

Terri Agnew: Welcome to the New gTLD Subsequent Procedures Sub Team – Track 3 – String Contention, Objections & Disputes call on Tuesday, 17 October 2017 at 15:00 UTC for 60 minutes.

Terri Agnew: agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_soJEB&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=PTS1TXB48pNGly0h5S9xkaCCf4B6nrYelg8Joa6Mn80&s=z6kgjLXmOsMIhSuNjK8EiefutzLt7vc5Tcg4HzLHZnM&e=

karen Day: hi all

karen Day: dialing in

Robin Gross: I've got shotgun

Gg Levine (NABP): Where can the community strawbunny be found?

Steve Chan: @Gg, you can find the strawbunny on the Wiki here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_Wz2AAw&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=PTS1TXB48pNGly0h5S9xkaCCf4B6nrYelg8Joa6Mn80&s=MdyU2TMHDQ7rNI3poloRPERiYxpLsLuoQRyz8OHA-MI&e=

Gg Levine (NABP): Thanks!

Greg Shatan: @Robin, are you exercising your Second Amendment rights?

Anne Aikman-Scalese (IPC): COMMENT: I am only on adobe and not connected.

Anne Aikman-Scalese (IPC): QUESTION: What are equivalents to First Amendment rights in other jurisdictions? Would be interested to study those statutes to see if there is any balancing language that is similar to U.S. case law.

Robin Gross: Article 19 of the Universal Declaration of Human Rights is Free Expression (not a statute, but laws get implemented with that in mind)

Anne Aikman-Scalese (IPC): Thanks Robin. Have been aware of Article 19 for some time. Was just interested in implementing laws that you described. I

Phil Buckingham: Agreed Karen. Do we have a clearly definition of "reserved names" that we need to use across all work tracks?

Terri Agnew: everyone can turn slides themselves

Anne Aikman-Scalese (IPC): COMMENT: It seems the "balancing" described by both Greg and Robin is a fruitful area for exploration as to Top Level Domains

Jim Prendergast: sorry - but I'm listening in from the middle of a conference so no ability to talk. Comment speaks for itself

Anne Aikman-Scalese (IPC): COMMENT: Introducing an appeals process will significantly delay decisions and could be used as a tactic for delay even when decision is actually justified. I actually hope the ICANN process is more efficient and more swift than judicial systems - can we keep it that way without sacrificing rights or not? COMMENT

Greg Shatan: I think we need to focus on a relatively lightweight process. Delay is not as big an issue as "getting it wrong."

Jamie Baxter | dotgay: +1 Jeff

Greg Shatan: Appeals generally do not have further discovery. They can be relatively swift.

Anne Aikman-Scalese (IPC): COMMENT: if we address inconsistencies in the processes, we likely won't need the appeals process. Maybe if the appeals process is based on a standard like "abuse of discretion" or "clear error" as noted in the Google comment - but this needs to be a swift process - not go on for years. COMMENT

Robin Gross: Having an appeals mechanism tailored exclusively on tld decisions would make sense given it is so different from the other org management type of issues that go into the regular accountability mechanisms.

Phil Buckingham: I agree Jamie . Evaluators need to be evaluated themselves

Robin Gross: regular = regular

Anne Aikman-Scalese (IPC): I think Jeff's approach is reasonable if we want to adopt appeals process. It should not be a "new trial" of all facts.

Jamie Baxter | dotgay: @Anne ... just like the other accountability mechanisms, I think there would need to be a focus to the request for appeal.

Anne Aikman-Scalese (IPC): @Jamie - could you elaborate on "focus to the request for appeal"

Jamie Baxter | dotgay: @Anne .. my thinking is that you would need to state your reason for appeal, just like you currently do with reconsideration requests, etc. For example it could be that key evidence/research supplied by applicant contradicts the research relied on by the evaluator (despite ever having to provide the research). This is in part the reason why the current CPE investigation is underway.

Anne Aikman-Scalese (IPC): COMMENT: re addressing inconsistencies that would reduce need for appeal - Panelist training seems very appropriate. Also, panelists have to be encouraged to request additional briefing on information they lack, rather than making assumptions about evidence they don't have. COMMENT

Anne Aikman-Scalese (IPC): no -se comment in chat

Jamie Baxter | dotgay: +1 Anne

avri doria: thanks. it was great working with you .

Anne Aikman-Scalese (IPC): second to Karen's comments

Robin Gross: thanks, Karen, and all, bye!

Anne Aikman-Scalese (IPC): bye all

avri doria: bye

Phil Buckingham: thanks Karen