ICANN Transcription
New gTLD Subsequent Procedures Working Group
Monday, 28 November 2016 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of New gTLD Subsequent Procedures Working Group on the Monday, 28 November 2016 at 15:00 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/EJPDAw

The audio is also available at:

http://audio.icann.org/gnso/gnso-new-gtld-subsequent-28nov16-en.mp3

Coordinator: The recordings have started. You may proceed.

Michelle DeSmyter: Thank you, well good morning, good afternoon, and good evening to all. Welcome to the New gTLD Subsequent Procedures Working Group Call on the 28th of November 2016 at 15:00 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, would you please let yourself be known now?

Kavouss Arasteh: Michelle DeSmyter, can you speak a little bit slowly? Hello? Please, slowly. You speak too fast.

Michelle DeSmyter: Okay thank you, I will do speak slower. And as a reminder to all participants, please state your name before speaking for transcription purposes and please keep your phones and microphones when not speaking to avoid any background noise. With this, I'll turn the call back over to Jeff Neuman.

Jeff Neuman: Thank you. And Avri Doria's on the line as well. At least I see Avri. I see you on the chat or on the list of participants. So I realize that Avri…

Avri Doria: I'm here.

Jeff Neuman: …and I have not discussed who is chairing, so I will take the chair and then turn it over to Avri for the CC1 review, which I know she'll be happy about.

So first we'll go over the agenda, as we normally do, and so we'll do normal statements of interest, then do kind of a little bit of a summary of outcomes, next steps from ICANN 57, see if there's any work track updates. I know they'll be brief, as we're just getting back into having the work track calls this week. And then as stated earlier, we will hopefully try to finish up the CC1 review between this call and the call next week, and then I will issue a call for any other business.

So first let me just start with if there's anyone that has any other business at this point in time, raise your hand. Okay. Seeing none at this point in time, we will go to the statements of interest. So I know it's been several weeks since our last meeting. Has anyone have any updates to any statements of interest that they would like to declare? Okay, I'm not seeing any. And this is the first time I'm usually actually my iPad for Adobe, so if anyone is raising their hand and I just can't tell, if someone could just interrupt and let me know.

Okay, ICANN 57. So that was a few weeks ago in Hyderabad. Hopefully, Kavouss, I'm speaking slowly. So we all met for a workshop type meeting in Hyderabad, and it was on day one. And I thought we actually made some

progress on some pretty big issues. What - just as a reminder of the format, we had each of the work track leaders present a one or two, in some cases a few, questions to get some public input on, and I thought we had a pretty good interactive session on a number of issues.

And we certainly came out of that meeting with some action items and some additional comments. Steve, I don't know if you wanted to talk about, you know, the - you had a sent around I believe a set of notes on the meeting. Did you just want to give an update on that?

Steve Chan: Thanks, Jeff. This is Steve from staff. I wasn't planning on sending that - discussing that. That was actually I think sent around by Julie Hedlund from staff, and it was put together into a Word document, if I recall. Anyway, it was a few weeks ago. So I don't think I was going to add anything to that.

Jeff Neuman: Okay. Just making sure that everyone has got a copy of those notes. I know that the recordings are available. And, Steve, do you recall if there's transcripts as well or is it just the recordings?

Steve Chan: This is Steve again. I believe there's transcripts, but I'll go dig up the link and put into the AC room so everyone can look.

Jeff Neuman: Okay. So the - really the next steps out of those discussions, each of the work tracks took extensive -- or the leaders -- took notes on the discussions that took place and are going to be bringing up their individual track notes on the calls that are going to be - some of them are - work tracks one and two are this week, in fact track two is going to be in a few hours and work track one is tomorrow.

This is a little bit of a change from the past where our meetings were on Tuesday on Thursday. There were some conflicts for me on Thursday. I believe there is some conferences going on, so we had - a couple weeks ago we had changed the work track two meeting from Thursday to today. And

work track three and four will be next week. Are there any - Avri do you want to anything else to this?

Avri Doria: Nope, thanks.

Jeff Neuman: Okay. Are there any updates that any of the work track leaders want to provide at this point? I'll go by work track. So Sara or (Krista), anything you'd like to add just on track one? I know your call is tomorrow but anything you just want to let the whole group know, just kind of a summary of what was discussed?

Sara Bockey: Hi, Jeff, this is Sara. I don't know that we have too much. We had some good conversation I think about the accreditation program. And I don't think I said my name. This is Sara Bockey. There was some good discussion I think on the accreditation program, or potential accreditation program, both in our meeting and there was also a - I think a high level discussion on it as well.

And then (Krista) and I also had some good conversations with a GAC representative, I believe it was (Alice), her last name is escaping me at the moment, as well APAC regarding the applicant support program. So we'll be going over that tomorrow during our working group call. Other than that, I think that's where we stand right now. (Krista), do you have anything you wanted to add?

Jeff Neuman: (Krista) has typed into chat she doesn't have anything special to add. The call tomorrow, we'll get everyone up to speed in track one, and that there were some great insights from the meetings that you did have. I think on the support and outreach, we did, as Jorge has put into the chat, Avri and I were able to update the GAC on the progress we've made in this PDP and basically a plea for getting additional participation from the GAC.

And support - applicant support and outreach was a critical issue for the GAC in the 2012 round. They were happy to give us some input and to, as Sara

mentioned, provide us with (Alice) from the GAC, who spearheaded the effort in 2012 and is - has also joined our working group. So hopefully she'll be able to be on the work track one call to add some valuable insight. And I know also that - or at least I believe that you all had a chance to at least connect by e-mail if not in person with others that worked on that in that group in pre 2012. And (Krista) has put the - (Alice)'s last name into the chat.

Avri Doria: Kavouss has his hand up.

Jeff Neuman: Sorry, say that again?

Avri Doria: Since you said you couldn't see names, I thought I'd point out that Kavouss has his hand up.

Jeff Neuman: Great. Thank you, Avri. So, Kavouss?

