

**ICANN Transcription
New gTLD Subsequent Procedures Working Group
Monday 28 March 2016 at 1600 UTC**

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The audio is also available at:

<http://audio.icann.org/gnso/gnso-new-gtld-subsequent-28mar16-en.mp3>

Coordinator: Excuse me participants, the recordings have started.

Avri Doria: Thank you.

Steve Chan: Hey, Avri? Never mind.

Avri Doria: Yeah.

Steve Chan: This is Steve from staff. I was just making a note that the agenda is on the right hand bar of the AC room.

Avri Doria: Oh fantastic. I was being blind. Thank you. I should have known better. Okay, so let's start the agenda. And the first part of the agenda is review the agenda. Then we'll do the roll call and statements of interest. Then we'll continue the walk-through of the subject and issues that we did at the last meeting. First, we'll address any further clarifying questions on Tracks 1 and

2, and then we'll work through Tracks 3, 4 and 5. We won't get into the issue of changing the names at this point but we will deal with that later.

Then, after that, and assuming that we finish that today, the next topic we've got on is a letter from Steve Crocker to the working group and the CCT RT speaking (unintelligible) ALAC and GAC concerns. We already talked about that a little last time but we obviously have further to discuss that. And then finally there is any other business. So is that agenda okay with people? Are there any changes? Does anyone note any other business at this point that they'd like to see added to the agenda?

Hearing nothing, seeing nothing we'll move on with this agenda. So next comes to the roll call. Following what's become a pattern, we'll mark everyone that shows up in the Adobe Connect as being present at the meeting. And I'd like to ask if there's anyone who has dialed in only that needs – and is not on Adobe Connect that needs to be included in the attendance?

Okay...

Julie Hedlund: Excuse me, Avri, this is Julie Hedlund. I'm sorry. But I just wanted to note that Kavouss Arasteh has his hand up and I think it went up when you were asking about items for the agenda.

Avri Doria: Oh so sorry. Okay. Let me finish the question of people that have dialed in. I don't hear anyone so with apologies to Kavouss I'll go back to his hand. Sorry, I was looking at the bottom of the list, not the top of the list. Kavouss, please.

Kavouss Arasteh: Do you hear me, please?

Avri Doria: Yes I do hear you.

Kavouss Arasteh: Okay. Good time afternoon, evening, morning, I don't know. I have suggested one point in the agenda and that is to have a liaison with relevant SOs and ACs due to the very important item that we are discussing. We need to have a good communications as a focal point those relevant SO and ACs in order to get necessary feedback on time...

Avri Doria: Okay.

Kavouss Arasteh: ...in order to share the views to each other. That is the item that I sent two days ago and I was...

Avri Doria: Okay, thank you.

Kavouss Arasteh: ...waiting for reflections. Thank you.

Avri Doria: Thank you. Yes, I think while that may relate to some of the discussion we have in 4, that's a good item to add to any other business, and thank you for explaining it in such detail. So we'll add the notion of liaison invitation. Of course we can have liaisons; it would only be an invitation. But, yes, that is on the schedule for later. Any other – now that any other business got opened up again – any other any other business issues before I close it again? And this time I am watching for hands.

Okay thanks. And with apologies again for not having watched for hands. I'd like to move to Number 2 on the agenda which is the walk through of subject and issues. Let me check one thing first. I'd like at this point to turn the chairing of the meeting over to Steve Coates and then we'll do the walk through of the subject. But, Steve, are you ready take the chairing of this meeting?

Steve Coates: I am, Avri. You can hear me?

Avri Doria: Yes I can. Thank you very much.

Steve Coates: Avri, I'm so sorry for putting you on the spot there and running late. I had a train problem this morning, which seems to be the usual case of business for me here in San Francisco. I think we're on Item 3 of the agenda, walk through subjects and issues.

Last week Jeff took us through – and forgive me, we're now calling them work tracks – Work Tracks 1 and 2. And I wanted to open up the – for any questions as to further clarifying questions or comments on Work Tracks 1 and 2. Nobody has anything to discuss on Work Tracks 1 and 2. Seeing nothing I would like to open it up to Jeff to talk about Work Track 3.

Jeff Neuman: Okay thanks, everyone. And just to repeat from the last time, you know, this is just kind of the high level overview of the issues that were discussed within the discussion group and were mentioned in either the final report and/or the charter for this group.

We're not working on solving any of these issues on this call but more getting – if we missed any issues or if there's any clarifying questions on any of these issues so that we all understand going in what work we have ahead of us. I hope everyone is okay with calling them tracks or work tracks. It's a different term than streams, which is now being used a lot with the – in the accountability context so we'll try to do tracks and if that works hopefully that sticks.

So Track 3 is dealing with string contention objections and disputes. So if everyone recalls in the Applicant Guidebook, I believe it was Section 3, was a whole section on devoted to string contention and disputes and objections. And so the first topic – and again this is not in any particular order of importance, just order of the way it was mentioned but not, again, not an indication of importance.

There was discussion of, you know, the goal of making sure there was freedom of expression amongst new gTLD applicants and making sure that whatever rules we came up with or contention resolution mechanisms we came up with didn't impact or infringe on an applicant's freedom of expression rights. And so questions were raised during the discussion group did GAC advice, community processes, reserve name policies, did that have any impact on the goal of freedom of expression? So that was one set of issues that came up.

The second one is just string similarity evaluations as a whole. If everyone recalls there were 1930 applications yet only two sets of applications or two pairs of applications were found to be similar to each other in the initial evaluation that was done. That initial evaluation found that Unicom and Unicorn were similar in appearance. And also found hotels and hoteis – I think I pronounced that right, H-O-T-E-I-S – were visually similar.

So that was the standard. It was not similar in meaning for the initial evaluation, it was similar in – it was visual similarity. And there was a whole bunch of language in the Guidebook that defined visual similarity. But throughout the process I think there were some that were surprised and others that weren't that things like plurals and singulars were not in the string similarity – at least weren't found to be initially confusing.

