

Michelle DeSmyter>Welcome to the New gTLD Subsequent Procedures Working Group call held on Monday, 04 April 2016 at 22:00 UTC

Michelle DeSmyter:If you do wish to speak during the call, please either dial into the audio bridge and give the operator the password NEW gTLD, OR click on the telephone icon at the top of the AC room to activate your AC mics. Please remember to mute your phone and mics when not talking.

Kavouss Arasteh:Hi Michelle, Hi Steve, Hi all

Michelle DeSmyter>Hello, welcome Kavouss!

Cheryl Langdon-Orr (CLO):Odd Audio .. someone needs to mute Steve Chan:Hi Kavouss, everyone! Welcome to the call.

Kavouss Arasteh:Michelle,

Kavouss Arasteh:I have not been dialed up yet

Kavouss Arasteh:Could someone ask the operator to dial my Number pls

Michelle DeSmyter>Hello Kavouss - I just sent you a private chat

Jeff Neuman>Hello all

Cheryl Langdon-Orr (CLO):hi Jeff

Steve Coates (Twitter):Just dialing in now.

Yoshi Murakami(JPRS):Hi

Jeff Neuman:Steve Coates - You have a much better phone :)

Vanda Scartezini:hi everyone!!

Jeff Neuman:No its just my sloppy typing

Cheryl Langdon-Orr (CLO):LOL

Frederic Guillemaut SafeBRands>Hello all

Phil Buckingham:hi everyone

Carlos Raul Gutierrez>Hello

Carlos Raul Gutierrez:Dont need a phone bridge apparently all is fine

Carlos Raul Gutierrez: thank you Steve

Mary Wong:Per question about Dr Crocker's letter, it was to ask the WG (and the CCT Review Team) to review the concerns raised by the ALAC and the GAC regarding effectiveness of the PICS safeguards (from the GAC's Category 1)

Vanda Scartezini:i will remain just at Adobe.

Jeff Neuman:Someone should mute

Mary Wong:Please mute if you're not speaking, thank you!

Cheryl Langdon-Orr (CLO):MUTE

Carlton Samuels:Howdy all

Rudi Vansnick:sorry had connection problems ..

Vanda Scartezini:hi Rudi, Carlton, Cheryl...

Cheryl Langdon-Orr (CLO):Hi

Rubens Kuhl:Echo echo echo

Vanda Scartezini:ecco

Carlton Samuels:Hi Vanda, CLO, Rudi

Rudi Vansnick:a lot of well known people here ;)
Carlton Samuels:Hi Alan
Alan Greenberg:Howdy
Vanda Scartezini:hi Alan
Craig - fTLD Registry:Can you please make the font a little larger?
Cheryl Langdon-Orr (CLO):second readings in Meetings is a good practice
Steve Chan:@Craig, you should be able to adjust the font size on your end
Craig - fTLD Registry:Yep, thanks!
Cheryl Langdon-Orr (CLO):and BTW that started in ccNSO FOI WG as a practice ;-)
Martin Sutton BRG:Agree with Jeff - this helps with the time zones where some may not be able to join each call.
Vanda Scartezini:+ 1 Alan
Cheryl Langdon-Orr (CLO):Also a decision LOG is helpful
Cheryl Langdon-Orr (CLO):helpful
Kavouss Arasteh:Alan+1
Cheryl Langdon-Orr (CLO)::-)
Alan Greenberg:First reading decision is normally the result of discussion and therefore not documentable ahead of time.
Carlton Samuels:@CLO: +1 on decision logs
Steve Coates (Twitter):I don't hear anything, Jeff.
Kurt Pritz:What this list lacks is the Terms of Reference
Kurt Pritz:There were four of them
Carlos Raul Gutierrez:do we still need the word "should"?
Kurt Pritz:1) Whether there should be new TLDs.
Carlos Raul Gutierrez:I think IDNs are a fact of life now
Kurt Pritz:2) What are the criteria for awarding them?
Craig - fTLD Registry:Agree with Alan.
Carlos Raul Gutierrez:agree with Alan
Steve Coates (Twitter):I tend to agree with Alan.
Kurt Pritz:3) What is the allocation process
Rubens Kuhl:At that time both ccTLD IDN Fast Track and gTLDs were under consideration.
Cheryl Langdon-Orr (CLO):yup agree
Kurt Pritz:4) What should be the contractual terms
Donna Austin, Neustar:If any of these Principles are considered no longer available, do we need to formally say why this is so?
Donna Austin, Neustar:sorry, no longer applicable ...
Kurt Pritz:The principles, recommendations and implementation guidelines are meant to answer these four overarching questions
Cheryl Langdon-Orr (CLO):I would think a rationale is important es Donna
Cheryl Langdon-Orr (CLO):Yes

Alan Greenberg:I think we demonstrated realtively well that we were not able to honour Principle A in the first round.

