YESIM SAGLAM:

Good morning, good afternoon and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group call taking place on Wednesday 20th of March 2024 at 14:00 UTC. We will not be doing a roll call due to the increased number of attendees as well as for the sake of time. However, all attendees both on the Zoom room and on the phone bridge will be recorded after the call.

And just to cover our apologies, we have received apologies from Alfredo Calderon, Olivier Crepin-Leblond, Jonathan Zuck, Greg Shatan, Claire Craig, Amita Choudhury, Marita Moll, Mouloud Khelif, and from Heidi Ullrich from staff side.

And as usual, we will have Spanish and French interpretation provided for today's call. And our interpreters are Lilian and Veronica on the Spanish channel and on the French channel we have Aurelia and Isabelle. And currently from staff's side we have Andrew Chen and Claudia Ruiz and myself, Yesim Saglam present on today's call and I will be doing call management.

Before we get started, just a couple of reminders. The first reminder is as usual for the real-time transcription service, let me share the link here with you. Please do check the service provided with the link I'm going to share. And my second reminder is to please state your names before speaking, not only for the transcription but also for the interpretation purposes as well please. And with this, I would like to leave the floor back over to you, Javier. Thank you very much.

HADIA ELMINIAWI: Thank you so much, Yesim. Olivier is an apology for today's meeting. He has important stuff. He's at the UK Parliament. So let's first take a look at the agenda and if no one, if you all agree to it, then the agenda will be adopted. First, we will start with the action items. Then we have 20 minutes allocated for the work group and small team updates. After that, we have 10 minutes for At-Large policy statement updates. And then we will have Justine Chew for 30 minutes for the public considerations for review of the draft applicant support program handbook. And then we have five minutes for ICANN 79 recap and the session reports and then any other business. And that's about it.

So seeing no hands up, I think we are good to go. The agenda is adopted and we start with the action items. So action items, Andrew is to add the ICANN 79 recap to the upcoming consolidated policy working group and we have this on today's agenda. And then the scheduling of this call and we are already here.

Going back to the agenda and to the work group and small team updates, we don't have any updates from the transfer policy review policy development process. We also don't have any updates from the EPDP on IDNs. We have not actually resumed our meetings after the ICANN 79 meeting. And we don't have an update for the registration data accuracy. And we do have an update for the registration data request service with Alan Greenberg. Alan, the floor is yours.

ALAN GREENBERG: If we can display the report, it's linked into the agenda. The report for February 2024. Thank you. The report is both interesting and confusing.

And I must admit, I thought I understood some of the numbers, but I'm less sure now. If we can scroll down a bit to the table. Yeah, keep going. All right. Stop there. You'll notice it says the number of requesters this month is 607. The implication is that's the number of new requesters, but they're based on the number of requests. There aren't enough requests to justify that number of requesters. So as I said, I thought I understood some of these numbers, but looking at them now, I'm less sure I understand. And I'll come back in a week and hopefully explain it better after the next RDRS meeting. But if we can scroll down to, go to page number, sorry, page number 11. That's the one. Thank you.

That's an interesting table. That's the number of requests per requester for since the system began. To start with, it's a little confusing. I'm assuming that what that is saying is that 279 requesters made one request only. It's sitting between one and two, but that doesn't make a lot of sense. So I'm assuming it's one, then 40 requesters made two. That's the kind of distribution you'd expect. You'd expect most people to use it once or twice, and some people use it a lot. And the last item on the right says one requester made 81 requests. So that's quite believable. The problem is when you add up these numbers, they don't end up showing that being equivalent to the total number of requesters or the total number of requests. So I'm just a little bit confused as to where these numbers are coming from and why they're out of sync.

Nevertheless, it shows the system is being used regularly. If we can go to, sorry, page 14. And unfortunately, red is requests that are refused. And as you can see, we're still having a significant number of requests refused. It gives a breakdown of why they're being denied, and that's all over the map. But clearly, as a system to request data, it's not being

particularly successful. Now, if you look at the reasons and scroll down to the bottom of that page, yeah, no, that's fine. You'll see reasons that the request is incomplete. Now, it's not clear how you get an incomplete request because you can't submit it unless it's complete.

But obviously, the information within the answers may not be sufficient. There's a fair number that are being requested because it cannot be disclosed due to applicable law. And does that mean that the rationale provided is not sufficient? Or there's some overriding law which says you can never give out information. That's not clear. So, there's a lot of confusion, and it's not at all clear that the system is going to be satisfying the end user's requests. All of that being said, it is being used, and we are gathering information. The clarity of the information is not up to what I would hope for, but I'm not quite sure how we're going to get a lot better. Hopefully, the numbers will add up properly. I'm not worried about that part. Hadia has her hand up. Please go ahead.

HADIA ELMINIAWI: Hi, this is Hadia for the record. Thank you, Alan, for this presentation. With regard to the part where you were talking about the number of disclosed requests, so the number of disclosed requests will never be the same as the number of requests provided because the number refers to the disclosed ones, and not all of the requests will be disclosed. Also, one problem, yes, we do have a number of registrars participating in this exercise. However, registrars can opt in and out. So, per month, you can have only five registrars participating and not all those who are actually within the program. That's another thing.

Also, requests submitted could be requests to domains not supported, such as ccTLDs, could be requests to domains supported by registrars that are not also part of the program. So, the data also shows that 17% of the requests were for domains not supported, and 32% of the requests were for domains whose registrars are not supported. So, those are...

ALAN GREENBERG: Hadia, if I may interrupt. Those numbers are all correct, but the number of disclosure requests are the ones that are for domains that are supported. Otherwise, they would be rejected by the system, and those are enumerated. So, the total number of requests is the total number of requests, and it should balance with the number of requesters. That's what I was pointing out. In terms of the number of participating registrars, which is the first metric if you look at the report, that's the number of new registrars, not the number who were active in this month. We're not reporting the number that are active in any given month. That's perhaps the number we should be reporting, but it's not currently.

