ICANN

Moderator: Maryam Bakoshi
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Woman: (RPN) and our venue to (TLV).

Man: Yes. How about you, Susan?

Woman: Excuse me. Just hold on one second…

Man: All right.

Woman: …to make sure we're live with the recordings.

Susan Kawaguchi: Hello all.

Woman: All good.

Susan Kawaguchi: Robin and I were asked to provide just an update, an overview of the PDP subsequent procedures and the next expansion. So we worked it out where actually Robin was covering the two - there's five work tracks to the PDP and two of those are probably more of the hot topic of the day. So Robin chose those, luckily. And so she's going to start out the presentation today with

work track three and five. So we're going out of order. But if we have time, we'll get to the other three of those.

Robin Gross: Thanks, Susan. Can we get the slides for work track three up? Could we go to the first slide? Great. Okay. And can you hear me okay? I know these mikes are a bit troubling.

Okay. So what work track three focuses on is string contention, objections, and disputes in the new GTLD application process. So what we're really doing -- go to the next slide please -- we're talking about issues that relate to string contention in the last round.

And there's a few high-level topics that fit under this: community applications -- that process we're examining was the overall approach to communities consistent with the recommendations. And implementation guidance -- did the community priority evaluation, or CPE as it's called, did that process achieve its purpose and result in anticipated outcomes? Were the recommendations adequate for community protections?

Another one of the big issues that we're looking at in work team three is the objection process -- how did that work out last time? And particular, we are looking at the legal rights of others, those objection process, the limited public interest objection process, the independent objector, and community objections.

And another key issue in work track three is string similarity. We're examining were the string contention evaluation results consistent and effective in preventing user confusion. Were the string contention resolution mechanisms fair and efficient?

We're also looking at the various accountability mechanisms that were available in the new GTLD process and examining whether dispute resolution and the challenge process has provided adequate redress options or additional redress options specific to the GTLD program are needed.

And finally, we are also examining the protection for applicant freedom of expression rights, and in particular we're examining whether the (GAC) advice, community processes, reserve names, and other issues might impact the goal of protecting free expression in the new GTLD space. Next slide.

So we've made a bit of progress in this work track three so far -- not everything, not by a long shot, but a number of things. Some of the - in the process now we're really beginning to coalesce the consensus of the group. In work track three we've been addressing these issues for almost two years, and so some consensus is beginning to slowly emerge out of the discussions.

In particular, the independent objector office did not adequately meet the goal and it seemed to many to be more cost ineffective. The bang for the buck just isn't there with the independent objector.

One of the other issues that we've spent a lot of time on is the definition of community. And one of the things that the group has really come to realize is that we need a clearer definition of community for this process. How to define that remains to be open. There's not agreement on that but there is agreement that we need some kind of definition.

Some are saying that we may need types of communities with possibly different privileges that are more tailored to the specific needs of the community rather than sort of a one size fits all approach, which we had last time, meaning once you're designated a community, you get priority and

evaluation. That's maybe or maybe not what some communities need and there are different types of communities that may have different needs and so really try to drill down a little bit more into that issue.

The community priority evaluation process -- a lot of people found that the scoring to be inconsistent over the various evaluations that came before it so that there's some thought more work needs to go into this. We need to have better training of our dispute resolution panelists. We need to tighten the conflict of interest policies that they have.

There seem to be unanimous agreement in the group that the sword tool should be eliminated. It really wasn't helpful, and possibly harmful.

There's some consensus around strengthening the quick look mechanism to discourage frivolous objections in the process. Folks are saying the cost of objections were too high and we need more transparency and predictability next time. And we need to include the protection for applicant freedom of expression rights in the implantation guidelines next time. Next slide.

So there's still a lot of work to be done, a lot of issues that are unresolved and under discussion. For example, broadening the standing for filing objections for infringement, broadening the scope of objections that are permitted for infringement. What do we replace the independent objector office with? Perhaps standing panel, perhaps improved existing mechanisms would do the job.

And I alluded to this point earlier -- how do we define community? And what privileges to attach to communities in this process. And then once we do have perhaps two groups who have met the definition of community, how do you decide between those two how to allocate the domain names?

