ICANN Transcription
New gTLD Subsequent Procedures WG
Monday 08 August 2016 at 1600 UTC
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https://community.icann.org/x/_ACsAw
The audio is also available at:

http://audio.icann.org/gnso/gnso-new-gtld-subsequent-08aug16-en.mp3

Coordinator: The recordings have started.

Michelle DeSmyter: Thank you, (Marie). Good morning, good afternoon and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on the 8th of August, 2016 1600 UTC.

In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room so if you're only on the audio bridge please let yourself be known now.

All right, thank you. I'd like to remind you all to please state your name before speaking for transcription purposes. Also, please keep your phones and microphones on mute when not speaking to avoid any background noise.

I'd like to turn the call over to Jeff Neuman.

Jeff Neuman: Okay, thanks, Michelle. Thanks, everyone. Just wanted to start out – I know it's August so we probably have a little bit lighter attendance than usual.

But I first wanted to start out just to say that Steve Chan is out for a few weeks. He had eye surgery. His wife let us know that everything is going – went well. So he's just recovering. But he should be able to join us, we're hoping, within a few weeks. I think they said he'd be out a month so probably another three or four weeks we'll get Steve back. He was instructed not to do any work while he's away so I'm not sure if he'll be listening to the podcasts or – sorry to the webcasts or maybe just using that for sleep, I don't know. But we all wish him well. And he will be back with us.

In the meantime, you will see Julia is still with us and then Emily Barabas, sorry I hope I said that right, Emily, sorry. She's with us as well so we still we still have coverage. And we are – we'll be fine for the next few weeks although we wish Steve well.

So with that, as we do with all the calls, we'll go through the agenda, which will be – we'll go through the statement of interest, we'll go through the work tracks. I'll talk a little bit about that and hopefully everyone that has signed up for a work track, one or more work tracks, has gotten one, confirmation that they're on the mailing list; and, two, a notice of a first meeting.

Then Avri will spend the bulk of the call – the rest of the call talking about the community comment 1 and some preliminary findings document, which she did a general overview of on the last call so now it's time to do a deep dive into it taking into consideration the statements that we've received to date. So on the agenda initially we had – and you'll see it's a little bit lighter now, the – talking about the accreditation programs. But I have to leave within – in about 45 minutes or so so we'll just kick off the accreditation – we'll move that to the next meeting next week.

And then of course any other business. So with that, are there any other statements of interest or any interest that anyone wants to declare on this call? Okay, sorry, I should have asked, are there any questions on the agenda or any other business? Sorry, I should have asked that to begin with.

Okay, Avri, can everyone hear me? Is this good? Avri just sent me a side note saying she couldn't hear anything. They, Emily or Julie, can you reach out to Avri and see what the issue is? Apparently she's texting me that she – asking if we're starting. If you can reach out to Avri, let her know that we started. Thanks, Emily.

Okay and with that on the work track, so hopefully by now everyone that signed up for the work track lists are – have gotten, one, an – sorry – have gotten an invite to the mailing list, the applicable mailing list; and, two, has gotten an invite for the first meeting.

What we did in order to get everything kicked off is set the following schedule, which I guess is being posted right now. There we go. So we'll have – this is starting next week. Obviously today's the 8th so we're meeting today. And then starting next week we'll do three meetings next week – well one full group meeting and then Team 1 will meet and Team 2 will meet on the 16th and the 18th.

We'll do a full group call on the 22nd and then on the 25th, that Thursday, we'll do Team 4 and then on Monday the 29th we'll do the full group meeting and then a meeting of Team 3 on the 30th.

This is really just kind of the kick off meeting and what we're going to do with that is just, you know, Avri or myself will start the call. We'll talk about the issues that each of the work teams are going to be working on, and then, hopefully, we'll discuss leadership of those work teams as well as the future schedule. So we've only set the first meeting for each of these groups. And

we're going to leave it to the groups themselves to pick up the leadership and schedule their own follow up calls.

Each team can schedule a call every week, every two weeks, once a month, do all the work online. It's really up to those work teams. We really don't want to dictate the schedule of any of the work teams. So just as a reminder, these will kick off next week. You should have invites. If you can't make it, just let us know that you're not going to be able to make it for those calls – those applicable calls.

If you are interested in being on the leadership and cannot make the calls, it's especially important to indicate your desire to be on the leadership of those work tracks because we're going to try to get it – get these groups really kicked off and starting to work on the substance. Our goal is to get every group working on substance in the month of September if not before.

So with that said, are there any questions on the proposed schedule? Okay, I'm not seeing any questions. Looking at the chat, okay, I don't know if Avri is on yet again, and can hear. I'll ask…

Avri Doria: Yes, I'm on now. Thanks. I rebooted and I'm fine.

Jeff Neuman: Okay, cool. Okay, Avri, did you – I don't know if you heard any part or I just talked about the work tracks, the different teams, the initial meetings that are scheduled and the plan for each of the work tracks – work track teams to pick their leadership and to decide their future schedule of calls or meetings or doing the work online, so I covered that. Is there anything else you wanted to talk about on the work teams or do disclose to…

Avri Doria: Not much. Did you also mention, though, that even though we would try and pick the days that the groups met on, we would try and stay in the two time tracks if we can that we established so that we can try and avoid some of the

mass of Work Stream 2 meetings, etcetera. But other than that I'm sure you covered it all. Thanks.

Jeff Neuman: Yes, thanks, Avri. And let me just – I did not cover that but let me just expand on what you just said. So the – what's important is with all the work going on at ICANN, especially the accountability Work Stream 2, which has I think nine sub groups or something crazy like that, there were two time slots at the 1500 UTC time and the 2000 or, yes, 2000 UTC times that seem pretty open for us to schedule meetings for the work teams.

So it's generally a good idea if we could stick as close as we can to those two time slots simply because of the frequency of the Work Stream 2 calls and we're pretty much guaranteed not to run into problems or conflicting calls with those groups if we can stick to this time schedule.

But again, other than that whether they want to meet – whether any of the work teams want to meet every week, every two weeks, three weeks, once a month, that's up to the work team.

Avri Doria: Also picking the day the way to track on so.

Jeff Neuman: Yes. Thanks, Avri.

Avri Doria: Fantastic. Yes, no, I have nothing to add beyond that. Thanks. Sorry I wasn't there.