HADIA ELMINIAWI: Okay. So, those are the added ones and not those that are participating in a particular month. However, yes, we don't know in a particular month how many registrars are actually participating. And definitely not...

ALAN GREENBERG: Well, we know how many are participating. We don't know how many have received active requests.

HADIA ELMINIAWI: Yes, this is one thing. And also, registrars can opt in and out. So, if they're out...

ALAN GREENBERG: There's no evidence that any are opting out, or if it is, it's a net. We know this month there was a net increase of two. So, whether that really means there was three and one opted out, I don't know. But you could figure that out because the list of registrars is actually listed in the report. But I don't believe there's any strong trend of registrars opting out.

HADIA ELMINIAWI: Okay. Thank you. Thank you for this clarification. And so, also, one thing that I noticed that most of the highest number of requests are coming from... 13% are coming from consumer protection agencies, 35% are coming from IP holders, and 10% from law enforcement. So, actually, the need for data is important. And it is important for us also At-Large to advocate for, because we are basically looking at IP holders, consumer protection, law enforcement, all of those are necessary in order to protect online users. And so, I haven't recently looked at the report. And yes, the data is not... The requests are not sufficient and participation is not sufficient. However, if you look at the trend, requests are increasing with time. Number of registrars participating is

increasing with time. Number of disclosures also are increasing with time. That means that as time passes, we are improving.

ALAN GREENBERG: I think it's debatable whether we're improving. We're certainly getting more experience. If I can go on to... Gopal, you have your hand up.

GOPAL TADEPALLI: Thank you very much. Since I'm back, I attended the webinar on the same topic by the non-commercial stakeholders group. I think that that group has a higher reach in taking care of the biology of the metrics. The metric six is explicitly on the non-participating registrars. So, that may give a better handle as we observe. It is a good webinar. That group may be much more infusive. Thank you.

ALAN GREENBERG: Thank you. I will note that it is possible to determine whether a registrar is participating or not ahead of time, or at least the ones that were participating in previous months. So, we also may have a phenomenon that people are not even making the requests for some non-participating registrars. Then, of course, you don't see those numbers at all. All right. I see no more hands, so I'll turn it back to you.

HADIA ELMINIAWI: Thank you so much, Alan, for presenting this to us and for highlighting points that need more clarification and understanding. I don't see any more hands up. So, with that, we move to the new gTLD Next Round

Step Pro update. For that, we have Cheryl and Justine. I guess, Justine, the floor is yours. Thank you.

JUSTINE CHEW: Thanks, Hadia. This is Justine for the record. I hope I can be heard. Cheryl is an apology. She asked me to convey her apologies, so I'm happy to note that she's been added to the list of apologies. So, thanks for that, Yesim. Okay. So, this is something that Cheryl asked for, so I was hoping that she would present it, but since she's not here, I will quickly go through it, and maybe it's just more question of taking questions. Sorry, Yesim, can you go back to slide number two? Okay, fine.

ALAN GREENBERG: So, just very quickly, we had just recently submitted an ALAC comment or statement to the public comment on the parts of the next AGB text, in particular on six topics, but it covered seven items because the topic eight, which does deal with conflict of interest and code of conduct, has two documents related to it. That's why it's seven, whereas it's six topics. And we also know that there are ongoing public comment on the draft applicant support handbook, or the draft applicant support program handbook, and also the string similarity review guidelines, and the newest one that was put out for public comment is the draft registry service provider handbook. So, all those things are happening concurrently. Next slide, please.

So, this is slide three, it's just to give you an idea of what else the SubPro IRT, the Subsequent Procedures Implementation Review Team, is working on, in terms of the other parts of the next applicant

guidebook, AGB. Right, so I'm not going, not proposing to go through the list, it's there for your pleasure in reading. Some of these are not, as you can see, number four is not related to a particular topic. Number seven is also the same, group zone label generation rules, but they are needed to complete, you know, some of the terms of the programs and how the application and the evaluation is going to work for the next round. Okay.

So, number four has got to do with an implementation guidance out of subsequent procedures PDP, which is IG 25.3, that's in relation to strings in scripts that are not already incorporated into the RZLGR, and happily we have submitted a comment under the IDNs EPDP phase one public comment instituted by the board to address this particular point. I think those of you would have read that particular statement, so I don't propose to go into detail about that. Next slide, please.

Going through very quickly so that we have more time for other things. This is a list of the topics that's targeted for the planned public comment and proceeding number two. So, just going back at a high level, so in terms of the next applicant guidebook, parts of it are being put up for public comment, just to get the community's input in terms of whether things are being implemented correctly or not, and this is post the work that's done under the implementation review team, which is technically driven by ICANN Org and it has community participation that's helping to ensure that the, whatever implementation of the board approved SubPro recommendations are done correctly or reasonably correctly.

So, there's going to be three, the ICANN Org has stated that there will be three public comment proceedings, so the first one has just closed, I believe, yes, and so this is the second one that's planned for in September of this year and will cover, you know, the 15 topics thereabouts. And next slide, please.

And the third one, the third public comment proceeding is going to attempt to cover nine topics and that will potentially happen in December 2024 and this timeline is so that we can expect to finalize the next applicant guidebook in its entirety by May of 2025. And I think that's the end of the deck, so unless anyone has any questions, I'm happy to hand the floor back to Hadia.

HADIA ELMINIAWI: Thank you so much, this is Hadia for the record. Thank you so much, Justine. I don't see any hands up, so again, thank you for this incredible work and great update and let's move to our next agenda item. And that would be the policy updates. So, recently ratified by the ALAC is the proposed top level domain string for private use and the proposed language for draft sections of the next round applicant guidebook. Still open for public comment is the string similarity review guidelines and this has been extended. Bill and Alan will tell us about this a little bit more later. And we have the review of the draft applicant support program handbook and new gTLD and Justine Chew will be providing an update today on it. There is the proposed bylaws updates to limit access to accountability mechanisms and this is discussed during the OFB working group call and we have a call happening tomorrow. And new is the review of the draft registry service provider handbook for new gTLD

program and we don't have currently a volunteer to look into the draft handbook and actually tell us if we present it to us and in order to decide if we need to provide a comment on it or not. So this is an invitation for our volunteers to review the draft registry service provider handbook and present it on the Confidential Policy Working Group call in order to decide whether we need to provide a comment on it or not. Also a new is the proposed renewal of the registry agreement for the .xxx top level domain and again also we need a volunteer to look into the proposed registry agreement and present it at the Consolidated Policy Working Group and let us know if we need to comment on it. So I don't see any hands up. Again this is an open invitation for those two.

