

**ICANN Transcription
New gTLD Subsequent Procedures Working Group
Monday, 17 October 2016 at 0300 UTC**

Note: The following is the output of transcribing from an audio recording of New gTLD Subsequent Procedures WG on the Monday, 17 October 2016 at 03:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance may be also found at:

<https://community.icann.org/x/4xS4Aw>

The audio is also available at:

<http://audio.icann.org/gnso/gnso-new-gtld-subsequent-17oct16-en.mp3>

Coordinator: Excuse me, recordings have started. You may proceed.

Michelle DeSmyter: Great. Thanks, Veronica. Good morning, good afternoon and good evening to all. Welcome to the New gTLD Subsequent Procedures Working Group call on the 17th of October, 2016 at 03:00 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 today please let yourself be known now. All right, thank you.

And as a reminder to all participants please state your name before speaking for transcription purposes. Also, keep your phones and microphones on mute when not speaking to avoid any background noise.

With this I'll turn the call back over to Avri and Jeff.

Avri Doria: Okay, thank you. Hello to everyone. This is Avri speaking. I'll be chairing the meeting today. So to go through our agenda the first thing is to welcome and review agenda. Then we talk about the SOIs with the updates. Then we'll ask for an updates from each of the work team leaders. Then we'll move to the working group update slash ICANN 57 planning. Then we have the continued discussion of the overarching issues, which will be done by Jeff, and then any other business at the end of the meeting.

Does anybody have any other business that they want to add at this time? Hearing none. Does anyone have any changes or are we fine going with this agenda? Seeing no hands, hearing nothing we'll go with this agenda.

So the next item is the SOIs. Remind everyone that they need to keep an SOI. Remind anyone who's new to the group, if anyone is new to the group that they need to fill out an SOI. At this time, is there anyone that would like to tell us about an update to their SOI? Hearing nothing, seeing no hands I'll assume that all SOIs are up to date and/or will update them.

Okay, next item is update from the subgroup – from the work team leaders. Sorry, so I guess we'll start – someday we probably should change the order but we'll start with Work Team 1. Who is giving that one today? Sara, I see your hand up. So please, go ahead.

Sara Bockey: Hi, Avri. Thank you. Yes, this is Sara Bockey for the record. The Work Track 1 will be meeting on Tuesday at I believe 1800 UTC. We don't really have a lot of updates from our (unintelligible) meeting that we've had. We did have some additions made to the pros and cons and problems, excuse me, we are trying to solve for the accreditation program and so we will likely touch on that.

And continue to try to get feedback from folks before continuing our conversation there. We're also looking at the pros and cons of the applicant

support program. And Krista and I are hoping to be able to meet with someone from that previous working group over the next few weeks to get some insight there. And then if we have time on Tuesday we're hoping to be able to get to some discussions possibly high level discussions on the Applicant Guidebook. And so that is where we are with that. And what we are looking to do on Tuesday. And that's all I have right now. Does anyone have any questions?

Avri Doria: Thanks. This is Avri. I do have one question and I apologize for not knowing. I did reach out to Rafik who – Dammak – who was one of the cochairs. Have you and he been in contact? He said he was willing, it just a matter of scheduling. So I'm wondering, have you and he had contact yet on the applicant support group?

Sara Bockey: No, we have not. I know Steve Chan had reached out to I believe his name was (Dennis) – I don't know the last name, as well; I think he was on that group so I – Krista and I would be happy to speak with one or both to get as much insight...

Avri Doria: Right.

Sara Bockey: ...as we could. But, no, we've not scheduled anything as of yet.

Avri Doria: Okay I think we have – think (Dennis) was on the staff side if I'm correct. And Rafik was the working group or chair, one of the two working group chairs. So probably having both perspectives would be a good thing. Okay, so thank you for that.

So I see no other questions at this time. So we'll move on to Work Track 2. And thank you for correcting my naming, politely by just using the correct name. And so who is going to give us a report from Work Track 2? Michael, I see your hand so please go ahead.

Michael Flemming: Good morning and thank you, Avri. So, yes, the – right now Working Track 2 has very exciting topics coming up this week. We have a meeting scheduled for 20 UTC on Thursday and this week we are looking at kind of branching off (unintelligible) from the (three) agreement discussion that we've had up until now. We'd like to start kicking off into reserve names as well as LLCs here soon.

And up until now we've had some pretty exciting discussions going on. We've been looking mainly at the single base registry agreement and potential category based agreements at the same time. So up until now we've had some pretty good feedback in the – looking at the positive outlook on category-based registry agreements, but at the same time there was a little bit of a interest that – to keep that on the single base registry agreement model.

So what we've done is we have contacted the BRG as well as a representative from the Geo TLDs. And we're looking to get justification, justification being why they feel that the category-based agreement, or, you know, an agreement that is more suited and specified toward their own category would be more suitable rather than the single-based registry agreement model.

We have yet to have any specific or nitty-gritty discussion in this regard, but at the same time we're – I'm trying to speak more in depth with the BRG today, myself, I believe Martin – I'll be speaking with him, and then I'm hoping to get more feedback from the Geo TLDs.

And we'll also kind of branch to slightly touch on this topic on this Thursday to see what other groups we'll need to reach out to. And so, yes, that is what we're looking at now. And, oh yes, we also had a new topic added to the Working Track 2. We're going to start – we're going to look at the T&Cs, the terms and conditions of applying for a TLD. Recently there's been a lot of

exciting news out there in regards to this matter so we're looking to brush up some details and maybe attach some policy discussion.