So thanks, Rubens, my pronunciation is not correct so hopefully you can correct me. But so a lot of people were surprised and had submitted letters. I remember a letter from the Business Constituency expressing some surprise that plurals and singulars were not in the same contention set. And, remember, if you were found to be in the same or visually confusing to an existing string that was already in the root, so that would be like Com, Net, Org, Biz, Info and such, the repercussion for that was that you could not proceed. But if you were found to be visually similar to another application then that was put into the – a contention set and would undergo the contention resolution rules.

So going forward something to think about is if we maintain the same standard, you know, visual similarity to an existing TLD, now there'll be, you know, close to 1400 TLDs to do visual similarity check with. But was visual similarity the right – the right standard? Should it have been similar sounding? Should it have been similar meanings? These are all questions that came up that we'll be looking at over the next few months and so on.

So that's one set of issues. Kavouss, you have a hand raised?

Kavouss Arasteh: Yes. If you allow me – sorry, I am new one to this group, the first time so I apologize for my ignorance for what you have done before. I think at least I remember in the GAC we have mentioned several times of previous problems, difficulties, issues and the confusions.

Do we have at least a check list of all those problems, difficulties, contentious issues, similarities, singular, plural, meaning the same two different language, at least we have a look of that list to see whether someone could update that list or not. Just suggest a question like (unintelligible). If you have that list I would be very appreciative you direct me. If you don't have I would ask whether is possible or preferable to have that list. Thank you.

Jeff Neuman: Yeah, thanks for the question. That's an excellent question. We – to my knowledge, I don't believe we have such a list but I think it would be very valuable to produce a list of certainly the singular, the plural. I think it would also be valuable to – if we could group sets of names that may have a similar – a very similar meaning but that again is a little subjective. But I do think that coming up with that type of list as a group may be helpful.

I see Paul has his hand raised. Paul.

Paul McGrady: Thanks, Jeff. One of the other items on this particular list is taking a look at the standards for how to prevail or not prevail in a dispute mechanism where

a trademark owner asserts that an application is too close to their trademarks. If you look at the elements there's a lot of language related to infringing use and those kinds of things. It's essentially an infringement standard. But of course in order to have infringement you have to have use and I'm not sure how an application is use, right.

And so whoever wrote those originally sort of didn't understand trademarks at all. And so I think that that should be on the list of things that we go back and revisit and see if we can come up with elements to a dispute process that makes sense in relationship to what's actually happening. Thanks.

Jeff Neuman: Yeah, thanks Paul. And I think that your response also points out to an important distinction we also need to make and that there were initial evaluations and then there were objections – there were objections. Initial evaluations were – evaluations that were done by ICANN through any of these that it had subcontracted with or independent entities and objections were after the fact, although you had to file an objection early on, but objections were not heard until all of the – until the initial evaluations were done.

So the question, Paul, you bring up a couple different questions. Number 1 is should user confusion in a trademark sense be part of an initial evaluation if possible. And maybe not, as you said, an application may not be used. Or should it just be left as an after the fact objection procedure? But I think that's one question.

And if it comes to we as a group feel like it should be part of the initial evaluation then what facts would need to go into making that determination. I think that brings up a couple really good questions.

Alan.

Alan Greenberg: Thank you very much. As we all know in the first round we did delegate TLDs which were singular and plural of the same term. Should we decide, this go around, that we do not want singular and plurals, we would be in a position where if a singular had already been delegated and someone applied for a plural, it would be deemed to be confusingly similar and not delegated.

That raises the whole issue of level playing fields. How much weight are we going to be putting on that as opposed to setting rules which, from our point of view are logical, but perhaps greatly disadvantage new applicants versus old or I guess perhaps the other way around?

Jeff Neuman: Yeah, thanks, Alan. I think that – your point is one that actually doesn't just apply to this particular...

Alan Greenberg: No, no...

((Crosstalk))

Alan Greenberg: I just thought of it now.

Jeff Neuman: It's almost an overall issue if we decide, for example, to change the base contract in Track 2 or that there should be different things added, how does that impact the ones that have already signed contracts versus the newer ones? Same thing with, you know, if we adopt additional safeguards, you know, how does that apply or advantage or disadvantage new applicants versus the existing ones? So I think yours is kind of one of those overall issues we should make sure we keep in mind for everything.

Alan Greenberg: I guess, if I may follow on? I guess the question I was asking is we're almost surely going to end up with these unlevel playing fields in some of these areas and have we decided that in fact that is okay and that's not problematic. So, you know, it's the overall concept that I think we should be talking about at some point. I know at one point there was a suggestion we

shouldn't even have this PDP because we shouldn't be changing any rules to ensure a level playing field.

Jeff Neuman: Right. And I think no decisions have been made and anyone can feel free to jump in. No decisions have been made in either direction or in any direction so that's an overall issue I think we need to discuss. And it may be – it may be different just depending on the particular subject or maybe uniform. I mean, it's hard to say at this point since we're just raising the questions. I notice Greg has his hand up so, Greg.

Greg Shatan: Thanks. It's Greg Shatan for the record. Another thing to think about at least with regard to string confusion objections, if not necessarily string contention or string similarity evaluations is liaising or remit overlap with the RPMs working group since at least at the level of the string confusion objection I think it also acts as a rights protection mechanism since it can be raised by the owner of an existing TLD, which will now include dotBrands going forward.

Jeff Neuman: Yeah, I think again Avri is – I'm looking at the chat. Avri is trying to bring us back and me back as well to just kind of talking about the clarifying question so I think, Greg, you raise a good question and something that we will certainly talk about when we get to the substance of all of these. And you notice that – or you had mentioned about one of the forms of objections that I haven't mentioned there were actually I believe four types of objections.

There were the string confusion objection, which we were just talking about. And this relates to the next subject. There are legal rights objections, limited public interest objections, community objections. The legal rights objections were the objections that were basically that the implied-for string infringes an existing – the existing legal rights of the objectors – of the objector. This was generally associated with trademark legal rights. I believe those were the only kind of legal rights that were objected to. I'm – but maybe someone knows if there are others.