With respect to the accountability mechanisms, it's really a little bit too early to tell how the new mechanisms are going to be can impact the process. It's just you know, it's been less than a year or so. And so we need to have a little bit more experience with that.

Another issue that's under discussion -- should string similarity and string confusion be considered together? In which category should plurals or singulars be considered? Okay. Next slide.

So this is sort our timeline for work track three going forward. We are to produce our preliminary report to the plenary on March 9th and we should have all of the different groups should be presenting in the end of March. So we should have some kind of work tracks one through four at least coming together with their different individual issue reports.

Okay. So that's what we've got for work track three on string contention. Shall I take some questions on that or move onto track five? I see Steve has a question. Yes, Steve?

Steve DelBianco: Steve Del Bianco. Yes Robin, on slide three when you discussed the objections and talked about the accountability processes, this picks up on an earlier discussion but in the last guidebook, ICANN management and GNSO ended up giving the GAC the ability to do an early warning or an objection for any reason at all. It was the Costa Rica meeting where that was decided. It didn't have to be morality, public order, or rights of any kind. The GAC could just object.

So we baked that into the guidebook process as opposed to just relying on the GAC to issue what it does all the time, which is consensus advice. So I'm

curious about whether the GAC is still given a special ability to object in the guidebook or do we just let the GAC use consensus unanimous advice to register its concern about new strings?

Robin Gross: Well, I don't think there's been a decision to allow the GAC to restrict their choices at this point, if you will. So if that's what they had in the last round, then I think we would have to change the policy. Although as you note, it was in the implementation guidelines and so that's something that if we do want to change that, now is the time to say so because we can back that into this process here and say this is one of the changes we need in the next round or whatever it's going to be called.

Steve DelBianco: So this is Steve but follow-up -- so the way that you're approaching this is we take the old guidebook and do recommended changes to it, right? We don't start from a zero base.

Robin Gross: That's right. We are starting from the existing procedures. And I should also point out that if there isn't consensus to change anything, to change something, then the existing procedures in the last guidebook that's what will remain in effect. So unless there's consensus to make changes, we'll do it again like we did last time.

Steve DelBianco: All right. So last follow-up is that if in fact we want to hold to board to a very high standard when it decides to take the GAC's objection to a string, you would want to take it out of the guidebook and let them just do it through advice. Because there we talked about all the checks and balances we have against advice. We have no such checks and balances inside the process.

Robin Gross: Yes, I think that's a great suggestion and I will take that back to the work team. Thank you. Anyone else? Yes, please.

Susan Kawaguchi: Thanks, Robin. Is this the track that sort of overlaps with the RPM on the objection part?

Robin Gross: This part only deals with the objection process specifically. So the other one on the RPMs that, you know, dealing with RPMs generally. And so this particular work track we're really only talking about how are the objections handled. And some of the objections were RPM-based objections and that's why they would end up here as well. So they are dealt with separately with the exception of the objection process.

Susan Kawaguchi: Okay. And then unfortunately I cannot remember the name of this…

((Crosstalk))

Robin Gross: Sorry, I can't hear.

Susan Kawaguchi: I'm sorry. This is Susan Kawaguchi for the record too if we're doing that. So you know, I used to be with safe book and we filed an objection to the use of a string actually for the registry operator allowing the registration of the domain name -- which, you know, that happens all the time. We didn't object to that. But the registry operator actually populating the domain name with content that was not accurate. So this is the dot feedback case.

So I was wondering what if there's been discussion of actual real-life discussions of, you know, these are real examples of things that have happened and what the outcomes were in this work track. In that case, it was the, you know, ICANN came back and said yes, we can see that problem, but you know, that's fraud. We don't deal with that -- which seems a little bit

unusual that they could agree that there was probably some harmful behavior there but took no thought, they had no responsibility for helping to cure that.

So I was wondering if there's discussions, you know, of actual examples provided to the work track of actual use of these objections.

Robin Gross: Yes. We have had a number of applicants come in and talk to us about the process that they went through, but we would like more. So, you know, if you know or have know people who have gone through this process and have a story to tell of ways we can improve this, please do come let us know.

