AC Attendance – 47 Members

Alan Greenberg
Alexander Schubert
Anne Aikman-Scalese (IPC)
Annebeth Lange, co-lead WT5
Aslam G Mohamed
Avri Doria
Bruna Santos
Cheryl Langdon-Orr (CLO - PDP Co-Chair)
Christa Taylor
Christopher Niemi
Christopher Wilkinson (CW)
Donna Austin, Neustar
Gemma Keegan - Neustar
Gg Levine (NABP)
Greg Shatan
Hadia Elminiawi
Heather Forrest
Jamie Baxter | dotgay
Jeff Neuman
Jessica Hooper
Jim Prendergast
Jonathan Robinson
Karen Day
Katrin Ohlmer | DOTZON

Ken Stubbs - Afilias
Klaus Stoll
Kristina Rosette
Kurt Pritz
Liz Brodzinski
Martin Sutton
Maxim Alzoba (FAITID)
Neli Marcheva
Paul McGrady
Phil Buckingham
Philip Corwin
Quoc Pham
Raymond Zylstra - Neustar
Robin Gross
Roger Carney
Rubens Kuhl
Rudy Mendoza
Samantha Demetriou
Sara Bockey
Sophie Hey
Susan Payne
Tom Dale (ACIG GAC Secretariat)
Zornitsa Marcheva

Apologies: none

On audio only: none

Staff:
Emily Barabas
Julia Charvolen
Julie Hedlund
Mary Wong
Nanig Mehranian
Trang Nguyen
Berry Cobb
Dennis Chang
Steve Chan
Julie Bisland

  Julie Bisland:Welcome to the New gTLD Subsequent Procedures WG call on Monday, 8 January 2018 at 20:00 UTC

Julie Bisland:Agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_x_Px1yB&d=DwIFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=RBMkf0RCLGxeitc_dgn2GI-eg6KdsVXmCdcotwbtkmQ&s=J7Nr_kPZzRgBf-G8akXahRAB3plCbPtQGJNolPBGusQ&e=

Heather Forrest:Hi Julie - just noting for the record that I need to drop off at the top of the hour for another call. Thanks!

Julie Bisland:Thank you, Heather!

Maxim Alzoba (FAITID):Hello All, I will use chat mostly

Maxim Alzoba (FAITID):@Jeff, sounds clear

Jeff Neuman:2 minute warning

Alan Greenberg:I have a conflict and will have to leave after an hour.

Julie Bisland:thank you, Alan

Jeff Neuman:@alan - thx....will wait then until after the top of the hour to talk about the fun stuff :)

Jeff Neuman:1 minute warning

Alan Greenberg:Of course Jeff. Planned it just for that purpose.

Maxim Alzoba (FAITID):@Mary, I will not be able to join the call in 7 hours (3AM UTC subgroup)

Steve Chan:@Maxim, are you noting your apologies for the WT1 call, that Sara's talking about now?

Maxim Alzoba (FAITID):@Steve, yes

Steve Chan:Thanks Maxim, noted.

Maxim Alzoba (FAITID):@Steve, thanks

Emily Barabas:The next WT2 call will be 18 January at 3:00 UTC

Cheryl Langdon-Orr (CLO - PDP Co-Chair):But we are a *fun* croud Jeff

Christa Taylor:Sorry, I was a few minutes late. WT1 meeting on Jan 9th topics include draft recommendations on Application Fees and time permitting Variable Fees

Annebeth Lange, co-lead WT5:I think it is important that discussions on geonames embedded in the categories discussion, is moved to WT5. If not, several of the members of WT5, that have signed up out of interest for geonames, will not be updated on the discussions.

Emily Barabas:The document Jeff is discussing is available here:
https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1lzXxBLMtFr03BKnHsa-2DSs7kR7EAJt7pCI1EP3H81tfQ_edit&d=DwIFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=RBMkf0RCLGxeitc_dgn2GI-eg6KdsVXmCdcotwbtkmQ&s=1V1cuhzBKmeb3KNzIc9FsFcIKM7EdYRiWbCskdQIf_I&e=

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks Emily

Maxim Alzoba (FAITID):It was a situation , where our password was changed without our request, and new one was not hanled "for our safety", and all our requests were denied... we had to notice that it was effectively attempt to fail delivery of services and only then we had our new passwords

Maxim Alzoba (FAITID):during the TAAS time

Maxim Alzoba (FAITID):application time

Rubens Kuhl:raffle

Maxim Alzoba (FAITID):gambling?