Kavouss Arasteh: Yes, I'm sorry to raise this question. (Unintelligible) how many GAC members are participating? I see (unintelligible). Perhaps maybe we have someone does. How many GAC people do we have? You'll remember that I emphasized that without participation, it is impossible to have common views. So I'd be glad to know how many GAC participants are at these meetings. Thank you.

Jeff Neuman: Thanks, Kavouss. I know (Tom Dale) has sent his apologies, so he would be one of the best people to go through this list to see who is from the GAC on here. Absent that, if one of ICANN staff can kind of go through the list and see if we can get Kavouss with an answer during the call today. I see Donna has her hand raised, I believe. So, Donna?

Donna Austin: Thanks, Jeff. Donna Austin. Just on the topic of participation from the GAC with this working group, one of the conversations that the council had with - the GNSO Council had with the board in Hyderabad, and we also had the same conversation with the GAC, is, you know, it may be necessary to have

moderated sessions between this PDP working group and also the GAC on some of the specific topics where we know that it may be - we may be at different - or odds on a certain topic. I mean geographic names is the obvious one that comes in my mind.

But I think it's - it would be really helpful for these - the other two topics that you just identified that absent, you know, good representation within the GAC from the GAC within this working group, I think it would be really helpful if at some point we can think about how we ensure that we have enough GAC engagement on these topics so that we don't end up in a position where this PDP working group comes up with recommendations that are inconsistent with GAC advice on the same topic.

So maybe not a discussion for now, but I just wanted to raise it that it's something that we need to think about in terms of perhaps the schedule that we have for this working group and also upcoming, you know, face-to-face ICANN meetings as, you know, if we identify these topics where we are going to be at odds potentially, how can we coordinate to have a moderated session between the GAC and the PDP working group to try to go through some of the differences of opinion and see if we come out with a if not the same - in the same spot, at least have a good understanding of why we have those differences. So I just wanted to flag that. Thanks, Jeff.

Jeff Neuman: Yes thanks, Donna. I think that's a great point. And I think one of the issues you referred to, the geographic one, the geographic names, I was going to - we're going to provide an update with work track two, but you're absolutely right. I think one of the things I would love to do in 2017 is try to do an intersessional, and by intersessional I don't necessarily mean in person, but some sort of group call with the GAC or with GAC members to do precisely what you're talking about. But let me - Avri and Kavouss are in the queue. So, Avri?

Avri Doria: Actually Kavouss got his hand in there before me.

Jeff Neuman: Oh okay. So, Kavouss?

Kavouss Arasteh: Yes, in the GAC I think the people are active in this issue of geographical names is Olga Cavalli. She's active. For the underserved country is (Alice Nino). On the CCI is several people, including (unintelligible). And Volker and I also participate in that. We are not working it specifically, however, I think that when we have a specific topic, we need to have these people who work in outside the physical in the GAC to be present and to reflect (unintelligible), and you can't push anybody. Invite them to be present in order to have the coordination, not to have a (unintelligible) activity.

So we really need to push for that and request the people working on the GAC on these topics to kindly in one way or another participate with this subject already started. It's basically voluntary, there's no push to anybody. We can't have - for anybody. But this is an invitation only. I think if we want to have a result, we should participate. That is what I told several times in the GAC and it is essential. It is fundamental. Thank you. Sorry to ask you all again for this one topic, but I insist that it is. I emphasize that this is important.

Jeff Neuman: Okay thanks, Kavouss. Avri?

Avri Doria: Yes, Avri speaking. I actually very much support the idea of doing online intersessionals on these and perhaps to make each of them just a single topic. And perhaps it's something where we can prevail not only on the GAC members, especially, you know, the - that are participating here, but also our GNSO liaison, who's also our liaison to the CCT group, to help us set those up when it comes time. And as Kavouss suggests, make sure that we find a time or method that works for the people from within the GAC and from within this group who are critical to that.

We've got this liaison position defined, so maybe that person, (Carlos), will be able to help us to actually make sure that that happens and do those things

not just before the next face-to-face meeting, but once we've reached sort of vast opinion stages where we kind of know where we think the group is going, we can see the contradictions or the what have you, the differences of opinion, and can actually have an extraordinary session of our group with the relevant GAC members at that time. So I think that's a great idea. Thanks.

Jeff Neuman: Okay. Thanks, Avri. Jorge?

Jorge Cancio: Hello. Do you hear me okay?

Jeff Neuman: Yes, great.

Jorge Cancio: Hello. This is Jorge Cancio, (unintelligible), for the record. I just wanted to join in in this discussion because I think it's very useful and support what has been said by Donna Austin and also by Kavouss. I think that the discussion we had with the co-chairs in Hyderabad, which was the second edition after the first discussion in Helsinki, proved to be very useful.

                 And I very much agree that if we are able to schedule this in advance, more open discussion with all working group members on one side and all GAC members on the other side would be very useful, especially if we have like in Hyderabad the topic lead from the GAC ready for meeting in person on some of the key issues we are discussing in the PDP working group.

                 So with this, I would also like to recall what I said in the chat and this is that this working group, I don't know with - in what manner, but it would be very useful that it would look into the transcript of our discussion in Hyderabad because all the relevant public leads from the GAC made specific input to the co-chairs and I think it gives a good feeling on where the key issues lay and how they fall on the GAC as well as this information on who these topic leads are. So I'll leave it by that for the time being, and thank you very much.

Jeff Neuman: Okay. Thank you, Jorge. And I think just to kind of bring us back to one of the questions on the chat, all of the names that Kavouss mentioned are the topic leads in the GAC, and we will get the full list. I know (Alice) is on there, Olga is on - is listed in the notes, I think (Mary) had listed those. But there's also a few other groups that we will make sure we get the topic leads documented so that we can make sure we do engage with them when we address those specific areas.

Okay. Just looking through the chat to see there's lots of agreement. Okay, good. So that on the geographic names, which actually brings us to an update from work track two, I'll actually let - well I'll do this quick update. So there was a - as everyone knows, there is a cross-community working group on the use of country and territory names, which had a session in Hyderabad. And it seems like one of the items that was discussed was whether to just finish their report up that they came out with an interim report and then refer the work to our PDP, the rest of the work.