And with respect to work track three, we don't have a lot more time -- until March. So please it's not too late but we're getting there. Thanks.

Steve DelBianco: Robin I would just note that your co-chair, Jeff Neuman, has put a few specific answers in the chat which could probably be introduced into this room.

Robin Gross: Okay. Thank you, Steve. I was not looking at the chat and I should have been. Okay, so Jeff Neuman also notes that the legal rights are specifically work track two that deal with the RPMs. But track two defers to the RPM PDP in track two only handles anything not covered. And he's also commented that is being discussed in work track two, the legal agreement, but boy this is scrolling all over the place.

But we need people like Susan to come to the work track to provide real examples or for people from the BC to bring her example to the PDP. Okay. Anything else? Yes, please.

Man: Yes, just a question from this because you presented progress on the issues that have been resolved and things that are open. And following Steve's question and also relating back to the previous topic we had, what level of engagement has there been from the GAC in this so far?

Robin Gross: The GAC has been engaged to a pretty decent, significant extent on some of the core issues like the communities issue. That's one they care a great deal about. That's the one they have engaged a lot on. Some of the other ones, not so much. That's just not something that they're concerned with.

                But the issues that they are concerned with they're definitely there and commenting and participating on the mailing lists -- again, particularly with respect to communities. That's something that the GAC's been engaged with. Yes, please.

Man Two: (Unintelligible) for the records. I think I would like you to draw more light on sort tool elimination, the item on sort tool elimination. Can you draw more light on that?

Robin Gross: So there was the sort tool is the question -- what's the sort tool? So the sort tool was meant to try to help applicants figure out whether or not their particular string would be infringing or potentially infringing or cause a problem. And so they could sort of enter it in there and get an analysis back. I don't remember. I think it was a number or something how likely to be objected to, that string would be - that's what that was.

                Jeff says the sort tool presented a percentage. Okay. Any other questions on work track three or should we go to work track five? Okay. What did I do with work track five? So if we could get the work track five slides up, that would be great.

Okay. So work track five as we've all heard a little bit about today deals with geographic names in the GTLD space. Okay. So let's go to the next slide.

What is special about work track five? It started very recently at the end of 2017. Again, this is more than 18 months into the overall PDP and it will conclude subsequent to work tracks one through four as well.

The goal for work track five is to get the initial report done by the end of the summer and the final report by the end of the first quarter 2019. Work track five was created in response to pressure mainly from governments to restrict the use of words that have a geographic meaning.

What else is different about work track five? Well, it's structured differently. There are co-chairs from all five supporting organizations and advisory committees. And this was sort of done as a concession to the other SOs and ACs who are dissatisfied that the GNSO makes GTLD policies under ICANN's bylaws.

So it's important also to recognize that the GNSO policy development process and the GNSO operating procedures still governed in work track five despite the co-chair sharing. And it is open to everyone and it was intended to be structured to include broader participation than just the GNSO.

The goal here was really to harmonize multiple simultaneous efforts at ICANN to address the same policy issue because the GNSO was working on this issue and the GAC had been working on this issue. And so you know, rather than have all these different groups going on in different directions, try to bring it all together in one place.

It is focused on top level domains only, but there is concern that work track five will set expectations and precedents for rules that come in at the second or other levels. Okay, next slide please.

The scope of work track five -- work track five - and I should note this language here up on the screen is the language from the terms of reference that was decided very recently. The scope of work track five will focus on developing proposed recommendations regarding geographic names at the top level including both (FD) and (IDN) forms.

WT5 will consider what constitutes a geographic name in the specific context of the new GTLD program, analyze A, the 2007 GNSO policy recommendations on the introduction of new GTLDs and the relevant rules contained in the 2012 guidebook and the demographic names procedure, the extended evaluations, the objections procedures, and to take into account previous work related to geographic names that the community may have completed.

Point two under the scope is broader discussions around the remit of SOs and ACs as well as the allocation of second and third level domains are specifically out of scope for work track five. Okay. Next slide.

