

Michelle DeSmyter:Dear All, Welcome to the New gTLDs Subsequent Procedures PDP WG call on Monday, 02 May 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.

Jeff Neuman>Hello all!

Jeff Neuman:I will play the role of chat monitor today :)

Carlos Raul:what?

Carlos Raul:Co-chair monitoring whats goin on in the Backbenches?????

Carlos Raul:no way Jeff

Jeff Neuman:That's the beauty of 3 co-chairs...

Carlos Raul::)

Roger Carney:yes

Christopher Niemi:Yes, there is an echo

Richard Padilla:hello all

Steve Coates (Twitter/BC):Active link:

<https://community.icann.org/display/NGSPP/e.+Action+Items>

Steve Chan:Apologies, I realized that, it's also missing the status and complete date columns.

Steve Coates (Twitter/BC):You can view those items in the active link, if you have access.

Carlton Samuels:Howdy all

Heather Forrest:These calls have been a bit rough for Asia Pacific timezones

Carlton Samuels:Its difficult to hear the speaker

Carlton Samuels:Yessir Jeff. A little better

Robin Gross:these times seem to work for me

Steve Coates (Twitter/BC):Or if we are losing people who cannot make the times that we've made for the call.

Heather Forrest:A rotation would be helpful to share the pain

Carlos Raul:@Heather +1

Heather Forrest:Thanks, Avri! :)

Heather Forrest:oops wrong list

Cheryl Langdon-Orr (CLO):all for sharing the pain

Heather Forrest:This time is good for APAC

Carlton Samuels:+1 to rotation. My friend and colleague Cheryl Langdon Orr could say a word

Carlton Samuels:Aaah she did!

Cheryl Langdon-Orr (CLO):I just get annoyed when all the calls in a WG Never suit APAC

Cheryl Langdon-Orr (CLO):That of course doesn't stop me attending at unfriendly hours of course ;-)

Rubens Kuhl:Cheryl, Heather: what UTC time range would make

easier for APAC ?

Carlton Samuels:Don't I know that! Which is why I say you have an abundance of standing here!

Carlos Raul:Rubens, lets calculate it the other way around: how many hours of sleep (6?) and between which hours (Midnite to 6am?) and let the system work it out

Carlos Raul:shouldn't take a masters degree in math

Heather Forrest:@Rubens - staff have a fabulous Excel chart that we have used in other WGs - it shows the "dead zone" in all the time zones, is colour-coded green, yellow, red

Steve Coates (Twitter/BC):Active link:

<https://community.icann.org/x/Jz2AAw>

Carlos Raul:@Heather, @Rubesn there you go, the probom has been around for quite some time

Jeff Neuman:@Heather. We have done that here as well. Pwehaps Mr. Chan can send that around

Jeff Neuman:"perhaps"

Steve Chan:@Jeff, it's not as colorful as the one Heather is referring to

Steve Chan:I can look into making it as pretty as that one.

Heather Forrest:Great, gang, thanks! If we can avoid any zone in the red that would be wonderful, or at least no group in the red every meeting.

Carlos Raul:<Question> Avri can you explain #10 please?

Heather Forrest:+1 Jeff re need to clarify "rounds"

Carlton Samuels:@Jeff: +1. Not as odd as you'd think!

Carlos Raul:Windows

Alan Greenberg:Those are rounds, but overlapping rounds

Carlos Raul:@Jeff predictable and scheduled rounds: my answer to Jeff it is YES, something like that would be nice rounds

Steve Coates (Twitter/BC):I think that depends if applications are accepted in specific periods, but the reviews of the applications could be ongoing, etc.

Rubens Kuhl:The word "round" suggests to me that there is no assurance a next procedure will occur, which hurts predictability.

Cheryl Langdon-Orr (CLO):'Rounds' = 'application opportunities'

Carlton Samuels:@CLO: +1. That is baseline hard to misunderstood!

Steve Coates (Twitter/BC):+1 to Paul's comments on the concerns from a brand/marketing perspective.

Jeff Neuman:I like the music analogy

Jay Westerdal:Work load produced by a round needs to be measured.

Rubens Kuhl:Considering how long some contention sets from the

2012-round will take to solve, we will probably have overlapping rounds anyways.

Harold Arcos:<Q>@Avri: In # 10 You try to say that generic words could be manipulated as brands ?</Q>

Carlton Samuels:@Avri: Application opportunities in fixed time frame and where all applications are resolved.

Jeff Neuman:@Harold

Carlos Raul:we are getting closer to a definition of "pipeline" instead of rounds

Rubens Kuhl:Carlos Raul, you might prefer muting phone or AC for now...

