

Zoom Chat:

00:23:26 Julie Bisland: Welcome to the New gTLD Subsequent Procedures Working Group call on Thursday 9 January 2020 at 20:00 UTC.

00:24:51 Julie Hedlund: Yes, it was attached Jeff

00:29:02 Kathy Kleiman: Could someone repost the link please?

00:29:13 Greg Shatan: Sorry to join late. Are we discussing spiritual guidance?

00:29:21 Emily Barabas:  
<https://docs.google.com/document/d/1xDaENKupUoHSfIQ20klw0NYZK1Qwm43I56EviSHJi7Q/edit>

00:30:19 Kathy Kleiman: Tx Emily!

00:30:39 Greg Shatan: One is the minimum. There

00:31:03 Greg Shatan: s nothing that discourages other WG or IOT members from joining SPIRT.

00:32:10 Greg Shatan: We may want to sunset that provision after 2-3 years.

00:32:30 Susan Payne: +1 Greg to sunsetting

00:33:02 Greg Shatan: We don't want to have to amend the charter when there are zero willing candidates with WG experience.

00:34:40 Greg Shatan: Look at what happened with ccTLD membership on Empowered Community. One seat was set aside for a non-ccNSO ccTLD. With growing ccNSO membership, the seat couldn't be filled.

00:34:59 Greg Shatan: The Bylaws need to be amended!

00:35:41 Rubens Kuhl: We have some ICANN communities where joining is very easy in very aspect, like ALAC or NCSG... so, this restriction is not much restrictive.

00:35:52 Paul McGrady:Of course, that didn't stop anyone from changing several rules, post-launch, in the last round...

00:36:12 Cheryl Langdon-Orr: The Standing part of its title is essential here

00:36:47 Justine Chew: @CW, in brief IRT deals with implementation of approved policy recommendations while the SPIRT deals with issues that may arise after AGB is approved (which happens after IRT folds)

00:37:45 Emily Barabas:Predictability Framework Working Document:  
[https://docs.google.com/document/d/12\\_x8zYR9r6zXqfA7dmoosSPH12NmcyJ-2FEjecGrBh4/edit#heading=h.7kd5yr7uelh2](https://docs.google.com/document/d/12_x8zYR9r6zXqfA7dmoosSPH12NmcyJ-2FEjecGrBh4/edit#heading=h.7kd5yr7uelh2)

00:38:38 Paul McGrady:I agree with Christopher about setting this SPIRT up, not because of the reasons that he puts forth, but because if people can still take their issues to the Board, GAC, etc., I don't see what the point of the SPITIT is. It looks like just another place for people to lobby for post-AGB changes.

00:40:03 Anne Aikman-Scalese:Sorry to be late -

00:40:17 Kristine Dorrain (Amazon Registry): +1 Paul

00:42:43 Greg Shatan: "Spirit Team" sounds like the non-acrobatic part of a high school cheerleading squad

00:43:13 Anne Aikman-Scalese:I think the SPIRT is meant to address issues more quickly and in some cases, add special expertise quickly. however, i am very concerned that it not be used to block other existing mechanisms. As heather pointed out, existing mechanisms should

be used where possible. These include Input and Guidance. So we don't want a conflict where, for example, CPH votes send it to SPIRT and NCPH votes use GNSO Guidance process.

00:43:53 Donna Austin, Neustar: I'm luke warm about the notion of the SPIRT, but I really don't understand why we are being so prescriptive about things like composition, length of service etc.

00:44:00 Justine Chew: @Jeff, is it mentioned whether participation in SPIRT allows observers?

00:44:07 Justine Chew: Or not?

00:45:03 Rubens Kuhl: My IRT experience suggests that being prescriptive is good.

00:45:36 Justine Chew: Okay

00:45:37 Greg Shatan: IMHO, the prescriptiveness comes from trying to solve for various problems, including the ones just raised on this call.

00:46:37 Kristine Dorrain (Amazon Registry): @Greg but isn't indicative that we're just creating a new beaurocracy\* and introducing new problems?

00:47:51 Justine Chew: Also in the Initial Report the WG asked if Predictability Framework is a good idea? So these are some specifics of what's in the Framework for input.

00:48:09 Heather Forrest: @Kristine - I tried to make a strong case in the last call for using existing mechanisms available through the GNSO Ops Procedures and/or informal reference back to Council, rather than create something new.