So this is giving us some information about the progress and the status. As I mentioned, the terms of reference were approved very recently by the work track five membership January 17th. So we're very early in the PDP's examination of the issue. So get involved. Join work track five today, guys.

What we're really going to be doing now is focusing on the definition of a geographic name and what is the appropriate handling of geographic names in

the GTLD process. So really the idea here is to balance competing legitimate interest over the use of words.

Some governments have proposed very broad definition of geographic names that include words that are not really geographic in meaning. So how broad of a definition are we going to go because this is a slippery slope of restrictions on speech.

We're talking about potentially countries and regions and continents and cities and states and mountains and lakes and streams and creeks and gulfs and basins and fjords and seas and oceans and deltas. Some have suggested airport codes. Others have suggested currency codes, language issues, cultural concerns, religious words. These are all trying to be shoved into the definition of geographic names. Okay. Next slide.

Okay. So this is sort of my personal opinion here, but I see this work track five as a real opportunity for GNSO cooperation. It's important to remember that legal rights to geographic names do not exist in international law. So what we're doing is we risk the subjugation of existing legal rights to the newly created geographic names' rights.

So for example, trademark rights, freedom of expression rights, the kinds of things, the kinds of existing legal rights that people in this room care about could be overridden by the rights that do not exist in law, but ICANN is in the process of creating.

I think it's worth pointing out that the GNSO's raison d'etre -- its reason for being -- is GTLD policy. And I know this is a theme we keep harping on and coming back to but we're chipping away of the GNSO authority with respect to GTLD policy. GTLD policy is supposed to be private sector led, which

means commercial and non-commercial interests, individuals, not governments.

My fear is that ICANN also risks credibility by creating rights to words that do not exist in internationally accepted legal frameworks like treaties, and that in fact conflict with existing legal rights to use words in names.

So I would like to encourage you all to join work track five now, get your members involved, let people know how important this is. It's just getting started. This is the time for influencing this policy's development which inevitable will set precedent for other issues down the line like we talked about before -- sensitive concerns, religious words, cultural words, things like that.

Okay. That's all I have. Thank you. Are there any questions on work track five? Steve.

Steve DelBianco: Steve Del Bianco. Thanks, Robin. You said earlier the default for the rest of the tracks was that the guidebook stays the way it is unless it changes. So in this regard, country and territory names in the guidebook allow the single government entity to be able to give its permission or withhold its permission or negotiate with the applicant.

And that only covered country and territory. So it didn't involve the whole GAC, right? They didn't have to get involved in advice, although they did with Amazon. This particular one is where, you know, dot spa or the name of a country or territory would specifically withhold permission or negotiate with the applicant.

And I'm curious about whether you think we'll stay in that direction just and then fight to restrict the expansion of the number of geographic terms that can fall into that single country veto, single country negotiate. Or do you think we just scrap that process because I'm not a lawyer so it didn't strike me that we're creating any rights. We're giving governments permission to enter an objection process where they have certain powers but it's not like they walk away with brand-new acquired rights to that name that they objected to.

So I don't know that the rhetoric of new rights is even necessary to impugn the idea that a government could block or negotiate over something like the name of an airport or a stream or a river. Because what is it that the governments want? Do they want the ability to get concessions from the applicant? Do they want to run it themselves? Or do they prefer that nobody get it at all?

Robin Gross: I think it's in any particular case -- and it could be any one of those things -- so, you know, for some governments it's because they feel closely connected and they want to be able to manage how it's run. For others, I think they just want to make sure that their enemy or their adversary doesn't have it. For others, I think they would like concessions. They would like to see what they can get out of the deal.

So I don't think there's sort of one strategy for all the governments. It's very, you know, string by string specific.

Steve DelBianco: But you are saying that the guidebook is the starting point.

Robin Gross: Yes.

Steve DelBianco: And the guidebook gives a country or a territory government the ability to withhold…

Robin Gross: That's right.

Steve DelBianco: …single. It doesn't involve the GAC at all.

Robin Gross: That's right. And again, it's worth pointing out that that will remain the policy unless there is a consensus to change that. Yes, please.

