

Michelle DeSmyter:Dear All, Welcome to the New gTLD Subsequent Procedures Working Group on Monday, 11 April 2016 at 16:00 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.

Klaus Stoll:Sorry, I am listening in during another important meeting, so I will refrain from speaking. Thanks!

Jeff Neuman>Hello all...Will start in about 5 minutes

Jeff Neuman:We will start in 3 minutes

Paul McGrady:Good morning all.

Carlos Raul Gutierrez:we can can make a "light" meeting

Cheryl Langdon-Orr (CLO):I am still in another call so will be in chat only until the CWG By-laws call ends then I will ask for my dial out

Harold Arcos:Hello everyone,

Jeff Neuman:Cheryl...I thought that call was in a few hours from now?

Greg Shatan:I am with Cheryl. The CWG call is now. The CCWG call is later.

Cheryl Langdon-Orr (CLO):someone needs to mute

Cheryl Langdon-Orr (CLO):this is the drafting team call... no rest for the wicked

Liz Williams:sorry -- wrong button±

vanda Scartezini:sorry be late.

Cheryl Langdon-Orr (CLO):and my complefor being like I do often in multiple calls at once

Donna Austin, Neustar:@Jim, this got a mention on the GNSO Council list as well.

Jim Prendergast:thanks

Dietmar Lenden - Valideus Ltd:<https://gnso.icann.org/mailing-lists/archives/council/msg18331.html>

Dietmar Lenden - Valideus Ltd:this is the GNSO list mention Jim

Susan Payne (Valideus):what kind of timing do you envisage?

Cheryl Langdon-Orr (CLO):could my dial out held until I finish my other call and free up my landline... thanks, 2 AC rooms and conversations is enough without call waiting beeps in one of my head sets

Jim Prendergast:Thanks Dietmar - I guess now that we are 3 weeks out from the session, I would think ICANN would have a better developed sense of what they are going to cover, who will be the speakers etc.

jorge cancio (GAC Switzerland):Agree with Carlos - this is a work for staff. As to the GAC I feel that GAC-Secretariat was willing to help in this effort.

Carlos Raul Gutierrez:I understand, but I joined GAC only late in 2011, and then money ran out for paying the secretariat and then we spent two years without secretariat

Carlos Raul Gutierrez:@Paul thank you for the good definition "legislative memory"

Liz Williams:I could volunteer to do a precis for the group if that were helpful...from a 2000,2004 & 2012 perspective. It is likely a schematic

Liz Williams:rather than a long document...

Liz Williams:the issue is not just the impact of GAC advice...it is the changes that were implemented from any one's perspective...

Carlton Samuels:Finally! I was knocking and waiting for a while! Good morning all

Jorge Cancio (GAC Switzerland):Agree with Jeff that this catalogue is a worthwhile to make a proper assessment of round 1

Liz Williams:lost the sound...

Carlos Raul Gutierrez:@Jeff I agree it is a good exercise, even necessary, but then the list should be "searchable", instead of a static list. In other words, the Croproation should produce it with the help of volunteers, not the other way around

Phil Buckingham:@ Michelle , sorry I'm late - problem with adobe

Liz Williams:that is a really good idea...AGB and how it didn't quite work by linking to policy, GAC, ICANN et al

Carlos Raul Gutierrez:Annotate in two colors: the statements before it was approved, and the ones AFTER it was approved (by executive order, instead of policy)

Carlton Samuels:@Annotate the guide book would be desirable!

Liz Williams:If Karen Lentz could provide a word version then it's easy to start that exercise

Cheryl Langdon-Orr (CLO):good plan

Paul McGrady:Thanks Jeff!

Carlos Raul Gutierrez:can't we use the one we have in the Google docs?

Can we use the table with the previous comments?

Liz Williams:@jeff -- sorry -- when you mean "discussion of the principles...what are you hoping to get from the discussion? Suggestions, observations?"

Liz Williams:sound is gone

Susan Payne (Valideus):@12 yes still relevant I think to know the process before you commit

Paul McGrady:Are these principles up for discussion? Or, is our remit "subsequent procedures"?

Liz Williams:And there should never be a blanket prohibition on the opportunity to take legal or other action ....

Steve Chan:@Carlos, sharing your screen through the AC room is spotty at best, but it would have been ideal to share the Google Doc instead.

Paul McGrady:Thanks Jeff. I see the distinction

Liz Williams:@ jeff...should there be an EOI whilst the PDP goes on? how do you assess demand...

Carlton Samuels:@#13; was there ever a direct connection between round and demand? And how was demand established?

Liz Williams:and should we "split" a round that assumes that registry technical service providers are "approved" and then any applicant could make a decision about the options they have?

Paul McGrady:Sorry that I have to drop off for a schedule conflict. Thanks Jeff!