Jeff Neuman: Okay. That's okay. All right then we're going to move on to – and I'll give a second for this to be posted but you all see a link on the agenda to the overarching issues preliminary findings document, CC 1, that Avri talked about initially last week which we'll go into more detail. I will note that – or I'll ask ICANN staff, I know we received the Registry Stakeholder Group response to CC 1.

Have we received any other responses other than the GAC and the Registry Stakeholder Group?

Emily Barabas: Hi, this is Emily from staff. No, those are the only two we've received so far.

Avri Doria: And I guess we've gotten – ALAC has said that they're going to submit mid-August so they've asked to extend to then. And I have not gotten feedback from my own stakeholder group, the NCSG, nor have I seen feedback from any other than NPOC that says they will not be submitting. So it'd be really good to know what I think we need to do is – the staff at some point need to start building the – sort of the document that brings it all together, the synthesis, so then we can just go through each comment at a time and make sure that they're all covered.

We didn't necessarily need that for today's path, though of course, I would recommend that anybody from the Registry Stakeholder Group that wants to bring one of their comments into the discussion, because what we did last week on the CC 1 was that Steve basically gave us a quick walk-through of the staff assembled draft, based on our conversations, but just opened this to clarification. And today, we're going to start stepping through it block by block and discussing it further to make sure that we've got things going in the right direction.

And so on this pass we can bring in some of the Registry Stakeholder Group comments that have come and any of the, you know, GAC comments that I guess, before, which was another part of this collection, and such. So I think that's where we're at on the comments. Last Friday was the second deadline. And it is getting late to get them in.

Jeff Neuman: Thanks, Avri. Can I just ask the group – I know there are – I don't really want to put pressure on people but I know there are people here from the IPC, the BC and other groups, Registrars, to see whether there's any update on, one, whether there will be something forthcoming, and, two, whether – or when we

can expect that. So I know Paul McGrady is on, maybe, Paul, do you know if the IPC is working on a document? Sorry to put you on the spot.

Avri Doria: I think putting on the spot is cool at the moment.

Jeff Neuman: Okay, Paul says in the chat he's – they are. The IPC is working on one and it'll be a few more days. And I know there's some members from the BC here, I think, Cecilia, you had mentioned on the last call that the BC was – might be working on something. If you could just type in the chat that'd be great. Or if you want to speak it's fine. So I see some typing on the chat. For those that may be listening to this later, so Cecilia is typing.

Do we have anyone from the Non Commercial Stakeholder Group that's on this call?

Avri Doria: I am. And I just spoke to it and I sent a message to our policy committee right before this meeting asking for an update and I haven't gotten it yet. So unless someone else from the NCSG on the meeting has later news than that I think we are still without news. Do I see any of our other members on? I actually don't see any other participants. I may be the only one on at the moment.

So I am pushing on them and nagging on them but we haven't done it. And I'm kind of not wanting to do it myself thinking it's inappropriate for one of the cochairs of the working group to be doing the constituency comment, but I am trying to prod them along.

Jeff Neuman: Okay thanks, Avri. And then I think – I'm not sure if there's anyone here on the call from the ISPs. And then I see Cecilia just typed in that she's still waiting to hear from the policy committee of the Business Constituency so she's going to follow up.

And I guess we have the ISPs. And then I'm not sure if there's anyone from the registrars on here. That's (unintelligible). But okay at some point, you

know, we'll have to come to some preliminary findings. We'll send those out, as Avri will talk about what's going on so far. But at some point we'll send them out and I guess get comments at that point. It would just be – I would say it would be a shame if we got some – if groups waited until the preliminary report comes out to file comments on these issues such that they could have filed those comments a little bit earlier on. So we'll see.

But let me turn it over to you, Avri, to go through the document.

Avri Doria: Okay. Okay, thanks. One thing, though, that we may want to, as cochairs, it's our responsibility to make sure that we've got good representation of the constituencies and of – especially of the stakeholder groups and constituencies within GNSO but also the other groups. So we may want to think about – now it's August so it may just be a coincidence but if we don't have more participation from some parts of the group it may be worth sending a message through our liaison, which I believe is Paul, to the GNSO Council with a ping and with a hey, folks, we need you to participate kind of message. So I just wanted to bring that up before I started.

Okay so we've got this document and I'm very grateful to Steve for having started it. And he basically walked us through it last week but I wanted to now take row by row. And just sort of record and we have the recording but also hopefully someone will be able to take notes or maybe even edit as we speak, though not live, for us to see, that basically start talking.

So in the terms of the additional new gTLDs in the future, there were basically – and he did it basically in terms of initial findings and conclusions and anticipated outcomes. And you have that in front of you and you can read it on the screen or you can go to the document itself, the URL that's there in the agenda.

So I guess I'd like to open the floor now to anyone that wants to basically comment, question, add to, change anything that's there. I don't want to read

it through at the moment but I'd like to give – I'd like to open the floor on this that basically says, you know, and we're basically recommending that there should be additional new gTLDs in the future and that there's no changes anticipated in that particular part.

I think the no changes anticipated to existing policy just – with regard to there being new gTLDs, and not with regard to all the other aspects of a gTLD application. So I would make that notation there. But I see no hands. The Registry Stakeholder Group supports the introduction of new gTLDs in the future.

Can we expect that there's going to be a comment from any of those of you that are commenting that's arguing the opposite position? That there should not be new gTLDs? Or is it fairly safe to sort of say the ongoing presumption is, as written in the anticipated outcomes, and what we're in is a situation where it needs to be word-smithed, etcetera, but that that outcome is – or can we expect comments from anyone saying the opposite?

I don't see any hands so I guess from those people on the call, if it's, you know, on this first of many readings on this and not just two readings, but first on many readings on this anticipated outcome, if that's the way we're tending and that we'll wait and see other comments. We will bring it up – I got a question here, Karen Bernstein, "Isn't the whole purpose of this to decide whether there should be a second round?"

Partially. I mean, of this, I assume you mean the whole working group and certainly whether there will be more gTLDs, whether they will be in a round and what are the attributes of a future application procedure, indeed, yes, what this is all about. But this first question is just trying to answer that what that first question is if there had been a resounding no and consensus in this group that no, there should be no more gTLDs we might have decided to put that up as a recommendation, send it to the GNSO Council and see what happened next.

