Attendance: (18 Members)

Alberto Soto
Alexander Schubert
Anne Aikman-Scalese
Bruna Martins dos Santos
Cheryl Langdon-Orr
Christopher Wilkinson
Donna Austin
Jamie Baxter
Jeff Neuman
Jim Prendergast
Justine Chew
Kathy Kleiman
Michael Flemming
Raymond Zylstra
Rubens Kuhl
Sarah Langstone
Vivek Goyal

Audio only:
Vernatius Okwu Ezeama

Apologies:
Katrin Ohlmer
Annebeth Lange
Elsa Saade
Heath Dixon
Flip Petillion
Martin Sutton
Maxim Alzoba
Vanda Scartezini
Sara Bockey
Naeem Uddin
Staff:
Steve Chan
Julie Hedlund
Berry Cobb
Antonietta Mangiacotti
Michelle DeSmyter

AC chat:

Michelle DeSmyter:Dear all, welcome to the New gTLD Subsequent Procedures Working Group call on Tuesday, 09 April 2019 at 03:00 UTC.

Michelle DeSmyter:Agenda wiki page: https://community.icann.org/x/aRVIBg

Cheryl Langdon-Orr (CLO PDP Co Chair):Hi All

Jeff Neuman:1 minute.....

Jeff Neuman:By the way, please no one say the score of the college basketball game going on in the US

Jeff Neuman:I am recording it and dont want it spoiled

Jeff Neuman:thanks!

Alberto Soto:Hi everyone from Buenos aires

Anne Aikman-Scalese:we lost jeff

Cheryl Langdon-Orr (CLO PDP Co Chair):Audio

Jamie Baxter | dotgay:lost your audio Jeff

Michelle DeSmyter:Jeff, we are not able to hear you

Alberto Soto:Sorry audio

Vivek Goyal:Cant hear you Jeff

Jeff Neuman:Sorry

Vivek Goyal:yes

Sarah I Verisign.:yes

Alberto Soto:yes,

Cheryl Langdon-Orr (CLO PDP Co Chair):Over to you Jeff

Vivek Goyal:yes

Michael Flemming:Yes

Jim Prendergast:yes

Anne Aikman-Scalese:yes

Cheryl Langdon-Orr (CLO PDP Co Chair):I just did SOI

Cheryl Langdon-Orr (CLO PDP Co Chair):s and was back to Agenda ... Over to you

Christopher Wilkinson:Yes hear you now CW

Jim Prendergast:i couldnt hear cheryl

Cheryl Langdon-Orr (CLO PDP Co Chair):OK

Cheryl Langdon-Orr (CLO PDP Co Chair):ERGH

Cheryl Langdon-Orr (CLO PDP Co Chair):of course @Jim you probably have heard enough from me over 3 days last week as our ATRT3 Audience

Steve Chan:https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1VSrLyWvfAiwDP-2Dpe-2DQhAokRVoY1rpnDhfTqViwo4-2Dzc_edit-23&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGlBLwwwehFBfjrsjWv9&m=xH5ZMhvaPdq0hOiSmSVukksOFM0X_-V-xurF53Bdc1g&s=IgzwVc8_4ngtjXaGNyeS_fHgdTMrZhMV_UgTBLkIzWw&e=

Cheryl Langdon-Orr (CLO PDP Co Chair):Shall do

Steve Chan:Correct, Initial Report

Justine Chew:Sorry for being slightly late, I was too engrossed in looking at the googledoc that I lost track of the time.

Cheryl Langdon-Orr (CLO PDP Co Chair)::-)

Steve Chan:I can do that quickly now...

Steve Chan:At a break, I will substitute a version with page numbers into the AC room.

Steve Chan:Documents swapped, now with page numbers.

Anne Aikman-Scalese:Could not understand the comment - there is an echo\

Steve Chan:There was a bit of an echo when Vivek was speaking actually

Donna Austin, Neustar:I support the change: An applicant guidebook should be utilised for further new gTLD procedures.

Cheryl Langdon-Orr (CLO PDP Co Chair):fair point @Donna

Vivek Goyal:Agree

Anne Aikman-Scalese:Agree should is better. There are probably other priorities as well - e.g. accessibility for those not familiar with the program.

Jim Prendergast:should rhe changes be proposed redlines so those who are not on the call can review and then raise concerns when they review mterials?

Kathy Kleiman:Shouldn't there be translations?