Current statements we have the contention resolution the pen holder for that is Jonathan Zuck and it's still under review. The string similarity review guidelines and the At-Large and the review of the draft applicant support program a handbook. Upcoming of course we have the phase two initial report of the EPDP on internationalized domain names and this is not out yet.

So again I don't see any hands up so I guess we can move to our next agenda item which is the applicant support program a handbook. But before I hand the floor to Justine, Bill just in like a few seconds could you update us on the string similarity review guideline status? Thank you.

BILL JOURIS: As Hadia mentioned the deadline for public comment has been moved out a couple of weeks. This is because they apparently have an updated

version. We haven't had a chance to look at the updated version. I'm not sure it's even up on the comment website yet so we will be holding off for another week or two before we have anything useful to say. Thank you.

This is Hadia for the record. Again thank you so much Bill and now Justine Chew the floor is yours to for a review of the draft applicant support program handbook. Thank you.

JUSTINE CHEW: Alan had his hand up.

ALAN GREENBERG: I was just going to note that the new version of the string similarity is up on the website. They say all they've done is add some examples that was done at the request of the IRT. I haven't looked at it yet. We will be looking at it in any case. There have not been any substantive comments. There were some typographical comments and editing format changes that were suggested but we haven't had any substantive comments on the recommendations, the comment that Bill and I drafted.

HADIA ELMINIAWI: Thank you so much Alan. I've actually taken a look at what's on the website today, the report. Maybe we discuss it. You can discuss it too Bill next time as well.

ALAN GREENBERG: We were asked by staff to defer until next week which is why we don't have a substantive comment.

HADIA ELMINIAWI: Thank you so much. Thank you Alan and Bill. Justine the floor is yours.

JUSTINE CHEW: Thank you Hadia. This is Justine for the record. I'm going to ask staff to just keep time for me again because I have no idea how many minutes I have left. I'm trying to get through section five, six and seven. I think people are tired of me talking about this magical section five. Let's get this done. Next slide please.

HADIA ELMINIAWI: Justine you have 40 minutes.

JUSTINE CHEW: Okay thank you. If someone can just time me on that and let me know progressively how much time I have left so I can speed up or anything like that. This is the agenda that I've prepared for this deck. I'm going to jump to section five first and then hopefully we have time to get through six and seven. Then if we have extra time left then we'll go back and revisit sections one to four. Actually two to four which we have already collated inputs on during ICANN 79 and also last week's CPWG call. Next slide please.

The timetable that we're working with in terms of my partners in crime in drafting the comment, Cheryl and Avri. So in terms of the deadline for submission is 2nd of April. There is not going to be any extension of time so we have to make this deadline by hook or by crook. In terms of getting there, we do have a mock Google form that Andrew has prepared for us. What we're going to do is after today, because I believe there's going to be substantial input on section five at least, so after today the three pen holders will start putting in draft text into the mock Google form to address the points that have been discussed. Then we will probably put this Google form out for inputs by 27th, either possibly before or after next week's call, maybe immediately after next week's call. Then we're going to have a finalization of the statement on the 29th of March in order to give the ALAC some time, some reasonable time to vote on it to make the submission deadline of 2nd of April. So this is just estimated but we're going to try and follow to the T as much as possible. Next slide please.

Okay, so we will go to, it would be slide number 11. So just by way of recap, we started talking about section five a little bit last week. So I'm just going to very quickly recap so that you have a kind of fuller picture on section five. Section five, now in terms of the question that is part of the public comment, they have basically said it in a very standard form, which is like, "Do you believe that section X, whatever the title of the section is, of the ASP handbook accurately reflects the relevant policy recommendations on applicant support?" And the choices of answers are yes, number one. Two, yes, but we suggest some clarification. And third one is no, it doesn't reflect accurately and therefore you have to explain why you say that it doesn't reflect accurately.

So those are the three options in terms of answers that are consistent throughout each question for this public comment and there are seven questions all together, and they all relate to the section. Now section five is quite a large section, so we're going to have to be kind of careful in terms of the text that we're going to put into the comment because we have a character limit, but that task will be put on the three pen holders, so we won't worry too much about that right now.

Now in terms of section five, section five talks about the eligibility and evaluation criteria, but it starts off with the evaluation phases and evaluation categories, and we talked, I believe we talked at length already about the fact that there's going to be two phases, phase one and phase two. Phase one is just on the general business due diligence that would include legal compliance check, completeness check, and some of the criteria under the new gTLD program, which is to do with background screening, a cyber squatting history check, and the purpose of the general business due diligence is basically to give ICANN Org some comfort level that they can enter into a contract with this applicant, should the applicant be successful in getting their string in and into the, introducing to the route that's a gTLD.

Phase two, and we will be going into more depth for each of these bits, this, the evaluation category, so don't worry too much about it now. Phase two has got four evaluation categories, the first one, or the second one, being the public responsibility due diligence, and there are two limbs for this due diligence check, one is to do with whatever the trade, or the way that the application, applicant is going to run the string in terms of the industry, so all these will have to conform to accepted legal norms of morality and public order under recognized,

under principles of international law, and there's a list of what we mean by that, and it's consistent with what we had the last time, so not to worry about that.

But the second limb, and I would point out that, you know, we should note this, is that the applicant cannot be affiliated to an existing RO, registry operator, and/or another gTLD applicant that would not meet the ASP criteria, so typically for profits, so the applicant is affiliated to an existing RO, or is affiliated to a for-profit organization, for example, if they are a holding company, for example, is a for-profit, then that would immediately disqualify the applicant from the ASP.