It's looking like that's not going to be our conclusion or recommendation so we would keep moving on with the rest of the work. But I'm just sort of trying to, you know, because we've been holding this decision kind of in abeyance until we got these community comments. And we still need to. And until we've had discussion. But at the moment, as I'm saying, it looks like we're trending that way. Yes, Karen, please. I see your hand. Don't hear you. Perhaps you're muted? Or I see your hand is still up so you have the floor. Your hand is not up so your question was answered. Fantastic.

So last – somebody's pans are clattering. They may want to mute.

So okay so we'll now basically sort of take this as – at least on the first reading it does seem like the anticipated outcome that is documented there is indeed the case. I would ask people to look at the initial findings and conclusions and see if they agree with them and that they're properly stated so that as the report – as the initial report begins to be written in prose, as opposed to bullets, you know, we make sure that we're saying the right things. Any other comments on this before I move on to the next one? That's good. Okay. So we are making progress.

Now, the next question in this was the categorization or differentiation of gTLDs. And there were, you know, several discussions about them having been considered in the original policy but essentially it was too soon, too challenging to be able to predict when we didn't really have the experience that we now have that the, you know, so we now have real experience. That we have seen evidence that different gTLDs require – have different requirements and so that may be a reason for treating them differently.

We have categorization or differentiation of gTLDs, has effects on other mechanisms within the program. So categories should not be established just for the sake of creating them. There should be tangible difference in the

application process. And the point – the different categories of TLDs have differing levels of complexity, some of which could be taken into account.

So preliminarily, we are saying, and this is there first reading of this other than the clarification reading, is that we have agreed at a high level that there are likely benefits for establishing categories of TLDs, however, we have not agreed on specific categories, the related changes to the application process that would be necessary and perhaps unique to certain categories. And the enforcement mechanism that may be needed as a result of establishing different paths to obtaining new gTLDs.

Which means that this is work that would go into the appropriate subgroup as we move forward because this question was not necessarily just about – was about whether we do have categories and not necessarily establishing what those categories were and the conditions that apply to them. Though it might be reasonable to start talking about initial categories in this part of the conversation.

And then the last bullet was, with so many downstream effects the substantive work on the bulk of the parameters for categories will be pushed further out into the schedule so that's into the subgroup, though we should decide fairly soon perhaps what draft set of categories we may be looking at and we should decide whether that's something that we want to put in this first conversation.

Yes, Donna?

Donna Austin: Thanks, Avri. Donna Austin. So just in respect to the Registry Stakeholder Group comments, and just to – a little background. So because the Registry Stakeholder Group is now quite diverse, what we have done in terms of responding to the questions is we have some overarching principles for the six subjects, and then we actually answered the questions that were asked by

the working group and we note that on some occasions we had differences of opinion. And categories was one of those.

So with the overarching principle is that the Registry Stakeholder Group supports the continuation of categorization of gTLDs as outlined in the new gTLD Applicant Guidebook, and the inclusion of brands in any ongoing mechanisms.

So, you know, basically it's generics, geos, community, brands that we've signed off on; we're okay to move forward with any ongoing mechanisms to include those categories. But we have differences in terms of whether it should go beyond that.

So some feel that, you know, let's just say with what we have because, you know, in the context of 10,000-15,000 applications for the next round, which is, you know, some of the numbers that have been talked about on the Registry Stakeholder Group and elsewhere, we think that if you start defining categories, the administrative burden becomes overwhelming and particularly not just in that application phase, in the evaluation phase but just further through the ICANN chain in terms of compliance and any other enforcement relationships as well.

But there are some in the stakeholder group that think there is value in, you know, the possibility of other categories beyond brands where there's – where there seems to have been some kind of categorization that's happened as a result of the TLDs that came out of the 2012 round. So that's just a quick overview of where we are. There's more detail when you read through the Registry Stakeholder Group comments.

Avri Doria: Thank you. And I apologize, I have not read them yet. So if I understand correctly, you're not only accepting the original two that were in the application guidebook but the two de factos that were added as things

progressed of geo and brands and that any others would need further discussion.

Donna Austin: So, Avri, just a clarity. Geographics were actually identified in the Guidebook, there is a – but there is – some have self-identified as a geo but don't actually fit the criteria that was in the Guidebook. But the Guidebook does actually make provision for geographic TLDs in terms of…

((Crosstalk))

Avri Doria: Right, it did.

Donna Austin: Yes.

Avri Doria: It did but it didn't define them as category with different properties though you're right, if you go through and you read four these particular names you need to do X, Y or Z…

Donna Austin: Right.

Avri Doria: …in terms of the application procedure, there was those things, so yes. That was kind of de facto there and not brought out as one of the two categories. You're absolutely right. And then brand was everybody assumed that it would be a category but was never really spoken of until later in the process.

Okay, anybody else want to comment on this? Any other – and did you say 10,000-15,000 was the Registry Stakeholder Group projected of future applications? Did I hear that number correctly?

Donna Austin: Yes.

Avri Doria: Okay. I just wanted to make sure that it wasn't an early morning hallucination. Okay. Not to be critical of the number, it just surprised me by its magnitude. Are there any other – okay, Jeff, yes please.

Jeff Neuman: Yes, thanks. And thanks, Donna, for talking about the Registry Stakeholder Group's statement. I guess a question to think about and then to maybe even try to get some information from the Registries, you know, even though they weren't categories that were created certain GAC advice came out about certain types of strings and those types of strings were required in some cases to agree to either additional PICs or to agree to additional contractual provisions.

Is that something the Registries are basically saying should be handled on a case by case basis? Or is there a view of the Registry Stakeholder Group that we shouldn't allow – that kind of GAC advice for differentiation? I'm trying – what I'm trying to do is trying to figure out if there's any – if there is a, quote, category or something we could create where certain types of commitments would apply to to satisfy the GAC's comments or whether it needs to be handled like it was in this current round on a case by case basis.

Donna Austin: Yes, thanks, Jeff. So the Registry Stakeholder Group comments didn't actually address that at all from memory. I'd have to go back and read through the comments, but I don't think we did address it. I think we did say in one of the overarching principles that the role of the GAC, the Board and the GNSO needs to be understood going into the – into any future round.