Kathy Kleiman:agree with Jim re: redline -- good idea

Alberto Soto:Yes Kathly

Cheryl Langdon-Orr (CLO PDP Co Chair):This is a 1st readthrough af an early draft lets do a few adjusts today and then put the improved text based on all you feedback out for second reading after in any redline comments @Jim

Christopher Wilkinson:2.4.1.c.1 Here we have waves, phases, batches etc. Are each of these concepdts all the same as each other?

Anne Aikman-Scalese:Agree with Jim on the topic of "proposed redlines" .

Rubens Kuhl:Besides legal jargon, AGB also had some accounting jargon as well.

Michael Flemming:Like the paper clip for Microsoft Word in early days

Kathy Kleiman:application guidebook inlcudes objections -- that's legzleze...

Cheryl Langdon-Orr (CLO PDP Co Chair):and of course all changes even thouse made by staff today on the call can be seen in track gchanges/version control

Kathy Kleiman:legaleze...

Steve Chan:@Jim, good point. I've backed out the changes and re-done them in redline.

Donna Austin, Neustar:That's not Jim!

Cheryl Langdon-Orr (CLO PDP Co Chair):@ Jeff it is just about redline now for edits from those not on the call

Cheryl Langdon-Orr (CLO PDP Co Chair):Yes @Jim you are our Father apparently

Steve Chan:Jim, might need to reconnect!

Justine Chew:Darth? More like Jabba.

Michelle DeSmyter:@Jim - I sent you a private chat if you are needing a dialout

Anne Aikman-Scalese:QUESTION @ Cheryl - Are we treating this as first reading of actual proposed language with second reading to follow? I thought Jeff was saying that wording was not important here -just concepts - so how would first and second reading apply? QUESTION

Justine Chew:+1 Anne

Michael Flemming:I agree with Jeff on the companion guide.

Jim Prendergast:yes - steve changed it

Justine Chew:I think recommending avoiding legalese is a good idea, but we should be careful that what is then (re-)written does not in any way imply the non-applicability of the intended terms and conditions detailed in the AGB -- perhaps a prominent notice (or disclaimer) to the effect can be inserted by ICANN Legal?

Michelle DeSmyter:yes, audio is good Jeff

Alberto Soto: the voice is from a monster

Rubens Kuhl:We can hear you Jeff.

Cheryl Langdon-Orr (CLO PDP Co Chair):We were all hearing hom as a Darth vader voice

Alberto Soto:Now is correct

Cheryl Langdon-Orr (CLO PDP Co Chair):Aim for 'Plain Language text'

Kathy Kleiman:Jargon should be aboiced, but legal concepts are there...

Jeff Neuman:Implementation Guidance - "should be avoided where possible"

Kathy Kleiman:Agree with Donna. Let's use as needed, and explain them...

Justine Chew:I agree with Donna to a point -- I think recommending avoiding legalese is a good idea, but we should be careful that what is then (re-)written does not in any way imply the non-applicability of the intended terms and conditions detailed in the AGB -- perhaps a prominent notice (or disclaimer) to the effect can be inserted by ICANN Legal?

Kathy Kleiman:Clarity I think is the goal.

Cheryl Langdon-Orr (CLO PDP Co Chair):Donna that is why the term 'Plain Language text' works as it allows for Jargon (but defined when it is used) but clearly aims for plain language use

Michael Flemming:I think it just breaks down to using clear and easily understood language. Simple English is referred to in many such casefs.

Alberto Soto:Agree Justin

Donna Austin, Neustar:@Cheryl, I can live with Plain Language text

Cheryl Langdon-Orr (CLO PDP Co Chair):Ay least that how we have termed things here in AU woth Telco Consumer COntracts etc.,

Michael Flemming:Yes agree with Cheryl, as well.

Jeff Neuman:I am not familiar with the term "plain language text" ...... but if it has a definition that is fine.

Michael Flemming:https://urldefense.proofpoint.com/v2/url?u=https-3A__www.plainlanguage.gov_about_definitions_&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSV zgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGl BLwwwehFBfjrsjWv9&m=xH5ZMhvaPdq0hOiSmSVukksOFM0X_-V-xurF53Bdc1g&s=Q5q4xyKyDNIw-3Hg4IDX-H10zij-0n0ujHSznbfmOT8&e=

Justine Chew:@Anne "less English-dependent" is a BC comment, is it not?