Back to you, Avri.

Avri Doria: Thank you very much, Michael, for your very exciting update. It makes me almost sad that I had to send apologies for the last meeting. So are there any questions or comments on that report? And good luck continuing with the exciting work.

Okay, I'll move on to Work Track 3. Who do I have that's going to be giving that report today?

Karen Day: Hi, this is Karen Day for the record.

Avri Doria: Okay, thank you. Please go ahead, Karen.

Karen Day: Okay, well our first bit of excitement for this past week was we're now looking for a new cochair to help me along in this process. Our first cochair has had to step down due to work and other conflicts. So if anyone in our group or anyone not in our group wants to become more involved in this process give Jeff and Avri a shout out. I'd love to have you.

We had a meeting this past Tuesday and we dove into limited public interest objections. And we are hoping to continue to work through that particular type of (unintelligible) call and possibly wrap that up. That was – since that was a very lightly utilized form of objection in our previous 2012 round. And then after that queued up would be legal rights objections.

But we are continuing to solicit feedback from anybody who was involved in these objection types during the past round. If you're not in our group and just want to write up something I would greatly appreciate the input. And if you have the time, please do join the group. So that's what we're working on. And

our – we don't meet this week; we will meet again Tuesday week. That's it for me right now I think.

Avri Doria: Okay thank you very much for that. I would like to ask, is there anybody who would like to indicate that they would be interested in that now? We would need to fortify the group and get the group to buy into it. But I am sure that it would be a relatively straightforward thing to do and would very much like to have someone join in this effort. It really is a lot of work for one person but when people are able to share it it is at least a manageable task, at least I hope I'm telling the truth about that. Anyone or any other comments on the issues that were mentioned?

Seeing no hands or hearing no voices at the moment, I'll go on to – yes, Michael, light hands make light work. And it is also very exciting work. And the leadership team is kind of fun too; it's a good group. So seeing no one, and pardon me, I'm still on my first cup of coffee.

So then moving on to Work Track 4, who do we have that would be making that report? Okay, Jeff, I see your hand up. Please go ahead.

Jeff Neuman: Yes, thanks. Thank you. Can you guys – can everyone hear me?

Avri Doria: I can hear you.

Jeff Neuman: Great. Unfortunately we don't have – it doesn't look like we have anyone here from Work Track 4. But that said, there is a meeting – they did not have a meeting this past week due to schedules of the cochairs were impossible. But – well we have attendees from Work Track 4. I'm just looking at the chat. We don't have our leadership team here.

But, they will be meeting next week, a week from Thursday. I'm not sure of the time UTC, and we'll be furthering along on the issues that they were working on the last call a couple weeks ago. So that's the update.

Avri Doria: Okay thank you. Does anyone have – anyone from the team have anything they'd like to add from the track that they'd like to add to that? Any other questions? Okay then we'll leave that one there for now. We'll try to get that one back on track as soon as possible.

Okay so that does it for the work track reports. Any final comments on the work going on on the work tracks? I see Emily is typing. So the next sub team meeting is 27 October at 15 UTC.

Okay, in which case we'll move on on the agenda. And the next item in the agenda is, I believe, a working group update, ICANN 57 planning. Who's taking the lead on that? Steve, were you going to start off on that one or, Jeff, your hand is still up. Are you taking that one?

Jeff Neuman: I was going to start with that one. That's why my hand is up.

Avri Doria: Okay please go ahead.

Jeff Neuman: Okay great. So on – so obviously we are a few weeks away from Hyderabad. And so we have to do some planning for our session. We have the session on Day 1, I think it's officially Day 1 on Thursday November 3. It is in the afternoon. It is a four-hour session but I believe there's a break in the middle of it so it's probably more like three, three and a half hours.

We are going to try to make it extremely interactive and each of the work tracks, and including the overall working group, is – the leaders have been charged with trying to come up with questions to ask that would be interesting to gain feedback from the larger community.

So for example, in this – from the overall – one of the topics I envision us covering and throwing out there is the concept of rounds, which we'll start talking a little bit today, or may start talking about today if we can get to it

from the CC1. But just trying to get some feedback on some of the proposals that we've received. And each of the work tracks were asked to come up with a couple teaser topics, I call them, to run by this full group to see if everyone would be interested in covering these items in Hyderabad at the full session.

Again, the full session is not just the working group, but will be open to the community at large. There are not too many competing meetings on the latest schedule, there are a few. But hopefully this one – this session will be well attended.

And also, on that, before I get to the work team chairs, we are having a meeting next week. It is a short meeting on the 24th just to talk about Hyderabad planning. So it is not a mandatory meeting. It's not an official meeting of the working group but just wanted to – like to show up and provide input that would be great.

We will have an Adobe room. We will record the call as well just like our normal ones, but it's kind of a break from our normal activity and to just really talk about Hyderabad planning.

And we are not going to have a session – full group call – and I'll say it again at the end of the call – we are not going to have a call on the 31st – Monday the 31st because a number of people will have – or will be in transit to Hyderabad at that time. So next week's call is kind of more informal of a call of the group but to talk about a more complete discussion of the questions and the planning for Hyderabad.

That said, I'm going to turn it over to the – a couple of the work track chairs to just discuss briefly some of the topics they think would be interesting for coverage at the Hyderabad meeting. So Sara, do you want to start with Work Track 1?

Sara Bockey: Sure, Jeff, I can do that. Yes, this is Sara Bockey. So a few of the questions that Krista and I were thinking would be good topic teasers, the first one being what went wrong with the applicants' program in the 2012 round and is there still a need for such a program? So we're just starting to talk about that topic and it would be great to get some feedback from the community or the working group on that.

