Actions/Outcomes – New gTLD Subsequent Procedures PDP WG

June 2019

Action Items:

Work Track 5:
Open Topic #1: GAC members could assist applicants in identifying which governments and/or public authorities would be applicable in cases where an applicant must obtain a letter of government support or non-objection.
ACTION ITEM 1: Check with the GAC at ICANN65 to see if they would be amenable to do this.

Full WG:
Application Queuing:
New proposal: Recognize that different applicants might have different goals that should be taken into consideration for those who win the draw.
ACTION ITEM 2: Rubens Kuhl will write up the proposal and put it out to the full WG list for consideration.
New Proposal: Consider how to prioritize types of applications by giving them more tickets – so not absolute, but weighted.
ACTION ITEM 3: Edmon Chung to write up the proposal and send it to the list for consideration.

Sessions 1 and 2, 24 June 2019 – Work Track 5

Agenda:
Session 1:

1. Welcome and introductions
2. Current status
3. Review of latest Recommendations Review Status Tracking Document (see under Current Working Documents for the latest version: https://community.icann.org/x/YASbAw)
4. Identification and agreement on remaining open issues
5. Wrap-up

Session 2:
Review Materials:

- Supplemental Initial Report - https://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-geo-names-supp-initial-05dec18-en.pdf
- Public Comment Review Tool - https://docs.google.com/spreadsheets/d/1WKSC_pPBviCnbHxW171ZIp4CzuhQXRCV1NR2ruagrxs/edit?usp=sharing
- Work Track 5 Working Summary Document - https://docs.google.com/document/d/1rsyxCEBd6ax3Rb_w1kms_E9n29XL1_lw3Yp9XQ4TeCY/edit?usp=sharing

1. Discussion of open issue 1 - operational/incremental improvements (e.g., non-substantive changes, like tools, advisory panels, etc.) - See sections f.1.2.5, f.2.3.2, f.2.4 in the Supplemental Initial Report and the respective tabs in the Public Comment Review Tool.
2. Discussion of open issue 2 - non-AGB terms and possible subset of intended-use extension for non-AGB terms - See sections f.2.3.2, f.2.4 in the Supplemental Initial Report and the respective tabs in the Public Comment Review Tool.
3. Discussion of open issue 3 - translations - See sections f.2.2.1.2 and questions e6 and e8 in the Supplemental Initial Report and the respective tabs in the Public Comment Review Tool.
4. Discussion of open issue 4 - changes to contention resolution for geographic names - New item identified during deliberations
5. Wrap-up

Notes:

Preliminary Recommendation 8 (permutations and transpositions):
-- Support for the suggested clarifying text from Justine Chew (in the tracking document): "Strings resulting from permutations and transpositions of alpha-3 codes which are themselves not on the ISO 3166-1 list should be allowed".
-- Suggestion to clarify the definition of “permutation” and “transposition.” Is the current definition exhaustive? Suggestion from Greg Shatan – check with Greg.

Preliminary Recommendation 11 (non-capital city names): See: https://docs.google.com/document/d/1rsyxCEBd6ax3Rb_w1kms_E9n29XL1_lw3Yp9XQ4TeCY/edit#heading=h.j7jy935ryg4k, starting on page 14
-- Perhaps combine some of the ideas during the previous discussions – such as having limited lists of cities, but that would need some research/implementation work.
-- For cities in a wider sense consider maintaining the current rule.
-- Look at the input so far and try to find a compromise.
-- Proposal (from Jorge Cancio): If you have a regulation, that prevails, for the rest could restrict to a non-objection letter to the X largest cities in the country. For the rest have the intended use rule. If we rely on the curative mechanism, look at whether the objection mechanisms are available to those unfamiliar with what ICANN is doing. Also, could move ahead if there is no response – that is, no response = support/non-objection.

Open Topic #1:

Proposal 1: Develop an **online tool for prospective applicants**. The searchable tool indicates whether a string is eligible for delegation and whether there are issues that require further action (for example obtaining a letter of support or non-objection from relevant governments or public authorities).
-- If there is scope for pursuing these proposals, they should be considered at the full WG level.
-- Would this include reserved names? There could be options to include them.

-- Park for further consideration.
-- Meant as a resource, not as a policy or rule.

Proposal 2: **GAC members could assist applicants in identifying which governments and/or public authorities would be applicable** in cases where an applicant must obtain a letter of government support or non-objection.
-- ACTION ITEM: Check to see if the GAC at ICANN65 to see if they would be amenable to do this.
-- Suggest adding a non-disclosure agreement (implementation detail).
-- Meant as a resource, not as a policy or rule.