00:48:10 Elaine Pruis: This is our response to the demand for predictability. Have we considered other options?

00:48:29 Paul McGrady:+1 Kristine. Seems to me that the SPIRT simply caves on the issue of whether or not there should be predictability for applicants. Wouldn't it be better to simply say, no changes and take up your complaints in the next review?

00:48:43 Elaine Pruis: because the systems in place last time did not ensure predictability

00:49:07 Kristine Dorrain (Amazon Registry): @Jeff, I apologize that I have been less active the past several calls due to conflicts, so I'm just now refocusing on this specific issue and I am finding that I don't like what I'm hearing.

00:49:10 Kristine Dorrain (Amazon Registry): +1 Paul.

00:49:11 Anne Aikman-Scalese:The original Concept on which we sought public comment was Standing IRT - I think the SPIRT is supposed to be a Standing IRT. public comment went in support of that.

00:49:34 Kathy Kleiman: @All -- I think we should reflect the concerns (including from previous discussions) so that future ICANN participants know how new and revolutionary this SPIRT process is...

00:50:03 Kathy Kleiman: If we choose to go forward with an experiment - let's flag it!

00:50:14 Kristine Dorrain (Amazon Registry): I guess I just think we're trying to solve for y, having already amended the guidebook to solve for all the random issues that already happened. I don't think we'll ever have 100% predictability and i'm ok with that.

00:50:51 Kathy Kleiman: @Jeff: It can be short :-)

00:51:04 Anne Aikman-Scalese:It seems we'll get lots of public comment but let's say the idea of Standing IRT was pretty strongly support in the original public comment.

00:51:14 Paul McGrady: It just seems like we are opening up a non-predictability mechanism.

00:51:26 Kristine Dorrain (Amazon Registry): Yes, Paul. Exactly.

00:51:36 Jim Prendergast: our goal is to have it as tight as possible when finalized but even after 2012 round and sub pro there may be 1 or 2 issues.

00:52:30 Rubens Kuhl: Those escalations paths for issues existed in 2012, they were just a bit limited for people with knowledge of ICANN Org and were handled by NGPC.

00:53:23 Cheryl Langdon-Orr: Thx @Steve

00:54:12 Greg Shatan: I nominate Paul and Kristine for the SPIRT.

00:54:34 Paul McGrady: @Greg - ha!

00:55:09 Donna Austin, Neustar: To some extent the standing group of experts in 2012 was the New gTLD Applicant Group established under the RySG. This was the group that actively engaged with ICANN staff when procedures or policy was changed without prior consultation with applicants or the community. I believe that's why the idea of a predictability framework was initially discussed and supported at the time. However, the SPIRT seems to be taking on a life of its own that is creating concern about adding unnecessary layers of bureaucracy.

00:55:47 Cheryl Langdon-Orr: An important distinction @Alan

00:56:21 Paul McGrady: +1 - how long would it take to get the GNSO's (not GNSO Council) view on a topic. How is that faster than the Council addressing post-AGB change requests?

00:56:21 Heather Forrest: Is there a less process-bound way to refer policy vs implementation issues to a small team?

00:57:07 Greg Shatan: +1 to Alan. This is going overboard.

00:57:20 Anne Aikman-Scalese: @ Heather - that question goes to the portion of the framework that Steve referred to as

00:57:35 Anne Aikman-Scalese: That Steve referred to as Step 1

00:58:38 Rubens Kuhl: For background, when I read the EPDP Phase 1 Final Report, I thought there would be no differences of understanding whatsoever. But in fact in the RegDataPolicy IRT, we've hit some... so, I became fond of prescriptiveness.

00:58:55 Paul McGrady: But without a formal position from the AC or SO, the formal position of the SPIRT member will be indecision. To get the formal position of the AC SO, there would have to be a process, which could take a very long time.

00:59:01 Heather Forrest: It's just that (going back to my comments on Tuesday) I don't understand why Council can't take questions up on an ad hoc basis. Council is a body whose lifespan isn't tied to any particular stage in a PDP - it keeps going.

00:59:16 Anne Aikman-Scalese: Since we now say the SPIRT happens right after the AGB is finalized, why not just continue the IRT and make it truly "Standing"?

00:59:34 Justine Chew: Agree with Alan, @Jeff you had a question to this effect in the other document to this effect.