Vivek Goyal:The idea is to use simpler language and not lose the idea in the nuances of the language

Alberto Soto:For those who do not speak English, the simple language facilitates translation in any browsers

Alberto Soto:Or any translatarorpdf

Alberto Soto:sorry any translator pdf

Anne Aikman-Scalese:QUSETION: Is the Applicant Guidebook going to be available in other languages?   Browser translations are not super effective when looking at the consequences of misunderstanding a direction in the Guidebook. QUESTION

Justine Chew:2.4.1.c.2.1: and I have put my reply in the googledoc. -- Sure. I can't see why something like a Companion Guide won't work. Subject to my first comment on the need to notify that terms and conditions in AGB are not displaced.

Anne Aikman-Scalese:Thanks Jeff.

Kathy Kleiman:ALAC's comment is important - historical contet will help newcomers better understand issues...

Jim Prendergast:the tanslations came signifcantly later than the english versions so narrowign that gap is important

Kathy Kleiman:good point

Justine Chew:@Kathy, yes, that was the intention -- it's just a question of how best to preserve AND present them.

Vivek Goyal:Companion Guide +1

Alberto Soto:Yes Jim

Anne Aikman-Scalese:Agree translations should come out at the same time as the English version.

Justine Chew:2.4.1.c.2.2. -- agreed with Jeff.

Alberto Soto:Agree too, Anne

Anne Aikman-Scalese:Yes

Cheryl Langdon-Orr (CLO PDP Co Chair):For some reasn I vaguly thought we did the AGB in UN Languages + Portuguese ... hmmm perhaps double check...

Steve Chan:Just UN 6 it appears: https://urldefense.proofpoint.com/v2/url?u=https-3A__newgtlds.icann.org_en_applicants_agb&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGlBLwwwehFBfjrsjWv9&m=xH5ZMhvaPdq0hOiSmSVukksOFM0X_-V-xurF53Bdc1g&s=gyReU5c_S6zgclQ4eichKdQoNySpiYMPIX6CctSQ17E&e=

Jim Prendergast:and not every section.

Jim Prendergast:@clo - the translations came much later in the process. but they eventually did come

Christopher Wilkinson:A formal process cannot start until all translations are available, together.

Justine Chew:BC new idea for 2.4.1.c.2.3 = nice to have for implementation; but I suspect 2.4.1.c.2.5 would be more practical and easy to implement (deals with types of applications)

Cheryl Langdon-Orr (CLO PDP Co Chair):Ohh indeed @Ji, I am all for a release at the same time recommendation on that aspect of meeting multi lingual needs of the potential applicant space

Anne Aikman-Scalese:The INTA comment very specifically lists a need for specific instructions related to brand and community applications. this seems like a good idea.

Kathy Kleiman:Can we revisit when we make further substnative decisions?

Cheryl Langdon-Orr (CLO PDP Co Chair):Of course @ Kathy 2nd reading and beyond if needs be

Anne Aikman-Scalese:@Staff - could we please capture the INTA Comment in the "new idea' section for deliberations by the full WG?

Michael Flemming:@Anne and Kathy, I think we should go through this all together and revisit the INTA comment. It seems to be applicable to several of the recommendations.

Donna Austin, Neustar:I don't really know what an interactive process means in this instance, but it probably does make sense to have maybe a check list for each category so that applicants can ensure they have completed or provided all the necessary information.

Justine Chew:+1 Donna, hence why I think easier to go with 2.4.1.c.2.5

Anne Aikman-Scalese:In that case - we should not say "path to choose"". We shoudl say "type of application

Justine Chew:@Anne, again "path to choose" is a BC comment, is it not?

Cheryl Langdon-Orr (CLO PDP Co Chair):Page 4 in the AC Doc now

Steve Chan:@all, it might be helpful to consider how the 2012 AGB may or may not have been deficient in spelling out the requirements for different types of appications?

Vivek Goyal:I am from BC

Anne Aikman-Scalese:redline for this section should say "type of application to choose. Actually no Justine - it says "type"

Jeff Neuman:Sorry Vivek.....do you have thoughts on that

Vivek Goyal:I think that shoudl be OK

Justine Chew:@Anne, okay, got it, thanks.

Anne Aikman-Scalese:The specific BC public comment is: There should be a clear process for an applicant to detrmine their application type based on the string they are applying for. The word "path " does not appear in the summary of the BC comment reviewed by the Subgroup.

Justine Chew:@Anne, does "an interactive process" appears in the summary?

Jeff Neuman:yes vivek

Anne Aikman-Scalese:"this should be an i nteractive component hosted on ICANN's website which can be coded relativeily easily and be cross-compatible via HTML 5."