The limited public interest objection was that an applied-for string was contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law. There was certainly a lot of discussion on that public interest objection prior to the 2012 round and so, you know, one of the things is did this objection achieve its purpose? You know, that's one of the questions we'll be examining.

And then of course there was the community objection which means that there's substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted. And a community objection, just to remind everyone, was not just against community application but was against any application that was objected to by a community. I hope that makes sense. In other words you didn't have to file for a community application in order to be objected to by a community.

And I think there were several of those that were filed in and maybe a couple of those that were successful. And I think one of the things that we will likely do is to do an analysis of the objection. And I'm not sure if something the CCT Review Team is doing as well so hopefully we could pool resources if they are. But to look at all the objections that were filed and look at, you know, just how they turned out, look at consistency, look at those rules.

And then of course there were a lot of – and I believe this is on the next slide – let me see if I can go over there – right so I'm skipping one for the moment but just jumping to the accountability mechanisms because it relates to the objections and to the evaluations. You know, if someone was not happy with the outcome of an objection or a, yeah, an objection, there was no official appeals mechanism that was built in to hearing those. And so what people resorted to was the existing accountability measures or mechanisms which were the ombudsman, reconsideration, independent review processes.

I know that several groups, including I believe the GAC had said that perhaps in the next round – or in the next – sorry, I said round – in the next set of procedures we have a more – or an express appeals mechanism which, you know, again could be once the accountability mechanisms are in place for – after the IANA transition it could be that or it could be something else that this group decides on. But certainly the accountability mechanisms were heavily used in this – in the 2012 round and how we go about doing that kind of appeal in the future is something that this group needs to look at.

I skipped one but I'll go back to it now which is that there was an interesting new role that was created in the 2012 round that dealt with a – an independent objector which was supposed to be kind of the independent objection of an application on certain grounds. So it was supposed to be someone who was representing the masses or the people, in certain areas including the public interest – the public interest and morality objection but could also – it could also object on behalf of a community I believe as well.

The independent objector did end up filing a number of objections. And I'm not sure how many of those were successful but we will have to – I think we should – one of our tasks should be to look at those, look at the role of the independent objector, did that accomplish its goal? Is this something we want to continue to have going forward? Or is there a different or better way to have that type of objection?

If everyone recalls, this was also something that was paid for by ICANN so ICANN allocated a certain budget to the independent objector and paid for all of the objections. And ICANN staff was not allowed to have a say in which objections were filed and against whom. But ICANN did fund it.

So I'm just looking at some of the comments here. If anyone's got anything they want to raise because it's hard to read all the comments. If anyone has anything to raise on the call or in the transcript please raise your hand. That would be helpful.

Kavouss, thanks.

Kavouss Arasteh: Yes, I have just one question or clarification among all of those objections it was mentioned two times or three times that public interest objections. Who is authorized or entitled and on what grounds and on what definition raised the questions or objections based on public interest? The view of an individual saying that in my view I object because of public interest or this public interest objections is a very, very complex and we need to further clarify the matter.

And the second question or clarification that I have should we have some sort of rationale for objection but not someone just objecting something to prevent or to slow down the process because of objections? And putting so many obstacles and procedures in the way of that so should we at this time learn the lesson of the previous round and talk a little more about this objection rationale for objection and so on so forth.

Another issue that I have is sometimes objection is only political objections without any ground. Do we also accept the political objections? Thank you.

Jeff Neuman: Thanks, Kavouss. And I think let me try to take your question in two parts with the first part being the public interest, who defines that. At least according to the 2012 round I believe anyone was entitled to file a public interest objection. It certainly costs money so it was not something that anyone could do, you know, just to harass or stop an application unless they had some money to do it.

The grounds for the objection were in the Applicant Guidebook. I think it was a quick look process to make sure that it was – had some merit to the claim before it was heard by a full panel. And if – I know the independent objector was able to file on that ground. I don't have all the complete answers for you off the top of my head but I do know that the Guidebook in Section 3 of the

New gTLD Applicant Guidebook went into some detail about the grounds for the public interest objection.

And then the second question you had about a political objection, that was not something that was a formal objection ground. But as you may be aware there was certainly an opportunity for the Government Advisory Committee to – or independent countries to – governments to file early warnings against certain applications. And then the GAC could always provide advice at any point during the process, which it did exercise on several occasions.

So there was an early warning process that gave a warning to applicants saying that one or more governments may have an issue with the application or the applicant and then there was a formal GAC advice that was – that could be filed at any time. And there were a couple cases where that was exercised. But we can consider whether that was effective, not effective or whether something else needs to take its place. So with that let me go to Alan and then Paul.

Alan Greenberg: Just a small anecdote to show that we have our work cut out for us. The ALAC was actually funded to make public interest objections. We did file a few. And the ruling was that we have no standing to file those particular objections. So we were given global standing to file the objections but were deemed not to have any real standing and therefore it was rejected on those grounds. So we have an interesting job ahead of us. Thank you.

Jeff Neuman: Yeah thanks, Alan. I forgot to mention that, that's right, the ALAC did have the ability to make objections as well. And I believe you said objected to two of them.

Alan Greenberg: I think...

((Crosstalk))

Jeff Neuman: So that's another ground. I don't believe that was in on these slides but that certainly was another area of objections. Let me go to Paul and then to Ken.

Paul McGrady: So thanks, Jeff. Paul McGrady. I think we do need to look very carefully at the GAC's role in this and whether or not how that played out in the first round provided predictability and all the other things that people need in order to participate in this kind of essentially request for proposal process.

Jeff, you said that the GAC advice could come at any point. Others believe that the Guidebook clearly states that advice needed to come before the end of the objection period. So we should just be a little bit careful that we don't memorialize one side or the other when that issue was sort of a hot button issue from round one.