00:59:53 Rubens Kuhl: Anne, if those members want to transition from the IRT to the SPIRT, it would be fine... but an IRT needs to be time- and mission- limited.

01:00:28 Cheryl Langdon-Orr: Agree @Rubens

01:01:01 Jeff Neuman: I agree @Donna. I would like to see people appointed from the different groups, but operate on an individual basis.

01:02:27 Justine Chew: +1 Rubens. I also think it's better for the community for what was undertaken by NGPC for the last round to be assumed by a CC entity like SPIRT.

01:02:42 Cheryl Langdon-Orr: noted @Donna that view is complementary to the issue @Alan raised IMV

01:03:06 Anne Aikman-Scaliese: That is up to the appointing organization.

01:03:26 Greg Shatan: I think if they are appointed by an organization, we can be fairly loose about the rules of their participation.

01:03:58 Rubens Kuhl: I'm neutral to being only appointed or appointed and representative. I don't think we can foresee at this point what will work best.

01:04:05 Donna Austin, Neustar: @Greg, we could be loose, but the appointing SG/C/SO/AC may have different rules

01:04:10 Cheryl Langdon-Orr: Yes Anne but the appointing body needs to send well equipped and knowledgeable people I think is the point being made

01:04:58 Heather Forrest: This conversation is death by process - but I'd rather see us tighten a concept up now in the development phase than get all the way to the point of implementation and realise that we went too far into the weeds.

01:05:52 Cheryl Langdon-Orr: That works for me @Heather but I like the KISS approach to many things ;-)

01:06:02 Greg Shatan: @Donna, is your proposal that we overrule the appointing group's rules and mandate independence and expertise-based decisionmaking regardless of their internal group rules?

01:06:09 Katrin Ohlmer: +1 Cheryl

01:06:18 Alan Greenberg: Any appointing body can FORCE representation because they can always withdraw their appointment.

01:06:20 Rubens Kuhl: Only CPH is incumbent. Every other C/SG/SO/AC are not.

01:06:23 Donna Austin, Neustar: Agree Heather, I don't think we have a collective agreement and understanding of the concept and that is creating confusion for the implementation discussion.

01:06:35 Paul McGrady: Not sure what I was supposed to note.

01:06:35 Greg Shatan: Even registrars are not truly incumbent.

01:07:28 Greg Shatan: "Beware the Ides of March"? @Paul

01:07:47 Paul McGrady: et tu Gregor?

01:09:27 Heather Forrest: @Steve - Am I correct in thinking that a Council Standing Committee could do this, and that such a committee could be populated by non-Councillors? (We have non-Councillors on the SCBO and the SSC, correct?)

01:09:48 Heather Forrest: Is there any obstacle to using this existing vehicle?

01:10:11 Heather Forrest: We can call it Standing Committee on IRIT, if we want (I'm not anti-the name SPIRIT)

01:10:11 Donna Austin, Neustar: Excellent idea Heather, I believe this is consistent with the Council's Standing Selection Committee.

01:10:23 Susan Payne: @Heather - apols what is SCBO?

01:10:35 Steve Chan: @Heather, not that I'm aware of. Both of those groups have Councilors and non-Councilor SMEs

01:10:42 Heather Forrest: Sorry, Susan - Council's Standing Committee on Budget and Operations

01:10:51 Heather Forrest: And the SSC is Standing Selection Committee

01:10:52 Susan Payne: ah thx

01:10:53 Jeff Neuman : Only Councilors serve on those...

01:10:59 Jeff Neuman : like the PdP 3.0 group :)

01:11:21 Heather Forrest: No, Jeff - exactly my point - both SSC and SCBO are populated by non-Councillors

01:11:25 Susan Payne: SSC definitely includes non-councillors. the SG/C's appoint a candidate

01:12:05 Heather Forrest: @Jeff - I'm sorry, there's a big misunderstanding here.

01:12:08 Heather Forrest: I'd like to speak to this

01:12:09 Steve Chan: Correct, both the SCBO and SSC have non-Councilors.

01:12:24 Cheryl Langdon-Orr: indeed they do

01:12:26 Rubens Kuhl: IDN Scoping Team also have non-councillors.

01:13:02 Rubens Kuhl: But SCBO and IDN Scoping Team members have a strong majority of Councillors, while SSC are mostly non-Councillors.