I think one of the challenges for the way that the categories are identified as a result of the GAC advice was really done by the NGPC. And the result was that they ended up in the PIC Specs. But if you have a look at some of the ways that those categories were, you know, regulated, highly regulated, how they were – the bucket that they were put into, it doesn't always make sense. So I don't think there's any consistency in the way that was handled because

the GAC itself said this is a non-exhaustive list when they were talking about the strings.

And then I think it was the NGPC that decided whether it was regulated or highly regulated. So from memory we didn't get into that discussion in our comments. But that might be something I've overlooked if you've picked up on that. So that's a – I don't know personally where you put that but it's a conversation that we do need to have. Thanks.

Avri Doria: So the regulated is another possible candidate for category in addition to the four you mentioned.

Jeff Neuman: So this is Jeff. I think what Donna said is that really wasn't addressed by the Registry Stakeholder Group. It's something that they will probably need to comment on or need to address at some point as to whether that's a category or whether that's a process that's handled by the process after the fact. So I think it'll be interesting to hear what the Registries and other groups have to say on that issue.

Avri Doria: And I'd like to see if there are any other hands on comments on, you know, the position that the Registries have put forward or your own views on the categorization. I'm seeing some comments on community being an important category.

It was a category in the AGB but there's also comments about – ALAC and GAC had concerns about definition and structural elements of community and indeed discussing communities I think is part of our ongoing work, although, I mean, it's listed in the form of discussions about the whole contention mechanisms. But it's part of the whole category discussion. So I haven't suggested – I haven't heard anybody suggesting that communities should be done away with as a category.

Any – Paul, yes, please. I see your hand. Can't you hear you, you may be muted. Paul? Oh, hand went down. Okay. Does anybody else wish to comment on this? Okay, Paul will dial in so we'll wait for him to dial in. So Vanda is – so Donna put in a message. "We do not believe that regulated or highly regulated TLDs should be treated as a separate category of TLD from the application process as these categories were solely (devised) from GAC advice and not self-designation by the applicant."

And Vanda, I guess, was agreeing with that. Comment from Robin. And, by the way, you folks are invited to talk so that I'm not just reading your comments. But Robin, "I believe we should consider doing away with community as a category in the future in part due to its arbitrariness." So that opens a line of discussion there.

Okay anybody want to comment on any of that?

Jeff Neuman: Avri, this is Jeff. I've got my hand up.

Avri Doria: Yes, Jeff. Oh sorry, now I see it. Yes, sorry. Go ahead.

Jeff Neuman: That's okay. I guess just to address Donna's point and others, if we created a – just kind of playing the devil's advocate – if we created a category, perhaps we could then define it to where it wouldn't be arbitrarily decided after the fact – oops, I hear an echo. So that would be kind of the reason to establish a category is to hopefully – assuming we could define it well, it would be to prevent GAC advice afterwards and so we could have some clarity around it.

But that's just a thought. And would be great to hear some comments on that. Thanks.

Avri Doria: Thank you. Paul, I see your hand.

Paul McGrady: Thanks, Avri. Paul McGrady for the record. Sorry about trying to use the web-based, it didn't work. I want to back up a bit and just talk about closed generics generally. That was a surprise category, found nowhere in the Applicant Guidebook and was solely the creature of GAC advice. Are we – do we intend to address that issue directly at this time or how do we intend to deal with that?

                 Because it became a de facto category essentially applicants who applied for them, even though there was no prohibition for that, were essentially told too bad. So, I mean, I guess for the sake of predictability, maybe we should attack that issue head on. Thanks.

Avri Doria: Okay, thanks. I guess there's two – I think first of all, yes, we plan to deal with any issues that's an open issue that needs to be dealt with, so, yes. Now whether the closed generic is something that people consider a category or whether it's just a mode of operation, would probably be, you know, a differentiation we'd want to make is just like the conversation with regulated was, is that a category or just a attribute that, you know, may affect how something is run but not necessarily how it's applied for.

                 Likewise, with closed generics. A, are they allowed? And, I agree the – it seems to me the presumption that they weren't allowed became much later than the original policy. So, you know, I think that's an issue. And I think that's part of the issue and how many categories do we want to create and does every difference of attribute of how something is run create a different category or is there some notion of category that's specific to application? But then there's various features that can be applied for running gTLD depending upon whether it is regulated, whether it is a community, whether it is a (unintelligible) without needing a specific category for applications.

                 So I think the subject has sometimes all be grouped together but sometimes it's split. Jeff, is that an old hand or a new hand?

Jeff Neuman: It's a new one. Yes, I see it just on that issue, and this is kind of a personal thing. I don't necessarily see that as a category because really the only thing that separates the closed – or sorry, the closed generic from the generic is the one provision in the contract which says that you can't use a TLD if it's, quote, generic, for certain purposes. So it's in one of the – was it Spec 1 I think.

                So I see that as an issue for Work Track 2 at this point because it's just a legal provision and that work track can decide whether that legal provision is a good idea or is not a good idea. And I think that's how you solve or the issue as opposed to necessarily creating a category. And Donna is pointing out it could be the same for the regulated or highly regulated.

                So and as Paul says, but Spec 11 didn't exist when the AGB was published. So we should give notice to new applicants rather than surprises. Right, so I think – so I'm not sure, Paul, again, and this is my personal opinion, that it's a category. But it's certainly something we should be clear about.

                So if the group in Track 2 decides that that provision and that spec is no longer needed or useful then perhaps it's also worth giving some guidance saying that we now allow it or the opposite, if the group decides that it is a useful provision and thinks this restriction should continue then there should be some affirmative finding of the group that it should not be allowed. Whichever way the group comes out.

                But I guess at the end of the day it is something that – it is something that this group – the working group will address through the work tracks. Thanks.

Avri Doria: Any other hands at this point? I don't see any. So basically we are saying that when we go back to the document that's here we're saying preliminarily we have agreed at a high level and I'm not seeing any objection from the comments, and of course we'll wait for the reset of CC 1 comments that are

coming in to there being categories, for there being two, three, four categories, you know, four were suggested.

Another two were also suggested, the regulated and the closed generics, and then there was one suggestion of abolishing one of the categories, community, so there was another point in the chat about community needing to be better defined than it was and that was the At Large position, which I assume we'll be seeing when their comments are submitted by mid-month.