But I do think it raises the issues that we do need to very carefully go back through and decide the role the GAC, especially post transition where, you know, the GAC is, you know, supposed to be, you know, one stakeholder among many rather than, you know, sort of a more elevated status that naturally comes when there's another foreign power that is the backstop. Thanks.

Jeff Neuman: Yeah, thanks Paul. And I apologize if I gave the impression that – but you're correct that the Guidebook had some information about GAC advice in there and so we'll have to work on, you know, how it played out and what should be the rules going forward keeping in mind the principles that the – the high level principles that we – the GNSO had established prior to the program and whether those principles are still important going forward here.

Ken.

Ken Stubbs: Yeah, Jeff. Thanks. Listen, I'm hoping that somewhere down the road we can develop some sort of a process to stratify the various objections and deal – find methodologies for dealing with them in a way that makes the timeframes

more effective because so often these processes just drag things out for inordinately long periods of time. Thanks.

Jeff Neuman: Okay. Thanks, Ken. All right, I'm seeing some conversation in the chat that we're getting a little too into the weeds into the issues. Okay so Greg, let's – I will try to do better. Greg, if your question is a clarification question please jump in.

Greg Shatan: Just briefly, and I see it's, you know, actually noted on the slide. I think, you know, appeals and consistency of outcomes and kind of thinking through now that we've created this kind of adjudicative process the first time kind of all the lessons learned.

And I think that, you know, some of my colleagues I've never done and had actually, you know, gone to newly democratized or regime, you know, changing countries and created new legal processes and political processes and it seems like that's kind of what we did here maybe without the same level of care or maybe with the same level of care but in any case I think we really need to, you know, look at these things as processes because some of the, you know, the consistency issues were just, you know, there seems to be some kind of nonsensical things.

Last point is I think we need to think about how this relates to the auction process because we ended up with some very, you know, interesting and contention sets which went into auctions because that's kind of, you know, where all those things are linked and so we ended up with some very odd contention sets where A and B were similar with each other and B was similar to C but A wasn't similar to C and how do you deal with that. So, you know, that's kind of – this is, you know, can't be viewed in a just as the objection process kind of needs to be kind of some consistency of attitude across, you know, all of these comparative and pairing type processes. Thanks.

Jeff Neuman: Yeah thanks, Greg. And I think that's kind of key. And we should make sure that in this track, as you said, we should be looking at the contention resolution aspect of the new gTLD program in terms of auctions, in terms of how it played out, private auctions, indirect contentions. And I neglected to put that on the slide but this would be the right track to consider okay so now after the objections and disputes you have these strings for whatever reason are in contention, how do we resolve that. So I think that's a great clarifying issue that we should make sure that we have in this track.

(Jay).

(Jay): Yeah, I'd just like to kind of point out that there are still ongoing issues with the last rounds and that we're actually still trying to resolve. And some of those issues may not be resolved for another year or two. And so I think it's going to be kind of part of the appropriate level of feedback while these issues are still being resolved in ICANN. I don't know how we address that but perhaps we look at all the open things and we try to get some studies going on the cases that are still pending or that are still going through some dispute resolution or through some legal process.

But, I mean, we have a lot of issues that haven't been resolved and if we open up a new round with recommendations, you know, it would be helpful that there was a mechanism that addressed everything from the previous round.

Jeff Neuman: Okay. Thanks, (Jay). I'm not sure how we could have an impact on that previous round but I definitely take your point that the previous round may not be complete by the time that we make some recommendation. So that, again, falls into the category of that was raised earlier of how do we stick to the principle of making sure that we're not advantaging or disadvantaging the existing versus the future applicants in that kind of way.

So any other questions or comments on Track 3? Any other issues that we might have missed on Track 3?

Okay going then to Track 4. And I think Track 4 is one that was given very short – was given the short shrift – what is the expression? Track 4 is actually really important but one that the discussion group didn't have too many – shrift – thanks, Avri – didn't have too many questions raised with it but it is, like I said, an important item. This deals with internationalized domain names and universal acceptance.

So one of the high level principles from the policy process in 2007 was that we encouraged the adoption of gTLDs including internationalized top level domains, which prior to that – prior to 2012 had only been recently introduced with internationalized country codes. So prior to the 2012 round there had been no generic internationalized top level domains.

So one of the principles was to encourage the adoption of new internationalized generic top level domains. We did receive or we – ICANN received over 100 applications for new internationalized domain names. And so, you know, was – did that achieve its goal? If it did not then, you know, how do we encourage – how do we encourage more or additional new top level domains, internationalized new ones? Did the rules that were established correctly adopt the recommendations from the IDN working group? At least the IDN working group that was around at that point in time, there have been several IDN working groups.

There is also issues of translation and transliteration and there are a bunch of issues raised in the internationalized context. There is how you deal with certain characters that are – that look the same but have different meaning and different scripts. And a lot more issues that I'm – this is one of my weak areas that I'm not as up to which is on internationalized domain names.

So certainly anyone in this group that has expertise in this area will be encouraged to hopefully work in Track 4 and this is also an area we can seek expert guidance on as well in order to make sure that we are able to give it the attention it deserves.

The issue at the end – at the last sentence of the internationalized domain names about variance, that is an important issue that needs to be discussed because I think there really wasn't much in the way of guidance for IDN variant TLDs. In fact it was just not – it was kind of brushed to the side. So we need to talk about this issue in terms of applying for new top level domains.

I also seem to recall that there were certain rules of the length of characters, so you couldn't have a single character internationalized top level domain even though a single character in certain languages and scripts could actually have the meaning of a word so that was something I know that some had issues with before the 2012 round had opened up and I think it was a little bit late by that point in time to actually fully address that issue.

And then – and Paul, I see your hand, let me just get to the last issue which is universal acceptance. There is a universal acceptance working group I think it's called or steering group that is working on this issue. I know the Domain Name Association is also working on universal acceptance issues. I believe this is something that we should take a look at. Does this involve policy work or is this going to involve policy work? So that, you know, are the current efforts enough or do we need to do more to ensure usability of all top level domains?