Steve Chan:Here is the entire comment: Agreed. There should be a clear process for an applicant to determine their application type based on the string they are applying for. For cases which are not clear, there should be a process via which they can get a definitive answer before starting the application process. This should be an interactive component hosted on ICANN's website, which can be coded relatively easily and be cross-compatible via HTML5.

Anne Aikman-Scalese:To move on, I think it is correct to say BC/INTA and just change the "path" language to "which application type to choose".

Vivek Goyal:That woudl be my understanding

Justine Chew:So it's maybe like ... "I want to apply for x type of gTLD, please tell me which parts of the application process I need to undertake?"

Michael Flemming:Sounds like software development that will require time and cost

Michael Flemming:Nice to have

Steve Chan:For those in the Google doc, you will have seen the summary was changed to: BC/INTA: New Idea - Suggestion to create an interactive process to help potential applicants understand which typepath of application to choose before applying, especially .Brands and Communities.

Steve Chan:Hopefully this is acceptable to allow converstations to continue

Steve Chan:oops, redline did not work for copy paste!

Anne Aikman-Scalese:Thanks Steve. That works if you delete "path".

Steve Chan:@Anne, it's deleted in the redline, which doesn't show in copy/paste :(

Justine Chew:Right. So it's more like "I don't know which appplication type my selected string falls under, please tell me what I need to do to find the answer".

Anne Aikman-Scalese:yes Justine - that's it. - and that is an accessibility issue

Kathy Kleiman:a mid point might be to put it out for public comment -- and then put it in AGB

Anne Aikman-Scalese:Jeff - what do you mean by "IT"?

Justine Chew:@Jeff, not in the AGB, but a prelude to the AGB to establish the type of application first.

Steve Chan:@Jeff, I think Justine's comment is on the previous topic?

Steve Chan:Unless I'm wrong :)

Michael Flemming:Another question to ask is if we have this required to be in the AGB, would that prevent updates to be made to the click-through agreements later on?

Justine Chew:Yes, to answer "I don't know which application type my selected string falls under, please tell me what I need to do to find the answer". Sorry for the confusion.

Kathy Kleiman:what happens when ICANN wants to change TOU?

Kathy Kleiman:same question as Michael...

Michael Flemming:but you use the words finalized

Anne Aikman-Scalese:Please clarify which section you are discussing.

Michael Flemming:but of ocurse if

Michael Flemming:sorry sorry

Michael Flemming:if that can be amended, then different question

Michael Flemming:I agree "with"

Michael Flemming:But to be referenced in AGB

Justine Chew:@Anne, 2.4.1.c.2.7

Michael Flemming:You should reference it

Michael Flemming:and release it as readily as possible

Anne Aikman-Scalese:Thanks Justine.   I think i must have been reading actual public comments when Jeff covered Items 5 and 6.

Michael Flemming:If you want to make users aware that there will be/are clicked-through agreements, then I can see that as important to have in the AGB.

Michael Flemming:That is what I mean by reference

Justine Chew:I agree with Michael on 2.4.1.c.2.7

Michael Flemming:But having finalized agreements in the AGB would be confusing. Releasing it WITH, as you suggest, and pointing to that location in the AGB is a good idea.

christopher wilkinson:@INTA comment: 'negotiate' wieth who? If individual applicants can 'negotiate' the final agreed process, why are we spending such a lot of time on the details?

Donna Austin, Neustar:I am concerned that we are moving away from a recommendation that had support from all commenters. I expect that we will have recommendations that may be inconsistent and we will need to resolve, but doing this piecemeal at this point is challenging.

Anne Aikman-Scalese:REgistry agreement may differ for different types of applictions - e.g. Brand registry agreement has different terms due to Spect 13.

Anne Aikman-Scalese:*Specificattion 13

Michael Flemming:Jeff, I think that click-through agreement, as you have said, is referring to software. I don't think that INTA was addressing these types of agreements but rather the RA, Terms of Use for the AGB.

Kathy Kleiman:Are we talking about terms of use for the application system or registry agreements?

Michael Flemming:You don't want to allow for negotiation for click-through agreements of systems.

Anne Aikman-Scalese:QUESTION: Should we ask INTA to clarify what agreements their comment was referencing? QUETION

Michael Flemming:I can believe what I want, but I may be wrong :). Good idea to get clarity.

Kathy Kleiman:2.4.1.c.2.7: Any Agreements/Terms of Use for systems access

Kathy Kleiman:Registry agreements should proably be in another place...

Michael Flemming:@Steve, was there more ot this comment?