Proposal 3: **If government support/non-objection is required for an application, provide mediation services to assist if the applicant disagrees with the response** received by a government or public authority.
-- Parties can always seek mediation. Shouldn't be a requirement.
-- How do we know if a letter is needed or not? We don't have the established rules for each item.
-- <COMMENT> I think there's a broader issue about "recourse" in the event of letter refusal or non-answer. Mediation is one aspect of that. </COMMENT>

<u>Open Topic #2: Non-AGB Terms</u>:
-- Question: If you can't be certain that you have a definitive list, does this have merit? Can we have a list that is finite?
-- This speaks to ensuring that objection procedures are accessible and the possibility of PICs to resolve these issues. But, need to be precise as to what "accessible" means.
-- Unlike last time, have an open round where applications are seen and people can respond to them, but that is not a WT5 proposal.

Proposal #35:
-- With respect to a repository, why would we limit it to governments – what about end users?
-- Trying to figure out of there is interest to explore further and if there is, to get more specific on details. If there isn't support now for any of these proposals then we put it aside and move on.

Proposal #38:
-- Depends on what is a geographic name.
-- The main question is what else should be included that we haven't already included in lists. In WT5 we've struggled on these topics and the Initial Report included these proposals and left it open. We need to think whether the comments change from where we were – to change something (in existing policy) or not?

Session 3, 24 June 2019 – Full PDP WG:

Agenda:

1. Welcome and introductions
2. Current status
3. Meeting with GDD to discuss draft assumptions for early implementation efforts
4. Wrap-up

ICANN Org Preparation/Assumptions: Discussion:

-- Question: What are the next steps after getting feedback? Answer: We will take back all the input, fine tune the assumptions, share it with you, and then with the Board at their September workshop.

-- Then the following step will be to get the approval from the Board for funding for a development team to start implementation.

-- Suggest that you post your document in some place easy to find on the ICANN web site and like the idea of a webinar.

-- Question: What does it mean that you have "alignment with the Board"? Answer: Not opening a formal public comment process. By "alignment" we mean that we already have incorporated feedback from the Board and we agree that this is a good place to start.

-- More than a year before this PDP was due to finish its work we've engaged the Board on items where we might need more attention.

-- Helpful for ICANN Org: The fewer "balls and chains" you put on ICANN Org the easier it will be to do the implementation.

-- Question from ICANN Org: How do you see ICANN Org and the Board being able to give input to your recommendations before they are finalized?

-- Fair amount of the WG discussions deal with pricing. Question: When will we likely see some costs from ICANN Org? Answer: We are trying to come up with a meaningful plan so that we can be accurate on the costs, but it is a bit of a "chicken and the egg" situation. Try to manage that challenge together. Another challenge is to build a process that is sustainable over several rounds but needs to be covered by application fees. May need to look at cost recovery on a long-term basis.

-- Question: How to fund via application fees? Where does the funding come from for activities before that? Answer: For the last young the application fees paid back retroactively. We are looking at the remaining funds of the current fees of the current program as a source to borrow money against to be repaid when the fees are collected by the next round. Challenges are that we project the current rounds, but what we aren't projecting is how much defense and legal costs we'll incur for the current round.

-- Question: How do we go into another application round if you exceed the 1,000 names per year? Answer: Beyond a total of 2,000 names overall then your systems have to be more complex. But, these are assumptions that are bound to change.

-- Question: Is ICANN Org going to the Board for approval of assumption a kind of shortcut to the PDP? Answer: Cost recovery is not just on an application basis, but on a full program basis. Strategy is to segregate the financial side to measure cost recovery.