With that let me – Paul, you have a question.

Paul McGrady: This is a question I don't think we could necessarily answer today but which is how far are we allowed to go and specifically with the question of encouraging the adoption of the so called internationalized domain names which that name, by the way, drives me nuts because it, again, presupposes

that English is not international and every other language is, which is a bizarre view of the world of course.

But the question is can we go so far as to recommend that ICANN lower the cost on IDNs? And in order to encourage them – encourage that? Or are pricing and those things off the table? Thanks.

Jeff Neuman: Yeah, so thanks, Paul. You know, I think certainly it could be – I'm not saying it should be but it could be that we could discuss issues of – without discussing exact pricing but we may say that, you know, in theory you could have a recommendation that ICANN subsidize something, a program to encourage or there's lots of different recommendations that this group could have on – that are policy-based that we could make or not, I'm not, again, presupposing an outcome.

But certainly there are issues that can be discussed in this group on how to achieve the initial principle that was decided by the GNSO back in 2007 which was to encourage the adoption of gTLDs including IDNs. So that's certainly – none of what you discussed seems out of bounds except perhaps defining an exact price may not be something that we could do. Any other questions on that? I see some really good chat on IDNs and on other sources.

I would love to put some of this in the record to – as Mary says on translation and transliteration of the GNSO's PDP on specific charter questions it has completed the subsequent final report of the expert working group on internationalized registration data has just been referred to the ICANN Board – by the ICANN Board to the GNSO Council for consideration as to any potential policy work it may need to do in that regard. And the Council will likely discuss this issue in April.

So this is certainly something that we may need to borrow from other efforts that are already underway and do not have to recreate the wheel. As Jim

Prendergast said that the IDNs did have prioritization in the draw so that was something that was given to them but that again – if that was effective or not is something we need to discuss as a group and how to deal with that going forward.

Let me see if I missed any other comments that are in the chat. Amr asks whether translation and transliteration is an RDS issue? Is there anything specific to gTLD strings in that regard? I think the Whois output and the collection of information and the publishing of information is for RDS. But I think there are certain issues like, you know, user confusion that may be addressed with respect to IDNs I think.

As I said, the one character issue is an issue for us to address. The one character meaning that we know that single ASCII letters were not allowed. And then ICANN also created the rule that single character IDN scripts – TLDs were not allowed either even though those could mean a word and not just a single letter. So that's one example of something that I think this group would consider versus what is being considered in the RDS. Let me see if there's anything else.

Avri points out that – oh, yeah, we might have missed it that everyone should update their statement of interest if there was any changes. Great, okay any other questions on Track 4? Cool, okay. Let's see, how are we doing on time? Good, okay.

So Track 5 deals with technical and operations. Now this is kind of a – what we tried to do in the discussion group was take all of the issues that had a technical and operational component and move them to this track. But I think that the technical and operations track may inherit other issues once certain policy decisions are made. So an example is – and I'm skipping here to the second slide, I'll come back, is the accreditation process.

So let's make the assumption for now, and I'm not saying this is going to happen, but let's say that the rack that was looking – I think it was Track 1 that was looking at whether we should accredit backend providers or registry service providers have an accreditation program as opposed to having to evaluate them each and every time, that if the – as a policy matter we say yes that's a good idea then that issue may be kicked over to the technical group to say okay, what should be required of these registry services provider? What kind of questions should they be asked? How should this accreditation process work? What are the (unintelligible) etcetera.

So I think that's just one example of issues that may start out in another track and then move to Track 5, for example. So Track 5 looking at things like security and stability. So were the proper – and I apologize, some of these may look like they got cut off – but were the proper questions asked in the Guidebook to minimize the risk to DNS and ensure that applicants will be able to meet their obligations in their registration agreement?

Should there be non-scored questions? So in the application there were a bunch of questions that were scored and then there were a bunch of questions that didn't have a score associated with it, you just kind of had to meet that qualification but it was not scored.

You know, how should – if there are non-scored questions how should they be presented? Were the proper criteria established to avoid causing technical instability? And is the impact to the DNS from new gTLDs fully understood? On that last question I will note that there is a study being done that I heard was – there was a panel in the session in Marrakesh where there was a preliminary study being done on the effect of adding all of these domains into the root. 1

And I believe they found that there were no significant implications but certainly that is something that we should look at that study that's being done and I think the final report is due out either next – later this year or next year.

Perhaps someone could jump in on that. But I know that there is that root scaling study that's being done on that last question.

Then on the applicant reviews, so not just on security and stability but the operational questions, the financial questions, the administrative questions that were in there – they were designed – were they designed properly to allow applicants to demonstrate their capabilities while allowing validators to validate their capabilities?

So there were a lot of questions asked of applicants to fill in including proposed business models, talking about their financial resources, talking about their board of directors, their key personnel, etcetera. Were these questions the right questions to evaluate? Were they evaluated properly? Did they accomplish their goal or is there another way to do this? That's some questions we'll have to take a look at. Alan.

Alan Greenberg: Thank you. Questions like this it sounds like we should be getting some level of report from ICANN staff on, you know, how well was this process – I guess did the questions meet their needs should they be changed. I mean, at the first level they should be giving us input, not just us trying to pass judgment on it.

Jeff Neuman: Yeah, I think that's a great point, Alan. And we have asked people from ICANN staff to join this group. I know some of them said that they may be following the mailing list but I don't necessarily see them on the list as being formal members of the working group. It's probably an action item I want to take back and talk to at least some of the people that said that they want to participate. I think if they're on the mailing list I think – I think they should be on the mailing list, number one, and I think they should be active members participating because I think you're right, they certainly have some key valuable information.

So – and I know for example Karen Lentz and Christine Willett and Maguy Serad and others did talk to me about wanting to – and Krista – wanted to participate in this group. So I'll take that as an action item off of it to not only have them on the mailing list but have them actively participate especially in these areas where they could provide some valuable input.