Steve Chan:It's a brief comment: INTA agrees with this recommendation but is concerned that any agreements or terms of use are non- negotiable. The WG could explore whether there is a way for those who wish to negotiate to flag that intention.

Justine Chew:I don't understand why terms of use for system access would be negotiable.

Michael Flemming:Taken as a response to the recommendation, I disagree with the comment INTA has made

Anne Aikman-Scalese:Systems access should likely be non-negotiable

Steve Chan:And indeed, @Kathy, there is a section dedicated to the Registry Agreement, so you could possibly assume this comment is in reference to agreements beyond the RA?

Michael Flemming:Of course, but doesn't apply here

Kathy Kleiman:this question is only about systems terms of use...

Steve Chan:And I should have directed that comment at Jeff, since he's bringing up the RA :)

Kathy Kleiman:Jeff -- we're not talking about registry agreements here...

Michael Flemming:for system access, though?

Justine Chew:Yes, to ability to INDICATE request for some terms of Registry Agreement to be negotiated.

Michael Flemming:Jeff, how?

Michael Flemming:Where does it say all agreements?

Jim Prendergast:i think parties should have the ability to negotiate terms. whether it leads to something is completely different. we just saw that after years of work, .MARDID was able to get a new launch program approved.

Anne Aikman-Scalese:It may not have been clear that this was a reference to all types of agreements. Are we sure it was? Or was it modified by "for systems access".

Kathy Kleiman:+1 Donna

Michael Flemming:Jeff, INTA is responding to this recommendation with language that is vague. We should respond and judge this based upon this recommendation, not where the comment is taking us.

Michael Flemming:The recommendation addresses Terms of use for system access.

Michael Flemming:These should be non-negotiable.

Cheryl Langdon-Orr (CLO PDP Co Chair):Yes

Jim Prendergast:so for example - the applicant portal terms of use?

Michael Flemming:Where INTA is taking us, to include all agreements, then obviously we touch on different aspects.

Jeff Neuman:ok, all you win.

Jeff Neuman:My question is just about system access now

Cheryl Langdon-Orr (CLO PDP Co Chair):Tat was to Kathy not the Q. from @Michael ;-)

Donna Austin, Neustar:System access should be non-negotiable

Cheryl Langdon-Orr (CLO PDP Co Chair):Thx @Kathy

Michael Flemming:Yes

christopher wilkinson:Yes.

Jeff Neuman:@jim - Yes, very sore subject with me

Michael Flemming:That is post-application, though. If we apply those same standards to this, then we need to have them before us before they are finalized.

Donna Austin, Neustar:I don't think that's what Jeff was talking about Jim, the situation is different.

Michael Flemming:To get the opportunity, like you said, the red flags.

Anne Aikman-Scalese:Are we talking about the terms under which an application is made?

Donna Austin, Neustar:I am now really confused.

Steve Chan:One of the first points discussed in relation to 2.7 is that the relevant agreements should be "finalized and published WITH the AGB"

Michael Flemming:Bettter if we have this written down :)

Cheryl Langdon-Orr (CLO PDP Co Chair):So no 'late in the game changes'... is the basic concept this is a step further as Jeff is stating the matter

Kathy Kleiman:isn't base regisstry agreement another section?

Anne Aikman-Scalese:I think this question is about "for systems access" - not sure it extends to all these other agreements.

Michael Flemming:Yeah, I think written is better

Jim Prendergast:and lets make sure someone from INTA sees it too

Kathy Kleiman:or that's 12:25am for some of us :-)

Vivek Goyal:We need to clarify the scope of questions...is this for ALL agreements or only System Access agreements

Donna Austin, Neustar:@Anne, that's what I think too.

Kathy Kleiman:+1 Anne

Justine Chew: @Jeff, Yes please! I still don't understand why terms and conditions of system use (whatever system that may be) would need to be but if it is possible to include an example of why they might in your follow up written note, please do so. Thanks.

Jamie Baxter | dotgay:Important point Anne

Justine Chew:@Jeff, Yes please! I still don't understand why terms and conditions of system use (whatever system that may be) would need to be NEGOTIABLE but if it is possible to include an example of why they might in your follow up written note, please do so. Thanks.

Kathy Kleiman:good night, good morning!

Kathy Kleiman:Tx Jeff!

Anne Aikman-Scalese:Bye all Thank you

Cheryl Langdon-Orr (CLO PDP Co Chair):Bye everyone thans for today MORE next week at 1500 UTC on the 15th

Michael Flemming:Good night!

Vivek Goyal:Thank you everyone