Man: Susan's question to you in the last subject was how we looked at past cases to ensure that we are seeing how past failings inform future assurances that we're not going to end up in the same sticky situations. And obviously we've got a couple notable ones here. I assume that you guys are going through those and trying to create a process that avoids those particular pitfalls, specific ones.

Robin Gross: Well, we will be. But like I was saying, you know, we just adopted the terms of reference last week, so…

((Crosstalk))

Robin Gross: …the idea that we're now deep in, you know, diving into the specifics of the different cases we haven't gotten quite there yet but you're absolutely right -- we must do that. So if anyone has again experiences with this process, please join work track five and inform us. Elsa, yes.

Elsa Saade: Hi. Elsa Saade for the record. It's also good to note that not every territory has a government. So that's a really good point to raise eventually. Like Palestine like Western Sahara and our region, whatnot. Thanks.

Robin Gross: Thank you. That's a good point. Yes. Yes please, Susan.

Susan Kawaguchi: So Jeff has put some interesting comments into the chat, one of which is we need to define what is in the scope of geo names. So it sounds like just purely definition is one of your issues. And I was wondering if there would be any learning's you could take from the Curative Rights PDP or even the Red Cross issue to sort of feed some of this along. And maybe they don't really completely but it seems like it's, you know, some of the issue with making these decisions could be similar.

Robin Gross: Thanks. That's a good point. Yes, yes here and then here okay.

Man 1: I guess I'm not that familiar with the GO names issue but I think also governments could start making territories or naming them so that they could be commercially viable.

Robin Gross: Well that's an interesting suggestion.

Man 2: Okay thank you Robin, (unintelligible) for the record. I'm particularly interested in the (international) policy development aspect. So – but then you urge people to join in (WTS). I didn't see how one could join. And at the same time what do you make of (unintelligible) development countries? We have some of these issues have not been taking seriously now considering also what he just read that those probably who are aware of it may start creating territories or business proposals. Thank you.

Robin Gross: Yes, no I would encourage you to join the Work Track and, you know, bring in the experience that you have and encourage others to as well and, you

know, raise these kinds of concerns to the group. I think that would be very helpful. Was there anyone else? Yes.

Man 2:   So how do we do that? Is there a link?

Robin Gross: How to join? How to join okay? There is an email address that you send an email to. And I don't have it memorized I'm sorry. But I will get it and I will get it and make sure it gets in the record of this meeting. Thank you any other questions on Work Track 5? Okay over to you Susan.

Susan Kawaguchi: Can we get the next PowerPoint up? So I just want to give you a disclosure. I am not on the SubPro PDP. So - but I was happy to try to put some information together. And I took most of this from the wiki and then also some fellow members of the CSG provided some interesting questions. So this is – I'm going to be covering Work Track 1, two and four. And Work Track 1 is overall process, support and outreach. Work Track 2 is legal and regulatory. And Work Track 4 is internationalized domain names technical and operations. And the link here will take you - that I've posted here at the bottom of that slide is the link to the wiki. And you could probably find that on the wiki how to become a member or a server of the SubPro PDP.

So let's go to the next slide. So Work Track 1 is overall processes. And this is their scope of work. So competition, consumer trust and consumer choice, the Applicant Guidebook, clarity of the application process, the accreditation program, systems, application fees, communication, application queuing, submission period, support from - for applicants from developing countries, variable fees and then miscellaneous ways to provide comment and role of public comments. To me when I read this it's overwhelming. There's a lot here. A lot of this our community is familiar with a lot of the issues as we drafted the Applicant Guidebook. But then a lot of this came into play, you

know, with good and bad experiences probably once this was all rolled out and New gTLDs became a thing.

So the next slide. So in Work Track 1's current discussion they're focusing on the Applicant Guidebook, communications, application queuing, application support, clarity of the application process and the application fees. So that's what they're currently discussing. So there's a few questions that we came up with and you might want to weigh in on this. How should applications be accepted or processed? Should we assess in rounds or should there be a continuous state of accepting and evaluating applications?

