got a comment from Annebeth there in the room that she's happy with it as a way to go forward. I'm very conscious that we spent 45 minutes of me lecturing the group. I don't want to do that. And don't particularly want to be just working through PowerPoint after PowerPoint. There are -- the examples that we've worked through for the most part at this stage are relatively straight forward. Full names, abbreviated names of countries and territories should be for lack of a better term, no brainers. They are what they are and they're generally accepted. There will always be a couple of exceptions. Three letter codes have a couple of quirks but not many.

I expect as we then go into discussing some of the other criteria that we have in the UNESCO survey that your country name in other languages or the way in which in your language you would represent the other countries as part of the survey, that's where it starts getting a bit more difficult. We add in a few more permutations and combinations. Hopefully there will be something a little more interesting to work through there. I think we can bite off two or three on the next call although relatively straight forward, I hope we can just knock that out because that will help give us something work on and put us at a relatively good point when we get to Prague.

I don't know if there were any more comments. I'm conscious we're a little bit early on time but that was all in terms of -- Annebeth had a question. Are you there on the phone?

Annebeth Lange:

Yes. I am. The question I have is even if we're not going to discuss what happens with these names after we've finished our report, it is an interesting thought that even if we end up with not having the protection for a question or territory name in the next round do you think they will have that sort of protection as for example capitol names and city names have today? Because if you look at this key, you should think that protection of country and territories are even more potential at least for the government than cities and capitols. So, that will at least help that you need a non-objection or support to use some of these names that we have difficulties with defining and protecting otherwise.

Paul Szyndler:

It's an interesting question you've raised. I've actually consciously assumed that the lowest level of protection going into future rounds, we shouldn't assume that what is there currently will exist in future rounds of the process. So, it might be somewhat contentious from certain perspectives to say -- Yes, in the next round of gTLD none of these

protections will exist. But that's somewhat the luxury this study group has by virtue of being a study group that we can throw the ideas out there irrespective of how they may sit. Could it be feasible that country and territory names have no protections at all in the next round? One would also assume that those names may -- and I agree with you, we have absolutely no idea what the protections will be in the next round. Therefore we assume there are none. And we're not doing our job properly as a study group if we don't think about the fact that, okay, if there are none, what does that mean?

As it is currently, we can look at the world as it exists and the way the policy framework exists and see that there are a few inconsistencies. We can all come up with an example or two. But there's been every single ICANN policy going back in history has had a quirk or two somewhere that someone can take issue with. But in this particular case, we can see where it's going with the new gTLD process. If you go into the next round and remove all protections, there's a few examples that I've put in there for different reasons, reserve names are always going to be reserve names and is .Nor going to be confusingly similar to .Nro which will remain on the reserve list? And that brings into question the reserve list and that's pretty much set in stone. So, it's just observations that we're looking to make, crystal ball gazing. Again, that's both a curse and a luxury that we have.

I'm conscious that I'm reading through the chat at the moment. I'm sorry, set in stone was being a little bit heavy handed. Look, I take the point people are making there. There are objection processes currently in place. There are rules or lists that are currently referred to that are in place. They're going to change. They may change. We don't know. And the group could certainly end up chasing its tail in terms of what we gaze into the future with. As I said, I don't think it's unreasonable for us to at least take a step in that direction and time that to what Annebeth said earlier about what is that going to be like? How is that going to be comparable to other protections that are there for geographic names, for other geographic terms. That's a reasonable question for us to raise. Again, not to answer, just to raise.

I'm conscious there was a bit of chat in the Adobe room. Did anybody else want to add anything at this stage of the call? What I'll do is I'll wrap it up there. Avri, fire away. Are you there, Avri?

Avri Doria:

I think this thing -- I guess I was getting a little confused on the conversation here. I think the thing we have to assume about a next round is everything is going to be up for review. So, if this study group and others have come up with notions like might be protected, should be protected, does not need to be protected, et cetera, then that will feed into all of those discussions. I think that when you look at the protections now, a lot of them were cobbled in by staff at the last minute based on complaints from GAC who had the power to make the board change when the GNSO had originally proposed.

So, once it goes back into review and this whole round is reviewed and new recommendations are made, one can assume that there will be protection but what they will be, how things will be classified, the reserve name list is always under attack for at least subtract and sooner or later something will happen to it. I think this group's recommendations that are sort of both descriptive and perhaps tend to normative without resting on current reality other than to say this is different than current reality or this is the same might be useful. I don't know if I added anything or just added confusion. Thanks.

Paul Szyndler:

Actually quite the opposite. I believe there was a bit of reaffirmation and hopefully a bit of confirmation of what I was trying to get to in words considerably more eloquent than my own and that is we don't know what will be in the future. This is all a moving piece. What I've banged on about in this study group quite often is this is -- we have a luxury here that we can look forward to what might be but we can base our work on what is currently so we can look at particular examples and this is where the UNESCO survey is going to come back and give us a few more case study examples. It may end up being

completely irrelevant. It may just tell us everything we already knew, there's nothing in the responses that we get back that gives us that ah-ha moment that I referred to in terms of gaps in policy or inconsistencies in policy. It's not for our group to identify whether something is right or wrong or needs to be remedied.