The third one is financial need, and the fourth one is financial stability, so again, we're going to go into this, into a little bit more depth about this, so I'm going to leave it as it is right now. And the fifth one has got to do with eligible entities, and five categories of eligible entities have been identified, and the idea here is because the last round, they didn't specify exactly what sort of organizations have been targeted for this ASP, so that's something that we thought that needed rectification, so now in the next round, they're explicitly targeting five different types of entities to become applicants for ASP, and the important thing to note is these five categories are not mutually exclusive, so an applicant could potentially fall or meet the criteria for one or more of these entity types, okay, and we're going to be looking into non-profits, charities, or equivalent, indigenous tribal people's organizations, as well as the micro or small business, small size business from a less developed economy in terms of the actual criterion that they look for and the documentation that they require to prove that target criterion, or in the absence of

documentation, what could be accepted as an alternative. Next slide, please.

Okay, so the general business due diligence, section 5.1, we again talked a little bit about this last week, we started introducing this, and in terms of the team of people that have been looking at this, my small team of APRALO, as well as, you know, some other people, and also input by way of, you know, discussions that we've had at ICANN 79 and last week.

The first comment that we had proposed was related to a lot of these terms that are being used in the draft text, like for example, OFAC, you know, SDN list, you know, UDRP, ACPA, we are going to ask for them to be hyperlinked to the actual source, because these are considered external information, so it would be very useful, so the completeness of it won't be included, obviously, in the handbook, or even possibly in the applicant guidebook, so it would be important for the applicants to be guided to actually read up or understand what the context of these external information would be, so I don't think that's controversial per se.

And the second one, which was brought up by Faheem, was that, you know, there's a bit about under the completeness check that says that ICANN Org would inform and follow up with applicants should required documentation be missing, so this has got to do with if ICANN Org doing the first round of check for, you know, identifies that something is missing, so the application is incomplete, then they will, you know, inform the applicant and follow up for the missing information, that's

what, what, or missing documentation or whatever, that's what they're referring to.

So, the comment that we had here is that we, ICANN Org should consider setting a deadline for submission of the missing required documentation, but still have a reasonable ability to request for an extension of time. So, we want the timeline for submitting any missing documentation to be time bound, so it doesn't drag on unreasonably. Because we don't know, we don't know what would be the cause of the incomplete information, but we want to give the applicant a reasonable opportunity to provide that missing information. But if it looks like, you know, they're not sincere or they are having trouble providing the required information in order to complete the application, then maybe it's something that, you know, has got to be taken into consideration and have the applicant drop off. Because the idea is that, you know, if you are taking up a spot, you're holding a spot which is subject to your submission of missing documentation, then so long as you don't submit that documentation, you're still, you know, holding on to that spot, which could potentially be given to someone, another applicant that's, you know, that's more ready, so forth. So, we don't want this follow-up for required documentation to go on forever. Make it time bound, but have a reasonable ability for a request of extension of time. Okay, that's what it means. Next slide, please.

All right, so I don't think there were any issues with that particular comment, so I think we're going to move ahead with that one. 5.2, which has got to do with the public responsibility due diligence. We brought up the issue about the fact that, you know, the applicant is not, must not be affiliated with an existing RO or another applicant that

would not meet the ASP criteria, and there is a definition of affiliation which includes the mention of control, so those two definitions are already in the registry agreement, so there was a comment by Samik to maybe enhance the definition of control to include, I believe, trustees and so forth. Or advisors, sorry, advisors.

But when we discussed it last week, I think there was pushback from several people, so I think more people were against the change rather than in favor of the change, so this has led us to now say that, you know, we're fine with Section 5.2, and there should be no additional comments to that per se. Next slide, please.

So I'm just going to keep moving until someone has comments, and I would invite them to please raise your hand because I'm not really following the chat very well. Okay. 5.3 and 5.4. Yeah, or Hadia, if you want to help me keep tabs on the chat, because I don't have the assistance of Cheryl today, then you can bring up any questions that people might have if they're too shy to verbalize them themselves.

Okay, so Section 5.3 and 5.4, which do with financial need and financial stability, respectively, I'm going to take them together because the issues that we have are better looked upon if we examine both of these two categories together. So in Section 2.2, just recap, it says that financial need means that, you know, the applicant could not otherwise afford to apply to the new gTLD program without financial hardship. So there's mention of financial hardship as a way of evaluating whether, you know, the applicant has a financial need or not. And then, 4, financial stability goes on to say that, you know, applicant demonstrates

stable financial standing and ability to pay the remaining base gTLD applicant fee without experiencing financial hardship.

So the question comes up is, what does stable financial standing actually mean? And is it just the ability to pay the portion that is not discounted, if you qualify for ASP? And it says, you know, without experiencing financial hardship. So when I read this and I discussed it with some people and they, you know, and even, you know, Cherie from the small team, had difficulty understanding what this actually means in terms of financial stability. So I'm going to try and elaborate on what the concerns are. So if you look at the table, which is what is in the handbook at the moment. So 5.3 talks about, you know, the criterion being paying the full fee, paying the full application fee, presenting a hardship, a financial hardship as a criterion for why you would qualify under financial need, or translates to financial need. And then financial stability for 5.4, the orange bit, it talks about ability to pay the base, the remaining supporting, sorry, the unsupported portion of the application fee without financial hardship. So that is to me quite confusing and I found, you know, I think some other people also found that quite confusing.

So number one, why do we actually need to have without financial hardship mentioned? Because on the one hand, under financial need, you're trying to establish that you are under financial hardship and therefore you cannot pay, you know, whatever. But on 5.4 financial stability, financial stability, you are now being asked to say that you are going to be able to pay the balance, but without financial hardship. So it's kind of contradictory in some sense. And by the way, the points that I'm talking about is listed under the next slide, but I want to stay on this

slide and talk you through those points because it's easier to understand if you're looking at something and then I'm speaking to you about it. So that is one of the things, so the mention of the financial hardship in both financial, three financial need and four financial stability, although one is a positive and one is a negative, it's still a bit confusing.