So it definitely looks like the assumption that we will make a decision on categories is indeed the case but we're still not agreeing on specific. And the rest of this is still very much open to discussion. I guess one of the things that I have a question on is should we, during this period of the overarching issues, create the sort of set of possible categories that we will be discussing in the groups further as opposed to leaving that sort of open ended?

Not that one couldn't be added by a sub group that said, you know, you've only presented six possibles but we really see this seventh but that we basically sort of say that at the moment, you know, we have a possible grouping of six from the discussion and we may get more but that we would, at the end of this – at the end of this process of the overarching, sort of set down our set of categories that we are looking at. It doesn't mean there necessarily be established but this is the candidate set.

And I'm wondering if there's support for that kind of approach to this so that we start to get some solidity on what we're talking about and people can start building their arguments pro, against and about any of these categories as we move forward. So can I assume that there's no strong objection to us starting to create that basic set and coming out of this period with a basic set, kind of like the Registries already did proposing, you know, a set of four. Pretty much the de facto ones or the AGB plus de facto ones.

And I see Paul has agreed with that. I see no one else disagreeing. And that things like enforcement mechanisms and any of the other downstream affects, those things do get pushed off to the appropriate sub group and they would discuss those in terms of every one of the categories that we put on the candidate list. And they'd come up with a recommendation. Yes, this category, no, this category, and yes, if this category then these are the kinds of conditions that would need to apply to it.

Any objection to following through that way and holding this anticipated outcome pretty much as it's written except for the addition of the category set, the candidate category set. And I'm trying to be very careful not to prejudice that conversation in any way. I do have my own opinions but I'll leave those unsaid for the moment.

Okay, any more comment – I got a Laura Watkins agree and think it makes sense but the one caution I would say that we should avoid be too prescriptive. There should be options for applicants that don't fit into set categories.

Now there will still be the general category of standard application that was uncategorized and I don't think anybody has suggested getting rid of that main big basket. I think that's the main big basket. So I think that standard category is a set – is part of the set of candidate categories but I haven't heard anybody make any suggestions that we would eliminate standard. In fact, I would assume that part of the argument against some of the categories is that they should just be standard with perhaps conditions on allocation or etcetera, conditions on contracting. Generic. Okay, thank you for the corrections.

I guess the AGB talked about standard applications and community applications so I was going back to that terminology but always happy to be corrected. Because in some sense they're all generic TLDs. Okay anything else – oh thanks. I was taken serious criticism, Donna.

Anyway, so anything more on this category? Right, on this topic, this row in the topics? So then we move on to the next one, which is the future new gTLDs to be assessed in rounds.

The comment in the anticipated outcome is still undetermined at this time. As I said, I haven't read the Registry comment yet so don't know what they say about it. We certainly had, you know, various discussions on it, that they are defined in the final report, that evaluation objection, string protection and all those other mechanisms are geared towards the rounds. Of course there's sort of a cat chasing its tail in that in that we define the round, therefore mechanisms that worked in a round were defined. If we were to define something other than a round there would probably be mechanisms that could be considered.

They have an impact on demand and market value. Rounds are somewhat mechanism in an ICANN environment for the allocation of contract and resources. A round does not necessarily mean an application acceptance window. Doesn't have to mean – sorry, a round does not necessarily have to mean an application acceptance will follow by a review cycle; it could mean, for instance, an ongoing steady state cycle of annual windows. So basically the notion of looking at rounds differently and being more specific about what we mean by a round.

Paul says this is a big issue. Can we agree to talk to indecision today pending additional responses? Certainly, I'm sure that's where we'll agree. But I would like to give a chance, Donna has her hand up, to hear some more input on this today especially input that's already been submitted. So, Donna, please.

Donna Austin: Thanks, Avri. Donna Austin. So this is one of the topics where we had a reasonable amount of discussion among the Registry Stakeholder Group. And I think we all landed on the same page at the end of the day. So our overarching principle on this, and it'll take a little while to read.

"The strategic goal for future applications should be the implementation of a continuous process on a first come, first serve basis. However, the Registry Stakeholder Group appreciates that there may be one or two further application rounds imposed before this goal can be realistically achieved. In this respect the Registry Stakeholder Group recommends that a clear commitment is given to a schedule of further application rounds with shorter time spans between each round in line with the original target of one year."

So the basis behind this is that the last round was in 2012, it's going to be at least five years before we get to another round, if not more. And we acknowledge that there will be pent up demand. And Avri, going to the, you know, your surprise at the idea that there could be 10,000 to 15,000 applications, when you think about it in the context of, you know, six or seven years before we get to a next round it's not so unbelievable.

So I think we acknowledge that there will be pent up demand and we will need the opportunity to have at least one or two defined rounds to get through contention sets and other problems or other challenges or just purely just getting through the application evaluation process before we're in a position to move to a continuous round. Thanks, Avri.

Avri Doria: Okay. Thank you. Yes, and I think one of the things about the previous round was that it had a definite – this round will be reviewed before continuing on provision. And I'm assuming your recommendation would not include such a provision and that whatever we came up with in terms of windowing rounds and evolution to steady state, would not be again blocked by a okay, now we're stopping for a review, but it would be more of an ongoing type of process that we would be suggesting. If I'm understanding correctly. Yes, on an ongoing basis.

So are there any other comments at this time? Comments that have not yet been written in a community comment response? Or do we just want to leave

it at this and as Paul said, yes, leave it as – we have not determined at this time but we are having now at least one suggestion on the table, which is whatever we do it should result in an ongoing process.

And is that something to fair to say – excuse me – and something to fair to say is part of an anticipated – that we are working on an ongoing process, however it may be structured. Or is that not quite a candidate for anticipated outcome? Strikes me that it probably is an anticipated outcome but I figured I say – yes, Jeff.

Jeff Neuman: Yes, thanks, Avri. Sorry, this is Jeff Neuman. I think the Registry position is a little bit more than just an ongoing process. I think the statement, if I read it correctly, and as Donna explained it, I think it's the ultimate outcome being a first come first serve. So it's really two components.

It's – it says it's an ongoing process which is clearly defined in this – with an understanding that there may be one or two rounds in order to get to this steady state of first come first serve but ultimately that it ends in a first come first serve, which is different than having application windows, let's say, one application window every year or two application windows every year. The Registries are specifically proposing first come first serve being the ongoing process with a kind of transition round or two to get there.

Donna, did I…

Avri Doria: Understood.

