

Terri Agnew:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 2 – Legal/Regulatory Issues on Thursday, 13 April 2017 at 21:00 UTC.

Terri Agnew:wiki agenda page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_B7HRAw&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=hYPNbusNs1aZNiWMt5YLdxDjanNXesFnRf6fmhomNDw&s=vm5gV3gjsKgJXRvhkTmcfU1EovHJOj1MvA2do!JuMT4&e=

Michael Flemming:Terri, I think Phil Buckingham is also only on the phone

Susan Payne:hi, I'm trying to get a dial out

Heather Forrest:I had trouble with the Adobe link in my calendar entry, but then the reminder email sent 2 minutes before we started had a link that worked just fine

Heather Forrest:(sorry, not like that info is useful to Kathy, who isn't in Adobe)

Terri Agnew:Thanks Heather, I will send another email to all JUST In case (including Kathy)

Steve Chan:Michael, happy to assist.

Terri Agnew:@Susan, if I can help dial out, please chat me your telephone number (sending you a private AC chat)

Susan Payne:thanks Terri, now sorted

Terri Agnew:@Susan, thank you for the update

Kathy Kleiman:Finally made it in!

Steve Coates:Can't hear you, sir!

Paul McGrady:How about "alleged" or "proposed"?

Heather Forrest:Based on Phil's comment and Michael's reply, we need to update the language in teh document on screen

Paul McGrady:Perfect

Heather Forrest:Paul, sorry

Paul McGrady:GNSO Policy on new gTLDs actually didn't prohibit or even mention closed generics.

Paul McGrady:No problem Heidi, er Heather...

Heather Forrest:you bet, buddy

Kathy Kleiman:Many drafters of the Applicant Guidebook felt very strongly that Closed Generics were barred by the rules.

Paul McGrady:Why were non of the pro-closed generics comments from the last round included in this document? Seems either a big oversight or one-sided designed to lead us all to a particular conclusion.

Susan Payne:@Kathy, that might have been the intention of some, but I don't think that was what the wording of the AGB said

Kathy Kleiman:First, belatedly, tx you for the opportunity to join you today!

Kathy Kleiman:@Susan, the response in 2012 and 2013 was considerable!

Kathy Kleiman:https://iccwbo.org/publication/exp_499_icann_116_expert-determination/

Kathy Kleiman:I think the determination stands on its own - worth reading!

Susan Payne:@Kathy, what do you mean the response in 2012/2013?

Kathy Kleiman:The letters and articles written in 2012 and 2013 - some circulated earlier today.

Kathy Kleiman:Many with group signatures.

Susan Payne:yes but my point is that is not what the AGB says, that is what some people wrote after the event surely

carlos Gutiérrez:sorry butMcGrady does not come through right

carlos Gutiérrez:terrible echo

avri doria:Even if we don't reopen it, we need to be explicit. One of the deficits in the previous policy is that we were not specific about approving closed generics, we just assumed that of course they would be ok.

Heather Forrest:I think Carlos means that Paul's mic cuts in and out

avri doria:note: we did not even have a name for them back then.

Cheryl Langdon-Orr (CLO):indeed Avri

Paul McGrady:+1 Avri

Paul McGrady:But we are only seeing what 1 side has said. Why aren't we looking at what the other side said?

Michael Flemming:We have gone over the Pros in the last call. Could you be clear what the other side would be?

Paul McGrady:@kathy - the Board never said that

Terri Agnew:@Carlos, I also sent you a private AC Chat, try logging out and back into adobe connect, maybe even try a different browser to see if echo clears up

Cheryl Langdon-Orr (CLO):not sure we have any consensus on that Kathy... I don't agree they are " by definition " Good

Steve Chan:@Paul, the NGPC was empowered by the Board to pass resolutions. Therefore, NGPC resolutions are ICANN Board resolutions.

Cheryl Langdon-Orr (CLO):rather that this needs discussion

Paul McGrady:@Kathy - that was the pre-round 1 model

Greg Shatan:It might be a good idea to prepare a

Greg Shatan:pros document that parallels the cons document in the AC room.

Kathy Kleiman:ICANN bans closed generic gTLDs, for nowKevin Murphy, June 24, 2015, 09:28:31 (UTC), Domain Policy -- ICANN has slapped a de facto ban on so-called "closed generic" gTLDs, at least for the remaining 2012 round applicants. 6/24/2015

Paul McGrady:+1 Greg. Having them side by side would be terrific. THIS document, accidently I think, seems super-one-sided.