We can just observe that this is what happens when you plug such and such a name or code or representation into the policy framework and what happens to it? And something surprising happens. That's something we can put out as part of our observations. But similarly, we do have a little bit of a luxury to go forward and as Avri pointed out, assume this is a completely moving piece. This gets back to a couple of the examples that I raised. .Nor is a classic one. It will not be part of the first round of the new gTLD process. If there are no protections relating to the ISO list in the second round over the GAC's collective dead body, I acknowledge, even then why or how could you end up with one country that could be prohibited from that code because it would be deemed confusingly similar to .Nro which may or may not end up being on a reserve list down the track anyway. It's part of the confusion and inconsistency that we sort of need to give some sense to and provide a statement to the end that makes some sense. Avri, go ahead.

Avri Doria:

One other thing and that's that we have one big gap here that we talk about but I don't think any of us really have a clear understanding on and that's what it means to be confusingly similar and how those judgments are made by the secret panel. Now, the secret panel is not secret because it wants to be but because it's been constrained. But the kind of logic they're using seem like things this group would need to understand in terms of trying to make any kind of descriptive or normative statement.

So, I'm wondering whether one thing this group wants to do -- and pardon me for waiting until the end of the meeting. The coffee didn't kick in until about 45 minutes in. But do we want to see if there's anything we can do to get a better understand of what it is they're actually doing when they're deciding because just from the business conversation I had, I've come to understand that it's so much more complex a process than I had conceived of and it seems to make a lot of sense once somebody that's in the middle of it kind of explains it. But I'm wondering if we could somehow encourage them to educate us in what it is they're doing. Thank you. This time I will be quiet.

Paul Szyndler:

Avri, thank you. I'm going to take those comments and interjections and break it down to a couple of elements. I note that when it comes to confusing similarity and I've raised that two or three times on this call and the presentation that I've run and in previous meetings we've had and largely left it with a question mark at the end. Is this confusingly similar? Would this be considered confusingly similar? So, yes, to that extent I agree. We can't know definitively that that is or isn't the case. There's a couple questions that I can ask and I can investigate and really do need to educate myself better in terms of how those determinations are made.

But the one caveat I have to add is I would be very cautious that we're getting close to mission creep in terms of the scope of activities of this group. I've luxuriated in us being a study group previously and being able to bite off quite a lot or head off in different directions but if we can't say this is confusingly similar or try to press for a clear definition of this is confusingly similar and this is not, at least we could raise the point as a group that confusing similarity is confusing to all of us and we need less confusion about it if that makes any sense at all. There needs to be clarity around this because -- and by pointing out the examples that we've been discussing, there are significant stakes based on this, therefore everyone needs to be clear about it.

We can't make a recommendation about directional clarity et cetera, et cetera, but we can point out that generally as part of the broader community's understand which is part of our scope that we can point out it's been a bit of an issue. So, it's a bit of a yes and I agree. We understand what's being done and what that means and how that might impact on the work of this group.

We've hit the hour mark. That was about the deadline we had for the call. Were there any other final comments before we wrap it up for this evening, this morning? Thank you, everyone. Christina, Gabby, are you there? Do you know? I don't have it in front of me because my Outlook doesn't work at the moment. But the next scheduled call?

Gabriella Schittek: That's May 23.

Paul Szyndler: We're heading for about two weeks. What I will aim to do is try to send something very -- sooner rather than later. I'm conscious of -- I'll try to send something out to the group in the next few days that will outline the issues that we'll try and bite off for the next teleconference. Really, it's working through these examples again and it is the mundane and it is just can we come up with any more examples, the sorts of things that Heather punched into the process today to give us a few more ideas whether we're covering the scope of our work adequately or not. It will be another couple and possibly a few that are a little more tricky than the ones that we've covered today.

Again, I'll get the material out as soon as possible so we can identify what issues we're going to head into next. The task on me is to continue working in conjunction with Bart on draft issues of a report. We will circulate it well in advance of Prague so the group can provide comments. That should be relatively straight forward. It's a statement of what we've done. And then what I'd probably like to do as well is refine a bit more what we're going to do from here.

I'm conscious that we are in that limbo stage where we will try to address these issues as much as we can before we get feedback from UNESCO but we need a bit more shape on it before we get to Prague and then as we carry on to our Toronto meeting. Again, I'll send something out to the group that proposes some of the issues and feedback that we've got on this call, some of the feedback we've had over the past couple months and I'll get that out to everyone and hopefully that will inform us for our next chat. In the absence of any final remarks, I just thank everyone for their time and talk to you all in about a fortnight.