The current recommendation is for a hybrid a single additional round or a few sets of rounds with a goal of setting it into a fixed state. So instead of having one round and waiting five or six more years then it could be that it would be a continuous round. First come first serve, how will that work? Are - if accepting application during a specific window of time each year with remaining time for evaluation, how to deal with rival competing applications and objections? And do we accept applications continuously with a holding publication time? Variable fees, should application fees be lower for developing countries, communities, et cetera? A concern with that is with variables fees is to ensure that they cost to run and maintain a TLD is sustainable. And Jeff is saying that the Work Track is a little farther along in their deliberation on these issues. Like I said I took some of this from the wiki. So I don't know does anybody have any questions or can answer any of these questions for the Work Track? Do you have opinions about how all of this should be done? Rafik?

Rafik Dammak: Okay this is Rafik speaking. So maybe more classification about if I understand correctly the Work Track 1 is covering the applicant support. So it's reviewing what was implemented in the last round. So I think in that time

not all the recommendations were implemented. So is it just a review of the implementation or also against what was in the recommendation because I recall the report was - we didn't focus only on weighting or lowering the fees. We understand that operating a registry means much more than that and we proposed some models. So what was the focus of the Work Track 1?

Susan Kawaguchi: I can't really provide that for you since I'm not on the Work Track. But that would be a good question for them. Maybe Jeff can. And he said as the applicant support is reviewing the original report and implementation and it's talking about more types of support than financial. That's his answer to that question. So he also is saying that there's a lot of participation on these Work Tracks. So I'm not sure if you, you know, if they need more people but good input is always good. Anybody else on Work Track 1?

Okay let's go – next slide please. So Work Track 2 is legal regulatory scope of work. There's – they're discussing reserve names, basic remit, registrant protection, contractual compliance, registrar nondiscrimination, TLD rollout, second level rights protection mechanisms with the registry and registrar standardization, global public interest, IGO, NGO, IGO, INGO protections, closed generics and there's also a suggestion to add selection and guidance provided to New gTLD program service providers. And so - and it could be broadened to all service providers. As you can see I have participated a little bit on the RPM, PDP. And, you know, so that's where this I guess some of those legal objections also lie. And then I see the overlap too in the IGO, INGO protections but since we have two groups going outside of this PDP working on that. So there's a lot of overlap.

Next slide please. So the current discussions came from December - their December report. They reviewed the CC2 comments the final report comments received on the top of contractual compliance. One of the

comments mentioned troubling operational practices allegedly conducted by contracted parties such as arbitrary and abusive pricing for premium domain targeting, trademarks, use of reserve names to circumvent sunrise and operation of launch programs that differed materially from what was approved by ICANN.

The working track also discussed the possibility of asking the ICANN organization if it has data regarding these alleged practices. They've reviewed data from ICANN's organization and the GDD -oops my – I let my computer go to sleep. Hold on a second. Thank you Jim I can't even put my thing in. And so - and they've, you know, they've made a few - a full review of that CC2 comments on the topic of TLD rollout. In my background as managing new domain names and registry new domains for Facebook a lot of these troubling operational practices I experienced myself with our brand or brands.

And so I'm glad that they're looking that this is part of their discussion. We personally saw and just this is just my, you know, personal viewpoint from previous experience here is that Facebook and Instagram we're definitely targeted for premium pricing that made no sense. Dot top was the most and I've been very vocal about that so I'm sure you've heard that story but .top was the most egregious. It went from 3000 one day to 36,000 the next day for the price. And when I actually had a conversation with the .top registry at the Singapore meeting their – his response to me was but your – but you trade – but Facebook is worth a lot. And I'm like yes we made it worth a lot. You had nothing to do with that. So there was definitely, you know, a lot of abuses or I shouldn't say a lot there should - there was definitely abuses. There was other also other registries that actually put helpful solutions into play. So there was a balance to a certain point but overall it did seem like the program that would allow – or put trademark owners in a bad position to say in protecting their brand.

So let's go to the next slide please. So this is their current discussion. According to the wiki they reviewed a summary of deliberations progress document on the base registry agreement. They have a little - preliminary consensus to maintain that base registry agreement and reviewed a summary of deliberations progress document on registrant protections. And they had high level agreements to explore different methods for funding the EBERO process the emergency backend process and retain the five critical registry functions included in the 2012 Applicant Guidebook. And consider possible exemptions to background screening requirements for publicly traded companies.