Jim Prendergast:ICANN accredits registrars all the time and they still make changes in the process over time

Carlos Raul Gutierrez:@Alan I would not preempt the discussion at this stage

Phil Buckingham:@ Jeff by type ? ie brand , geos IDNs .

Christa Taylor:Alan +1

Alan Greenberg:@Carlos, I am not pre-empting, but giving MY guess at where we are going.

Carlos Raul Gutierrez:If IP was not a problem in the previous round, we may have a separate channel for Brands open as soon as we have done a revision of the procedure

vanda Scartezini:yes, I agree with Alan.

Alan Greenberg:I personally think it would be unwise to eliminate rounds while so many issues are still at play.

Carlos Raul Gutierrez:I wouldn't recommend to start with feelings at this point

Liz Williams:and we did some work on potential demand...and no one could have predicted the number of applicants in the 2012 round because many many applicants kept their intentions completely confidential.

Phil Buckingham:Liz +1 re RST

Jannik Skou Thomsen Trampedach:I thought the GAC had "dictated" rounds?

jorge cancio (GAC Switzerland):Agree that the system of rounds, albeit imperfect, helps to manage

Cheryl Langdon-Orr (CLO):true Liz

jorge cancio (GAC Switzerland):the process

Alan Greenberg:We may never eliminate rounds for efficiency or other reasons, but to eliminate we need a fair amount of stability (such as with RAA rules) and we are not there now.

Donna Austin, Neustar:Given there will be some 5-6 years between the 2012 round and the next, its not unreasonable to expect another large round, but there should not be such a great

lag from the next round to the one after that.

Cheryl Langdon-Orr (CLO):note I am now also in the audio link

Carlton Samuels:@Liz: So estimating 'demand' is no more scientific than a wet finger to the wind!

Cheryl Langdon-Orr (CLO):yup

Liz Williams:@ Carlton...yes but I suspect that the \$185K application fee and the now known costs and risks of the processes will be a guide for potential applicants.

Grace Mutung'u:but with the rounds process, how do we ensure that there more applicants from the global south?

Jannik Skou Thomsen Trampedach:To Grace - one solution would be granting priority to entities from Africa/Lat/Asia (maybe not Panama/Virgin Islands ;-)

Liz Williams:@ Grace...we don't. There is no evidence that any attempts to encourage applicants from the south (I am from Australia!) worked. The issues are not about where one is from. The issue is to make sure that the process is economic for everyone...wherever they come from and whatever language/script they use!

Phil Buckingham:@ Donna - would u expect 5000 -10000 brands in next round .

Grace Mutung'u:@Liz, if there is no encouragement, it leaves people more distant from the Internet

Carlton Samuels:@Grace: The speculation presented to the Applicant Support WG was that 'pent up demand' from the global south was suppressed by certain barriers to entry in the process. It was never proved.

Jannik Skou Thomsen Trampedach:but legacy TLDs dont have to follow the AGB? So would we expect round 1 applicants to adapt to round 2 requirements?

Nathaniel Edwards:Agree with Liz. Plus, there is nothing stopping entities from setting-up shop in the south to game the system and gain priority

Nathaniel Edwards:Let me rephrase, I think encouragment is desired but priority may be a bad idea

Carlos Raul Gutierrez:as long as complaine is not done at arms length from GSS, it is going to be almost impossible to terminate....

Carlos Raul Gutierrez:of GDD

Greg Shatan:I thought you were referring to me (Gregory Samuel Shatan)

jorge cancio (GAC Switzerland):Good point from Carlos

Greg Shatan:Agree with Carlos.

Carlton Samuels:@Nathaniel: True. Some of us understand the DNS is akin to the 17th century land grab! It is in the interest of the continued health of the domain name system for the global

south to have more skin in the game.

Cheryl Langdon-Orr (CLO):Or does so currently Alan ;-)

Carlos Raul Gutierrez:But not at the same level of powers than GDD

Carlos Raul Gutierrez:GDD has a Prsdiente

Liz Williams:@ Jeff ... on 14...we need to be careful here...We have to make sure that ALL legacy operators are able to expect renewal on the basis of compliance with their agreement. However, we are also seeing the disruptive market effects of rebids on very large contracts like .org.

Carlos Raul Gutierrez:Compliance is just an advisory or so

Karen Bernstein:Apologies for arriving late

Liz Williams:Yes I agree but you and I know that it does matter and things like other rebids will take place for, for example, registry technical service providers for portfolio applicants like Minds and Machines that now use Nominet...

Alan Greenberg:A critique of compliance is reasonable, and official reporting structures do not necessarily reflect reality.

Susan Payne (Valideus):There is a distinction between ICANN Compliance (the dept) and this recommendation, which just calls for compliance with a small c

Alan Greenberg:Ultimately, if "the public interest" and contrats are to have any meaning, they need to be followed.

