

Terri Agnew:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 2 – Legal/Regulatory Issues on Thursday, 30 March 2017 at 21:00 UTC

Terri Agnew:agenda wiki page: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_BLHRAw&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=F3OBX\\_sw3Shh2PhomHVXEzI7EpTVRzLleSPYlhD5B1A&s=D2nMqTyVRu6G7NyMp6dieDECbwAYRmo2Wghfz9bp9Nk&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_BLHRAw&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=F3OBX_sw3Shh2PhomHVXEzI7EpTVRzLleSPYlhD5B1A&s=D2nMqTyVRu6G7NyMp6dieDECbwAYRmo2Wghfz9bp9Nk&e=)

Michael Flemming 2:Terri lets give it another 2 minutes

Steve Coates:Loud and clear.

Karen Day:sounds fine

Jeff Neuman:were with you

Steve Chan:Summary of public comments available here:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.icann.org\\_en\\_system\\_files\\_files\\_report-2Dcomments-2Dclosed-2Dgeneric-2D08jul13-2Den.pdf&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=F3OBX\\_sw3Shh2PhomHVXEzI7EpTVRzLleSPYlhD5B1A&s=9cBLIAsRsOLjcnwailwNfXlwHLCVegLOi3IJ60H4nU&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_en_system_files_files_report-2Dcomments-2Dclosed-2Dgeneric-2D08jul13-2Den.pdf&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=F3OBX_sw3Shh2PhomHVXEzI7EpTVRzLleSPYlhD5B1A&s=9cBLIAsRsOLjcnwailwNfXlwHLCVegLOi3IJ60H4nU&e=)

Emily Barabas:everyone can now scroll through the document

Jeff Neuman:pros

Steve Coates:Pros

Kurt Pritz:I think we should assume people read them

Jeff Neuman:I think we should go through them all and get thoughts as to which people view persuasive

Phil Buckingham:Ag,ree Michael - that is what these new GTLDs are about , right

Emily Barabas:Michael, there are a few more Pros on the next page as well

Michael Flemming 2:I will make sure to get those.

Michael Flemming 2:Thank you.

Jeff Neuman:So in theory, although a closed generic may harm a registrant's ability to get a domain name in that TLD, but at the end of the day, the use of the TLD in a closed generic may actually be more beneficial for the end user (the closed TLD's customer)

Steve Coates:I don't understand this one.

Phil Buckingham:Jeff , I am confused ! These are CLOSED generics - so the end users are not customers - there is no arms length transaction.

Steve Coates:Who the domain owner is, if it's a closed generic.

Emily Barabas:Steve -- I will see if I can find the original comment that this came from

Emily Barabas:If ICANN regulates the right of domain name registrants to operate closed generics, ICANN would actually limit free expression by imposing collective obligations and top-down regulation on domain owners. NCSG Members (4 Mar. 2013); M. Rodenbaugh (6 Mar. 2013)

Gg Levine (NABP):Wouldn't a closed generic be operated as a .brand?

Steve Coates:If registrants are barred from a closed generic, then I don't see how the collective obligations/top down regulations come into play.

Steve Coates:That seems much clearer to me, Jeff. Perhaps "domain owners" then should be "TLD applicants."

Michael Flemming 2:Jeff, could I ask you to speak for another minute, please? I need to get a drink of water.

Michael Flemming 2:I'm back

Samantha Demetriou:It seems to me that if ICANN wades into making decisions on behalf of a "consumer" in this context it gets into content regulation, which is outside its remit

Phil Buckingham:There fore there is a direct relationship between the top level ( the owner ) and the end user . Therefore the owner (can ) CONTROLS who their end users are. Surely this is anti competitive , limit consumer choice .

Michael Flemming 2:Jeff, you are in the can again.

Steve Coates:Cant hear you, Jeff.

Terri Agnew:@Jeff, you have become muffled

Terri Agnew:@Jeff, audio is better

Phil Buckingham:lots better Jeff

Karen Day:@Phil - how is it anti competitive? You aren't limiting who can offer similar services? Just like with a trademark, to companies can offer identical services, but can't use the same name. Why can't 1 compnay have a TLD and not another?

Steve Coates:What does the CCT say about public interest? Anyone?

Jeff Neuman:They have not addressed this topic

Steve Coates:Barely.

Jeff Neuman:yes

Karen Day:barely

Terri Agnew:@Samantha, much better

Phil Buckingham:Agree , Samantha , but where do you draw the line

Samantha Demetriou:Not at all, Jeff, just trying to keep the convo going :)

Kurt Pritz:@ Jeff - The rules were set out in advance - "closed generics" were allowed

Gg Levine (NABP):Don't the safeguards, which the board requires, address the interests of end users?

Jeff Neuman:Gg - in the safeguard, the end users are those that go to websites, email, etc. IN this case, ICANN decided that "safeguards" were needed for registrants in the form of protecting their right to register domain names

Samantha Demetriou:You could interpret that once icann made the decision to disallow CGs, they defined public interest as protecting the open marketplace for registrants

Gg Levine (NABP):Jeff - right, but is that consistent with their other decisions?

Emily Barabas:For those following along in the report, arguments for the case-by-case approach are on page 23

Jeff Neuman:I think case by case would be too difficult and put ICANN in a very tough if not impossible position

Samantha Demetriou:+1 to Jeff

Kurt Pritz:@ Jeff - no kidding. Can you imagine a public interest review panel?

Jeff Neuman:I would like to serve on that panel ;)

Cheryl Langdon-Orr (CLO) 2:shudder

Karen Day:Totally agree jeff. Just look at the Spec 9 decisions - totally inconsistant.

avri doria:i was trying to imagine a public nterest panel

Steve Coates:I would rather watch a public interest panel.

Steve Coates:I'd love to see some metrics on this for Round 1. How many traditional domain industry insiders filed for closed generics, versus new players to the industry.

Jeff Neuman:nope

Jeff Neuman:I would think industry insiders applied for open generic TLDs because that was the model they were used to and that is how they make money (selling registrations).s

Jeff Neuman:I cant think of any industry insider that applied for a closed generic

Steve Coates:Do we have a list of closed generics?

Jeff Neuman:@Steve - you mean the list of those that initially applied as closed generics>

Jeff Neuman:because there are no closed generics now

Kurt Pritz:Two comments: (1) Isn't the world's largest book seller operating .book the wet dream of the new gTLD program? We would have already seen innovation, not to mention the attention it would have brought to the new gTLD program (which is sorely lacking in public recognition); why should that be stifled? (2) at the end of the day, these are just domain names. What is the difference between .book and book.com? Everything is temporary. One party might have control for a while but resources always flow to the parties that value them most highly.

Cheryl Langdon-Orr (CLO) 2:thanks everyone... bye for now then...

Karen Day:bye all!

Jeff Neuman:thanks

avri doria:guess everyone else needs to stay on line.

Cecilia Smith:bye!!