01:13:19 Anne Aikman-Scalese:Re conflict of interest, there should be additional questions to be disclosed. By way of example, please see the additional questions associated with Auction Proceeds. a more detailed SOI is needed for the SPIRT

01:13:49 Jeff Neuman : @Anne - yes that is mentioned above

01:13:56 Anne Aikman-Scalese:Public comment was in favor of Standing IRT

01:14:34 Greg Shatan: The last call was not the best time for Europe, or most of North America, South America or Africa...

01:15:07 Justine Chew: Agree with Anne, that's what I mentioned earlier in chat also

01:15:32 Justine Chew: The present work is in response to that feedback from community

01:16:49 Christopher Wilkinson: @Predictability - Please recall that the primary predictability issues are likely to concern third parties, not applicants.

01:17:06 Heather Forrest: @Greg - you clearly missed my "Let's not geographically discriminate" message on the list. APAC needs a friendly time zone call, too

01:17:58 Rubens Kuhl: @Greg, if a topic is dear to someone, then some effort like attending a call at a late hour is the way to handle it.

01:18:03 Donna Austin, Neustar: If the Council has final authority over decisions made by the SPIRIT, which is what I had understood to be the case, then it seems that there would be value in having the SPIRIT with representation from Councilors to bridge any future consideration by Council.

01:18:43 Greg Shatan: @Rubens, there are only so many calls I can attend during the 3 hours a day that I see my family.

01:18:44 Donna Austin, Neustar: steve, I think you are correct the SSC and the SCBO were created because the Council identified a need.

01:18:53 Heather Forrest: Good point, Donna - I think the benefit lies in having both Councillors and non-Councillors.

01:19:25 Heather Forrest: +1 Steve - exactly my point. Let's not die in the trenches trying to build something, and lose sight of what we need

01:19:52 Rubens Kuhl: While we could leave to either a team or a Council committee, we should define it now, whatever the solution is.

01:19:57 Justine Chew: +1 Cheryl, again I see this work as responding to public comments feedback and which should explicitly allow for explicit participation from outside of GNSO.

01:20:15 Heather Forrest: So let's word the recommendation that "The Council should form a standing committee to achieve the following: ..."

01:20:37 Anne Aikman-Scalese: If the group is representative, SOs and ACs can choose to put a Councilor on it or not. It's up to the SO/AC. and Cheryl and Donna are correct that there must be a way for non-GNSO types to participate and for those unaffiliated with ICANN SOs and ACs.

01:22:13 Anne Aikman-Scalese: The group should function like a Standing IRT.

01:22:58 Jim Prendergast: At least you weren't getting yelled at Greg.. ;)

01:23:23 Justine Chew: I'm not convinced that we will be better off without being prescriptive now.

01:23:26 Cheryl Langdon-Orr: back to KISS - works for me

01:23:56 Rubens Kuhl: Me neither, Justine. Whatever the solution is.

01:24:01 Greg Shatan: There is, of course, no right answer here.

01:25:12 Rubens Kuhl: We can settle with the answer that bothers less people.

01:26:23 Justine Chew: The public comment process would benefit from prescriptive draft recommendations or questions

01:27:22 Cheryl Langdon-Orr: and this thing can/does do that... but we need to decide now how far we can functionally get in Scope/intentions and implementable details.

01:28:03 Justine Chew: +1 Jeff, again as I said, I see this work is in response to public comment feedback.

01:28:14 Anne Aikman-Scalese: +1 Justine

01:28:36 Greg Shatan: I'm not opposed to being more specific. Just wanted to float the idea of a higher level approach. I can see the merits of both approaches. Maybe we need to be surgically less specific.

01:29:08 Greg Shatan: The public comment process would benefit from us getting this thing done and out for public comment!

01:29:33 Rubens Kuhl: When we are looking into things that might change rapidly over time, being less prescriptive is better. But ICANN community dynamics seems pretty stable to me.

01:29:52 Steve Chan: @Greg, you can do both as well. Starting with the high-level approach and then perhaps also going a layer of detail further, where warranted?

01:31:27 Greg Shatan: @Steve, certainly. Practically, it depends on what we're working from. And here we are working from a fairly prescriptive text. So rolling back is the direction more readily available to us.

01:32:34 Jim Prendergast: doesn't look like she is still on

01:32:39 Anne Aikman-Scalese: If you really want to simplify things, just have the IRT continue as Standing and if new reps are needed, then they get appointed.

