

Julie Bisland:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 2 – Legal/Regulatory Issues call on Thursday, 25 May 2017 at 21:00 UTC.

Julie Bisland:Agenda Wiki Page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_GNTRAw&d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=q9T74uWkaiTEru2yA8r0owmIFRWsANixXEU_npNuec&s=kJUi19H4-LqEjDzi83VhRz3uninImM2fp6ivU6i1Iso&e=

Michael Flemming:I received apologies from Jon Nevett and Susan Payne.

Julie Bisland:noted, thank you

Michael Flemming:Annebeth, it looks like you were able to join us.

Jeff Neuman:@Michael - You received apologies, but were they really sorry?

Michael Flemming>Welcome

Michael Flemming:I think so

Annebeth Lange:Hi Michael, yes, my other meeting was cancelled

Phil Buckingham:I ve dropped . can I have another dialout please.

Julie Bisland:yes, Phil, dialing now

Phil Buckingham:thanks Julie

Emily Barabas:we are now on slide 3

Phil Buckingham:julie - cant get a connection . will hang up . Try again please

Julie Bisland:trying again now.

Phil Buckingham:back in

Emily Barabas:In CC2, the WG asked: 2.8.1 - Noting that the role of Contractual Compliance is to enforce the registry agreement and any changes to that role are beyond the scope of this PDP, the WG is not anticipating policy development related to this topic. The WG expects that any new contractual requirements would be made enforceable by inclusion in the base agreement. Do you agree with this approach?

Emily Barabas:checking . . .

Steve Chan:Maybe this one Michael? 2.1.3 - Should the entire application be incorporated into the signed Registry Agreement? Should portions of the application, explicitly identified, be incorporated into the signed Registry Agreement? If changes are made between applying and executing the Registry Agreement, how should this be handled? If changes are made after executing the Registry Agreement, how should this be handled? If changes like these are contemplated, how can the needs of the community to properly consider the contents of an application be weighed against an applicant's need to make either minor adjustments or fundamental changes to their registry?

Annebeth Lange:Is this also a question about entering into a contract between ICANN and a registry under certain conditions, and then after the delegation the registry changes the policy considerably? This was relevant in the first round in connection with for example community TLDs or certain geographical TLDs that needed support from a public authority.

Annebeth Lange:Post-delegation was on the table in the first round.

Annebeth Lange:+1, Avri

Jeff Neuman:Really hard to hear Phil

Jeff Neuman:uts just quiet

Samantha Demetriou:I'm glad Steve brought that point up. I'm not sure we should be digging too deeply into pricing at all. In terms of certain predatory practices, such as trademarked terms being marked as premium names with premium pricing, we should probably also consider whether this is in the purview of our PDP or the RPM review PDP.

Annebeth Lange:Impossible to hear

Julie Hedlund:@All: Slides are unsynced so you can move them yourself. We are on slide 1.

Christa Taylor:Impossible to hear

Christa Taylor:yes!

Annebeth Lange:Yes,

Phil Buckingham:sorry everyone

avri doria:y

Emily Barabas:now on slide 3

Emily Barabas:Here is the question in CC2:

Emily Barabas:2.7.1 The Applicant Guidebook specified timelines by which applicants had to complete the contracting (9 months) and delegation (12 months) steps of the process. However, this requirement only means that the contract needs to be executed and nic.TLD be delegated. Are these timeframes reasonable? Is there still a need for these requirements? Please explain.

Rubens Kuhl:That extension was given due to Spec 13 taking time to be finalized.

Jeff Neuman 2:This issue was not just about the timeline, but also whether there needs to be a delegation deadline and what purpose does it really serve

Rubens Kuhl:So from the perspective of Spec 13 applicants, they had the same length of time to act.

Jeff Neuman 2:After all, does delegation alone, without any use actually discourage squatting? There were MANY TLDs that were sold after delegation, but before what most of us would call actual use

Trang Nguyen:I believe the RA also provides for applicants (beyond Spec 13 applicants) to request for extensions to sign the RA.

Rubens Kuhl:Non-delegated TLDs could be cheaper to hold as inventory, since they could pay less or no fees to a registry service provider.