And then can you go to the next slide please? So a couple of questions you might think about. Should we have SQL based registry agreement with common core provisions and the ability to obtain exemptions or variations based on TLD categories? Do closed generics harm consumers? Are they misleading and do they stifle competition? Are closed generics a benefit to consumers? And do they foster innovation and allow increased trust and consumer protection? Any thoughts on any of those are any questions in general? Okay oh Steve.

Steve DelBianco: Thanks Susan, Steve DelBianco. With respect to closed generics the fact is that the harm that they could have theoretically prevailed if .tires was run by one tire company and second level domains didn't make that clear there could be the impression that it's an open TLD when in fact one company could run it. Those were theoretical. But the way the policies came out I admittedly top down those kinds of practices aren't really permitted. So the harms that we feared have been avoided through policy. So it's hard to study the experience of the last round to understand whether consumer confusion and competitor unfair competition were happening.

If they were its possible that competition authorities and consumer protection authorities might have taken action. And that was always the alternative to having ICANN do something. And yet does – did any of the reviews of the New gTLD expansion look at the generics that were owned by a single company to see whether those practices happened? I don't think so because we don't have a lot of data to go on at this point. What – the way these questions are phrased on the slide seems to be teeing this up as just throwing up our hands and saying let it happen. That's the way I'm reading it because you're suggesting maybe they have a benefit. Where is going right now?

Susan Kawaguchi: So actually that was more just to spark discussion instead of, you know, really perpetuate a stance. But Jeff has actually said it exactly. It's hard to review harms when the practice was never allowed to exist. So…

Steve DelBianco: The status quo the guidebook would be that it, well wait a minute it wasn't in the guidebook. It was an implementation thing that came after the guidebook. So what is the assumption for this entire PDP is that things that were in the guidebook or things that were post guidebook implementation are all preserved unless changed. Okay so that would mean that going into this the status quo was that closed generics would be restricted unless somebody makes a strong case to set them free.

Susan Kawaguchi: Jeff is also stating we have had many discussions on this issue and people on both sides. Michael is stating if closed generics could be allowed in the public interest then it could be feasible to allow them. So oh sorry I'm sorry. Please go ahead.

Woman 2: I have a very personal comment -- this is not the NCSG view at all just to make that clear -- I believe the closed generics can hamper freedom of speech.

For example what I wanted to – when I wanted to register ta.ngo tango I could not. I could not also register bingo bi.ngo because it had to be a NGO. And then also for tire.ngo so you might want to register re.tire but you cannot. So this is like (unintelligible) very personal view just that. And I thought it was a fun (use).

Susan Kawaguchi: Well that was pretty interesting and pretty unique bingo. That was good. Okay Paul.

Paul McGrady: Paul McGrady, so two things one on closed generics I offer no opinion. I fought the first closed generics war and lost because I'm of the free speech ilk. But if we are going to go down the closed generics war again just keep in mind that the GACs already opined in round one and we're setting ourselves up for a fight with the GAC. I'm not saying don't do it I'm just saying that it's a thing. And I'm also saying that I fought it once I'm not fighting again. Good luck all you all.

And then secondly on the single based registry agreement I don't think it's so much about having multiple registry agreements it's more about getting buy in from ICANN staff that reality is real. We had a bazillion .brand applicants clearly they were .brands. They were using them for .brand reasons. And it took us months and months and months of wrangling with ICANN staff to get Specification 13 through. And that was when it was pretty obvious that .brands were a reality. And frankly we wouldn't have gotten it through because (Alan) was pretty dug in if (Shareen) hadn't intervened and made staff come to the table. And so for me it's about staff's willingness to see new business models as they evolve. I don't think we can anticipate every business model that's what creativity is about. But if a new business model shows up and it needs a different kind of contract then staff needs to, you know, deal with the reality of what's been applied for. So that's just my two cents.