Donna Austin, Neustar:@Alan, that may be the case but the principle remains relevant.

Vanda Scartezini:Anyway could just astate new top level domains can be in both ASCII and IDN formats

Cheryl Langdon-Orr (CLO):yup

Greg Shatan:Agree.

Carlton Samuels:@Vanda: +1. Just state that as a principle

Jon Nevett:Vanda +1

Vanda Scartezini:in a better english please

Carlton Samuels:I would like to see a principle here that take out and make geographic and service provider diversity a major goal!

Greg Shatan:I agree with Vanda that "C" is not well drafted, and should be revised for that reason.

Rubens Kuhl:+1 to sync wording with new bylaws.

Cheryl Langdon-Orr (CLO):Thx Greg

Rubens Kuhl:I don't think there is anything in the principles that would prevent service-provider accreditation and/or aggregated evaluation.

Alan Greenberg:I wasn't suggesting that we not do it. It was just an observation.

Steve Coates (Twitter):Agree with you Jeff.

Robert Burlingame (Pillsbury):For C, perhaps "One of the reasons for introducing new top-level domains is that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. Furthermore, the introduction of new top-level domains has the potential to promote: competition in the provision of registry services; consumer choice; market differentiation; and geographical and service-provider diversity.

Kevin Kreuser:we should scrap principle B. cannot control what is applied for. C covers IDNs.

Robin Gross:I'm not on audio, but this one (Principle G) was not or at least insufficiently implemented.

Ayden Ferdeline:re: G, why only the "applicant's" freedm of expression rights?

Carlton Samuels:Refer G: I think more should be said about the string evaluation process. There's more to it than freedom of expression!

Tom Dale (ACIG GAC Secretariat):Just to draw the WG's attention to the GAC 2007 Principles on New gTLDs, which are advice to the Board. Not suggesting anything specific for this current discussion but I expect that GAC members will wish to raise some aspects of them at some point. I can circulate the link to the mail list.

Rubens Kuhl:@Ayden, because other freedom of expression rights are covered by overall consensus policies.

Donna Austin, Neustar:@Tom, does the GAC intend to revise their Principles in light of the 2012 round?

Robin Gross:I disagree with removing principle g

Carlos Raul Gutierrez (mobile):@robin it was suggested to move from principles to recommendations

Carlos Raul Gutierrez (mobile):not to eliminate

Tom Dale (ACIG GAC Secretariat):Donna, that has been alluded to in GAC discussions but the specifics of a process are yet to be discussed in detail.

Donna Austin, Neustar:Thanks Tom

Jon Nevett:agree with Robin

Robin Gross:The recommendations and principles are supposed to work together. They aren't an either or proposition.

Carlton Samuels:@Greg: I agree with Greg to the extent that principles should be inviolate. I think it is important to scribe a principle on the string evaluation process because so much of outcome depends on this!

Vanda Scartezini:being under principle further discussion will not change it while as recommendation can be follow or not and related to rights it is relevant to pay attention

Carlos Raul Gutierrez (mobile):correct @Robin, but the whole list suffers from the expectations that something could go early

Greg Shatan:We should either make "G" a recommendation or move some of the recommendations up to principles.

Carlos Raul Gutierrez (mobile):go wrong

Rubens Kuhl:A is the least followed principle, with G second. B to F were followed.

Kavouss Arasteh:I am disconnected

Kavouss Arasteh:I do not hear or unable to hear the reaction to my suggestions

Michelle DeSmyter:yes

Steve Coates (Twitter):I would change to "that are recognized under international principles of law."

Robin Gross:Julie, I'm not on audio, but could you please include in the notes my objection to moving principle g out of principles? Thanks.

Greg Shatan:Agree with Steve C. re phrasing.

Craig - fTLD Registry:Well we know that didn't happen.

Jon Nevett:Craig +307

Julie Hedlund:@ Steve Coates: I've captured that text.

Julie Hedlund:@Robin Gross: I've noted your objection.

Robin Gross:Appreciate it, Julie!

Kavouss Arasteh:What is principle of law?

Cheryl Langdon-Orr (CLO):I think we should allow for

fexability

Steve Coates (Twitter):+1 to Jeff, we should consider implications to "rolling procedures"

Rubens Kuhl:What general guidance do we have from the policy x implementation WG ?

Kavouss Arasteh:Colleagues, let us retain Principle as they are and not start such conversion

Steve Coates (Twitter):Agree with Greg. Recommendation 1 should not be negotiatiable.