The second point that we want to bring up is that—and Cherie is not on the call today, I think she was going to try and join us, but I don't think she's on, I didn't see her on the participants list and I could be wrong, but I don't see her there. So I'm basically channeling her comments on this. In terms of the second point, is, sorry, I didn't highlight this in yellow, I forgot to do that, is that, you know, it talks about under 5.4 financial stability indicator, submit narrative statement, narrative should include plans for acquiring the remaining amount of funding necessary to apply for the gTLD within 90 days of qualifying for the ASP. So this has got to do with the deposit that we talked about, the US 2500 that's payable as a deposit once you know that you have qualified for ASP and it's payable within 90 days of finding out that you are qualified for ASP. And so the thing is, the 2500 deposit is only payable upon receiving positive ASP results. So until such time you get an indication that you have qualified for ASP, the 2500 deposit remains not payable. So why is it being used as evidence of a claim that you're not experiencing financial hardship in the application? I found that kind of strange and I think it's superfluous text, really.

The third point was that, so for example, that if the base for argument's sake, so the base gTLD application fee is $250,000 for argument's sake. And the program determines that you will get a minimum of 50%

financial support. So if you qualify, so in this instance, the application, the applicant is being asked to make a case for receiving $130,000 in fee reduction under financial need. But still has to demonstrate that it has to, the ability to acquire the balance, which is another $130,000 and to pay 2500 deposit out of that $130,000, under the financial stability limb, which is 5.4.

So it kind of seems odd because financial stability is to me more than just the ability to pay this. It's also a little bit about, you know, how, whether you have the financial wherewithal or resources to actually operate as an RO and run the gTLD. But that portion seems to be placed under the financial capability check in the main string section when you apply for the string itself. So if financial stability here is just to do with the balance application fee, including the deposit, then why is it financial stability really? I think to me, it's more like demonstrating a financial means to make the deposit upon qualifying and then upon qualifying for ASP and then the ability to pay the $127,500, which is the $130,000 minus the deposit, when you apply for the gTLD string. So, it's more about financial means rather than financial stability.

And if, you know, the, whatever it is, the ASP qualifies still has to undergo financial capability check when they apply for the string. So is that then meant to be duplicative or not duplicative? You know, so there are sort of question marks running in my head about, about these things. And we're not quite sure whether 5.3 and 5.4 are specific to any period that they're talking about really. Okay. So I will pause at this point in time to invite any comments. And the small team members, Mabda, Faheem, I'm hoping that Samik is here. Yes, Samik is here and

Phyo, if you want to add to this, please feel free to raise your hand and I will call upon you to speak. Avri, please go ahead.

AVRI DORIA:

Hi, Avri speaking. Yeah, I just wanted to add the one thing, and we talked about it a little, and that's that, you know, part of that ability, the financial stability and all of that is, you know, you're asking for the ability to go fundraise. In other words, a lot of the discussions that I remember listening to during the, during the PDP had to do with, you get this, this, this level of support. This is one of the reasons why it's front loaded. You get this level of support, therefore, you know how much fundraising you actually have to do. And so to presuppose that you've already done your fund, your fundraising when you're still in this part is presumptuous. So it's just not understanding the position that it seemed that the people in the PDP wanted. There was a lot of discussion of, hey, and when does one do their fundraising? So I very much, you know, like the analysis that sort of says there's really three checks, you know, are you in need, you know, are you a stable financial thing and do you have a plan for how you're going to get the rest of the money? And then, oh, okay, you've gotten a grant and now you apply. Okay, show us the money and show us how you got it. And those three stages. So I do think that this other understanding is consistent with what the people in the PDP were doing. Of course, I was just observing it at the time, but that was the impression I had. Thanks.

JUSTINE CHEW: Yeah, thanks, Avri. So, yeah. So, I mean, we talked about this a little bit. So the potential outcome of this discussion could be that, you know, if we're going to stick to just financial means of, you know, or convert for from financial stability to financial means and talk about the ability, how you're going to, what is your plan to raise the 130,000 or whatever the 50% or, you know, the unsupported portion of the application fee, but, you know, concentrate on how are you going to raise that money, but not show that you have the ability to pay that money immediately. Then it's more financial means.

But if you're talking about financial stability, then, you know, like Avri says, then you should be examining whether the applicant seems to be a fly by night entity or whether it's on the brink of bankruptcy or whether it's so nascent that, you know, it has absolutely zero possibility of succeeding in anything. Maybe that is the portion that is the aspects that we should really be looking at if you're talking about financial stability. Aside from the fact that the applicant is still going to be undergoing the financial capability string, financial capability check when they apply for the string. So if you want to tie those two together. So we could say that under the ASP, ask for a plan of how they're going to raise funds, because part of ASP is about providing support to also, you know, guide the applicant as to what they need to do when they apply for the string. So fundraising could be one of them.

So back to the point I was saying that, you know, if it's going to be to do with financial stability or financial means or one or the other or both, then ask for a plan of how they're going to raise funds to pay the balance amount. And also potentially, okay, don't talk about the running of the RO. Just talk about how you're going to raise funds for the

balance application fee. And then when they actually go to the financial capability check when they submit a string application, then look at whether they have managed to execute that plan to pay the $130,000 balance. And also how they're going to run the registry operator, because by fundraising, they're not just going to be fundraising one portion of $130,000, they're going to be raising funds to operate the gTLD as well. Sorry, Hadia, to put you on hold for so long. So please go ahead.

HADIA ELMINIAWI: Thank you, Justine. I was just going to, this is Hadia for the record, I was going to read two questions in the chat box, and I've also put myself on the queue. So John is saying, "Is the balance intended to be paid immediately to ICANN or will it be spread out over a long period?" And Laura says, "Yes, what happens after with operations and running of the TLD? It's part of the same." And I also had a similar question as to Laura's. So a financial stability to me does not, well, it does say here the ability to pay remaining base gTLD, but what about the operational stability? And also we had a hand from Phyo, but let's take those two comments first. Thank you.