Jeff Neuman:@Harold, these were points that came up during the last call...they are not Avri's points

Carlton Samuels:@Carlos: I'm suggesting a fixed time for applications and round ends when all applications are disposed of!

Kurt Pritz:Start with a generic definition of Rounds: a period of time, with a specified opening and closing date, where new gTLD applications are accepted for evaluation. One hallmark of an application round is that the timing of the application submission during the round is not used as contention resolving criteria (i.e., first-come, first served does not apply).Then discuss the allocation rules once a decision is made to have rounds. Rules that apply to allocation might be: length and frequency of rounds; whether they start at a date certain each year, rules for resolving contention.

Carlos Raul:@Kurt: are we talking about "application rounds", separate from the rest of the process?

Jay Westerdal:If a workload from a round takes 2 years, the next round should be based on that load

Steve Coates (Twitter/BC):I think we should bifurcate the application process and contention process apart from the overall process, as they are various ways this could all be implemented. e.g. ongoing applications could result in periodic contention sets.

Paul McGrady:What we just went through was "one kind of round" but we shouldn't limit use of the word "round" to just that kind of scenario.

Harold Arcos:Thanks @Jeff; I remember them but I tried highlight the redaction. I know it is not a Avri pov. sorry for any inconvenience.

Carlton Samuels:In my view application is a distinct phase in the round with a fixed beginning and end date. Then there is processing and finally delegation. These timelines are elastic. But the round ends when ALL applications are adjudicated, from application thru rprocessing to delegation. Or

not.

Robin Gross:It seems to me we should be first asking if we want new gtlds at all, and ONLY IF the answer is yes, do we determine if we want "rounds" and what they should be.

Jeff Neuman:@Robin - that is overall question 1

Harold Arcos:@Carlton: A fixed time, Could not be read as conditioned for others interested?

Steve Coates (Twitter/BC):I love bifurcate.

Jeff Neuman:We have to proceed with all other overall questions on the assumption that the current GNSO Policy stating there will be additional introductions of new TLDs

Jeff Neuman:will occur

Carlton Samuels:@Harold: Yessir. But at least everybody knows the same time.

Carlton Samuels:@Robin: Your question is one we are pondering in the CCT RT

Robin Gross:Thanks for the clarification!

Carlton Samuels:We are examinging the premise on which they were forked; demand and competition.

Carlton Samuels:Big matter is how de we measure demand? And whose demand are we measuring?

Carlton Samuels:@Robin: Would be happy to hear your views on the CCT RT.

Carlos Raul:@Jeff by spearating the steps, allowing fro applications will give you a level of demand, but then is the question how long the next step takes

Jay Westerdal:accepting, evaluating, and adjudicating should be the first phase in a bifurcated round

Steve Coates (Twitter/BC):Several trademark offices deal with contention in various ways. For example, in Israel, you can file a trademark application to establish a priority date, but for terms of who is considered "first" the filing date is irrelevant, and it can be considered the same as s a trademark filed a few months later. TThis could be managed in a similar wary.

Steve Coates (Twitter/BC):I'm sorry, my chat is inserting/changing letters.

Jay Westerdal:Second phase would be delegating

Steve Coates (Twitter/BC):That's right Jeff, overall that is a competition concern.

Kurt Pritz:@Carols

Julie Hedlund:See the Google Doc:

https://docs.google.com/document/d/1Qwbdz_iwAHVvpJwm2RPJK5w07QXxjM9QNn0NAYquVT8/edit?usp=sharing

Carlton Samuels:Are we saying that there will be expressly limited legal recourse defined here?

Jeff Neuman:@Carlton - Not sure what you are referring to? Can

you explain

Carlton Samuels:@Jeff: #2 in Pros

Heather Forrest:@Avri - thanks - good suggested way forward

Carlton Samuels:It refers a priori 'work out' of legal and application processes..

Steve Coates (Twitter/BC):Best to drafting teams, but agreed, that would be very helpful - some order.

Cheryl Langdon-Orr (CLO):yes

Heather Forrest:+1 Jeff - obvious that the existing rules are lack predictability, and different treatment of similar applications suggests that the lack of predictability affects not only the applications procedures but the evaluation procedures as well

Kurt Pritz:Are we discussing pros and cons of predictability or how to achieve it? "Predictability" is our existing policy. From the GNSO Policy: "New generic top-level domains (gTLDs) must be introduced in an orderly, timely and predictable way." And. "All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process."

Robin Gross:Too many contentions became "beauty contests", totally unpredictable.