And then our second question we were considering relates to the accreditation program. So the question would be some have stated that a preapproval or accreditation process would be beneficial for registries and registry service providers. Is this an accurate assessment? If so, what should such a process be – if so, how should such a process be set up?

So those are the question that we are considering putting forward. And if anyone has any thoughts on tweaking or changing those or if we should perhaps cover a different topic your suggestions are more than welcomed.

Avri Doria: Thank you. Thank you for that. Who...

((Crosstalk))

Avri Doria: Okay.

Jeff Neuman: Yes, Avri, so we can go then to Michael for Work Track 2 for his topics.

Michael Flemming: Thanks, Jeff. I've got some exciting questions that we've been looking at. I think Sara has got something that's a lot more solidified in form at the current time, but at the same time, these are a few of the topics we're looking at teasing people with up in Hyderabad. We're looking first of all we want to kind of continue the single-base registry agreement issue and look at justification for category-based agreements. This is Hyderabad, I think excellent and a very wonderful place to have more of the discussion

especially with some of the community members. And I think we'll be able to get the most discussion and justification at that time.

We'll also be looking at the time, what is a reserve name, trying to kind of relate this and see where – how far the process has come for reserve names in the second level. And we'll be happy to be working with one of the other working tracks, I believe Work Team Track 3 for what is or – the top level reserve names. And then at the same time we also wanted to kind of kick it off with the COIs, the continued operations instrument. We're looking at – sorry the continuing operations instrument.

We're looking at to see what other options are there to fund either (unintelligible) and emergency backend registry operators and at the same time we're also looking at if it's even necessary for some registries who are perhaps not operating in the public good – public – yes, for the public good in that sense.

So that is all on my side. Back to you, Jeff.

Avri Doria: Okay thanks. Then we have Work Track 3, Karen, although you're not going to be there. You have come up with a couple subjects as well?

Karen Day: Yes, this is Karen Day for the record. The two subjects that I would like to get feedback from the full group and the larger community in Hyderabad are first of all, as Jeff mentioned earlier, the issue of are we going to do this again in rounds or are we going to do a more of an open ongoing first come first serve process? That is an overarching issue that the full group is dealing with but it also directly impacts a lot of Work Track 3 such as string contention and other types of objections, which might go away if we are just doing it on a first come first serve basis rather than grouping in rounds. So I think that's an important thing that we deal with early on.

The second thing is we would like to throw out and get input on in the subsequent procedures, the next time we open up for applications, do we need an independent objector? How did that function last time? And now that we have more awareness than we did before, do we really need an independent objector looking out for the greater good? Or can the community take care of itself in that regard? Those are my two teaser issues. Thank you.

Avri Doria: Okay thanks.

((Crosstalk))

Avri Doria: Go ahead, Jeff.

Jeff Neuman: Thanks, Karen. Yes, this is Jeff again. And since we don't have Work Track 4's leaders on here we'll find out about their topics on next week's call. So I'll throw it back to you, Avri.

Avri Doria: Okay, if only for a short bit, but I do want to remind people that (unintelligible) the meeting on that Monday meeting in Hyderabad, not the Monday, the Thursday, will be run slightly differently than our normal meetings as it will be open to participants, observers and anyone else who is in attendance in Hyderabad versus – in addition to anyone who's participating remotely. So we will be suspending the rules about participants being the only ones to talk at this meeting. These meetings are different and we want to bring in more commentary.

I'm just curious if we could have a quick show of hands of those, you know, little red check marks for those who plan to be in Hyderabad. Is there a – just people would like to see how many. Okay, I see three checks so far, four, okay I see one red X. Okay, I'd also like to ask how many people plan to participate remotely, just so we have an idea of how many people we'll have remote. So if the remote people could just do a quick green check of

intending to participate remotely? Okay, I see two so far. Hopefully more of you will be able to dial in for a last part of that meeting.

Okay, having covered all those items, I guess it brings us back to our main work item of these meetings which is a continuation of the discussion of the overarching issues from the community comment 1, the CC1. And Jeff, I turn it back over to you. Thank you.

Jeff Neuman: Okay thanks, Avri. This is Jeff Neuman for the transcript. And I'm going to ask Avri for your help in monitoring the chat and the hands up because I'm going to be looking at the Excel version of the community comment since the one up on the Adobe screen is really small. So if – please feel free to interrupt.

And I believe we ended up on Topic 2d as in dog, which again this is – Question 2 all relates to categories and whether they're a good idea and then different aspects of the categories.

I rushed through this fairly quickly because I think we've had most of these discussions already initially through the discussion of the last two calls and we went through 2A through C. So I will be reading the comments that were submitted or at least summarizing them. And then for 2d, E and F and then hopefully see if there's comments from others on this call on what these comments are, and then going to the next Number 3 which is on rounds or how to introduce the next application window.

So with that said, 2d, the question that was asked was if categories are recognized, in what areas of the application evaluation, contention resolution and/or contacting processes would the introduction of categories have a likely impact? And we received comments from the GAC, from the Registries and the IPC on this. The GAC basically says that the appropriate treatment of different types of TLD applications may require different tracks for the applications and/or different procedures, rules and criteria for their handling.

This need is highlighted, for instance, by the unforeseen consequences for community applicants of recourse by competing applicants to other accountability mechanisms. And the specific challenge is faced by some community applicants in auctions when in competition with commercial applicants. These issues should be further explored based on all the data still to be gathered.