JUSTINE CHEW: in answer to John's question, is the balance, the balance is, well, it wouldn't be spread over a long period, I would imagine. I think you would have to pay by the time the application window for the string closes, but that is the main round rather than the ASP. So the ASP, you don't pay any fees to apply, but you are expected to, at the moment,

you're expected to pay a deposit of 250, sorry, $2,500 within 90 days of knowing that you have qualified for ASP. And to Laura's point, what happens, I mean, that's the same question that we had. So if you're talking about financial stability, what does that mean exactly?

Okay. And in terms of, you know, like 5.4 in the last, the far right column, you see that it talks about, you know, please describe how your organization plans to cover the remaining base fee without experiencing financial hardship as evidenced by a deposit. So the point I was trying to make is the deposit is only payable after you know that you've qualified. So how can that possibly be evidence of financial stability? So that sort of got me bummed a bit. Phyo, if you want to talk to the point about other conditional considerations to accommodate situational hardships before you go, please do that now.

THIN ZAR PHYO: Thank you, Justine. I will go, I will mention first in a faster way. So it seems like sometimes it is difficult to track the record of the financial hardship from the, to define the financial hardship and collect the financial information from the organization and the institute, because maybe they might probably have difficulty to, for example, like Myanmar and also the Afghans, then I repeat that again, sorry, but they might probably have those, those organization or institutions from these countries might probably have, I'm just giving the example, like they might probably have a difficult to submit that document and sometimes why they are trying to locate and set up their company from, to in another foreign country, they might probably have a difficult to submit, but given the same time and also considering other [inaudible]

impact on their institution and also organization, that would be also need to consider as a condition as well. That is what I would like to mention. And also it is need to define what is the actual meaning of the financial hardship in the general way. And also we need to consider the exception, exceptional condition for those institutions. Thank you, Justine.

JUSTINE CHEW: Okay, thanks, Phyo. So Phyo brought up this point about possibility of needing to pay attention to conditional considerations rather than financial considerations, to accommodate situational hardships due to political crisis or instability. So Phyo mentioned Myanmar, she's from Myanmar, and she mentioned Afghanistan as two possible examples of where there is continuous instability in terms of political policy changes. And it's actually forced businesses from those jurisdictions, Myanmar particularly, she mentioned, to relocate their businesses to other more stable regimes like Thailand, for example. So are we able to consider those conditional considerations of hardship, situational hardship under this limit?

Okay, right. So I think in a roundabout way, I guess what we're trying to put forth is, and also, you know, for example, in 4.4, financial stability, it talks about demonstrate stable financial standing, right. But yet, in 5.4, the table itself, it focuses on only the ability to pay the remaining base gTLD application fee. So in sum up, what we are suggesting, and this is a combination of all the points that were brought up, if we could go to the next slide. The next slide is just a list of all the points that have been brought up and discussed just now. And in summing up further, the next

slide, please, would be what we would suggest in terms of making language changes and making more substantive changes.

So at the moment, there isn't anything that we would want to change under financial need per se. But under financial stability, which I've now re-termed as means or stability, depending on what the intention was, really, if it's just focusing on the ability to pay the unsupported portion of the application fee, then I think we should really talk about financial means rather than financial stability. If it's actually going towards financial ability, then we could suggest that, you know, there's a second limb be included to talk about financial resources as a criterion to complete the gTLD application evaluation processes and to operate the gTLD. So again, we're going to have to play it accordingly because if the second limb is going to, especially in terms of operating the gTLD, that's going to be part of the financial capability check for the main string, then we don't really want it to be duplicative, you know, and provide a disadvantage to the ASP applicant.

So in essence, we can shape it in such a way that, you know, it's number one, ability to pay the unsupported portion. And two, so tell us the plan of how you're going to raise funds to pay the unsupported portion of the base application fee, one, and two, financial resources of what's your plan to raise funds or financial resources to complete the gTLD application and evaluation processes and perhaps to open operate the gTLD. So if the focus is on the plan rather than, you know, showing that they can do it right now.

And then with the plan, they take it, they put that out as part of the fundraising efforts, because then they can approach potentially VCs or

whoever, to say that, hey, we know we've got part of this grant or this fee reduction, and then we're going to try and operate a gTLD, give us funding and so forth to help us take that forward in the main application.

And then in the financial capability check, when they apply for the gTLD string, then examine whether the plan had worked, the fundraising plan had worked. Maybe that's the better way to do it. In terms of a narrative statement, Samik, do you want to talk a little bit about what your point was in terms of a narrative statement? If you're still online.

SAMIK KHAREL: So like we talked about, like you just talked about financial stability. And so like my thing was like, how are you even going to measure like how someone is going to raise funds, you know, like how do you measure the social capital? And plus, you know, like it has to be done on a case by case basis. And, you know, like if someone gives you an assurance of, okay, we're going to raise funds. So what would be a template for that? You know, like what are we looking at? So this would be a specific narrative template that addresses like what all we're looking when you're raising funds or like how are you going to raise funds? Because that is also going to take time and it's going to take like spot of one more aspiring applicant. So like that's what I meant.

JUSTINE CHEW: Okay. Thanks Samik. So if there's no more, if there's no objections to the approach that we're proposing to take, then I want to move on to the eligible entity criteria. Okay. Let's move on. Next, we can jump to slide

19. Yeah. Next slide, please. So I said before that we're going to try and talk about one, non-profits, charities, equivalents, two, indigenous, tribals, people's organization, and three, micro or small business from a less developed economy and see whether the criterion and the documentation required actually works. Moving on to next slide, please. 20. Right.