The - if that does happen, some of the co-chairs and the leaders have been discussing that potential, and what we think we would like to do if the issues do get referred to us will be to create a separate either track or separate group to look at the issues, the geographic issues, and because it is such a sensitive area for the GNSO, the ccNSO, and the GAC is to try to get (repators) from - or one (repator) from each of the three different groups to make sure that everyone is comfortable and happy in participating in such a group.

So that's just what we're thinking at this point in time, but I'm happy to get some feedback. And I see there are some hands raised. So unfortunately in Adobe it doesn't say whose hand was first, it just says - it just puts it in alphabetical order.

Avri Doria: I have Jorge and then Annebeth Lange. Now Jorge's gone, I have just Annebeth Lange.

Jeff Neuman: Okay. Annebeth Lange, please?

Annebeth Lange: Hello. Hello, everybody. Can you hear me?

Jeff Neuman: Yes.

Annebeth Lange: Good. Thank you very much for that update. And I'm one of the co-chairs in that cross-community working group. And as you know, as we talked about in Hyderabad, the reason why we decided to stop the work was that we had some - quite much trouble to find a common way forward. What our mandate was was to try to find a framework that all stakeholder groups could agree on, and after having finished our at least preliminary discussion of two-letter strings, that was not that difficult, but entering into the three-letter codes we saw that it was so much distance between the different stakeholder groups.

We could have gone on and discussed it, but to get some way forward, since you are doing a lot of work in these work tracks, it would be more sensible for all to try to discuss it together. But as you say, it is really important to get in the views from both ALAC, the GAC, and the ccNSO to avoid having the same thing that happened last time that we have a finished result and then a lot of opposition afterwards. So if we could try to do it better this time, that would have been so good. Thank you.

Jeff Neuman: Thanks, Annebeth Lange. Kavouss?

Kavouss Arasteh: Yes. I suggest that if possible, Avri or yourself send a short message to Thomas Schneider and ask him if these are the topics, not to say, you know, a name, this is talking about the two-letter and three-letter, talk about the IGO and the so on and the underserved countries, and ask him that who are the - who could be the focal points of GAC on this issue that could be encouraged to participate at the meetings.

Because in the last meeting of GAC, they had a letter saying a very hard position of some of the GAC Asian countries or East Asian countries relating to this two-letter and so on and so forth, so we need to have them on board. And I think we need to understand each other. And with the IGO also we have the same thing. We have discussions with the GAC. The GAC wanted that the GNSO totally review the thing. They said that they could not review on this. It is too (unintelligible) recommendations with the liaison and we need (unintelligible) on that and who will be getting the issue.

I can ask to organize these sort of thing. One of this (unintelligible), so we need to ask the chairman of the GAC to currently identify focal points dealing with the topics that you and Avri identified. The people should be really on board in the discussion in the chat and listen and communicate. Otherwise we will not be very efficient. I'm very conscious about this. Thank you.

Jeff Neuman: Thanks, Kavouss. And the IGO-INGO issue is also a very complicated one that is the subject of, or has been the subject of, an ongoing PDP, or several PDPs, so we would have to coordinate with those groups as well. And I know that the ICANN board has discussed the IGO-INGO issue and ways forward on that. So I think we're going to have to coordinate. Jorge, do you want to weigh in as well?

Jorge Cancio: Yes, thank you. Hello. This is Jorge Cancio again for the record. First of all I wanted to support what others said from Norway because it is indeed a very difficult topic, as we all know, especially with regards to country and territory names and representation with short names, long names, with three-letter codes. So maybe it could be useful also to dig up what was the position from the ccNSO and also from the GAC when the previous round was being prepared, because in the end, what are country and territory names and they are let's say in a gray area between the ccNSO and the GNSO, if we can say that.

As to other geographic names which are not covered by the protections of the applicant guidebook, we had some discussion from the GAC in Hyderabad as most of you will know. So we will try to come up with a draft proposal in Copenhagen. And at the same time follow up with these geographic names which will be on country and territory names, you will need to sooner or later also in discussion place which is cross-community and outreach is frankly to (unintelligible) community. Thank you.

Jeff Neuman: Okay, thanks, Jorge. Okay just looking through the queue. All right, Annebeth says, "I agree with Jorge on the country and territory names. There are quite a lot of views available from the last round that could be useful to reuse."

Okay obviously this is going to be a subject of discussion in Work Track 2 and beyond. So since there is a Work Track 2 meeting later on, Michael, is there anything you want to add or do you just want to save it for the meeting in a few hours?

Michael Flemming: Hi, Jeff. Thanks. I'm just going to – Jeff, can you hear me?

Jeff Neuman: Yes. Yes.

Michael Flemming: Oh you can. You can hear me, okay good. Sorry. So yes, Michael Fleming for the record. I'm just going to keep it very brief. First of all, I just want to say thank you for everyone that came out and gave very constructive feedback. We were able to, I think, finally get a lot out there and hear from a lot of different people that we haven't heard before.

To summarize things very quickly, we asked three main points, three questions of ICANN. One dealt around the single-based registry agreement, whether or not it was still suitable for all new gTLDs moving forward and whether or not ICANN would be able to deal with – would have the resources and would also be able to deal with multiple registry agreements – multiple category-based registry agreements.

So I think what we saw from this was that the idea for different registry agreements, well, at least the idea to construct something that would allow for various categories is definitely something that is – that most people are in favor in. How we do it, on the other hand, whether or not that's actually a single-based registry agreement with different specifications or if that is actually different registry agreements, I believe that we need a bit more opinion, sorry, a bit more feedback on.

There are still a lot of questions around that. I know we haven't heard from all groups yet either so this is still a discussion that's being carried on. Sorry, I will speak a little bit slower, I can tell that – I see Emily is having a hard time (unintelligible) sorry about that.