Liz Williams:@ Jeff...and just for the group could you give a quick overview of how IDN guidelines are being reviewed and whether that has any impact on IDN potential applicants.

Carlton Samuels:@Susan: True. There is an insistent body of evidence that says ICANN Compliance as lead must re-imagine its role for better consumer protection.

Liz Williams: Jeff on 19...and now are we going to re-open this debate...we all need a new vertical integration discussion...

Jannik Skou Thomsen Trampedach:on 19 could we add some principles on premium names/reserved names here (volume)

Cheryl Langdon-Orr (CLO):indeed it does Susan

Cheryl Langdon-Orr (CLO):yes we need to review this one

Cheryl Langdon-Orr (CLO):It needs review

Liz Williams:So -- it's likely time to think about recommendations that can easily apply to all registry operators. Getting exemptions for a particular class is always problematic...

Cheryl Langdon-Orr (CLO):not the accreditationpart ;-)

Cheryl Langdon-Orr (CLO):YES to accreditation part Jeff

Susan Payne (Valideus):sorry

jorge cancio (GAC Switzerland):Principle 20 seems relevant for different types of applications with public interest significance

Susan Payne (Valideus):what was the reasoning behind this? did

they have in mind a particular type of community?

Susan Payne (Valideus):assume it wasn't open-ended?

jorge cancio (GAC Switzerland):A key issue is the definition of "community"...

Susan Payne (Valideus):Pro - expectation of those who didn't apply in round 1 that there would be another round

Carlos Raul Gutierrez:...and choice

Liz Williams:@jeff...this question has already been answered...in the last policy process it was agreed that the "whether" question had been answered definitively...going back and re-opening this threshold question is not really going to help.

Jannik Skou Thomsen Trampedach:Liz +1

jorge cancio (GAC Switzerland):This is a "whether" question - more relevant is the "how" question and the answer depends on the mutiple reviews being carried out right now, right?

Susan Payne (Valideus):@Liz - I think the charter expects us to consider this Q

Carlos Raul Gutierrez:@jorge yes

Carlos Raul Gutierrez:not for all segments

Michael Flemming 2:con - The added weight of having the ability to apply for a tld introduces more necessary protections for brand owners which ends up being more costs.

Christa Taylor:Con: Enough data has been collected to determine if a success or not

Liz Williams:@ Jeff...it is actually easier to ask the question in reverse... "we stop all new TLDs now". Therefore we stop the PDP and we all stop doing what we are going NOW

Cheryl Langdon-Orr (CLO):it MAY be a con

Carlos Raul Gutierrez:i guess there is a lot of room for OIDNs

Carlos Raul Gutierrez:IDNs

Cheryl Langdon-Orr (CLO):and it my noot b blsnket

Karen Bernstein:Con, there are already so many gTLDs that the market is already saturated.

Christa Taylor:Con: We don't even have a 'success' bar to say whether a given metric is/is not a success

Martin Sutton BRG:Con - could be viewed as anti-competitive

Liz Williams:@Alan...and we are heading into the fourth round...not the second...2000, 2004, 2012 and we are aiming to open the market for subsequent rounds...

Karen Bernstein:Con, the cost of the application process is cost prohibitive

jorge cancio (GAC Switzerland):I feel the answer should be on hold, as long as we have the full results from the reviews being conducted. Not that the answer is "no", but no meaningful answer may be provided until then apart from "yes, under conditions

still to be developed in light of the reviews still to be concluded"

Phil Buckingham:Cons Domains bought for speculative purposes not use .

Karen Bernstein:Agree with Greg. The background check process for applicants was not very stringent. Indeed, applicants gamed the system to get around the background check process.

Martin Sutton BRG:yes

Martin Sutton BRG:ok - sorry

Jannik Skou Thomsen Trampedach:pro - additional cities/regios/comunities may now have discovered the opportunity to apply for and operate a new gTLD (which they did not discover in 2011...)

Christa Taylor:Pro: additional brands could help propell the current level of registrations and/or success

Karen Bernstein:The cost should be lowered

Karen Bernstein:to allow other underprivileged groups to apply

Karen Bernstein:to apply

Susan Payne (Valideus):Pro - there is likley to be further demand for IDNs for those whose first language is non latin script

Jannik Skou Thomsen Trampedach:pro: if there is just one new applicant - this proofs there is a need in the market

Karen Bernstein:kind of. Really it's about the ability to pay for the applications.

Jannik Skou Thomsen Trampedach:pro - new gTLDs have highed security demands than legacy TLDs - the more new gTLDs the bigger the protection of registrants (support for move away from legacy tLds)

Grace Mutung'u:+ 1 to Karen.

Liz Williams:@ jeff...as part of the information gathering, would it be helpful to do a stakeholder applicant EOI?