So with the non-profits, charities, and equivalent, they have two kind of two ways of, you know, providing, submitting documentation to support the non-profit or charitable status. The first pathway is that, you know, in some countries or some regulatory, sorry, some countries you have a regulatory authority that dishes out certificate to say that, you know, you're a charitable organization. Or a non-profit. There are some countries that don't have that mechanism. So you have to consider both possible scenarios. So in the cases of where there is a regulatory authority of such, then you're easily, you can provide a certificate of that authority, to prove that you're a non-profit or charitable status. If you don't have that, then the other limb would be that, you know, you can produce a current valid equivalency determination certificate, that's completed by a qualified tax protectioner. And if you can't present either of those things that I just talked about, then the alternative limb would be that you have to certify, you know, then we're talking about 2 Roman 1, 2 Roman 2, and all the way down to 2 Roman 5. So there are five things that you potentially need to do if you cannot produce either a formal certificate or a valid ED certificate, equivalency determination certificate.

In which case, there is a little bit of question mark as to whether 2 Roman 1 to 2 Roman 5 are all mandatory. I suspect the answer would

be yes, but it should be put clearer up front. And then assuming that they are all applicable, that means that the applicant has to certify and, you know, must comply with all these criteria about operating primarily for charitable purposes, which is defined by the way. And then show evidence that, you know, asset is used for charitable purposes in perpetuity. And, you know, if there is no, it meets the criteria in terms of political engagement, and the fifth one would be that the activities cannot benefit private persons or non-charitable organizations, obviously, for profit, for example.

So the point two is about, there is reference to ancillary documents to be able to show that the applicant operates primarily for charitable purposes. And there are a list of items there that falls under this category of ancillary documents. And the proposition that we have would be to add to it things like official letters, as well as checkbooks. I think the checkbook one is an interesting proposition by Samik. Maybe Samik, you want to speak a little bit to that while we get a sip of water?

SAMIK KHAREL: So yeah, so like, I propose that because like, I work sometimes consults for the UN here. So like, they, here like in Nepal, so they take your checkbook as a legit entity, you know, like when you have your checkbook and you're registered somewhere or the bank at least identifies you. So that's why I put that and also like letter of correspondence is also one of the ways to like identify whether the entity is legit or not. Like constant like correspondence dates and in all stamps make more legit documents, I think.

JUSTINE CHEW:	Thanks for that. So I want to concentrate a little bit more on the political engagement element, which I think comes up better in the next slide. So can we move to slide number 21, please? All right, so these are the list of comments that we've collated that we are proposing to submit. Right, I think I've addressed point one and circle number one, circle number two, Samik has just spoken about, the political engagement angle.

So the comments that we collated here are from both, I believe, Samik and Mabda, which is that it is actually part to, for the third party vendor when they're checking whether, you know, the applicant has complied with the political engagement angle to identify very specific events in terms of, what is it, political engagement activities or intervening in political campaigns for public office, right. So the idea is we do not want applicants who are somehow connected to funding or engage with activities that are related to somebody running for public office. Okay, but general advocacy is fine. So things like sharing best practices, success stories, modern legislation, providing objective analysis and research, coalition building, and so forth, those are listed as general advocacy activities and those are allowed, right. So it's just targeting any political funding, so to speak, right.

But it's hard to identify exactly every specific event, especially in some countries in Southeast Asia and South Asia, that may prove to be quite a challenge. So I think the proposition is here to propose to limit that to directly involved, direct involvement. So that's, I think, it's easier to identify rather than leaving it just to, you know, political engagement

activities. And also in terms of public office to also add and/or political parties. Mabda or Samik, do you want to speak to this a little bit to save me because I'm getting a bit.

SAMIK KHAREL: So what I meant was like, you know, like even saying like direct engagement is kind of vague, you know, like, so we should better even define like direct engagement in some ways, because like many of the countries like in global south, like developing countries, it would be impossible to like see which entity, even charitable entity or religious entity or even development entities, NGOs would be lobbying for elections or, you know, like power, like, you know, like in the parliament and all those things. So it would be very, very crucial to define like what exactly is direct engagement. So like, or how lenient you want to be as well, you know, like, like majority of like organizations would be involved some way, you know, in lobbying or like with election funding and, you know, things. So, yeah.

JUSTINE CHEW: Thanks Samik. Mabda?

MABDA SIDIQ: Yeah, thank you. Just to add to what Samik had said, I think our issue is that previous, with the way the previous text was phrased, it's just there's no demarcation between general advocacy and political engagement, as Justine was saying. And we just wanted to make it more clear that it's okay to do general advocacy, but in terms of political

campaigns, there should be some sort of like proof that there are like direct links between political engagement, especially actual activities, activities that has ties to elections, for example, and political and partisan politics. So we sort of come to this conclusion based on our reflections from the sort of like context that we found in Asia-Pacific, because it's, it can be hard to determine whether or not certain activities, political or not, despite the fact that they can be objectively viewed as a general advocacy activities, for example. So we just want to make it clear that there should be like direct links in between those two. Thank you, Justine.

JUSTINE CHEW:
Thanks, Mabda. So I noticed in the chat that Satish had a comment, which says that there are significant variations between countries regarding what constitutes even direct political engagement. Right. So how do we address that potentially? Satish, do you have any ideas? Or does the amendments that we're proposing to the text right at the bottom of the screen, would that, would that reasonably or sufficiently cover your concern?

SATISH BABU:
Right. Thanks, Justine, Satish for the record. So I have to kind of go through this once again, because it's, as somebody pointed out in chat, as John has pointed out, it's a very tricky problem to solve. One, given the sensitivity within each country. Second, given the variations across countries. So having one formulation that will suit all these different cases is going to be very tricky to formulate. So otherwise, we'll have,

you know, GAC coming up with comments on this. So at this point, I do not know the answer, but we have to tread very carefully, I think. And maybe leave it at a slightly higher level than more detail, you know, so that we can get over this. Thanks.