Alan Greenberg: Yeah, thank you. On this question in particular I think we want something written from them. It's more than just participating in the conversation I would think.

Jeff Neuman: Yeah, I think that's a good point. I know some things are in their implementation report that they did but probably not everything that we would like answers to. Kavouss.

Kavouss Arasteh: Yes, just to support what Alan said, we just not looking for how the participation. We would like to have an input from the ICANN regarding the problems, difficulties, shortcoming anything from the first round that today faced during the implementation or they have received from SO and ACs and they are considering that would help.

In fact this is – was a question that was raised several times with the board asking whether they could provide that information in a more formal manner rather than just participating at the meeting so that would be very very helpful to see what problem they face in the implementation, what difficulties, what shortcomings and what sorts of suggestions that they might – just suggestion they might have for improvement. Thank you.

Jeff Neuman: Yeah, thanks for that comment. And perhaps one of – Steve, Julie, if one of you – or Mary – if you could post a link to the implementation – there it is, Rubens did it, never mind. Thanks, Rubens. I was going to say as homework I think everyone should take a look at that implementation program review final report that ICANN staff did to see if this goes partway into answering some of your questions. I there's certainly a lot of detail in there.

And not only the report itself but there was some valuable comments that were submitted by a bunch of the different supporting organizations – supporting organizations, ACs, constituencies, that – on there. And so I think that that's great. Okay, Rubens just posted that as well. So those comments are really helpful as well in that they really point out implementation difficulties from others involved in the process. And if Krista – Krista (unintelligible) it's only 215 pages so it's an easy homework assignment for everyone.

Steve Chan reports on the list that the folks I mentioned are following along on the mailing list and staff coordinates on a regular basis to ensure they are informed of the progress of this group. Thanks, Steve. I think that's good. I think I would actually love to see them listed on the wiki page so that we were open as to who's following this and I would also love for them to feel free to have the ability to post if they wanted to on their experiences because I think it would be very helpful.

I know that they can do a lot with an – with this implementation report and with, you know, providing formal reports but I also think there may be issues that come up that either they didn't include in the report or just I think there's a lot of valuable information that they probably have. So I would love to see them as active participants if that's possible.

Alan, your hand is still up. Do you want to...

Alan Greenberg: No, that's a new one.

Jeff Neuman: Okay good. You're up.

Alan Greenberg: Yeah, it dons on me, although I started this discussion, that an awful lot of this is probably really implementation. So it's not clear how down into the nitty gritty we need to get into it other than if there are real applicant issues that we have to consider so just a thought.

Jeff Neuman: Yeah, thanks, Alan. I certainly think as we discussed last week that there are going to be areas that certainly delve into implementation. There's going to be a line and it's going to be different for each of the issues of how far we go into that implementation. But I do think that certainly the questions that are raised up on this slide, which is, you know, did the – were the criteria and the questions that were established did they achieve the policy goal of allowing applicants to demonstrate their capabilities? So I think from that perspective it could be sort of an overall issue that we can look at.

But, you know, you're right, at some point, you know, after we come out with our principles it may be too deep that we're digging in and saying okay, well this is what we want to accomplish, this is what we wanted the applicants to show, you know, is there a way you can ask the questions in a better way to elicit these types of responses might be more of what we delve into. But, you know, again we can't predefine where that line is.

Alan Greenberg: No, no.

Jeff Neuman: Mary just posted, Jeff, given the volume of emails and the number of mailing lists some of them are on it would additionally be helpful if the working group has specific questions for us to reach out to the relevant staff members directly as well as to ensure timely and targeted responses. Mary, I think that's great. You're absolutely right. We should certainly be specific when we're asking them the question. But, yeah, so if we do have a question that we really want an answer to we will specifically make sure that it's targeted them to answer and make sure that you are in the loop.

Okay so that's it with applicant reviews. Steve, you have your hand raised. Sorry, did I miss that?

Steve Chan: No, thanks Jeff. This is Steve Chan from staff. And I was actually just going to make the point that Mary made that the staff that would be – may be able to

provide inputs to this group they're willing and ready to provide inputs as necessary. But as Mary mentioned it might be better to have targeted inputs. And without trying to answer for them on their behalf I would say that they might be resistant to perhaps participate on every single call every week. But as necessary they are more than willing to help in particular areas as necessary.

And I think you had mentioned perhaps adding them as members or something to be able to add them to the membership list we'll look into that and consider that as well. Thanks.

Jeff Neuman: Yeah, that would be helpful just to know who's following along and if we have a specific question for a specific person then we can direct that question to them at that time. Thanks, Steve. And then the last issue I think – oh no, this is the last issue I have on the Track 5 which is name collision. So this was something for those of you that recall was initially an issue that was raised by the Security and Stability Advisory Committee in a SSAC recommendation but was not addressed prior to the round starting or at least wasn't addressed to certain people's satisfaction and certain companies' and groups' satisfaction.

So certainly came out after all the applications were received. There were potential issues that were pointed out on this name collision issue. And so, you know, lessons learned we need to delve back into what lessons were learned from the previous process, how do we deal with this on an ongoing basis, what measures are needed to manage risks for – oh one other thing that we need to consider is okay there was a two-year plan for the 2012 gTLDs, do we want to talk about what to do if anything beyond the two year plan for each of the TLDs?

That's not something we have to take on; that is an issue that was raised by the ICANN Board for the GNSO to consider and was initially referred to this group by the GNSO Council as an issue that they wanted us to think about.

Let's see, and is there any policy on the inquiries on that should be applied to any of the pre-2012 round. So that's, again, this is a really complicated issue. I don't want to dive too deep into it because of its complexity.

But just to note that certainly this was not something that was anticipated by most of the community prior to submitting applications but came about afterwards and certainly presented delays of a substantial period to a number of different applicants. So we need to think about how to deal with that on a go forward basis.

Anything else that we missed on the technical or operations, financial that we should be looking at? Okay so I think with that I'm going to turn it back over to – oh Avri's got her hand raised. Avri?