Susan Kawaguchi: And I would agree with that considering this is, you know, we deal with domain names and the Internet what's evolving faster than this? And so being creative, you know, flexible seems critically important to me. So anybody else questions for this one? Okay we're going to skip to Work Track 4 since we've already covered Work Track 3. Can we get the slide moved? Okay so this is IDNs and technical and operations, international domain names, the scope of work is international domain names and universal acceptance, security and stability, applicant reviews, technical operational and financial and name collisions.

Let's go on to the next slide. So it sounds like and it looks like from the wiki that not a lot is going on in this work track. But if, you know, if I'm wrong on that so they're talking about a financial evaluation and they're also looking - the next steps is to – is a survey to reduce the number of possible financial evaluation models. And then - and Jeff he said that Work Track 4 is also looking at the thousand TLD's per year restriction. So that's an interesting concept. I can understand why you would do that. But maybe that would be a discussion. He's also stating he needs to update the wiki. But you would – I've heard a lot of rumors that, you know, we could have 10,000 to 15,000 new applicants or new applicants or new application, you know, registry applicants. So it's, you know, if you're going to limit to 1000 then that's going to limit some of that innovation I guess.

Let's go to the next. And the only question that we came up with are IDNs variants limited to a variety of existing TLDs? Will it be allowed if it's the same registry operator and/or there's a written agreement that stipulates a cross variant TLD bundling. So in this case, you know, IDN for .com is .com the only one that could have an IDN. It would control all of the VeriSign registry control all of the variations in IDNs for .com or would it require a

written agreement? So Work Track 4 actually has a lot of interesting topics that, you know, were – did impact the last roll out names collision, Facebook ended up and Instagram ended up on a lot of names collisions lists. And so we were unable to register in those TLDs until those were cleared out. So definitely a lot of different issues here that could be interesting going forward. Steve?

Steve DelBianco: Susan, Steve DelBianco. One element of this IDNs was that during the joint applicant support -- called it Jazz right -- we had suggested that there ought to be bundling so that an applicant for a new top level domain would have an incentive to light up dozens of IDN variants or linguistic variants that were in ASCII or Latin script. The idea being that open it up to all of the language communities particularly in IDN scripts around the world.com is not the best example but on any of them. And it was rejected by some who felt it was corporate welfare. That it would be giving corporations a discount.

Well so we didn't offer it. And what do you know we have very, very few IDNs since it would've required an IDN version of .kids for instance maybe in Chinese script another one in another script. It would've been a half a million each whereas if it was an incremental cost that fairly reflected the cost to process we'd of had a fighting chance to get more IDNs. And remember over half the planet doesn't even use Latin script for its written alphabet. So that's an incentivized thing to serve the underserved non-Latin script portions of the population. Let me encourage the group to please try to keep hope alive on that idea because without it yes we were right we gave no corporate welfare and we got no significant uptake in IDNs.

Susan Kawaguchi: And I think the IDNs that were launched, you know, have the issue with universal acceptance also. How many people are actually registering? Yes. Questions please?

Gangadhar Panday: This Gangadhar Panday from Hyderabad, India for the record. I'm a Membership Coordinator for NPOC. I'm also part of the (unintelligible) label generation rules which is now working on nine Indic scripts which will benefit 20% of the world population. And I would like to know what is the population of the country's which share the same culture when you restrict the variant and you are depriving many people from the domain name. Are we finding a solution for that?

Susan Kawaguchi: Once again since I'm really not on this work PDP I'm not sure I can answer that question. Is there anybody else in the room that would – Jeff? Let's see if Jeff. Have to wait. We should have just had Jeff phone in and do this session actually. Was that his response to this?

Gangadhar Panday: Yes you want me to explain again?

Susan Kawaguchi: Can you type the question into the chat so Jeff can hear – can answer that? I love Adobe. While he's doing that was there any other questions that we – it doesn't look like it. We'll – if you want to type your question in to the chat or say it again for Jeff but I don't think there's anybody in the room that can answer that for you. And we'll just let you finish that on chat with Jeff. If there's no other questions I think we're done. Okay well I guess we're – I have nothing else to say. Robin anything? So we're done early if there's no other discussion.

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