The Registries have said that impact of a category depends on the nature of the category, how it's defined and any benefits or special procedures made available to those applicants. By way of example, contention resolution was relevant for community applicants that successfully completed CPE but is less relevant for other TLD types. We don't believe that it's useful to link TLD types to application phases in this manner nor to excessively fixate on application categories in general.

And the IPC states that we believe that financial review would be affected since open, unrestricted TLDs, for example, would have more impact on consumers who build businesses on them than completely closed TLDs such as dotBrands. More generally, a number of aspects of the application requirements and the base registry agreement were of little practical relevance to or even were unduly onerous for a dotBrand application and would merit review, which may lead to the elimination of streamlining of these processes.

The original process was largely one size fits all other than the community process. More attention to fitting the process to specific bites is encouraged. That was from the IPC.

And on that one I'll also state that this is something that we discussed in Work Track 2 in dealing with the agreement and of course would be relevant to the other work tracks as well.

With that said, is there anyone from the GAC, the IPC or the Registry Stakeholder Group that would like to elaborate on those comments at all?

Avri Doria: I don't see any hands at the moment. I do see that Michael has been typing and I wonder, Michael, whether you wanted to speak or whether you wanted me to read your typing? Sorry, it's not in relation to this topic, that's correct. Okay, so then we'll move on from that. I see no hands, no comments. Hopefully, are there any questions that anybody has about this? I see nothing, Jeff, so...

Jeff Neuman: Okay. So then I will note the one thing that will be interesting to discuss, if I interpret the GAC's comments correctly, if community applicants didn't – if there was contention resolution so multiple applicants, one of them was a community and the community did not qualify even if was one point short of the 14 that were required, then the result was that it was just – it would go to the next contention resolution mechanisms ,which either is to privately work something out, it could be a private auction, or to then go to the ICANN auction.

And I think what the GAC is getting at there is that whether, you know, they're still discussing whether it was appropriate to engage in a – an auction for a community applicant when the community applicant may not have the same financial resources as one potentially applying for the generic. So that is an interesting topic I think. And oh, Tom, you want to comment?

Tom Dale: Hi, Jeff, yes, thank you. Tom Dale for the record. Just two points. Firstly, yes, I think you're paraphrasing of what the GAC was trying to say in that comment is basically correct. And secondly, just to note that with regard to community applications experience in the most recent round there is some research that some GAC members, including the UK government, and the Council of Europe have been preparing to submit at the GAC meeting in Hyderabad or shortly before that, so that's some research that has been conducted independently. And I would hope that the GAC would be able to

make that available to the group with regard to community gTLD experiences either before or certainly at the Hyderabad meeting. Thank you.

Jeff Neuman: Thanks, Tom. That's – yes, I do remember them talking about that at the last meeting in Helsinki so I would love to – this group I think would love to see that paper and research when it's completed. Anyone else have any comments on 2d?

Avri Doria: See no hands at the moment. Nor do I see any comments in the chat.

Jeff Neuman: Okay.

((Crosstalk))

Jeff Neuman: So 2e is actually a topic that we sort of talked about in response to the Board letter that we responded to previously. So again I'll go over this fairly quickly because I think it reflects some of the discussions that we've had. So it says if different categories of gTLD are defined should all types be offered in each application window? Is it acceptable for an application window to open for only one or a limited subset of categories of gTLDs? So for example, brand only application window.

The GAC did not have any comments at this stage. The registry said that there is a difference of opinion within the Registry Stakeholder Group. So there was no – they weren't able to come to consensus.

So some felt that in the case where we decide to move forward – and we'll talk more about this in Question 3 – but in the case of, you know, windows or rounds, so where there's actually rounds as opposed to a first come first serve, or continuous application process, the comment is that all kinds of approved categories should be offered at the same time to avoid unnecessary gaming when companies try to manipulate their applications in another format only because the window is open and to grant equal access to

the possibility of application processing. Though this should not lead to longer time between the application windows, in the case where window model is going to be used.

And the case of a continued application process the Registries state that the application window should not exist as a subsequent procedures should allow a rolling application period as in the case of second level domain names. We also discourage the introduction of restrictions on which applicants can participate in future application processes in general. We would discourage windows that give priority to one category over another.

Sorry, lost my space here. Okay, and then it states that the alternate view of the – of some registries say it could prove more flexible and possibly more practical to manage operationally if windows opened up for specific categories, for example, using the three main categories identified in the last round, commercial, brands and Geos, there could be an application windows assigned to each category during a year.

This could simplify the post application processes particularly the objection process, GAC early warning, contention sets and the contracting process. As well as spread the demand on resources, both within GED and the community. This approach would also work as an interim measure prior to establishing a continuous application process.

And then the IPC states, “We note that this question reverts to the old approach of each application window as opposed to the more inclusive ongoing mechanism found earlier in the document while not specifically advocating at this stage for a special early entry for dotBrands, very few of the dotBrand applications are subject to the challenging issues encountered in the 2012 round which this PDP might be expected to seek to review and revise, for example, string contention, singular, plural, GAC advice, RPM issues, etcetera.”

“If the required policy work to create a streamlined process for dotBrands were to completed, whilst other aspects of the PDP working group’s work remained ongoing there may be no good reason to hold up those dotBrand applications which are uncontroversial.”

Avri Doria: I see no hands at the moment. Anyone have a comment?

Jeff Neuman: Okay that covers what the three different comments are. Is there anyone here...

Avri Doria: I see no hands.