Avri Doria: Yes, thanks. This is Avri. I had my mic. One of the things that I want to make sure that we look at in this technical operations was relates to the original policy that the GNSO came out with and that's that all registry requirements don't need to be the same. And I don't know whether you mentioned it while you were discussing, I got distracted for a second. But I think that may be an issue that we also need to add to the list.

Jeff Neuman: Yeah, thanks Avri. I didn't specifically mention that. It's a good issue and probably one – another example of if we decide in I think it's Track 1 that there is some sort of differentiation between different types of registries that I can see that as another example of being kicked over to this track to decide, okay yes, from a policy we said it was a good idea; now technical and operations, how do we do that?

So I certainly think that that's a good issue for Track 5, if from a policy perspective it is decided that we should – we could allow for differentiation. Kurt. Kurt Pritz, someone who's certainly familiar with the application process. Kurt.

Kurt Pritz: Hi. I hope you can hear me. I think this is a really good list of – I think this is a really good list of issues. You know, looking at the PowerPoint I think the next version of it could be to sort of standardize the approach to each one of these issues. So like for example in some of the issues like independent objector you asked, you know, was the objective met? And in other issues like, you know, the objections process or backend accreditation you kind of get right into the issue which is, you know, should we have a backend accreditation? Should we consider that?

And so, you know, the next deck of slides, as we substantively discuss each issue, might be, you know, what was the policy issue? What was the policy goal for the independent objector? What was the policy goal for not having a backend accreditation now? And then we can discuss whether that policy goal was met and then we can discuss, you know, whether we should change the policy or we need to change, you know, how it was implemented.

And I think if we, you know, that's not as good as it can be but if we sort of go through it like a standardized list of each issue then we'll have a really, you know, a better report at the end that's defensible.

Jeff Neuman: Thanks, Kurt. I think that's really helpful. And I think we do need to discuss next steps on that. And I think whether it's this PowerPoint we use going forward or whether it's some new document or way to go about but I certainly think that one thing the discussion group tried to do initially in their document, which is attached to the final report, was to say, you know, what was the policy goal? I think that's in there. And these issues are kind of listed by that. So maybe we can resurrect that in a way – in a better way to address your comments.

Okay any other comments or questions on these issues? All right then I'm going to turn it back over to Steve to go through Number 4.

Steve Coates: This is Steve Coates. So we received a letter from Steve Crocker to this PDP and the CCT RT regarding ALAC and GAC concerns, the effectiveness of the public interest comments for sensitive new gTLDs. Thanks for putting that letter up.

So here is the letter. And I think it raises things that we, you know, have at least generally discussed in prior calls and we have to talk about what sort of response we should send. Avri is saying I'm hard to hear. Are you guys able to hear me okay? Is that better?

Better now. All right, I'll repeat again. So we received a letter from Steve Crocker to this PDP and the CCT RT regarding ALAC and GAC concerns on the effectiveness of public interest comments commitments for sensitive new gTLDs. In essence they are asking us to coordinate on specific issues. We've briefly addressed these in prior calls, at least in general this particular issue. And we need to talk about a method of response to the Board.

Is that better? Yes. I'm going to open it up to Jeff who has his hand raised.

Jeff Neuman: Yeah, thanks. I guess I'll kick this off. I think I do think that I like that this letter was referred to us and the CCT Review Team. I do think that the creation of yet another group to look at these questions would get – would be a lot of overlap with the work that we're doing and the work that the CCT Review team is doing.

I think these questions are captured in the issues that we had laid out but if they're not I think we should make sure that they are reflected in there. And I think certainly we have participants from the At Large and can certainly have – and we have a couple participants from the governments although it would be great to have, you know, more from both groups. But I do think that this – these issues are ones that are – that we could consider and I think a response back to the Board would be – to thank them for the referral and to

let them know that these are areas that are properly within the GNSO to consider.

Steve Coates: Thanks, Jeff. Alan, you have your hand raised.

Alan Greenberg: Yeah, thank you. Since I am implicated in this just a little bit, I think at this point, you know, Jeff put in larger words than I was going to put in that basically just says “noted” and that, yes, the items are in our work list and when we come to them we will make sure to factor in the issues that have been raised by the GAC and the ALAC which – where they suggested that a new committee might be formed. But that just assuring the Board that we will look into them at the proper time. So I think that’s quite reasonable.

Steve Coates: This is Steve. I think that the general consensus is this is a good letter. It’s things that we’ve addressed. It talks about, you know, our coordination with the CCT. We foresaw that. We foresaw, you know, issues of coordinating with the GAC and getting participation. So forgive me, my computer just shut down. It seems to me that a short and sweet response is necessary and appropriate. Any concerns or questions with respect to that particular approach?

Alan Greenberg: Just one more thought. And I would – I guess we also have to say, and we will coordinate with the review team – the CCT Review Team.

Steve Coates: I see Amr in the chat has said that these questions also came up at the GNSO closing session in Marrakesh. Thank you, Amr. Any other questions and concerns? I see Jeff’s hand’s raised. Jeff, please.

Jeff Neuman: Yeah, I think Amr brings up an interesting point that we need to clarify because Amr said that these issues were brought up in the context of the current 2012 round. When we write the letter our – we should make it clear that currently our only – our only jurisdiction is over subsequent procedures

and not to give an opinion on the current round and what should be applied to the current TLDs or the 2012.

I just want to make sure that everyone understands that in the letter back that we are not, you know, we could talk about lessons learned obviously but I don't believe our jurisdiction would have an impact on the current TLDs. But would be glad to hear from others.

Steve Coates: Steve Chan, I see Steve's hand has been raised for some time. Steve, can I turn it to you?

Steve Chan: Sure, thanks Steve. This is Steve Chan from staff. And I'm not going to address what Jeff was just discussing. I did want to raise another point that I believe was on the last call the working group had discussed sending a letter to the GNSO Council to inform them of the – or I guess make them aware that this working group is aware that there are concerns from the ALAC, GAC about the progress of this working group.