((Crosstalk))

Avri Doria: Certainly matches what I heard. But I would think of – while I was looking for possible bullet for anticipated outcome, I would think that those would be different bullets, that one of them is an ongoing process without a halting mechanism after the next window, the next round, is one recommendation.

And another recommendation is that it be an evolution to an eventual first come first serve process.

It strikes me as those would be two different points that we would have to get agreement on. I'd be curious to hear people's views at this point on either of those being in the anticipated outcome's pile. And I see Donna did say, "Correct, Jeff."

So is there objection to including those two in an anticipated outcome? Obviously a lot more discussion to go on, etcetera. Jeff agrees it's two points. I see no one raising their hand to include those two bullets in anticipated outcome. Obviously, though, a whole lot more discussion to be had, a whole lot more community comment to be seen.

Okay, give a last chance for someone to put their hand up and make a point. If not, I'll move on to the next row. And the next row was predictability should be maintained or enhanced without sacrificing flexibility. So we had a lot of discussion about predictability being important but also flexibility was important. So acknowledging that a lot of elements have since been established that will help promote predictability, and secondly, mitigate disruption from issues that were unaccounted for and must be resolved.

These include liaisons between GNSO and other groups and efforts to encourage early engagement. And new GNSO mechanisms that allow it to provide guidance or initiate an expedited policy development process even after final report.

And mechanisms to promote predictability should not be such to stifle innovation and flexibility. Excuse me. And there is broad support for predictability in the new gTLD program and perhaps it's important to identify the parameters of predictability. So that was the discussion.

In the anticipated outcome at the moment, we have two bullets. One, preliminarily, the working group has determined that a framework for predictability may be beneficial and could be the basis for policy development through – though substantive work remains if the working group continues to favor this approach, and that would be work that was done downstream in the subgroups.

And, some elements of the framework could include determining what factors should be predictable, for example, outcomes, timeframe, input from the community, etcetera, which could – so determining what factors should be predictable, expectations for what could cause change and the scope of an acceptable level of change. How fundamental changes are dealt with, etcetera.

So at the moment that's what's sitting in our anticipated outcomes. I'd like to hear from Donna or if – or someone else but Donna on the Registry's point on that one and then I'd like to open up discussion further on either the assumptions or the discussion we had or the bullets and anticipated outcome. Donna, are you willing to take the floor again?

Donna Austin: Yes, thanks Avri. Donna Austin. So the principle from the Registry Stakeholder Group on this one was the 2012 round suffered from too many unforeseen post-application rule changes and delays as ICANN struggled to implement the process. These changes and delays took their toll on a number of applicants and as a result many suffered financial and other losses while some had to eventually withdraw from the process. Predictability for applicants of any future mechanism should be a high priority.

Thanks, Avri.

Avri Doria: Thank you. Any comments, any other community comments at this time on predictability and flexibility? We really do have a very silent crowd today. Okay so okay, thank you. Yes, Donna.

Donna Austin: Thanks, Avri. Just a personal comment on this one. I think from the Registry applicant perspective, this one, you know, I notice that we should develop a framework for predictability, but I – I guess from a personal perspective I just don't know how you do that because many of the things that arose that caused the delays and unpredictability with this process, came from the GAC, it came from staff to some extent, ICANN to some extent.

The NGPC took so long to consider GAC advice that that led to extraordinary delays in some circumstances. So I'd be interested to understand how we can develop a framework around predictability that we ensure that can be maintained. Because I think, you know, one of the biggest hurdles in terms of getting through the application cycle was the GAC advice from Beijing and how the NGPC responded to that. It caused a lot of confusion, a lot of delays and a lot of angst in trying to work out how to move forward. So I'd be interested to understand how people think we can develop a framework around that. Thanks.

Avri Doria: Is there anyone that has something to add in terms of such a framework? So I guess though you're basically bracketing, as it were, the notion of creating a framework unless we can come up with some idea of how such a framework could be created. People did discuss creation of a framework before, so I'm wondering if there's anybody in the meeting at the moment that feels that they have a clue on how we could go about doing that.

Do people think that we should be creating a framework or should the notion of framework be struck from anticipated outcomes? Yes, Jeff.

Jeff Neuman: I think we should give it an attempt. I do think there are certain processes and procedures we could be much more clear upon. We could create definitive timelines for certain types of advice. And if that advice is not provided within the timelines then it won't apply until the next round absent some showing of a threat to – like an extreme threat to security, stability of the Internet. I think

there are certain things we could put into place that would hopefully guide the Board a little bit better in making certain decisions and timeframes around it.

We can certainly account for the situations we've already encountered. So I do think there are things we could put into a framework even if it's just a process that would make things a little bit better than it was before.

Avri Doria: Okay thank you. We've had one note from Kurt Pritz giving us the current situation, applicants for new gTLD registries should therefore be evaluated against transparency and principle criteria (unintelligible) 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. This is one of those good examples of the difference between theory and practice.

And, Paul, I see your hand.

Paul McGrady: Paul McGrady here. Thanks, Avri. And just to echo what Kurt put into the chat, I don't know that there was a problem with this on paper. The problem was in practice. We had, you know, and not, again, to harp on one particular issue but let's use the closed generics as one of the examples.

You know, that's an entirely new set of criteria that was made up after – well after the publication of the Guidebook. And, you know, should have been, you know, predictable; certainly was predictable because people applied for them. So at least the applicants who applied for them predicted that kind of a domain name.
But the rulebook was thrown out after the fact for closed generic term TLDs. And so I don't think it's so much a matter of us trying to build the framework as us sending maybe perhaps a more clear message that unless this thing is going to break the Internet everybody had their chance to participate in this process and if you didn't then you didn't, right? So, for what that's worth. And I'll leave it there. Thanks.

Avri Doria: Thank you. Jeff. Please.

Jeff Neuman: Yes, thanks. And I do have to drop off after this. But I agree with Paul. I just
                 want to point out that as we take notes for the group especially like things like
                 the closed generics, that didn't just come from the GAC, it also came from
                 public comments from companies that either competitors of the companies
                 that applied for the closed generics or others, so whatever we're clear on it
                 has to apply whether it's GAC advice or even comments from the public.

                 If that criteria wasn't set in advance, then this group needs to think about that
                 as well; it's a response to public comments just as it's a response to the GAC.
                 So I just want to make sure that that's clear as well. Thanks. And then I have
                 to drop. Thank you, everyone.