Carlton Samuels:Q? How does one 'game' the system to get around bckground checks? Isn't that a baseline requirement?

Phil Buckingham:Pro - to further enhance consumer choice , consumer trust and competition

jorge cancio (GAC Switzerland):Just to have on record the Marrakech GAC advice on the issue of moving forward to new rounds: "The GAC therefore reiterates previous advice to the Board to:I. ensure that a proper assessment of all relevant aspects of thenew gTLD program is made, taking into account feedback fromall stakeholders, and that development of future rounds shouldbe based on the conclusions of this assessment."

Greg Shatan:I have Adobe in front of me....

Liz Williams:@ Jeff...wouldn't that answer the question? Why waste the group's time if there is no interest in future

rounds? I really hope that there are heaps of rounds that are simple, cost effective and predictable but we need to ask do outreach (actually ICANN should do that)...

Grace Mutung'u:it would be nice to have other ways of getting new gTLDs...other than competitive bidding

Carlos Raul Gutierrez:the chair whould have poweers to bring hands down

Carlos Raul Gutierrez:should have powers

Greg Shatan:Carlos -- all of the hosts do have that power, but having a power and deciding to exercise it are very different things.

jorge cancio (GAC Switzerland):Dear Jeff: we need to wait for the result of the reviews to consider all pros and cons

jorge cancio (GAC Switzerland):without prejudice to working with the available info

Martin Sutton BRG:Pro - the latest round delivered hundreds of new gTLDs (with some things working well, others not)

Cheryl Langdon-Orr (CLO):Yes we will need fo revisist the Pros and Cons

Martin Sutton BRG:demand and delivery

Martin Sutton BRG:thx

Jannik Skou Thomsen Trampedach:Would toss in a new category (instead of community TLDs) - "non profit"\_gTLDs

Carlos Raul Gutierrez:The most intersting question if if some categories had more succes in the aplication and in the market than others.

Phil Buckingham:+1 Jannik

Carlton Samuels:I have to drop off in 3 folks; a for-fee event in my path.

jorge cancio (GAC Switzerland):The 2012 AGB in a way established different categories, but did not establish consistent rules all along.

Martin Sutton BRG:Significant groups identified in the last round should be used to inform the next round, with adjustments to contracts where relevant

Martin Sutton BRG:Highly regulated category

Martin Sutton BRG:or restricted category, as Susan sated

Martin Sutton BRG:sated = stated

jorge cancio (GAC Switzerland):There are a number of public interest "categories": geographic names, community based applications, other applications with strings that have a public interest significance...

Liz Williams:@ Susan ... so that is just domain name registration policy. We really shouldn't be tying ourselves in knots about the REGISTRY label. We should only focue on whether an applicant has articulated their domain name registration

policy...so much easier and must less problematic for evaluation panels AND for future changes to use of registry

Phil Buckingham:Split the open - IDNs and non IDNs.

Carlos Raul Gutierrez:.ngo has already been delegated, or not?

Liz Williams:@ jeff...yes and I'll be preparing for that by illustrating the negative effects (in this round and in previous rounds) of trying to force applicants to declare that they are "something" and then having to prove it for the evaluation process. total madness ensues.

Susan Payne (Valideus):@Liz - somewhat agree - but some of these restricted ones are due to requirement for regulation eg due to GAC advice

Greg Shatan:There should always be the option of being "not categorized"

Liz Williams:@Susan...but if you drill down in the GAC advice for highly regulated sectors it is really only about domain name registration policy and then subsequent use of the domain by "validated" people (doctors, lawyers, bankers et al)

Jannik Skou Thomsen Trampedach:WE should also discuss if/how a gTLD operator can later change category (we had the Change request - but what about AFTER delegation?

Phil Buckingham:@ Greg eg -Patagonia - country/ territories v corporate company

jorge cancio (GAC Switzerland):Categories could help in treating different situations differently - and hence more equitably

Liz Williams:@ jannik...there are plenty of options for registry operators to apply for RSEP (and pay the big fee!) to do that.

Cheryl Langdon-Orr (CLO):I'm (and always have been) comfortable with the notion of ung categories, but if/when we decide on using them then we hv LOTS to work on in that

jorge cancio (GAC Switzerland):At the same time, clear and consistent categories may improve legal certainty

jorge cancio (GAC Switzerland):Agree with CLO on overlapping calls :-)

Greg Shatan:It was the \*other\* call that was the encroacher... :-)

Julie Hedlund:@CLO we do try to avoid overlapping calls whenever possible.

Julie Hedlund:Yes, 2200

Julie Hedlund:Next Monday

Cheryl Langdon-Orr (CLO):Thanks Jeff thanks everyine, progress cntnues here tlak agin soon...

Susan Payne (Valideus):thanks, good call

Martin Sutton BRG:Thx Jeff et al