JUSTINE CHEW: Okay, so potentially a higher sort of benchmark or a floor kind of thing, rather than going down too deep, and potentially getting certain countries into difficulties. Yeah, but would love your feedback on this as to how we could potentially move forward with this particular problem. Thank you. Okay, so I want to quickly get through 5.3 and yeah, yeah. Okay, so let's move to slide number 22. Next slide, please.

This one has got to do with the Indigenous Tribal Peoples Organization. And I have to say that this one, is as low as we can get, really. So anything lower would be kind of nonsensical. Right. And it says that basically, if you're applying as an Indigenous or Tribal Peoples Organization, then you can either present documentation demonstrating such status. So in some countries, again, there could be official registration or recognition by a national or international Indigenous rights organization, right. In some countries, you may not have that. So possibly a letter of support from the Indigenous Tribal Community that you are part of, or you're representing, right. And then if you're not able to provide either of these, then there's still ability to apply under the other entity types. Remember, I said that they're not mutually exclusive. So even if you are an Indigenous Tribal Peoples Organization, or you're representing one, but you can't produce this documentation, you can still apply as a small business or something,

some other entity type that could potentially need documentation that you have. So if no one has any issues about this, as I said, you know, this is the probably the lowest that we can go. And it provides as much flexibility as possible for these types of organizations as an applicant.

Okay, and moving on to 5.5. Yep. Five minutes. Yep. Andrew, thanks. I probably did get to this last slide. Okay. Right. So this is micro and small business from a less developed economy. And it has a couple of limbs. I actually don't like the way it's presented in the document itself, because it's not very intuitive in how you would understand it. But basically, what it says that if you are applying as a micro or small business from a less developed economy, then what you have to do is you have to provide documentation that shows that you meet any of the two out of three indicators. And these three indicators being that you have less than 50 employees, your total assets is less than US 5 million. And your annual sales is less than 5 million, right. And documentation that indicates that your principal place of business, meets A, B or C, or aligns with the definition of principal place of business. So A is if you are located in small islands, you're located in a least developed country, or economies in transition, or a developing economy, right. And all these have a specific definition, right. Or B, your place of business is located within an indigenous tribal lands, or it is owned, it's an indigenous or tribal owned business, or a letter of support from the indigenous or tribal community. So you can see the overlap between what I talked about in 5.5.3 indigenous tribal organizations, where we say that, you know, if you cannot produce the documents that is asked for as an indigenous tribal people's organization, you can try and apply as a micro or small business.

And then C does not meet the indicators. If you if you don't meet A or B, then you are allowed to submit a narrative statement. Again, this mention of narrative statement, right. And then it talks about, you know, has to be, you have to talk about the principal place of business where you're located, so forth and so forth, right. And then, and, so you also have to make sure that you comply with three, which is that 51% or more of the company is owned by residents of one or more of those [inaudible], economies in transitions and or developing economies. So apart from how it's set up, I think the logic behind it is sound. And we actually spent a lot of time in the IRT to discuss this and knock this out, even in terms of whether total sales should be higher or lower and or sales higher or lower number of employees higher or lower. And the point about three, 51% or more of the company is owned by residents in those areas is to prevent gaming, really. So to a reasonable protection against gaming, so that we know that the guys who are operating or purporting to operate this gTLD are actually guys who are based in those targeted locations, rather than in a developed country of sorts, right. And so for here, all we are suggesting is to again, for the narrative statement, to suggest that ICANN Org come up with a template form, so as to better guide the applicant.

So I'm going to stop here and ask for any comments. Because my time's up anyway. Okay, so apparently there's no comments to this. So it looks good. In that case, I want to thank my small team members for their work. Avri as well for chatting with me. And Cheryl, obviously, who's not here today with us. And we will try to take these comments forward in terms of draft text in the Google Doc that I mentioned earlier. And then we'll try to come back next week and go through those and cover

section six and seven, which is which isn't, you know, that crucial. Before I get off, Satish, you had a comment.

SATISH BABU: Yeah, I know I'm short of time. A very quick question. In the list of entities, I saw the mention of intergovernmental organizations, which are not there in this slide. I am wondering why they should be exempt from any of these things, meaning they can raise their own funds. They are intergovernmental in nature. By definition, they should have access to funding. Why are they there in this? Because their presence will take away funds for the others. So we can answer it in the next meeting. Thanks.

JUSTINE CHEW: Okay, but I believe it's the GAC who wanted it.

SATISH BABU: Right. So we can have some comment on that.

JUSTINE CHEW: Okay. Thank you, everyone. Back to you, Hadia.

HADIA ELMINIAWI: Thank you so much, Justine, for this presentation. And thank you also for the small team who has worked with you on this. We had Muriel Alapini saying in the chat that she could join the drafting team. So again,

it's up to the team if you want to get Muriel with you on the board. She says that she's new and she would like to learn.

JUSTINE CHEW: I would suggest Muriel that you don't necessarily have to join the drafting team to provide comments. What we do is once the drafting team comes up with the draft text, there's going to be opportunity for everyone in the CPWG to have a look at the text and comment. So maybe you want to do that instead. Thank you.

HADIA ELMINIAWI: Thank you so much, Justine. This is Hadia for the record. And I think this would be a very useful exercise and a good start for her. Thank you, Justine. And we move now to any other business. We have actually moved the ICANN 79 recap to next week's call in order to give Justine more time on this. And any other business, I don't see any hands up. So what's remaining is our next call. And I guess due to rotation, it's going to be next week on Wednesday at 19:00 UTC. And let's hear from staff.

YESIM SAGLAM: Thank you, Hadia. That is correct, unless Andrew says the opposite. So we will be meeting next Wednesday on 27th of March at 19:00 UTC.

HADIA ELMINIAWI: Thank you so much. And with that, I would like to thank everyone on this call, everyone who has contributed to this work, even if they're not

with us today. Thank you to our interpreters and to ICANN's great staff. And back to you, Yesim.

YESIM SAGLAM: Thank you very much, Hadia. And thank you all for joining. This meeting is now adjourned. Have a great rest of the day. Bye-bye.

[END OF TRANSCRIPTION]