Carlton Samuels:@Jeff: I beg to suggest that would be a crap shoot. Anybody, not just folks with more money than sense, would wish to reserve the right to judicial review. I should think so long as ICANN is and remains a California public benefit corporation the right to petition the district court cannot be predicted...or denied.

Heather Forrest:I'm not a California lawyer but I would expect that denial of judicial review wouldn't be supported in local law

Heather Forrest:@Jeff- sorry - not picking on you, just supporting your comment

Heather Forrest:~)

Steve Coates (Twitter/BC):In New York we call that busting balls.

Jeff Neuman::~)

Rubens

Kuhl:https://en.wikipedia.org/wiki/Federal_Arbitration_Act denies judicial review, but some exceptions have been established by courts. And at least the court have the authority to verify the provisions of this act applies.

Rubens Kuhl:For instance, do reconsideration and reviews processes fully qualify as arbitration ? Some might believe so, some not.

Carlton Samuels:@Community applications on predictability: They were the antithesis of predictable!

Robin Gross:yes, it is a more generic principle, community TLDs were just one example, not the only one.

Carlos Raul:@CARlton

Carlos Raul:Community are the oposite from GENERIC

Carlton Samuels:We had so many definitions/understandings/expectations of what 'community' means it was enough to give a reasonable person heartburn

Robin Gross:thanks, Jeff.

Rubens Kuhl:Lack of predictability favors more risk-taking organizations while risk-averse organizations don't like it.

Rubens Kuhl:(risk-averse)

Robin Gross:yes, thanks - much better

Jeff Neuman:I won't take it personally :)

Carlton Samuels:@predictability: I'm curious about the categorisation of strings. The elephant in the room is the substance of what is "generic".

Carlos Raul:@Carlton, pure generics "died" in the last round.

Rubens Kuhl:@Carlton: a string doesn't need to fit in just one bucket. A word such as apple can be generic for describing fruits, or not generic for describing electronic devices and online services.

Carlton Samuels:For if the past is any indicator, it seems to some of us 'brands' and 'community' especially are what might be politely termed penumbral; definitely in its shadow.

Heather Forrest:sorry, all, instead of muting I hung up the call. Back now. Sorry, Avri, I missed some of your response but what I heard at the end sounded sensible.

Carlton Samuels:Elsewhere Carlos has suggested predictability be examined best within a 2x3 matrix.

Heather Forrest:Agree that "banned" is likely not the term we want to use

Heather Forrest:Predictability requires clarity/specificity on all reserved/restricted names, not just generics.

Carlton Samuels:@Rubens: Yessir, we are very much aware of that. What we're wrestling with is when do we put it in one or other bucket? For since it exists, we cannot deny the applicant both ways!

Carlton Samuels:Who get the advantage?

Philip Corwin:Would "blocked" be better than "banned"?

Robin Gross:Blocked works.

Richard Padilla:Agree on blocked

Carlton Samuels:@Robin: blocked words is more like it. In this context I can think of the issues surrounding .internet

Jay Westerdal:Lets define name collision list then. Ahead of

round.

Cheryl Langdon-Orr (CLO):+ 1 Alan

Heather Forrest:@Jeff - thanks, that's what I thought but wanted to confirm

Steve Coates (Twitter/BC):+1 on Jeff's comments on more than just a list. We need a process. And an appeal process, if that's possible.

Cheryl Langdon-Orr (CLO):Agree Jeff, we had to have learned a few things ;-)

Steve Chan:FYI, Reserved Names is a distinct Subject, section 4.3.1:

<https://community.icann.org/display/NGSPP/4.3.1+Reserved+Names+List>

Jay Westerdal:sensored words. ;)

Carlton Samuels:Use of "censored" connotes content management...which makes ICANN have the vapors!

Rubens Kuhl:Nope, to the Registry Amendment process.

Rubens Kuhl:Registry Agreement Amendment process to be more precise.

Jeff Neuman:FYI - Have a nasty thunderstorm here, so if I get disconnected that is why, but I am still on for now

Julie Hedlund:@Jeff: Here too and tornado in the area!

Jeff Neuman:I think we should do AOB

Carlton Samuels:Thanks all. Bye all

Carlos Raul:bye bye

Rubens Kuhl:Thanks @ll!

Sara Bockey:Thanks all

Heather Forrest:thanks, everyone!

Christa Taylor:thanks

Cheryl Langdon-Orr (CLO):thanks everyone, talk again soon... bye for now.

Richard Padilla:Thanks all later

Harold Arcos:Thanks all

Christopher Niemi:Thanks

Robin Gross:thanks - bye

Julie Hedlund:Thanks everyone!

Iliya Bazlyankov:Thanks and bye!