Terri Agnew:@Carlos, did logging back in help?

Susan Payne:thats a headline from a blog, not a fact. please stop mischaracterising Kathy

Greg Shatan:I'll go back and look at the prior document.

Paul McGrady:@Kathy - Kevin's headline isn't the same thing as a Board resolution, No need to revisit, I suppose, because the Chair just read the actual resolution which defers, not rejects

Kathy Kleiman:Dozens of gTLDs (maybe more) became open. I'm not sure why this is a controversial fact.

Paul McGrady:@Kathy - closed generic applicants throwing in the towel on the issue in order to preserve what they could from their application costs isn't the same thing as the Board rejecting closed generics. The options - as read by the Chair into the record were, withdraw, capitulate, or be deferred.

avri doria:and we are now at the point to which they were defered.

Paul McGrady:+1 Avri

Kathy Kleiman:what's the question again?

Steve Chan:The Code of Conduct is not loaded into the AC room...please give us a moment.

Kathy Kleiman:It's Specification 9 in new gTLD Registry Agreements

Cheryl Langdon-Orr (CLO):my AC has bad lag today... sorry

Julie Hedlund:Unsynced

Steve Chan:Specification 9 is page 282

Michael Flemming:So, I think the main point here is on 6 in relatiomn to the comment made.

Rubens Kuhl:Although not always mentioned, closed generics can bring inovation as well to the DNS. .frogans is one example of the usage type that can go in that direction.

Paul McGrady:@Kathy - I love him, but Michele's business is selling second level domain names, so closed generics are contrary to his business model, but that doesn't make them against the public interest

Susan Payne 2:the difficulty is that all of these arguments assume that all we want are a whole series of .com alternatives. where is the innovation in that

Liz Brodzinski:+1 Susan

Rubens Kuhl:So the question is how to close the door to misuse without forbidding possible good uses.

Paul McGrady:@Kathy - no competitors were blocked out of closed generics - all were welcome to apply for them

Kiran malancharuvil:Agree with Paul and Susan Payne 2 (identity theft??)

Greg Shatan:The basic argument seems to be that TLDs shouldn't be treated like second level domains.

Emily Barabas:Michele's full blog post is available here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.internetnews.me_2013_02_23_5-2Dreasons-2Dwhy-2Dclosed-2Dgeneric-2Dnew-2Dgtlds-2D&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfga0Aign-H4xR2EBk&m=hYPNbusNs1aZNiWMt5YLdxDjanNXesFnRf6fmhomNDw&s=ZmuH0rj5SVrKDDRFcJU6_7bM-ckCEurMrS6o1iYztrU&e= should-be-opposed/

Susan Payne 2:lost connection Kiran

Emily Barabas:<https://www.internetnews.me/2013/02/23/5-reasons-why-closed-generic-new-gtlds-should-be-opposed>

Rubens Kuhl:Also of notice is that most of the anger against closed generics came specifically regarding .book.

Emily Barabas:pardon the broken link -- https://urldefense.proofpoint.com/v2/url?u=https-3A_www.internetnews.me_2013_02_23_5-2Dreasons-2Dwhy-2Dclosed-2Dgeneric-2Dnew-2Dgtlds-2Dshould-2Dbe-2Dopposed_&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfga0Aign-H4xR2EBk&m=hYPNbusNs1aZNiWMt5YLdxDjanNXesFnRf6fmhomNDw&s=kZf9cyi03zgwTFXoIUOQTsua6pvC5PTdsyD8ZvJV3OY&e=

Kathy Kleiman:@Paul - of course we are closing off competitors -- to basic generic words that no one would be able to trademark as generic to their goods, services and industries.

Kathy Kleiman:Tx for including me!

Rubens Kuhl:@Kathy, Apple sounds pretty generic to me... (ducks)

Susan Payne 2:Rubens - only for apples

Paul McGrady:@Kathy - all were free to apply.

Terri Agnew:Next call: New gTLD Subsequent Procedures Sub Team – Track 2 – Legal/Regulatory Issues will take place on Thursday, 27 April 2017 at 21:00 UTC.

avri doria:we will of course need to talk about this issue until we find a way forward.

Greg Shatan:Competition shouldn

Cheryl Langdon-Orr (CLO):bye for now.... yes indeed Avri

Robert Burlingame:Bye

avri doria:bye & thanks

Greg Shatan:Sorry will complete thought on list.