Steve Chan:Section 4.3: §4.3 Termination by ICANN(b) ICANN may, upon notice to Registry Operator, terminate this Agreement if Registry Operator fails to complete all testing and procedures (identified by ICANN in writing to Registry Operator prior to the date hereof) for delegation of the TLD into the root zone within twelve (12) months of the Effective Date. Registry Operator may request an extension for up to additional twelve (12) months for delegation if it can demonstrate, to ICANN's reasonable satisfaction, that Registry Operator is working diligently and in good faith toward successfully completing the steps necessary for delegation of the TLD. Any fees paid by Registry Operator to ICANN prior to such termination date shall be retained by ICANN in full.

Rubens Kuhl:@Trang, did any applicants or contracted registries requested such extension ?

Rubens Kuhl:Possible purpose is to increase the hold cost in order to stimulate usage.

Jeff Neuman 2:Delegation is when you pay fees

Christa Taylor:When delegated

Jeff Neuman 2:Except the YMCH fees were upon signing

Jeff Neuman 2:TMCH

Phil Buckingham:Michael , blog post by Christine Willetts - April 16

Rubens Kuhl:The TMCH fee was a single time USD 5,000 fee. So time doesn't factor into cost.

Jeff Neuman 2:I am just saying that the TMCH fees were billed at signing

Jeff Neuman 2:I guess my question is whether the community still has concerns about TLDs not being "used"

Christa Taylor:If we move to continuous rounds, could it impact the concern of not being used?

Phil Buckingham:Q should there be a requirement to launch after a set number on months / years after delegation ?

Trang Nguyen:ICANN org tracks delegation dates so we can provide average amount of time that it took for TLDs to get delegated if that is helpful to this discussion.

Jeff Neuman 2:"Warehousing" is very different than taking a long time to use

Annebeth Lange:Jeff, +1. There is also the question of the definition of "use"

avri doria:Agree we should ask for data.

Greg Shatan:Jeff, agree but the length of time is part of the difference. I'm not suggesting the current timeframes were good or bad, too long or too short....

Trang Nguyen:ICANN org has received requests for extension for delegations and have granted them.
Michael Flemming:Samantha we can hear you.

Trang Nguyen:Same with contracting. We received requests for extensions (from Spec 13 applicants and non-Spec 13 applicants), and have granted extension

Phil Buckingham:+1 Alan . I have "found " PDT Service Level Targets (SLTs) Should have been 28 days target 2/10 were missed may 16- march 17

Trang Nguyen:We can provide average timeframe for contracting and delegation.

Rubens Kuhl:<http://newgtlds.icann.org/newgtlds.csv> has some indications that could point to TLDs that went beyond expected delegation dates.

Jeff Neuman 2:@Greg, for some brands the timeline was too short....for others too long. It also relates to how long ICANN took to evaluate the applications and get to the point of signing agreements. Many of the sponsors of the TLDs at brands were long gone from those companies by the time ICANN was ready to sign agreements. That severely impacted brands who originally did want to "use" the TLDs, but lost interest after the 3 or 4 years it took to get through the process

Rubens Kuhl:There are a number of reasons to not being put into use... for instance, our TLDs are not being used due to lack of RAA2013 registrars in our target market.

Annebeth Lange:I agree, Rubens.

Jeff Neuman 2:And some brands got in because they actually wanted to use it :)

Jim Prendergast:Should note that .brands are also the leading type of TLD resignations.

Rubens Kuhl:Has CCT-RT looked into this angle ?

Cheryl Langdon-Orr (CLO):I am not surprised at that Greg

Jeff Neuman 2:@Jim....true....but that could just mean that they know when they should get out as opposed to others that should be getting out :)

Cheryl Langdon-Orr (CLO)::-)

Phil Buckingham:+ 1 Jim , so why / what are the reasons why they "resigned " ?

avri doria:it may be necessary to ammend a strict policy with a list of possible circumstances for getting an extension.

Cheryl Langdon-Orr (CLO):makes sense to me Avri

Rubens Kuhl:"negotiation"

Greg Shatan:Needs a tell-all book, Jeff!

Cheryl Langdon-Orr (CLO):good discussion today... Thanks everyone... Bye for now then...

Julie Bisland:The next New gTLD Subsequent Procedures Sub Team – Track 2 – Legal/Regulatory Issues will take place on Thursday, 01 June 2017 at 21:00 UTC.

avri doria:bye

Annebeth Lange:Seeyou, goodnight from Norway

Greg Shatan:Buh-bye!

Phil Buckingham:thanks Michael