Jeff Neuman: Anyone want to care to expand on the comments from the...

((Crosstalk))

Jeff Neuman: Okay I do think there were some interesting things just to – hand up you said?

Avri Doria: Okay. No there is no hand up. I do see a comment here. Let me see, is it related to this question? From Martin Sutton, the question – questions were posed to SO/ACs but many registries are not members of the Registry Stakeholder Group or other groups, particularly dotBrands. Should these questions be sent directly to registry operators?

Or was that in response to something else? Sorry. Yes. I think that was in response to Michael’s comments that he’d been typing in. Apologies. So, no, I see no comments.

Jeff Neuman: Okay.

((Crosstalk))

Jeff Neuman: So, Avri, if I can make a comment?

Avri Doria: Please.

Jeff Neuman: This is Jeff. So one of the – and I'll comment on Martin's too. Martin, yes, this was only for community comment officially to the SOs and ACs and constituencies. This is not the only time we're going to be talking about these subjects. And again, we'll bring it up in Hyderabad. But if you could assist us getting some more comments from some brands that may not participate in the Registry Stakeholder Group or other registries that are out there, we'd love all the feedback. So the more feedback the better.

One thing I did want to comment on was in the Registry Stakeholder Group I don't know if everyone is familiar with some of the background with the gaming comment that they had made, but I know Avri's mentioned it in the past – on some past calls. But we talked about there was a round in 2005 or so that dealt with only that was then called sponsored top level domains.

And ICANN had said at the time, we're opening this round up only to those that were sponsored TLDs. And so each of the applicants had applied and put themselves, or tried to apply as a sponsored community-based top level domain, while all of them I think except for one were eventually approved, what became apparent was that many of these TLDs were not the type – there were only seven but some of them were not necessarily of the type that people had clearly envisioned a sponsored or community-based TLD would be.

So some have said that they felt that there was gaming going on to try to fit themselves into a sponsored TLD – community TLD because they really wanted to launch at that period of time. So I guess the fear that the registries are – or some of the registries are explaining is that if we say, for example, we're going to have a brand only round, there would be some fear that some

applicants may try to fit themselves in as a brand when they wouldn't necessarily be normally thought of as a brand.

Other registries in the stakeholder group feel though that that could be minimized with a stronger definition or more clear definition of what constitutes a brand for that example, whether we could do that for Geo and whether we could do that for community and other types of categories, that's something we'd have to discuss.

Avri Doria: Okay thank you. I see no hands at the moment. If I can add a point on that one, I think – and this is a personal point – Avri speaking – is that there is both gaming and then there has also been sometimes a counterclaim that the accusations of gaming sometimes go beyond what is actually an ill-intentioned work around the rules. And that the accusations of gaming themselves sometimes do take on the proportion of yet another kind of game where anything that someone disapproves of is said to be gaming.

So we really have to be very careful in both defining the conditions and in defining how we interpret something to be a workaround to the rules. And that is another one of those difficult balances to find somewhere balancing between gaming and balancing between accusations of gaming as yet another game. So I just wanted to throw that into the discussion that we'll have to deal with as some time goes along. And Martin has written (unintelligible) restrictions to avoid gaming particularly for dotBrands.

And yes, it would seem that in something it's easier to get to something that at least appears to be an objective set of criteria where one can say yes or no. But as anybody watching the last round knows, sometimes the gray areas are really quite vast. So this is really an important discussion for us to be having.

Anyone have any comments to add? I see none, Jeff, so.

Jeff Neuman: Okay. Thank you. And just to comment, Martin, oh Martin has put something else in there. He says, “and provide opportunities for ICANN to move ahead with smaller distinct application rounds to maintain momentum before continuous cycles.”

Martin, one thing I would ask, and I know that – and Cecilia are responding to – I know Michael has asked that you all provide some – I don’t want to say justification – provide some rationale as to – on the agreement front as to why some dotBrands are asking for a separate agreement. Perhaps one of those items could also be talking about how you would define that category since that would be reflected in the agreement anyway. I think that might help further discussion.

Okay, so with that said...

((Crosstalk))

Avri Doria: ...comment from Martin that says, “Sure.”

Jeff Neuman: Great. All right, now for the next topic it’s Topic 3. And I expect people to comment on this because this is something we’ve talked about before and I think we’ll be – is an interesting topic of how we (unintelligible) the domains in the future. Just to – before we go through this question just to remind everyone what – where this question came from. And is that in the GNSO’s final report of 2007, adopted by the Board in 2008, it said that there should be a – I’m paraphrasing here but essentially a continuous mechanism to introduce top level domains in the future.

And so while 2012 was clearly in what we would think of as a round or an application window, this question now says, should we continue to assess applications for new gTLDs in rounds? If not, how could you structure an alternative application window for accepting and assessing applications while

at the same time taking into consideration public comments, objections, evaluation, contention resolution, etcetera?

And on that the first question went – or sorry, the first response from the GAC was, well, this depends in part on the evaluations made of the relevant aspects of the recent round. While the GAC has not (unintelligible) of all options, should be noted for the sake of discussion that one alternative to rounds is a permanent process of ICANN accepting applications for new gTLD within an agreed policy and operational framework, in effect, continuous delegation.

This could prove long-term certainty, reduce opportunities for gaming the system, and enable more efficient allocation of resources by ICANN, the community and applicants. There are several aspects of this to be worked through should it be explored, including a capacity – excuse me – for timely adjustment to the framework to respond to emerging issues and public policy issues; a possible mechanisms to ensure that when there is an application for a certain string, communities or other stakeholders that have an interest in the same string are alerted to the application and have an opportunity to apply for the string within the specified window. And/or, C, have some say on determining what uses of the string will be put to should it be delegated.