Avri Doria: Okay. Thank you for staying on as long as you did. Good luck with the rest of
                 your day. Okay, so going on, so in the anticipated outcomes, you know, the
                 first bullet was put in there as a conditional. It was – it may be beneficial and
                 could be the basis though subsequent work remains if we favor this
                 approach.

                 I repeat that just to ask is there any objection at this point to leaving those two
                 bullets in our anticipated outcome column? And are there, perhaps, any
                 comments, changes that people would like to see for those before I move to
                 the next row? I'll give a second for hands.

                 I see there have been comments about the AC room being flaky all morning
                 for both Carlton and Vanda. I notice one – it was just flaky for me until I
                 rebooted and then it seemed fine. Donna has no objection to leaving that
                 point in. I'll wait and see what Steve is typing, though people are really
                 welcome to talk, though I must admit, as somebody in other meetings who
                 types more than I talk sometimes I like the typing too so it'd be hypocritical for

me to try and stop you. And Steve has just said terrible time logging in today. Okay thanks. So that was a comment on the AC room.

Okay, so I see no hands and no comments so we'll leave those two bullets in the anticipated outcome now as they are. Taking into account hopefully there will be more comments from people. So moving on to the next row, we have two more rows to go with 20 minutes left in this meeting.

Community engagement in new gTLD application process. Community engagement is one factor that has an impact on the predictability so it reflects on the previous row. There are new community engagement mechanisms in place that were not in existence or as well formed during the development of the GNSO 2007 final report such as liaisons between community organizations, required outreach points as part of the PDP, PDPs being open to any interested participants, implementations review teams, etcetera. In fact, we didn't even have a working group at that point so we didn't have subgroups. It was the GNSO Council itself as a whole that discussed the issues.

No matter how robust and inclusive the PDP and policy implementation processes may be, it is likely impossible to count for every possible scenario. Reliable and predictable mechanisms need to be in place to highlight unforeseen issues. Determined the (unintelligible) as it (need) mechanisms to mitigate the issue and implement the solutions perhaps among other factors.

Now this point very much relates to the previous discussion on predictability and flexibility so these two start to run together somewhat. In the anticipated outcomes was preliminarily the working group has determined that it may be beneficial to establish a change control framework that can help mitigate the destabilizing effects from unforeseen issues encountered after policy implementation.

So we've gone from talking about community engagement to basically again, looking at the effect of community engagement early in the process to late in the process having an effect on stability and such but also needing to deal with the flexibility issue that when comments come up that couldn't be anticipated there is some proper mechanism, some well-formed (unintelligible) for dealing with them.

Open the floor at the moment. Like to know if people sort of agree with what's written there, have changes. I guess I can go to Donna again, if she's willing, to see what the Registry Stakeholder Group had on this particular issue and then open it to other commenters.

Donna Austin: Thanks, Avri. Donna Austin. So the general principle from the Registry Stakeholder Group on this one is that the role of the GAC, the Board and the GNSO in resolving issues that arise during any ongoing mechanism should be well understood and documented.

Avri Doria: Okay, thank you. Yes, a personal comment from me on this one is in the evolution we're seeing now of the GNSO's interaction with GAC and the Board, first of all there is a hope that the early engagement would allow us to deal with many of these things early. But there also seems to be a understanding building between the GNSO and the Board that when they have these decisions they have something that is recommended by the GNSO but that seems counter to advice received during a comment period that doesn't mean it's something for them to make a decision on but it's something for them to say did you guys discuss this.

If you discussed this, were they are a party to the discussion? What was the outcome? And if not, if it wasn't covered completely or adequately, go back and talk about it some more. Not have preemptory. Now these things then they'll change the – they lengthen the process but they do keep the unexpected top, down decision based on advice only being imposed. End of my personal comment on that.

Are there any other hands? Anyone else want to comment on this at this point? There is a comment from Carlton, "I thought we were looking at engagement in the application process. This is early in the process." And then Carlton – and this was addressed to Donna, "That would be helpful but in the ALAC view the engagement process takes on a wider perspective. We need more discussions from different places in the circle."

Now, Carlton, a question to you is, are you talking about during this particular process of coming up with the subsequent procedures? Or do you mean actually during the application process and evaluation processes? And I see you're typing so I'll wait for a second. Please, anybody else with comments do raise your hand. Anybody else from ALAC that has further views to add on this would be good. Avri, the latter, during the application process.

So there should be more community comments during the application process itself. Is that the position that you're offering? Just trying to understand at this point. Yes, okay.

What do others think? Are there any other comments at this time? Are you all taking this away to think about it with your constituencies and your parts of the community for the comments you're planning to submit? This is me being optimistic.

Okay so then the question becomes does this bullet in the anticipated outcomes stand? Is it okay to leave it here for the time being, the notion of change control framework? Yes, Paul.

Paul McGrady: So, Avri, thank you. This is Paul McGrady. Can I suggest something controversial to think about on this, which is that perhaps participation in the policy development process should affect one's ability to submit a change request later in the process. So for example, if we have zero participation or very light participation from, you know, one stakeholder within the community

during the process and then that stakeholder attempts to clean it up after the fact after applicants have developed their business plans and paid their application fees, that whether or not there was robust participation by that stakeholder in the process should matter.

And again, one of the – this comes out of the – one of the things that I think Jeff said, again, on the closed generic side, was a lot of the public comments were by competitors of applicants who, you know, were unhappy that they didn't apply for it or at least were unhappy that their competitor had the foresight to apply for the closed generic.

But no one ever got back and said, okay, but, you know, where were you, competitor, in the policy development process when you could have raised this? And so I mean, are we prepared to go that far and say that any change mechanism should be tied to whether or not, you know, the complaining party or group or whatever were robustly participating now? Well, like we all are. Thanks.

Avri Doria: Okay, thank you for that. And to answer a couple of the questions, of course, this is the perfect time to be submitting controversial thoughts so glad you did. Now, one of the things that I would ask you is, within a change control framework, is that perhaps within that kind of framework one of the considerations, though one thing I would bring up is that, again, sometimes, you know, even if somebody did participate robustly in the process there are new circumstances that hadn't been anticipated in that process.