Robert Burlingame (Pillsbury):I agree that "should" would be better than "must" in the Recommendations.

Kurt Pritz:It is ok that a recommendation include the word "must." "Recommendation" means Policy Recommendations that were later approved by the ICANN Board

Kurt Pritz:The 19 points under "recommendations" are the heart of the New gTLD Policy

Steve Coates (Twitter):Just a reminder to mute your line.

Steve Chan:@Steve Coates, it is noted in the Final Issue Report that the impact of switching to a "rolling procedure" should be well understood

Greg Shatan:Once "recommendations" are adopted, they're no longer recommendations; they're policy.

Steve Coates (Twitter):Thx @Steve Chan

Karen:I was just kicked out of the call. Any reason why?

Robin Gross:And the way they are framed in the appendix A (GNSO Policy) are "recommendations".

Robert Burlingame (Pillsbury):So once Board-approved, perhaps "Mandates" instead of "Recommendations"

Robin Gross:to the bylaws, that is.

Mary Wong:@Karen, were you logged in under your own name before?

Cheryl Langdon-Orr (CLO):Fair point(s) Greg

Rubens Kuhl:There are reserved words that would not create technical instability, like .EXAMPLE.

Richard Padilla:Sorry for being late I'm here hi everyone

Jeff Neuman:I just got dropped/

Kurt Pritz:<https://www.ietf.org/rfc/rfc2119.txt>

Kurt Pritz:Definition of Must, Shall etc that has been adopted by ICANN

Greg Shatan:Definition of must: (müst)n." The unfermented or fermenting juice expressed from fruit, especially grapes."

Richard Padilla:Can someone dvise what exactly what is meant by strings should that be fully defined

Richard Padilla:sorry I'm meant should the term strings be fully defined sorry about my english lol

Steve Coates (Twitter):Yes to "what is a reserved name."

Greg Shatan:A string is the set of characters that make up a domain.

Kurt Pritz:@ Richard: I agree. We should get rid of terms like "string" that are not commonly understood

Greg Shatan:Kurt, next you'll suggest we get rid of acronyms!!

Richard Padilla:@greg thanks

Richard Padilla:@Kurt yes when I hear strings I start think of programming it is such a loose used term in computing

Jon Nevett:Jeff, Isn't that on the second level?

Rubens Kuhl:During application a string is not yet a TLD, so it could be either "string" or "proposed TLD".

Ayden Ferdeline:re: recommendation 2, does this only apply to strings in the same language?

Craig - fTLD Registry:ICANN fail - allowing plurals.

Steve Coates (Twitter):At least "confusingly similar" is generally recognized as a concept in trademark law, which is largely consistent internationally.

Rubens Kuhl:@Ayden, this has been decided differently by objection panels. Some included language as criteria, some considered the overall meaning.

Steve Coates (Twitter):Agree with Kavouss, let's tie that definition to "Reserved" with a capital R, in its various forms.

Ayden Ferdeline:thanks @rubens

Carlton Samuels:@Kavouss +1

Carlton Samuels:I'm agreeing with the definitional notion!

Rubens Kuhl:I think that some reserved names would only require exact match blocking, not similarity blocking.

Carlton Samuels:I have to drop off now. School Bord meeting

Steve Coates (Twitter):The former is TM/IP based, the latter are not.

Robin Gross:so free expression concerns was left out of implementation of Rec 3 (which only focused on TM)

Marc Trachtenberg:"Existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law" should go beyond trademark. The existing language argiably does, but in practice did not.

Rubens Kuhl:.home, .corp and .mail

Robin Gross:Julie, I'm not on audio, but can you please include my point above above about Rec 3 in the notes? Thanks!

Harold Arcos:+1 Greg, Richard. Regarding on definition of terms. Point G and Recomm 1.- are joint and are key for many groups who works in HHRR for their countrys.

Kurt Pritz:@ Greg - that is why I referred to the Terms of Reference at the ouset; each of the recommendations point to one of the terms of reference, not the principles

Julie Hedlund:@Robin: Done!

Robin Gross:Thanks, again!

Rubens Kuhl:Robin, I think the Limited Public Interest Objection ended up carrying the active part of rec. 3. But it's debatable indeed.

Steve Coates (Twitter):Yes to that.

Richard Padilla:@Harold Thanks for that

Steve Coates (Twitter):Agree on the language of "purpose" tied to "technical."

Rubens Kuhl:Could be IDN Language support, could be registration volume...

Rubens Kuhl:Currently, they demonstrante passing a pre-delegation test.