And then also, to consider an objective analysis of relative resource demands on ICANN, the community and applicants if this were done on a continuous basis.

The Registries state that the, no to the question of should it continue to be in rounds. What it says is allowing for – the Registries state, “allowing for subsequent procedures that contemplate a rolling first come first serve open window allows all applicants now and in the future the opportunity to apply when they want to. A continuous process will prevent bottlenecks in application process and allow applicants to apply for a gTLD when it’s right for their business rather than when a short window allows.”

“Whilst we support a rolling period, we understand that there has to be away to deal with contention for the same string if there is pent up demand since the 2012 round and therefore they suggest a hybrid approach could be considered by the working group starting with a short application window following – followed by an immediately rolling period.”

And then the IPC states, “That rounds have the potential to create false demand as they can create fear that a future round may not come promptly in the future.” And it’s based on actual history of ICANN’s various new gTLD efforts, on the presumption that there will be subsequent new gTLD application procedures, we believe that it is important to create an application process and timing that provides for greater certainty, especially for the development of new brand and their corresponding dotBrands.

IPC member Paul McGrady, who also happens to be a member of this group, and our liaison to the Council states this way in his treatise, and there’s a long quote from his treatise, which I’m not sure if I have to read the whole thing. But I guess I will.

“It would be beneficial to brand owners for ICANN to normalize the schedule for future rounds as quickly as practical. It is conceivable that multinational brand launches could be scheduled around the application period of future rounds in order to ensure that a new mega-brand could in fact be expressed in a new gTLD. It is likely that Council will need to clear new brands against the list of previous new TLDs in order to ensure that the brand will not encounter string preclusion.”

“A brand owner who invests millions to launch a new mega brand could be quite unhappy to learn later that its new brand is incapable of being expressed as a new gTLD registry because a preexisting TLD precludes the new brand from being expressed as a brand gTLD.”

“Having said this,” now it’s back the IPC comments, “Having said this we can envision significant challenges were ICANN to move to a continuously open, transparent, first come first serve application process including administrative burdens on potential applicants, ICANN staff and all other members of the community who would wish to review and comment on applications, as well as significant technical challenges in dealing with the anticipated demand to be first. Where such an application process – were such an application process open.”

“We believe that a suitable balance would best be achieved by having a series of discrete open application windows followed by discrete closed evaluation windows before the application window opens back up. A potential timing of three months for an application window followed by three months evaluation window seems practical, although the timing,” I think I just got lost here – oh – trying to do this on Excel and I got lost here.

“Although the timing...”

Avri Doria: I think it’s although the timing of the windows could be longer and could be a matter for discussion. Such a series of rolling application windows would give certainty of the timing for all members of the community helping to reduce the artificial demand created an individual round where there is no certainty on when the next one will be. It would remove some of the administrative burden on applicants.”

Hopefully I started from the right place.

((Crosstalk))

Jeff Neuman: Yes.

Avri Doria: “That a first come first serve application would likely cause and certainly would reduce the technical risks. Further, this would allow ICANN some time

to react to application volumes and to gear up resources for the next cycle if demand in a previous cycle proves high. It would also be respectful of the resource constraints on the wider ICANN community, some of whom might have difficulty reviewing applications on an ongoing basis if the application window were a permanent open one.”

Okay. “An open question, in establishing a continuous process is how to deal with multiple potential applicants for a single TLD. In the current round, these are grouped into contention sets. A trust first come first served process would eliminate contention sets which would lead to a number of consequences that need to be identified and evaluated. Alternatively, an ongoing process that held applications,” open parentheses, “similar to some sunrise periods,” close parentheses, “for a period of time could be considered, which would provide an opportunity for additional applicants to apply for the same string,” open paren, “particularly if applications are public record,” close paren.

“This would, of course, lead to different consequences that would also need to be identified and evaluated. While the IPC would favor moving to such a process as quickly as possible, given the length of time that there will have been since the 2012 round before new applications open, it might be necessary first to have another application round. If so, the intention to move to a rolling phase and the timing should be committed to at the outset.”

And that’s the end of the test. I see no hands...

Jeff Neuman: Thank you, Avri. One thing I would also – this is Jeff Neuman again – one thing I would also point out is that I’ve seen comments or heard comments that having a completely continuous first come first serve process would make it difficult for rights holders to – and I think they stated actually in 3b – to monitor what’s going on and then to file the appropriate comments and objections.

So in other words, someone – and it's not just rights holders, it's anyone that wants to file comments or objections to any applications is always going to have to be in a constant state of monitoring what's going on every day in order to make sure that it could provide comments if something were to come up.

Whereas if you have a predictable window or multiple windows within a year, then that problem would – it wouldn't go away but it would certainly make it more predictable as to when it monitor. So an alternate proposal, like the IPC has suggested, could be in a calendar year, let's say January – like Q1, January through the end of March is an application window. April through June – the end of June – could be a time period to file objections, comments from the community, etcetera. Then evaluations can start in Q3 and so on.

But simultaneous with the evaluations starting you could also do a second application window that year in July through the end of September and then have comments on that second quote, application window, come in from October through December.

So you could have – it's a continuous acceptance of applications in Q1 and Q3, predictable comment periods or objection periods in Q2 and Q4, in my example. But it would not eliminate the problem with contentions. You're still going to have that contention sets, a little bit of pent up demand, between rounds, but you're still going to have to figure out how to resolve contention sets, etcetera.