Or that if they were anticipated, had not been made clear using the example of closed generics. The other thing is that there will also be new participants as we're constantly in an enlarging community of participation, there may indeed be new participants. I think many of the competitors you speak of didn't even know about our policy development when we were doing it, and while this time hopefully they would, I am sure there will, again, be competitors in the global environment that don't know about our process and

don't find out about it until there's, you know, until there's outreach for a new (unintelligible). So we have to be careful.

Donna, please.

Donna Austin: Thanks, Avri. Donna Austin. Just following on from what you just said, but perhaps putting it in a little bit of a different context, one of the challenges that the Registries have had, and it's maybe a little bit broader than the Registries, but we always felt that there was an obligation for ICANN to do an awareness campaign about the introduction of new gTLDs. And we always got this response that we can't do that because we can't promote one TLD over another.

And I think that's been to the detriment of the program itself because people – one for universal awareness but also universal acceptance of TLDs at a technical level. But I wonder whether, you know, in looking at this question, what can be done to try to get over that hump of ensuring that you do have those that have an interest in this program actually do engage early on in the piece.

So I think there was a – I could have this wrong but I think the IPC came in – intellectual property trademark people came in late in the first policy discussion. That policy discussion was largely done and signed off 2007, 2008. But there were a lot of discussions after the fact related to trademark and intellectual property things.

So maybe a question for this group is what can we do to ensure that we do have the engagement of the people that we want in this policy process that we don't get into that position of people trying to change the policy after the fact? Thanks.

Avri Doria: Okay thank you. And I see from Cheryl Langdon-Orr, "I suspect ALAC would agree with this point, Donna. We were under-impressed with the outreach."

And I would personally say something similar about being under-impressed with the outreach. Paul, please.

Paul McGrady: This is Paul McGrady. Just a quick note to defend the IPC's honor, we – the IPC did participate in the policy development process leading up to the Paris vote, and much of the trademark discussion was in implementation rather than policy. That's why it was called the IRT. So just didn't want to that to stand in the record unchallenged. Thanks.

Avri Doria: Okay. Thank you. So that's been noted. So okay so is there any change we want to make to this bullet? I think that I have not heard any objections to this anticipated outcome and what would need to be discussed is exactly what was in this kind of change control framework to deal with it.

Given that there's only six minutes and I see no rush of hands to comment on this last item, okay one last item from Vanda. We had no outreach, the very (unintelligible) no in this outreach in here, I personally did some and got some new applicants but nothing really – nothing really organized outreach. Okay and I think that not heard anybody argue that we had sufficient outreach at this point so won't belabor that one at the moment.

I'll go on to the final row just so we have five minutes' discussion on it. Limiting applications in total and/or per entity during an application window. There was a set of bullets on the fact that there had been no limits put on before. There's a competitive nature of limits and such and the anticipated outcome is that there be no policy recommendations on the subject of limits either for any particular round or window if we're assuming rounds or windows or in terms of a particular applicant or applicant group.

Yes, Paul, outreach can always be improved.

So is there any objection to that anticipated outcome? Does anybody wish to put in a stake on an argument that there should be such limits or are we safe

to proceed with that as our anticipated outcome for the moment? I see no hands on that. I see no written comments on that. I'll give it a little bit more so I'm not rushing things.

Oh yes, sorry, Donna, I forgot to ask about the Registry comments so I'll read it as opposed to making you talk. "Notwithstanding the ultimate goal of a continuous process the Registry Stakeholder Group does not support the notion of placing unnecessary limitations on future applications. This would be anticompetitive, has a potential to inhibit innovation and as such is antithetical to the purpose of introducing new gTLDs."

Does that prompt any comments from anyone? No? Okay, so is there any objection to leaving that anticipated outcome as it stands for now, again, on the assumption these will all be talked through further and they will all be further amplified and described as this turns into a prose draft recommendation?

Paul asks, "Should we ask staff if they can handle 10,000 applications?" I don't know. I'm sure staff is free to answer that. I also expect that they could gear it up for it if they had to. They didn't expect 1000, 2000 this time so – and in the end it all worked out.

In the last two minutes here, oh Mary Wong is typing so perhaps we will get an answer to that question. "That would be a question for Akram and the GDD." I see.

But in any case, be that as it may, so this draft that we've talked through now twice, once for clarification and once for initial comments was listed as a staff draft but after this discussion I'd like to start considering it sort of our preliminary draft as we move forward in talking about it more. I would like to encourage everyone to talk to your part of the community, constituency, stakeholder group, SO, AC, about getting some comments in.

You should feel free to comment directly against the anticipated comments, I mean, anticipated outcomes in addition to the questions. But we'll move forward on this and start treating this as a draft and then start discussing the issues further on it. Any comments on that? Yes, Donna, please.

Donna Austin: Thanks, Avri. Donna Austin. I guess this is just a request for the group. I know I've thrown out, you know, the idea that there could be 10,000 to 15,000 applicant for the next round, and, Avri, you were taken aback by that. But I think we really need to understand the context in which we're discussing this. If it is going to be, you know, the next round that we get, whenever that happens in 2017 or 2018, if it is 10,000 applicants, what – does that change the way that we're looking at these questions on how – or how we think of this program moving forward?

Because I think it's really important. You know, when the original policy was done there hadn't been an opening up of the space for, you know, X number of years. I think when the policy was approved there was – people kind of were throwing around, you know, a couple hundred applications. I don't think anyone expected 2000.

So I think when we have these discussions moving forward, we should have an understanding of what we think the environment is going to be like for potential applicants in 2017, 2018. I think it's an important consideration that we need to take into account when we're having these discussions. Thanks, Avri.

Avri Doria: Okay. Thank you. And at that I'll probably leave that as a question to start our discussions about on the next meeting and perhaps on the list and perhaps a question for people to consider while they're writing their – and, yes, I was taken aback by the number but I am in no way arguing that it is or isn't an accurate number, it just surprised me. Opening applications in 2017, also surprises me as a concept.

So at this point I would like to close this meeting, unless anybody has any other business that's emergency-like. And seeing no hands I will close the meeting. I thank you. I'd like to ask you all about thinking about talking more in the next meeting and writing more on the email list but I also do thank everybody that wrote comments in the chat.

And with that I see no hands so I close the meeting. Thank you.

Donna Austin: Thanks, Avri. Thanks, everyone.

Michelle DeSmyter: Thank you. This meeting has been adjourned.

END