Phil Buckingham:priority draw - lottery

Donna Austin, Neustar:is there anything being shared on the screen?

Steve Chan:@donna, no

Donna Austin, Neustar:oh good, thanks Steve

Maxim Alzoba (FAITID):PIC spec

Jim Prendergast:outside the negotiation windows allowed for in the current RA, we cannot have the RA changing after ICANN has taken $$ from applicants. There needs to be some sort of free in place so applicants have prediciability when it comes to the nature of the relationship they will have with ICANN.

Jim Prendergast:freeze not free

Maxim Alzoba (FAITID):situation where TAS passwords were changed randomly without request from applicants

Anne Aikman-Scalese (IPC):@staff - Could we please post the current draft of the Predictability Framework?

Anne Aikman-Scalese (IPC):Thank you.

Rubens Kuhl:Most of the times ICANN said that not letting them having discretion to change would delay the process, because then they would need to more carefully consider everything.

Anne Aikman-Scalese (IPC):Please release scrolling on the Predictability Framework

Heather Forrest:+1 Jim - from a legal perspective there would potentially be a question as to enforceability of a contract (or parts thereof) lacking sufficient clarity for the parties

Maxim Alzoba (FAITID):@Jeff, please add a task for me to supply additional info (cases e.t.c.)

Maxim Alzoba (FAITID):so I check and send details

Julie Hedlund:The document is unsynced.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks Maxim

Phil Buckingham:Jeff , another change - ICANN advisories on answering questions (especially Q50)

Heather Forrest:(sorry - boring law professor comment here) - In terms of timing I'm thinking performance of the contract should start before changes occur

Maxim Alzoba (FAITID):@Heather , formally ICANN has no responcibility for the failure to perform (unlike Applicants and RAs)

Heather Forrest:@Maxim - I understand, but we're talking about validity of the agreement, ie whether the applicant/Registry can agree to a contract that lacks certainty, not whether ICANN can breach (if there is no valid contract, neither party can breach!)

Rubens Kuhl:There were three type of PICs: mandatory for all, mandatory for some strings, truly voluntary. The first one was post-application change.

Jim Prendergast:Thats why I think GAC advice that pertains to wide swaths of applications should be submitted prior to the opening of the round.

Maxim Alzoba (FAITID):@Heather, the required wording of Letter of Credit allowes ICANN to send a note via SWIFT "we need your money" and a request for a money

Susan Payne:Other "stress test" scenarios: .MAIL CORP and HOME. Although related to the name collision issue this issue is not resolved in relation to these three strings they are still in limbo

Rubens Kuhl:@Jim, GNSO Policy can not dictate requirements for GAC.

Maxim Alzoba (FAITID):@Heather, also in other industries the tactics of bait and switch leads to criminal cases for fraud

Phil Buckingham:Jim +1

Susan Payne:and treatment of closed generics. I know this is a WT2 topic, but the scenario of changing the rules mid-process is relevant to predictability. Perhaps as an example of the impact of late GAC advice

Anne Aikman-Scalese (IPC):re: .MAIL, .CORP, .HOME - I am hoping the Work Track 4 work will acknoledge by consensus a need to screen applications in the next round right away to determine whether there is an unacceptable name collision risk.

Karen Day:+1 Susan

Rubens Kuhl:Specifically regarding changing the agreement, we might use the same approval thresholds among applicants that exists today among registries.

Heather Forrest:We're not dealing with the typical consumer contract-type scenario, where the consumer lacks any bargaining power. We definitely don't want that applicants/ registries to have that perception. I suppose what I'm saying is that each applicant/registry needs to treat its agreement as 'unique', so to speak, and not just one of many identical agreements

Maxim Alzoba (FAITID):I meant this thing (about changing a wholesale agreement) https://urldefense.proofpoint.com/v2/url?u=http-3A__www.dca.ca.gov_publications_legal-5Fguides_m-2D1.shtml&d=DwIFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=RBMkf0RCLGxeitc_dgn2GI-eg6KdsVXmCdcotwbtkmQ&s=okcjEqEaEb6vcApfeRpp5S0CaXOZjopmAqD7d8TKpKA&e= and BAIT AND SWITCH - B&P 17500 (includes internet), CC1770(a)(9),(a)(10), 16 CFR Part 238

Maxim Alzoba (FAITID):California

Julie Bisland:yes, carry on :)

Maxim Alzoba (FAITID):but on the other hand - we can not entirely block ability of ICANN to change policies, it is about applicablility ot application process

Maxim Alzoba (FAITID):during the application window

Maxim Alzoba (FAITID):*applicability of such changes to the application process :)

Rubens Kuhl:Possibly the same criteria that allows ICANN to implement Temporary Policies could justify changing things on the fly.