Then we also discussed the COI or the – sorry, the Continuing Operations Instruments. We weren't able to touch on this before the meeting, but what we got from the session in Hyderabad was that the model for the (Ebro) – sorry, (Ebro) is still – is viewed as something that is still necessary. At this point we're not able to obviously throw it away or change that model. But the COI model itself is something that is causing a lot of pain for a lot of new gTLD applicants. So I think that we're going to try to explore other options for how to cover the costs that are associated with the (Ebro) function.

And then for the reserve names, what we had – we had – unfortunately we had a lot of discussion and was not able to everything in the time allotted, but we – what we discussed in regards to the reserve names list that we need to go back, reorganize ourselves and look at – look at the policy itself. And that is what we'll actually be doing in the meeting today at 20 UTC. But yes, 20 UTC, my apologies.

So I look forward to hearing from everyone. And I hope that we can get as many participants as we do we have – as we have here. All right, Jeff, thank you very much, that is all for me.

Jeff Neuman: Thanks, Michael. And we'll be hearing more from you and Phil in just a few hours so thank you very much. Work Track 3, we – Kiran was not able to attend. Robin was there. I don't know if Robin, you want to provide a little bit of an update if you're on. I can't tell, I'm sorry. I'm not seeing the full list here. And okay Robin is not on this. So for Work Track 3, we'll give an update next week. Unless, Kiran, you have an update that you and Robin had talked about? Okay not hearing any.

We can move on to Work Track 4, Cheryl and Rubens. Do you have any update?

Cheryl Langdon-Orr: In terms of updates, Rubens and I would obviously – it's Cheryl Langdon-Orr for the record, by the way, I slipped up on that. Rubens and I would obviously like to thank everybody for their contributions made in the Hyderabad meeting particularly on the questions we asked around dotless domains and clashes.

Obviously there is, like most of the groups, more work to be done on that but we certainly appreciated the additional input that came out of the interactive session. And certainly something that I think all of us would probably agree was a good thing to do and we could probably benefit from doing it again later in our processes as well.

We're on the cycle that means we meet in this not coming week but the week after. And one of the things we're looking at putting in our agenda is, apart from the review, and looking at our timeline for where we are in getting things done. We're certainly not anywhere near where we had planned to be on most of our topics, but some of the low hanging fruit, for example, is in the universal acceptance work. And we noted that whilst we are not digging deep into universal acceptance ourselves in isolation, we certainly need to look at and work with the special interest group that's been running on universal acceptance for some time now.

They did some, towards the end of project updating in Hyderabad. Neither Rubens or I had timetables that allowed us to attend those. But we will be looking at the published material from those with the group in our next call and seeing what we may able to glean out of those documents in advance of the – of putting more drafting pen to paper on some of our key objectives on that.

Other than that, not a great deal to say with the exception of we have an extraordinarily quite list and in my very biased view at least, far too few people from our group turning up to our meetings. So if we could encourage more participation that would be greatly appreciated. Back to you, Jeff.

Jeff Neuman: Okay thanks, Cheryl. Great. So and that call, as Cheryl said, well both 3 and 4 are next week and hope – and the invites were sent out. Actually, the invites have been sent out I believe for all of the meetings in the next few weeks. If you have not gotten the invites but were expecting to, if you could let Emily and Steve know if you haven't gotten those invites. Okay?

And then let's jump onto some more of the substance. If we could bring up the CC1 review tool on Adobe? Oh and of course that's large enough for everyone to read. You can – if you view it on a tablet it's much smaller. So Avri, I know we haven't discussed who was going to handle this. If you're in a position to do it, great, if not I could do that as well. So, Avri, do you want to take this part?

Avri Doria: Oh, Jeff, this is Avri speaking. You tempt me sorely. But in your absence at our leadership meeting we actually did decide that it was your turn to chair and thus my turn to do the CC1. So I won't jump at the opportunity to let it land on your lap and we'll go through with it.

But first, I wanted to talk a little bit about the process that we're going through. This is taking us forever to do. And one of the things was there

a hope that we could be done with this by the end of the year. Now that's looking rather difficult. And one of the things we discussed in the leader's meeting was to instead of continuing to work on it every other week to basically try and work on this every week until we finished it.

We've only gotten a little bit more than – no actually we haven't quite gotten halfway. There's six points, we're in the middle of 3. We've got 4, 5 and 6 to do yet. Now we have tentatively scheduled a meeting for next week. I forget when it is, but I expect that either Steve or Emily can say.

I unfortunately have a conflict for that. Sneaky of me to schedule a meeting when I have a conflict. I'll try to make it. But the meeting would only be about the CC1 walkthrough. And if Jeff can make that meeting, whether I'm there or not, should not really matter. So we need to, first of all, you know, wanted to sort of let you all know that that's how we've been looking at it but figure it really is time to make an end of this first pass through the comments. Imagine if we had gotten comments from everyone.

So I don't know if there are any objections or anybody wants to comment on that notion. And, Steve or Emily, can you remind us of when that tentative meeting has been scheduled for next week, which would be one hour on CC1 only.

Steve Chan: Hi, Avri, this is Steve…

((Crosstalk))

Avri Doria: …yes.

Steve Chan: Oh, yes, I was just going to make sure you saw the note. And I was actually going to ask you also did you want it only for 90 minutes or sorry, 60 minutes or for 90 minutes?

Avri Doria: If we're trying to get done, unless there's objections, I would say go for 90. I had said 60 when I was just talking, but if we can pull off the 90 to try and get this work done that would be good because what we really need to do is get through all of these and get the first approach to a draft on the recommendations based on these overarching issues done.

And don't want to let that keep dragging on. And also, I think that some of the subgroups probably need these issues be on their way to resolution. So I don't see anybody raising their hands to object to that idea. I think the invite did go out. But I called it tentative. I see Kiran's message. I called it tentative because, you know, I really wanted to present the idea before we got into it.

But if there's no discussion on that then we will proceed on the basis that we will do a CC1 meeting on the alternate weeks from the full meeting until we finish it. Okay and I know a lot of people next week will probably be at the IGF meeting so perhaps that meeting will be a little bit more sparse. I don't know.