01:32:56 Christopher Wilkinson: Supporting Kathy #16. Text. CW

01:33:22 Jim Prendergast: what about the flow chart?

01:33:37 Donna Austin, Neustar: @Anne, I think that's a very sensible suggestion.

01:33:48 Justine Chew: What the categories of changes?

01:34:14 Justine Chew: What about the categories of changes and public comments tables in the other document?

01:34:38 Christopher Wilkinson: @staff - NB text in the flow chart boxes illegible.

01:35:09 Donna Austin, Neustar: @Anne, with one caveat, IRT's are managed by staff and that may need to be address in the Standing Committee because of the expectation that staff will be coming to the committee suggesting changes to process.

01:35:41 Steve Chan: @Christopher, understandable. As Jeff noted, the document was circulated via email for you to review on our own device.

01:35:55 Steve Chan: Hopefully that will work better for you

01:35:59 Anne Aikman-Scalese:@ Donna - makes sense

01:36:05 Justine Chew: hand up -- quick question on Predictability Framework

01:37:22 Heather Forrest: +1 Donna re the involvement of staff in IRT. Therein lies the principal difference (apart from timing, ie IRT during implementation, this SPIRIT or committee on an ongoing basis afterwards) between IRT and SPIRIT/Standing Committee.

01:38:48 Rubens Kuhl: Heather, exactly. IRTs are staff-led, which is not what seems to be best for SPIRIT.

01:40:26 Paul McGrady:What does "collusion" mean? Is one person's collusion another person's cooperation to resolve a problem?

01:40:43 Kristine Dorrain (Amazon Registry): Staff can we get a quick link ?

01:40:55 Emily Barabas:  
<https://docs.google.com/document/d/16qDoiK6vydQp6a0v9tMvU2l5fcypJY24hCzTIVTjKwk/edit?pli=1#heading=h.vhvbz3om92n9>

01:41:07 Kristine Dorrain (Amazon Registry): thanks!

01:41:24 Rubens Kuhl: How would the SubPro drinking game be ?

01:44:20 Donna Austin, Neustar: @Jeff, can you tell us how much they actually paid for any TLDS that they may be operating?

01:44:27 Donna Austin, Neustar: Any reporting should be balanced.

01:44:59 Rubens Kuhl: Donna, the domain industry blogs sometime made some guesses, based on where a company was in only one private auction at a fiscal period.

01:45:37 Elaine Pruis: Some of the private auction details were disclosed when all parties agreed

01:46:39 Christopher Wilkinson: The auctions - if we have to have them - HAVE to be fully transparent.

01:47:06 Donna Austin, Neustar: @Christoper, why?

01:47:17 Greg Shatan: @Paul: How about "No Quid Pro Quo"?

01:47:19 Kristine Dorrain (Amazon Registry): +1 Paul

01:49:33 Christopher Wilkinson: Maintain the reference to "collusion". That is a well known concept in competition policy.

01:49:57 Jim Prendergast: so 8 and 9 are sort of yin and yang

01:51:57 Kristine Dorrain (Amazon Registry): @Jeff, I think several of us have already answered "yes" to the question in #8. We do want to encourage private resolution.

01:52:20 Donna Austin, Neustar: Agree Kristine

01:52:56 Susan Payne: @Kristine - yes!

01:53:36 Kristine Dorrain (Amazon Registry): + 1 Justine.  
01:53:45 Rubens Kuhl: Could be a goal, since overpaying implies taking money out of other efforts, like end-user outreach.  
01:53:45 Donna Austin, Neustar: @Justine, agree it is for the applicants to decide what a string is worth.  
01:53:54 Julie Bisland: NEXT CALL: Monday, 13 January 2020 at 15:00 UTC for 90 minutes.  
01:53:54 Phil Buckingham: Agreed Justine  
01:53:54 Cheryl Langdon-Orr: Lots actually covered today people... good call...Thanks everyone ... Homework to review docs and previous messages on Auctions topic, of course more next week... and Bye for now :-)  
01:54:16 Robin Gross: Thanks, Jeff and all, bye!  
01:54:18 Susan Payne: thanks all  
01:54:20 Alberto Soto: Thanks, bye bye!!!!  
01:54:24 Avri Doria: bye, thanks  
01:54:26 Heather Forrest: Bye Julie, thanks !