Maxim Alzoba (FAITID):for example : some horrible security flaw of EPP is discovered and there is a need of a correction of some policy

Mary Wong:Note that, in the implementation principles adopted by the GNSO Council in late 2015, there is a process within the IRT framework that provides guidance for escalation as well as referral back to the GNSO Council for new policy issues.

Rubens Kuhl:"Temporary Policies. Registry Operator shall comply with and implement all specifications or policies established by the Board on a temporary basis, if adopted by the Board by a vote of at least two-thirds of its members, so long as the Board reasonably determines that such modifications or amendments are justified and that immediate temporary establishment of a specification or policy on the subject is necessary to maintain the stability or security of Registry Services or the DNS ("Temporary Policies")."

Alan Greenberg:Note emergency policies according to current processes, expire after a year.

Alan Greenberg:Note temp policies are not in the Bylaws but in the Ry/Rr agreements and only apply after they are signed, so not clear they apply in the current situation.

Maxim Alzoba (FAITID):@Julie, for some reason Notes on the right were partially erased

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks Alan

Julie Hedlund:@Maxim: I was reaching the character limit so had to extract them. But they will be posted in their entirety in the wiki for reference as well as sent to the list.

Maxim Alzoba (FAITID):@Julie, thanks for the clarification

Julie Hedlund:Unfortunately there is a limit to the number of characters one can post in the notes pod.

Rubens Kuhl:Perhaps leaving that definition for last ? We would just need to specify how applications are treated, both equally and differently, and then finding names for the application groups that are treated differently.

Susan Payne:Can we be clear about whether we are talking about new categories? or also the existing ones?

Maxim Alzoba (FAITID):I wonder if using of types of applications should be tag like (and not mutually exclusive)

Jeff Neuman:@Susan - Lets start with both

Jeff Neuman:Lets give the reasons why we agreed to create a few in the past and see how they apply (if at all) to the future

Heather Forrest:Apologies, I have to drop now for another call. Thanks Jeff, everyone-

Rubens Kuhl:@Maxim, they were already this way in 2012. For instance, a GeoTLD that is also a community TLD and is also a government-organisation registry.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks Heather ... Bye for now

Heather Forrest:Thanks Chery- have a good day

Alexander Schubert:Gaming? Set up an offshore in Global South and you have priority?

Alan Greenberg:And I have to leave now as well. Too bad, this is just getting interesting.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks Alan.. bye for now...

Alan Greenberg:(Jeff was true to his word, saving the fun stuff for after I left!)

Maxim Alzoba (FAITID):@Alexander, last time Offshores where added to EU region

Annebeth Lange, co-lead WT5:We already have some categories already, haven't we, brands? Out of recognition of the interest of trademark owners? In the same way, as Alan said, there might be a group that are not "true" generics that should take care of the public interest.

Alexander Schubert:@Maxim: E.g. Seychelles: EU?

Martin Sutton:Jeff - we already have dotBrands and the rationale behind it, are you requesting for attendees to repeat these and for other categories established during the last application round?

Maxim Alzoba (FAITID):@Alexander, I hope it was done for simplicity , but some big companies used it

Annebeth Lange, co-lead WT5:Likewise, some geonames, that should be taken "care of" of the nations, through support/non-objection like for example capitols had in the AGB 2012

Susan Payne:Brand category already recognised the existing value and importance of the trade mark to the applicant, such that certain provisions of the base RA (including assignment of the registry to someone else) were incompatible with the existing legal rights

Phil Buckingham:that should be the only "exception " - it is either an open or a closed TLD . . Business models whether commercial or not should NOT be templated (as was last time)

Annebeth Lange, co-lead WT5:I agree, Susan, but there are also political "rights" to be taken into consideration for names of great value for nations

Rubens Kuhl:Restricted TLDs: Brand TLDs, TLDs with eligibility requirements (Spec 12, PIC or simply registry policy), Exclusive Use TLDs.