Okay, so seeing no comments on that, Kavouss asks, "Do we really need 90 minutes?" Well, we're not even halfway through this and we've been talking about it for months so perhaps. But perhaps we'll finish them all today and we won't need any extra meetings. Oh, you know, not very likely but anyway.

To move on. So 3b, so on 3b, which was, "How would the assessment of applications in a method other than in rounds impact rights holders if at all?" Now we did even have some discussion of this in discussing the previous item and in fact was one of the drivers between the hybrid discussion we've been having that my belief has been sort of while I was going too far to say accepted, it's being mulled over favorably.

So from GAC we had no comments. From the Registry we had, "We believe that a continuous process would have a slight positive impact on brands even enrolling process defined period would be applied to each application during which rights holders could object to a string if they believed infringed on their

legal rights, for example, via the legal rights objection. Brand protection costs associated with participation in applicable sunrise periods would be steadier, and more predicable where the number of new gTLDs grew steadily with demand rather than mushrooming suddenly due to a short application window."

And from the IPC we've got, "If the applications in an ongoing application mechanism such as the rolling open process referred to above, were published for opposition, brand owners whose business models do not require a gTLD registry would have the ability to oppose the application without having to spend the money to block an abusive application and/or compete against that application in an auction process. In this regard, the ability to oppose an application should be clarified and potentially expanded. As mention in 3.a above, the ongoing application mechanism would allow for greater certainty in clearing new brands."

Now first I'd like to invite anyone from the Registry Stakeholder Group or the IPC who would like to add some clarifications or explanations to their comments. Do I see anyone? I don't. Okay then I'll open up the floor in general. Anyone have any comments to add to this? Yes, Alan, please go ahead.

Alan Greenberg: Thank you. I'll make a comment I've made before that – or perhaps not exactly the same form, when I hear arguments like this saying that one form of releasing gTLDs might be advantageous to certain types of gTLDs, I'm prompted to say, we don't necessarily have to have a one size fits all. That if indeed the rolling rounds would be particularly applicable to brands, but not necessarily to others for a number of reasons, then that's something we can end up recommending.

We do not necessarily – once we've accepted, and I don't think we can back out from it right now, that there are certain categories, because even in the first round we ended up with categories, the rules don't have to be consistent

across them all. They have to fit together but they don't have to be the same. Thank you.

Avri Doria: Okay thank you. Any other comments? There are no other comments I can move on to 3c. Okay moving on to 3c. "Does restricting applications to rounds or other cyclical application models lead to more consistent treatment of applicants?"

We have comments from the GAC, "Not necessarily. An ongoing process of accepting applications within an agreed framework could presumably treat applicants equally consistently."

From the Registry we have, "We do not believe that there is a relationship between the type of process, continuous versus discrete, and consistent treatment. Having standard rules that are applied across the board by evaluators will lead to consistent treatment. One requirement of transitioning to a continuous process will be ensuring that panels and other bodies engaged in evaluation, objection, and other procedures can execute against objective policies and procedures over time."

And from the IPC we have, "As mentioned above, rounds, as we currently understand and experience them, have the potential to create false demand since they encourage the filing of applications by brands purely for defensive purposes. Rounds may also encourage other applicants to rush to apply due to a lack of certainty over when or if a future opportunity will arise. One the other hand, rounds, for better or worse, do create contention sets, which can lead to more consistent treatment of applicants. It may be worth considering open fillings for rounds, rather than the black box plus reveal approach taken in the current round."

I'd like to invite GAC, Registry or IPC to comment. And I'd especially like to invite IPC to sort of talk more about what they mean in the "open filings" for

rounds concept since I'm not quite sure that that's clear to me or to others. And thank you, Greg, please go ahead.

Greg Shatan: Thanks. This is Greg Shatan from IPC. And there are some other IPC members on so if, you know, I either get it wrong or they want to amplify or clarify invite them to do so as well. Basically by open filings, simply mean that the application should be public record when filed as opposed to the system we had where filings were made but it was not known who filed for what until reveal day when at that point after the polls had closed or after the application window has closed it was then revealed who filed for what. So the suggestion is to have a process where the applications are visible from Day 1. Thanks.

Avri Doria: Okay, thank you. Anyone else wish to comment at this point on that? So in reading the – it seems to me that people really don't see a large difference between equal treatment as long as we can achieve that consistent performance of the evaluators over time and that in itself maybe a challenge that needs to be talked about when we're talking about implementation and such.

But also the one comment that if there is any problem that could arise that perhaps could be mitigated by a open form of rounding – of application so that basically I guess what would happen is somebody would see an application and go oh no, I better apply too in that case. Is that a correct assumption?

I see no one disagreeing with that assumption. So we can leave that there as that. Does anybody else wish to comment on the 3c? Am I still here? I just heard a beep, beep.

Jeff Neuman: You're still here.

((Crosstalk))

Avri Doria: Okay thank you. Thank you. Okay so anything else on 3c? Okay, if there's
                nothing else then we can move on to 3d. "Should rounds or other cyclical
                application models be used to facilitate reviews and process improvement?"
                GAC had no comment on this one.

                The Registry Stakeholder Group, "No, if things are not working, it is possible
                to fix them during a continuous process through the GNSO policy
                development process, while allowing other applications to proceed without
                delay."

                And from the IPC, "Reviews and process improvements should not be used
                as a justification for preferring rounds or other cyclical application models.
                Reviews and process improvements can also take place in an ongoing
                application process."

                Seems to be very little disagreement on that one. Does anyone that put in a
                comment wish to amplify or expand? No? Are there any other comments on
                this or do we accept the notion that rounds or other cyclical applications are
                not useful for facilitating improvement and that just like we have ongoing
                rounds we could have ongoing improvements using the established policy
                development processes. I see no comments. I see no hands on that. Okay.

                Okay I do see a hand. Yes, Greg.

Greg Shatan: Greg Shatan. And this is a random comment that I make in my personal
                capacity. But one thought I had in regards to kind of bridging the gap between
                rounds and a continuous process might be to have some sort of sunrise
                period or holding period or something to create contention sets rather than to
                rely on first come first serve.