Which in trying to challenge – no, trying to channel, sorry, not challenge, channel Jordyn Buchanan from Google, I know he's on multiple occasions has stated that a good point that many of the accountability mechanisms – the reconsiderations, the independent reviews, have all been – or not of all but a lot of them have been because there are contention sets or because there's this way of dealing with it and a lot of that in his view, would go away if we did a continuous first come first serve.

I will also note for the record that the CCT Review Team is also considering this issue of rounds versus first come first serve and one of the things, an action item should be to figure out what progress they've made on this issue and share with us their thoughts.

Avri Doria: This is Avri. If I can make sort of a personal comment on that? And, you know, I'm basically wondering with – if we started with this sort of procedure and this sort of procedure was set in from the beginning of our subsequent procedures that we would work on that. Would we likely see a sort of unwinding of the pent up demand that is said to exist now over various periods? If this was established at the beginning or would we still have...

((Crosstalk))

Jeff Neuman: Hey, Avri, this is...

((Crosstalk))

Avri Doria: Yes.

Jeff Neuman: Avri, this is Jeff. I think – Avri, this is Jeff.

((Crosstalk))

Avri Doria: Yes, I can hear you. But you can't hear me. But you can't hear me. So some people seem to hear me...

((Crosstalk))

Jeff Neuman: Oh it might just be me then.

Avri Doria: Right. Sorry, Jeff. So I'm sorry you can't hear me. What I was saying – I'll finish saying what I was saying and then maybe I'll type it in. Basically my question is, and I don't know whether we can find a way to solve it, is if we were to start at the beginning with this three months on, three months comment, three months application from Day 1 of subsequent procedures, would we still see a rush of 10,000 for that first one? Or would that sort of even itself out with people knowing that they could apply in the next one?

And it's just a question I've got. Jeff, can – did you hear any of that? And I'll type my question in. Can someone – or can anybody hear me now? Steve, Mary, someone, can you please just speak so we can check to see if other people can hear you?

((Crosstalk))

Avri Doria: Okay.

Man: Can anyone hear me?

Avri Doria: Jeff...

Jeff Neuman: Yes, this is Jeff. I can hear you partially. I think for those of us that are on Adobe I think it's breaking in and out but those that maybe on the phone could probably hear you.

Avri Doria: Okay. Yes, I've had a certain amount of breaking in and out too as people have spoken. Okay well I'll write my comment in. Does anyone else have any comment on this procedure? Okay, I'm writing my question now. Jeff, back over to you.

Jeff Neuman: Okay. Yes, Mary is saying that in general the phone bridge is more stable for audio than AC. So I will – if you guys can hear me, yes?

Avri Doria: Yes, I can hear you.

Jeff Neuman: Okay. Great. Yes, it would be great to hear from others on this call. I know Avri and myself like to talk but we really like to listen too. So this is a pretty good topic. I know people here must have thoughts on this. So I'll throw out, what would be some of the good things or difficulties if we did a first come first serve? You're all from different communities so whether you're a brand owner or whether you're an applicant?

Avri Doria: I don't see any hands.

Jeff Neuman: Okay. Karen has got her hand now?

Karen Day: Oh hi, yes, this is Karen Day for the record.

((Crosstalk))

Avri Doria: Okay Karen, yes, please I see your hand is up.

Karen Day: Okay. Can you hear me now, Avri?

Avri Doria: Karen, we don't hear you.

Karen Day: Avri, can you hear me?

Avri Doria: Yes, yes.

Karen Day: Okay. I'll throw out my perspective...

Avri Doria: Yes, I can hear you. You're breaking up a little but I can hear you.

Karen Day: Okay. This is from a – my perspective as a business person...

Avri Doria: Yes, I can.

Karen Day: ...that a continuous round is the way we have lived with second level domains for forever, first come first serve to whatever dotCom you wanted or dot country code. And businesses have lived with that and I think that the people are worrying a bit too much about, you know, trying to allow for everybody to get access to the same thing. And I – my personal opinion is first come first serve, continuous rounds and that's going to eliminate a lot of the problems that we saw last time. So that's my pro continuous round speak.

Jeff Neuman: Okay, I see Klaus Stoll, you have your hand up.

Klaus Stoll: Hello, thank you. I hope you can hear me. Yes, in general I think continuous rounds appeals and sounds the most attractive. But my question here is quite simply continuous rounds means continuous evaluation and sometimes I felt that the evaluation like being in a crisis state. So maybe that three months on, three months evaluation, three months accepting, three month evaluation is actually a good way forward just to give us some peace and quiet for – from analyzing and evaluation from time to time. Thank you very much.

Jeff Neuman: Thanks, Klaus. I think that's a good point in terms of resources. I know it's – it would be difficult to do continuous throughout the year. Let me ask also the question of – to the group – if it was a pure first come first serve process, what would be the process that someone would object on the basis that – or if they wanted – so the IPC basically said that if it should be first come first serve – or I think it was the IPC – it was either the IPC or the GAC that said that there should be a time period for someone else that wants that string to have the ability to say that they want the string and then have some sort of contention process?

What does everyone think about that? Again I'm trying to go back to see if it's – oh I'm sorry, it was the GAC, the GAC basically said should there be a mechanism to ensure that when there's an application for a certain string

communities or other stakeholders that have an interest in the same string are, A, alerted to the application and, B, have an opportunity to apply for the string as well within a specified window, and, C, have a say on determining what uses the string will be put to should it be delegated.