And I would perhaps propose to the working group that perhaps that letter is no longer needed as a result of this letter. And so I just wanted to put that forward for discussion. Thank you.

Steve Coates: Thanks, Steve. I agree with that approach. Alan, you have your hand raised.

Alan Greenberg: Yes, thank you. Regarding what the issue that Jeff raised, to be clear there has been a lot going on over the last several years regarding the GAC Category 1, Safeguard 1-8 TLDs. A lot of the earlier discussions were how do we fix the problem with the current round, that is not the issue that is being raised at the current time. The current time the current round and the advice that the ALAC provided to the Board, and I believe that goes along with what the GAC said in their communiqué is in – from the lessons learned so we don't make the same mistakes in this future round. So there is no intent from

the current GAC – the current ALAC advice to try to fix problems in the current round. Just to be clear.

Steve Coates: Thank you, Alan. Steve Chan, do you still have your hand raised there or is that an old one? No, okay. Any other questions or comments regarding the Crocker letter? Seeing none I think that moves us to Number 5. We still have 15 minutes in this call. And this is regarding liaisons, participants, from the SO and ACs.

I think there's a general question about – or at least there have been several questions about, you know, liaising with the different groups. Does anyone want to kick that one off for me? I know Mary had a few comments about the – coordinating with the GNSO and staff liaising. Avri.

Avri Doria: Thanks. This is Avri speaking. Kavouss did give a fairly good explanation of why such might be useful. I think that for us it breaks down to the question, do we wish to invite liaisons from the other groups? Have participants from them? The questions then would be would they be able to provide liaisons? And that's not a question that we can answer. Although we have had experience in the past with the difficulty some groups have in providing liaisons. But I think the question for us is do we want to invite them? We already have one from the CCT. We have one from the GNSO in Paul.

And we certainly have various prescribed methods for interacting, for example, when we go out for stakeholder group, constituency and SO/AC comments, we do have directly defined procedures for how to interact with the SOs and ACs that may supply comments.

And then of course there is the GAC early processes which I don't know whether we can become part of this I guess that was a pending question. I forget which of us was following up on that but I don't know whether we have had a chance to do that.

So the question is do we want to invite liaisons? I personally see no problem with it but I also don't know that I think it's necessary. So I think – I just wanted to sort of add that to the beginning of the conversation. Thanks.

Steve Coates: This is Steve. I see, Julie, your hand is up.

Julie Hedlund: Hi, thanks Steve. This is Julie Hedlund from ICANN staff. Just want to point out following Avri's comments that SOs and ACs can indeed appoint their liaisons to this PDP working group or any PDP working group. And but that is not something that's prescribed by GNSO's rules, that would be whatever that group's rules are, you know, so if SSAC wanted a liaison, for instance, you know, SSAC may have rules concerning that but GNSO does not.

The point is that anybody who comes into this PDP working group as a liaison from another group doesn't have any special status within this particular PDP working group. I mean, they may have a special status in their own group as a liaison but in this working group they would just be a working group member same as any other.

Steve Coates: Thanks, Julie. Alan Greenberg, I see your hand is up.

Alan Greenberg: Yeah, thank you. I really don't see the benefit of doing it other than to tell us who it is that we should ask, you know, does the ALAC have an opinion on this or does the ALAC have any input on this. And the same would be true not only for ACs and SOs but constituencies and stakeholder groups within the GNSO. And certainly in the past we've sort of, you know, figured out who it was that was talking on behalf of the groups if there was anyone talking on behalf them.

And since everyone is a member here, you know, a member or participant but whatever, they still have to be able to say I'm wearing the ALAC hat right now or I'm just wearing my personal hat. So I don't really see the benefit of having people labeled as liaisons to this group. It's needed for the GNSO

because the GNSO is managing this group and it's needed for the CCT RT because that's a disjoint group that we want to make sure that we're coordinating with. But I really don't see the purpose of adding new titles. I don't see what it adds. Thank you.

Steve Coates: Thanks, Alan. Julie, is that your hand still up or is that an old hand? Old hand.

Julie Hedlund: Sorry.

Steve Coates: So if I'm taking (unintelligible) correctly that there is no perhaps need to proceed – my computer is flipping out – to proceed any further with special liaisons other than the ones we have. Is there any other questions, comments, concerns? I see some people entering into the chat. Alan.

Alan Greenberg: Yeah, it's Alan. The only exception I can think of is the GAC and if the GAC really is going to have to trouble having active members on this maybe a liaison is necessary to ensure good communications back and forth but that would be – effectively be a liaison that's not on most of our meetings so that one I could see if the GAC feels a strong need for it. But that's the only exception I can think of to what I said. Thank you.

Steve Coates: Thanks, Alan. That seems to be the consensus. And of course, you know, as Mary notes it's up to each SO/AC to decide if they want to appoint someone and of course we would have them should they wish to participate but it looks like there's no special need to go out and have and encourage active participation. Any questions, comments or concerns with that approach?

Seeing no comments and no hands it looks like we can close that one out. That ends our agenda for today. Any other comments or questions as for the next call? Anything to add to the agenda? Seeing none, Steve Chan, I'm going to put you on the spot to tell us when the next call is because I can't see it in my calendar.

Steve Chan: Thanks, Steve Coates. This is Steve Chan from staff. And the next meeting will be the 4th of April at 2200 UTC based on the rotating schedule. I would note that I'll take as an action item, at some point in the near future when more of the world has switched their clocks for daylight savings or whatever the case may be, we will have a slight modification to the timing but for the moment it remains 1600 and 2200 rotating. And just to confirm the next one will be at 2200 UTC on the 4th of April. Thanks.

Steve Coates: Excellent. So I think we can end this call 7 minutes early. Thank you all for participating. And we'll speak to you next week.

Alan Greenberg: Thank you, all.

Avri Doria: Thank you, everyone.

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