                I realize that has huge potential negative consequences as well as possible
                positive ones, but, you know, the first come first serve for a gTLD as opposed
                to for a second level domain is, you know, creates an issue as well, which the

rounds tended to solve in their own way to some extent. So that's just to float it out there that, you know, continuous process doesn't have to be just a first come first serve process. Thanks.

Avri Doria: Okay thank you. So that probably should be noted as a possible variation in the continuous process is that there would be an application and then a pause, let's not give it a name at the moment, but a pause for challenges or comments or other applications if I understood correctly, before it actually proceeded. Though one would hope with thousands of names at some point first come first serve could actually work, but thank you for the recommendation.

I have Kavouss and then Jeff. Kavouss.

Kavouss Arasteh: Yes, for the second part of the intervention of Greg, that the continuous application (unintelligible) I have no problem with that. But coming to the main topic, first come first serve, I don't know how (unintelligible) you have experience on the approach of first come first serve. I have many, many, many years of experience and it has a lot of deficiencies. So I don't think that we have completed this very (unintelligible) discussion whether or not we agree on the first come first serve.

There are many disadvantages why; there might be some advantage that we have not come to a conclusion whether the advantage, disadvantage (unintelligible) on which one. There might be (unintelligible) advantages. So this is a concern that I express with respect to the first come first serve, that I have a few experiences many, many years in other areas than ICANN. Thank you.

Avri Doria: Yes, thank you very much, Kavouss. And indeed we have not come to a conclusion on any of this but it's good to bring out the problems. And as Greg has brought up, there may actually be mitigation to those problems even in a

first come first serve. But yes, thank you for bringing up that there may be other issues. Jeff.

Jeff Neuman: Yes, thanks. I thought this would be a good time, I was going to wait until the miscellaneous part of this – of Question 3. But since Greg kind of brought it up, Greg's position is a little bit similar to what the paper that was done called – sorry, I'm just getting the name here – that the Council of Europe report on applications for ICANN – applications to ICANN for community-based new generic top level domains.

So what's advocated in that paper – oh, am I still on?

Avri Doria: Still on.

Jeff Neuman: Oh okay. I hear a busy signal so I don't know…

Avri Doria: Yes, I hear it too.

Jeff Neuman: Oh there we go.

Avri Doria: Okay. Go on.

Jeff Neuman: So in that paper, and again I'm not offering my judgment as to whether I agree or don't agree, but I think this group should discuss so that paper basically puts forward a position that in addition to saying community applications should go first, which is a whole separate issue, it does say that applications should be in staggered batches where essentially it would be kind of expressions of interest to allow potential applicants to submit an interest or expression of interest in their choice of names. And then there would be some period of time where others could object or also submit applications for those names and then it goes through a process of how to decide between if there's contention.

Again, I don't – I'm not saying I agree with that view but I think this is a good point. We need to bring this into the discussion since it was formally or it was - or since it was at least informally submitted to us. We need to discuss that approach as well in this section. Thanks.

Avri Doria: Thank you, Jeff. So that basically bring us to a place where on a first come first serve we could either have a method of mitigation that was prior to the application or -- as (Greg) suggests -- after the application. So in terms of looking at first come first served -- if that's where we land instead of the hybrid -- we can basically look at three possible mitigation strategies. A couple of - please.

Man: Yes, this is (unintelligible). Did we complete that to have continuous applications? Because (unintelligible) that the program (unintelligible). Continuous application might have (unintelligible) advantage as people don't rush because they know that any time they want they can come in, so they don't do anything which is not well-prepared and create problems for each other. And on the other hand, it might have (unintelligible). Just quickly, (unintelligible) open. Thank you.

Avri Doria: Oh, yes. (Unintelligible) please forgive me. I tried to indicate before that nothing had been decided. What we're doing now is looking at specific issues that if we were to decide on a first come, first serve, what would the issues be? We have made no decisions on just round, on the hybrid approach of the cycles of rounds and process which was the approach that we were talking of earlier in the CC1 discussion. And now we have specific questions that we're looking at in terms of if the group were to decide on first come, first served what would the issues be.

So certainly nothing has been decided on this first reading of comments. What I'm hoping we can do is that after we have finished these, then we'll be able to sort of pull out from the discussion a set of initial thoughts and recommendations that we may make a - decide on. But nothing has been

decided at this point other than to keep talking through these comments. Kavouss, I see your hand.

Kavouss Arasteh: Yes, (unintelligible) any comment on the first come, first serve or is it too early?

Avri Doria: Oh, no. We are talking about first come, first serve in relation to these questions. So certainly it's not too early. We were talking about - at the moment we're on the issue of do rounds or other things facilitate process improvement and therefore we also looked at a first come, first serve (unintelligible). (Unintelligible)…

Kavouss Arasteh: If you will allow me, I can (unintelligible) one…

Avri Doria: If you wish to give a couple - yes, please. Please.

Kavouss Arasteh: If you allow me I can give you my thought about the first come, first serve.

Avri Doria: Please do.

Kavouss Arasteh: Yes. One of the issue of first come, first serve (unintelligible) is that unless you have a particular management rules how to avoid some of these which I told them (unintelligible) multiple applications to put the others behind you, it would be very disadvantageous, unless you have some rules. Unless you have some - some (unintelligible) that is not abused. If this is open continuously allowing people to come in at the time that they want without rushing to put some (unintelligible). But with just this (unintelligible) or multiple applications and so on, so forth (unintelligible). Is there really some sort of (unintelligible) rules to -- not control -- to manage that? Thank you.

Avri Doria: Okay, thank you very much. Okay, any other comments on -- let's see, we were at -- okay, we just did 3d. Any further comments on 3d? If not I'll move on to 3e. I do note that we have about 25 minutes left to this call. 3e - the

round (unintelligible) predictability for applicants and other interested parties. (Jack), no comments at this stage. (Unintelligible). Please believe that rounds have a serious negative impact on big risk predictability for applicants. In particular, because a round based model requires a fairly elaborate process to resolve contention, both the timing and probability of a given application is unknown at the time of submission.