So taking those first two, if it was first come first serve, or even the small application window, what does everyone think about alerting the world as to what the application is and then giving an opportunity for others to apply for that same string? Okay Michael, you have your hand up.

Michael Flemming: Can you hear me?

Jeff Neuman: Yes.

Michael Flemming: Hello? Can you hear me?

Jeff Neuman: Yes. Now I can't hear you.

Michael Flemming: Oh you can hear me, okay good. Sorry, my connection is horrible. Can you hear me now? Hello? Hello?

Jeff Neuman: Yes, Michael, I hear you. I'm on the phone now. I think everyone can hear me. I think we're having an Adobe issue with connectivity. I guess this is one of the bugs that Karen just said would make a great Verizon commercial. I guess this is one of the bugs that we'll be looking at in the future. Can everyone still hear me that's on the phone line at least? Yes, okay. I'm on AC audio, great. So I guess some people are having connectivity issues so I'm going to ask the question then, I think it's something worth considering. Michael, if you can hear me, it would be great for you to submit your comments.

I think it's an interesting question. I'm not sure if applicants from an applicant standpoint if they applied for a TLD on a first come first serve basis that

they'd want the world alerted or be one thing to alert the world that they've applied, it's another thing to invite contention because essentially that's what you're doing is basically saying if the GAC comments were basically saying, you know, Applicant A has applied for dotABC, there's a 30-day window not only to object but also to submit a competing application I think that has its own issues.

Anybody want to comment on that? Okay, Michael you want to try again?

Michael Flemming: Can you hear me? Can you hear me?

Jeff Neuman: Yes.

Michael Flemming: One, two.

Jeff Neuman: Test works, yes.

Michael Flemming: Okay wonderful. Okay I – assuming we haven't strayed too far from the open – the idea of alerting the world about a new gTLD – a new application, am I correct that we're still on that topic?

Jeff Neuman: Yes, sir.

Michael Flemming: Okay, perfect. I'm so sorry. Yes, so I'm assuming that you're kind of considering this as a – like a gazette or maybe for trademarks in that sense basically giving people an opposition – to oppose for example. I wouldn't really – if you're thinking on those terms I think you'd have to – it'd be very difficult to, you know, create requirements or on what grounds you may oppose. I mean, if it's brands maybe it's one thing but if you're doing this for generics I think it would be very difficult on those grounds. I think you'd have to (unintelligible). I don't really know if that would be (unintelligible) in my own opinion.

Jeff Neuman: Yes, you're on, I just missed that last part. It just sounded a little muffled. Okay, I think we lost Michael. Anybody else lose Michael? Michael, unfortunately I think we lost you. But I think your comments were about treating it sort of like the gazette for trademarks, which for those of you not – specialist in trademarks, what happens is when someone applies for a trademark at least in the United States, probably some other countries, although I must confess I'm not as familiar, the mark is – once it goes through its evaluation its then approved for what's called publication.

The mark is then published and then others can oppose the mark on certain grounds. And then there could be a hearing and all sorts of things after that. This would be akin to both publishing but also giving an opportunity to not just object but for someone else to apply for it. So it's kind of both of those things. I think it's interesting and certainly something to consider but it's certainly a model we should write up and really go through the pros and cons.

Anybody else have any comments on this?

Avri Doria: I don't see any hands at the moment.

Jeff Neuman: Great. Thanks, Avri, you're back and clear.

Avri Doria: See how long it lasts. Okay.

Jeff Neuman: Okay well, Avri, if it's okay I think I might want to stop here because of connectivity issues and I don't want to get started on another subject at this point.

Avri Doria: I think that – yes, I think that makes sense. We had an hour of good Adobe Connect, which is quite remarkable for these new times and this new connectivity. So I think it is a good place. We only have 10 minutes left. So we'll stop there, continue with – at our next meeting.

I don't know if we'll do any of this during our session. I expect not but we'll talk about that next week. So we'll probably go back to this post Hyderabad, though we probably should put in at least a session during our Monday meeting to recap where we've gotten to and to talk about what's still left for discussion. So but I don't think we'll do any of this line by line approach.

And while I do seem to have the ability to talk, just wanted to point out that just so we know what's coming up in terms of a process, once we finished going through these then I think the leadership group and staff can work on getting, you know, a first cut at recommendation text for our draft report written and then we can basically do a set of walk-throughs on that text to see if we're starting to approach a consensus point on these issues so that we can then, you know, continue moving further with it.

But I appreciate very much the way people are dealing with this process and with weathering whether it is here or in the work tracks, the Adobe Connect issues that we all seem to be having at times or another. Does anyone else have anything they want to add? Any other business that came up during the meeting? Staff, do you have anything you'd like to add at this juncture before we close the meeting?

Seeing nobody jumping in, I do want to point out that our next meeting is 24 October at 20 UTC.

Jeff Neuman: Yes, Avri, this is Jeff. Just on that, just a reminder, that that meeting on the 24th is not like our normal meetings, it is just a pre-Hyderabad planning session. Everyone is welcome and hopefully you will come to the meeting but it's not required. So don't feel compelled.

Avri Doria: Okay. So I thank you all. Wish everyone a good day or a good night. And I'll talk to you all at our next meeting. Thank you.

Jeff Neuman: Thanks, Avri. Thank you, everyone.

Michelle DeSmyter: Thank you. This meeting has been adjourned. Operator, could you please stop the recordings, disconnect all remaining lines. Have a good day, everyone.

END