Rubens Kuhl:ICANN site describing PDT:
<https://newgtlds.icann.org/en/applicants/pdt>

Martin Sutton BRG:Agree with Rubens - it's the PDT

Frederic Guillemaut SafeBRands:when applying, you had to explain your technical choices. And clarification questions were asked on that matter during the evaluation process.

Rubens Kuhl:On Rec.8, the process ended up only looking at financials with the angle of a commercial registry, while brand registries and community registries could be financed very differently than thru registration revenues. We might choose to let financial be only a due diligence requirement for contract signing but not an application evaluation criteria.

Frederic Guillemaut SafeBRands:for some customers it was already too much to show

Kavouss Arasteh:YES

Rudi Vansnick:indirect financial information is normally found in the business plan the applicant has to present

Frederic Guillemaut SafeBRands:yes

Rudi Vansnick:based on the business plan the financial capabilities are influential depending on when the application is put into the root\$

Rubens Kuhl:I think we moved more to be able handle financial and technical issues with registry transition mechanisms.

Robin Gross:We must do better on Rec. 9 in the future. Too much was changed after the fact and it wasn't fair.

Jay Westerdal:Financial information has not led to any failed registry so far?

Rudi Vansnick:@Robin: +1

Rubens Kuhl:The only sure way to fail financial evaluation was to refuse to provide financial statements. Other than that, no.

Cheryl Langdon-Orr (CLO):yup

Jay Westerdal:New companies formed just to be Registries have no books to exam

Rudi Vansnick:@Jay: the applicant provides a business plan based on information at the moment of drafting the application, should an applicant forecast the fact ICANN rolls out years after the application is entered ?

Rubens Kuhl:BTW, ICANN made all applicants financial projections to fail by requiring a new registrar accreditation in order to sell new gTLDs, so every projection contained in the applications were broken...

Vanda Scartezini:" using" is really a bad word in this context

Kavouss Arasteh:TO WHOM nO. 9 IS ADDRESSED?

Cheryl Langdon-Orr (CLO):agree Vanda

Vanda Scartezini:to ICANN I beleive

Kavouss Arasteh:aRE WE ASKING icann TO DO THAT PUBLICATION USING....

Kavouss Arasteh:perfect twhat you said jeff

Vanda Scartezini:@kavouss "using is really bad word as some of us agreed

Rudi Vansnick:normally tha applicant guidebook should contain process

Greg Shatan:Please mute if you are not speaking, and especially if you are typing....

Rubens Kuhl:"non-discriminatory" would be a nice addition to rec. 9.

Vanda Scartezini:+ 1 Rubens

Rudi Vansnick:"non-discriminatory" -> define the criteria too

Harold Arcos:+1 Rubens

Rubens Kuhl:Or, could be a "should" instead of a "must"...

Kavouss Arasteh:YES

Steve Coates (Twitter):Jeff - 4 minute warning.

Steve Chan:@Jeff, as Julie typed in the notes, you missed Recc 10

Robin Gross:GAC objections impact Rec. 12 - not understanding what a govt might object to

Jay Westerdal:100% agree.

Alan Greenberg:Sure it was....

Rubens Kuhl:This was violated. No other way to state what happened.

Steve Coates (Twitter):10 could use some improvement, especially with additional clasuses, and application of new clauses in existing contracts and renewals.

Jay Westerdal:Sounds illegal to change a contract afterwards

Vanda Scartezini:each contract shall be available for different alernatives now that we know how different aspects of newTLDs can come out from applications

Rudi Vansnick:have there been lawsuits due to the failing base

contract

Cheryl Langdon-Orr (CLO):We do need to 'fix' this matter

Kavouss Arasteh:nEXT CALL

Cheryl Langdon-Orr (CLO):Thank everyone.. Good progress Talk
again next week then Bye for now

Julie Hedlund:Next call is Monday, 11 April at 1400 UTC

Julie Hedlund:1600!

Julie Hedlund:Sorry!

Cheryl Langdon-Orr (CLO):BYE

Julie Hedlund:Yes!

Steve Chan:1600 UTC :)

Martin Sutton BRG:Thanksall

Robin Gross:Thanks, Jeff and all!

Robert Burlingame (Pillsbury):Thank you all.

Christopher Niemi:THanks

Julie Hedlund:Thanks everyone!

Rudi Vansnick:bye

Yoshi Murakami(JPRS):thank you

Ayden Ferdeline:thank you all

Richard Padilla:Later

Frederic Guillemaut SafebRands:bye

Rubens Kuhl:Thanks Jeff, Steve, staff and all!

Vanda Scartezini:thank all

Greg Shatan:Thanks all!

Vanda Scartezini:specially julie....and all stafff