Similarly, if more than one applicant applies (unintelligible), other interested parties may be uncertain of how to respond without knowing which applicant will prevail and may end up wasting resources objecting to or tracking an application that is unlikely to prevail in the contention process. (Unintelligible) a continuous process allows (unintelligible) to make business (unintelligible) decisions about whether it makes sense to apply for GTLD without the pressure to apply preemptively for fear of being locked out of the market. Consequently, it allows (unintelligible) to develop their applications more organically and robustly prior to submission as applicants can be linked to - I miss the last three words. Yes, I - well, from the copy I'm looking at and the one on screen. Oh, can be developed business plans.

Okay. And (unintelligible) my problem. And then from the IPC, not necessarily. They are likely to leave for less predictability in many respects, as discussed above. As compared to ongoing application mechanism, such as the rolling open process proposed above. Okay. So we - I'd like to offer the registry or IPC the opportunity to amplify or clarify on the comments if they wish. If not, I'll open the floor to others. I think we have position here that is sort of saying that, "No, rounds do not make things more predictable." In one case a very strong no and another case more of a possibly no. But still basically a viewpoint that rounds do not add - do not improve predictability or improve it necessarily.

Anyone else wish to comment to the opposite of that? If not - okay. I see no hands. So I'll move on. BCF. 3f - two rounds add latency to the evaluation and approval of an application, leading to longer times to market. GAC had

no comments on this one. Registry stakeholder group had yes, moving to a continuous process will dramatically lessen the vast timing and resources spent of the attention during the 20 (unintelligible) round. More than (unintelligible) in the closer of 2012 round (unintelligible) remain in contention and there - remain and contention and their timelines for launched (unintelligible) clear.

And from IPC, we do not have sufficient data to determine this, since there has never been an ongoing application mechanism against which to compare it. However, moving applications into arbitrary groups would appear at least spatially to lead to bottlenecks and (unintelligible). Would any of the - either registry or IPC like to comment further on their comments? Would anyone else like to comment? We have a yes definite and it hasn't been shown. But again, it seems like it's saying it may be possible that yes, it would lead to bottlenecks. Any other comments?

Okay. All right, so we are not getting those any contention on those discussions. Okay, and that would take us to -- no hands -- 3g. The rounds create artificial demand and/or artificial scarcity. GAC no comment at this stage. Registry stakeholder group, yes. Having a window lead to scramble to apply for any and all potentially (unintelligible) or to secure your brand name for fear of indefinitely being locked out of the market. A continuous application procedure is fairer, because it allows businesses to make the determination of whether to apply once they have fleshed out their use case and business plans. (Unintelligible) looking at this in two different places. (Unintelligible) view of it.

Flushed out their use cases and business plans for the TRD and from the IPC is yes, please see above. So there seems to be no disagreement in those that commented that indeed, rounds to lead to pent up demand. Would any of the commenters like to further amplify? Would anyone like to offer a different point of view on this? Or are we in (unintelligible) of the point of view given. I see no hands.

Okay, so moving to 3h. Does time between rounds lead to pent up demand? GAC no comment at this stage. Registry stakeholder group, yes, and it's the unexpectedly high demand in the 2012 round evidences the pent up demand generated by opening up otherwise closed processes for short, discreet periods. And from the IPC, we do not have sufficient data to determine this, since there's never been an ongoing application mechanism. (Unintelligible) that one. Oh, okay, that's the same answer as was given for 3f. Against which to compare. However, it is conceivable that artificially inhibiting applications through rounds could lead to pent up demand as suggested (unintelligible). Please see above.

Okay, would anyone like to amplify comment? Anyone wish to take exception to the comments? Anyone wish to amplify on the comments? So we do seem to have a general impression going here that rounds either do increase -- for various reasons -- do increase pent up demand or might increase pent up demand.

Okay, going to 3j. What is an ideal interval between rounds? And from GAC we have no comment at this stage. From registries we have - we reiterate that the strategical for future applications to be the implementation of a continuous process on a first come, first served basis. However, the registry stakeholder group appreciates that there may be one or two further application rounds composed before this goal can be realistically achieved. In this respect, the registry stakeholder group recommends that a clean commitment begin to a schedule of holder application rounds with shorter time spans between each round in line with the original target of one year. And that was the application guidebook session section 1.1.6.

And IPC refers to their answer to 3a above, which we covered at a previous meeting so just as a reminder, 3a above -- which was rather long discussion from the IPC that I will not re-read now -- but I - except that IPC did give a very complete discussion there and such and so I recommend that people go

back to it. But we did discuss that. And it kind of leads to this hybrid approach that we've taken. Yes, Kavouss, I see your hand. Please.

Kavouss Arasteh: Yes, (unintelligible) to the reply from the registry that they think that they need to have the clear commitment to (unintelligible). I'm not quite sure what they - even what (unintelligible) is the intention of this committee. (Unintelligible) that commitment. And this commitment is not net, it's not created, it's not happened.

Avri Doria: (Unintelligible) the session. Am I interrupting anybody that's speaking?

Kavouss Arasteh: Did you hear my question or not?

Avri Doria: I didn't. I unfortunately fell out just as you were starting to speak.

Kavouss Arasteh: (Unintelligible) don't quite get how this commitment works. (Unintelligible) a clear commitment. How is (unintelligible) it has not yet happened.

Avri Doria: I'm not clear on which commitment you mean.

Kavouss Arasteh: In the reply (unintelligible) in this respect, (unintelligible) to command that. A clear commitment is given. That is my question. (Unintelligible) this commitment (unintelligible).

Avri Doria: A clear commitment - right. Indeed a clear commitment was seen by many as having been given in the AGB, though it was also negated by the fact that there had to be reviews before another round could proceed. So really there were contradictory commitments. I think that whether the periodicity was one year or three months has been suggested in the hybrid model -- or I guess six months -- as has been suggested in the hybrid model. There would not be a prior commitment to review for initiating. It would be something that was just put on a time. Now, how indeed that would be implemented so that it would indeed happen would indeed be, you know - involve a set of questions.