-- There is already consensus policy that there will be an ongoing process to delegate new gTLDs.
-- Comments: 1) The model is close to the 2012 model – too many applications all at once and high risk of evaluation problems. 2) Need to know how ICANN Org will outsource evaluations. 3) Does cost recovery include applications support and what portion of the costs applies to application support? Answer: May need to build in the cost of application support up front.
-- Need to start from something to decide what to build. So that's what are these assumption – so 1-3 months application window is just an operational assumption.
-- Developed a list of dependencies in Barcelona on when to start a next round and that doesn't appear to be shared with ICANN Org.
-- ICANN Org: We can't plan based on what we don't know. So, we are planning on what we know.
-- Question re: source of funding, there are different options available – current application fees replenished by new fees, reserve fund, etc. – that will be decided by the Board. ICANN Org will study this.
-- Question: Do you envision multiple IRTs? Answer: Yes.
-- Question: Will you do a study on possible volumes other than 2,000? Answer: We would love to hear the rationale for other scenarios.
-- Question: Is the $2 million still there for application support? Answer: No.
-- Question: Do you have an assumption on the applicant fee? Answer: No, but we've done some calculations.
-- Question: How do you define cost recovery? Answer: From the time a contract is find that becomes of the point of transition to becoming part of operational planning.
-- Comment: Get a firm to do a market-sizing/analysis exercise. We did a market analysis last time and came up with 500.
-- Question: The most important question to me is : It is crucial we establish the demand assumption. This will impact on the cost recovery and the pricing model -ie currently 185 K per applicant . Does the ICANN org plan to do some major global outreach campaign to establish the demand. how much would ICANN org put aside to do this. Answer: We are not planning an outreach campaign to gauge demand, but we might to bring awareness.
-- Question: Are you planning to prioritize applications? Answer: It is up to the WG to make recommendations in this regard.
-- Question: Have you thought about public comment periods to gather input on implementation? Hold this one for later.
-- Question: How do you gather consensus from the community concerning your assumptions? Will you do a policy process? Such as for application fees, cost recovery, reserve account etc.? Answer: The assumptions are operationally focused. We'll get input from the people who are close to the policy and applications to validate them – these are not part of the policy process.
-- Question: How to get feedback from ICANN Org? Answer: We want the feedback as we go along, before we make the final recommendations.

Session 4, 25 June 2019 – Full PDP WG:

Agenda:

1. Welcome
2. Update on Work Track 5
3. Topics Connected to GDD's draft assumptions for implementation efforts
    1. Prioritization / Application Queue Management (https://docs.google.com/document/d/1nf8qGP9Y7OYuT0ZvxIgM1fZtNa4Kj8DyhzpmPhEcNGM/edit?usp=sharing)
    2. Delegation Rates (https://docs.google.com/document/d/1Q6_DxsCvSA_3B7ArncO2U4tWNY3vH7Wi4nINrouR4AI/edit?usp=sharing)
4. Review of summary document: (continued) Global Public Interest (https://docs.google.com/document/d/15rwviHM6AYtqDqyB6_5Yij2dTL6iuou8z7A32yzc7sE/edit?usp=sharing)
5. Wrap-up

Work Plan:
-- Moving to two WG meetings a week after ICANN65.
-- Start up the two small groups.
-- Question: How to bring the small group work into the consensus process with the full WG? Answer: Do small group calls on their final versions and then bring them to the full WG to review for a consensus call. There may be people who might disagree with the full document, even if they agree with the small group document.
-- Question: How are you weighting opinions from a consensus perspective? Answer: We are holding a qualitative consensus. Difficult to put quantitative analysis on it – not votes for example.
-- Encourage ICANN Org to participate in order to ask where recommendations may be unclear or unfeasible (but noting that ICANN Org is *not* participating in the PDP).

Application Queuing:
-- In the previous round a number of .brands didn't participate in the previous round. This time make it clear that this draw license is included in the application fee.
-- It was a choice in 2012 and it still could be a choice and for you to pay the fee.
-- Question: Have we thought about what about applications that are "stuck" in the first round and, also, prioritizing developing countries in the round? Answer: On "stuck" applications – we decided that we were only looking forward. Whatever happened to the 2012 applications were outside of our scope, but applications submitted in the next round would have priority over those submitted in subsequent rounds. Not that everything has completed processing, but if something is an open item then nothing would be processed that was confusingly similar to it.
-- Consider for priority: applicant support, community applications, IDNs.
-- New proposal: Recognize that different applicants might have different goals that should be taken into consideration for those who win the draw. ACTION ITEM: Rubens Kuhl will write up the proposal and put it out to the full WG list for consideration.

-- ICANN Org: Need to have a clear understanding of “priority” and should be very specific in the final report.
-- New Proposal: Consider how to prioritize types of applications by giving them more tickets – so not absolute, but weighted. ACTION ITEM: Edmon Chung to write up the proposal and send it to the list for consideration.
-- Look into possible correlation with WT4 work on translations or variants.
ACTION ITEM: Rubens Kuhl will write up the proposal and put it out to the full WG list for consideration.
ACTION ITEM: Edmon Chung to write up the proposal and send it to the list for consideration.

Next Call: Delegation Limits.