But I think that if we come out this time with a recommendation of a clear commitment to a period -- be it three months, six months, one year -- then that could be built into the system. This time -- as I said -- while there was a commitment for one year, there was also a commitment to do reviews before initiating a next round. And so those countervailing commitments have sort of gotten in the way -- I believe -- and that was a personal opinion. Okay. So 3j - yes, Alan, please.

Alan Greenberg: Thank you. I'll point it it's not just the commitments that conflicted with each other. It was also the overall perception of what the reality would be. Nobody I don't think imagined that four plus years after the release we would still have TLDs which were not - where the process was not completed. I don't think anyone envisioned -- anyone in a position of authority -- envisioned a laundry list as long as we have of potentially issues that have to be resolved or changed.

So the whole worldview of this was very different when we went through the process and made those commitments. And I think we have to factor that in. And moreover, if we made that many -- and I'll put it in quotes -- mistakes or things that have to be questioned now, are we going to fix things perfectly this time or are we going to be in a similar world again next time around? So I think it's not only whether rounds are good or not or are continuous releases well or not, it's what can we realistically do that will not get us into a huge amount of trouble? So I think it's a multi-faceted question and it's not just as simple as looking at the words last time. Thank you.

Avri Doria: Thank you. Any other comments on (unintelligible)? Hi. No? Okay. So that seems to be one where there still is some amount of discussion to be had in terms of the guarantees on needing a specific period. Now, one of the answers we did get earlier about using the PDP process in parallel to six strings as opposed to altering the process to six strings may be partially a mitigation. But in doing - you know, if there are over 1,000 applications in a

round and there are as many issues as we had this time, it is difficult to predict reliable rounds. Any other comments at this point? Kavouss, yes, please.

Kavouss Arasteh: Yes, (unintelligible) could have commitment. But it should be the (unintelligible) implementable. So at some point we have commitment, but we want - if we want that (unintelligible).

Avri Doria: Excuse me. (Unintelligible) and cough at the same time and talk (unintelligible). So yes, that's a very good point, is anything we try to do here must be implementable and certainly a commitment on the period should be implementable. Now, we've got one left here, which is 3j, which is any other issues related to this overarching subject. We have nine minutes left on this call. Before we move on to that, I want to go back to Jeff and make sure there were no - any other business items he wanted to cover in what is now the last eight minutes of this call.

Jeff Neuman: This is Jeff here. No other items that I've seen. And I have not seen anything on the chat that would indicate any other business.

Avri Doria: All right. Kavouss, yes, please. I see you.

Kavouss Arasteh: Any other business, let me please - I suggest that we reduce this starting time on all of these interest of (unintelligible) details and short report of the (unintelligible) this business (unintelligible). Just a little bit of management issues, that's all.

Avri Doria: Thank you, Kavouss, that was exactly the intention when I said that the extra meetings would be CC1 only. I mean, we'll have to do the standard, you know, statements of interest stuff because that's part of the ICANN rule. But that takes less than a minute. But we won't do the whole status of all the working, you know, sub-groups, etcetera. We would just go directly into this item. So the starting stuff, we have an agenda -- one item -- and any

statement of interest updates. Okay, let's start. But yes, indeed agree with you and that was the intent.

Okay, with seven minutes left, what I'm going to do - actually, I don't know. I'll read through the comments, but one of the issues here may be - cause a larger discussion. So under 3j we had seen all state discussion of rounds and (unintelligible) comments on the preliminary issues report on the GTLD subsequent rounds. Now, perhaps all of those comments have already been covered, but I will want to give ALAC a chance to reiterate them if they haven't got them covered. In terms of 3j -- other issues -- from GAC we had no comment at this stage.

From registry we had no comment - we had just a no. And from IPC an order for ongoing application mechanisms function appropriately and predictably, leave people an appropriate time frames for each in the public comments sections, (unintelligible). It needs to be (unintelligible) and then strictly adhered to in advance of the opening of the application mechanism with little to no exceptions made. I think that's very much (unintelligible) sounds to me the comments that Kavouss has been making about what is implementable in terms of predictability. And I think it reflects a sort of thread that has gone through this discussion.

So anyone wish to -- whether it's ALAC wanting to comment further -- on any of the comments on the preliminary comments that have not yet been covered or whether IPC or others want to make a further comment on what they submitted? Okay, nothing. So I am not having re-read the ALAC comments recently, but I'll take the lack of hands as saying yes, those comments have been covered. Of course the office will double check later to make sure all comments have been covered. But that and with this I can call the meeting of problems in three completed. I see no hands.

Certainly -- there's five minutes left -- I do not want to start NCS four which has to - for people will remember for the call for next week is predictability to

be maintained or enhanced without sacrificing flexibility. In the event changes must be introduced (unintelligible) application process (unintelligible) affect to all parties agreement (unintelligible). And that of course you all come in to a certain amount of (unintelligible) with some of the issues we've said about predictability in this one. So that'll be the discussion for the next meeting.

I will try to make that meeting. I will be at IGF. I'm not sure if I need to be on stage in some other session at that time. But in any case, Jeff, if you are willing to take this one -- even if I miss it -- that meeting will go on. So I'd have to say back to you, Jeff. Thank you.

Jeff Neuman: Thank you Avri. We will make sure that the meeting gets covered next week. And if you have not got an invite please let (Steve) or (Emily) know so that they can send that to you. Great, are there any other comments or questions? All right…

Kavouss Arasteh: YEs, (unintelligible) once again I picked up the (unintelligible) subject is CC1?

Jeff Neuman: I'm sorry, Kavouss, can you repeat that?

Kavouss Arasteh: (Unintelligible) the subject, what subject we discuss?

Jeff Neuman: Yes, it'll be with the goal of…

Avri Doria: CC1 starting with four.

Jeff Neuman: Correct. This is Jeff. It'll be with the goal of completing CC1 if possible.

Kavouss Arasteh: Okay, CC1. Thank you. Thanks.

Jeff Neuman: Okay.

Kavouss Arasteh: Have a good time. Bye-bye.

Jeff Neuman: All right, thank you everyone and we can stop the recording.

END