Annebeth Lange, co-lead WT5:@Jamie, I think it is important to think further than commercial value. Also to take into consideration cultural values etc.

Donna Austin, Neustar:One of the aims of new gTLDs is to encourage innovation. Being too prescriptive may work against this principle.

Maxim Alzoba (FAITID):+1 Donna

Maxim Alzoba (FAITID):@Annabeth, different cultures sometimes have conflicting values and we will not be able to resolve it and thus the approach of protection of cultural values might not work

Rubens Kuhl:I wonder if our charter gives us authority to look into merging Spec 12 (registration restriction for Community TLDs) and PICs. Because I believe Spec 12 is just a special case of PIC and PIC could be the overall umbrella for enforceable commitments.

Hadia Elminiawi:I believe that as a community we want to give an opportunity to all categories/communities, while ensuring a fair process

Annebeth Lange, co-lead WT5:But, Maxim, is it our task to consider who can take care of their country's interest and who cannot?

Maxim Alzoba (FAITID):@Haidia, unfortunaly only rich communities managed to survive

Maxim Alzoba (FAITID):in the application process

Donna Austin, Neustar:Categories become murky and difficult to process and evaluate when the strings are in contention.

Kristina Rosette (Amazon Registry):+1 Donna. There's the additional issue that the speed (or lack thereof, more accurately) is not conducive to being prescriptive What is an innovative use at application

could be completely obsolete 3+ years later (or 6+ as is the case with some of the still-pending contention sets).

Paul McGrady:+1 Kristina.

Rubens Kuhl:+1 Anne.

Donna Austin, Neustar:Apologies all, I have to drop from teh call. Will catch up later.

Julie Bisland:thank you, Donna

Maxim Alzoba (FAITID):@Annabeth, I am not agianst it, I just wanted to underline that it will be no-pass for some application for the reasons of cultural conflicts

Annebeth Lange, co-lead WT5:I see what you mean, Maxim :-)

Annebeth Lange, co-lead WT5:But I still think we have a responsibility for other reasons than commercial

Maxim Alzoba (FAITID):@Annabeth, I agree

Maxim Alzoba (FAITID):like .government or .police

Maxim Alzoba (FAITID):should not be seen from TM perspective only

Annebeth Lange, co-lead WT5:I think that the reason people talk about categories is that "one size doesn't necessarily fit all". Some types of gTLDs are less gTLDs than others.

Annebeth Lange, co-lead WT5:@Maxim - I agree

Christopher Wilkinson (CW):Jeff: Categories. Yes I would push for it. Also, I consider that ICANN should open categories as separate processes in time. There is no risk of content regulation. CW

Annebeth Lange, co-lead WT5:I agree with CW, we are not talking about content regulation, but to fulfill different needs in different communities

Greg Shatan:Without endorsing categories (or not), I also agree that what we are talking about does not constitute "content regulation."

Cheryl Langdon-Orr (CLO - PDP Co-Chair):I certainly agree with ICANN not touching 'content' but that does not mean the "stated purpose" of a proposed TLD as Jamie and others outlined coumd be a "deffining point in classification and any associated treatments specific to such classes of TLD...

Annebeth Lange, co-lead WT5:@Cheryl - I agree

Emily Barabas:Input received through CC1 is available here:
https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_pages_viewpage.action-3FpageId-3D59645660&d=DwIFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=RBMkf0RCLGxeitc_dgn2GI-eg6KdsVXmCdcotwbtkmQ&s=_FkDsj2hQ9A0sKypTCNBPHSrvIEmaUJmwUurMPNK3UI&e=

Jamie Baxter | dotgay:@Steve .. +1 ... for example it was about registration restrictions for some gTLDs, not about whether they were just community, geo or otherwise

Phil Buckingham:Trang - I agree . Its is the contract that will require different specs pertaining to a "said category " . As you say the evaluators will evaluate according to the conrtract specifications .

Annebeth Lange, co-lead WT5:And brands had special needs that in the end were listened to through the clearing house. But there might be other "categories" that have other needs that should be taken into consideration.

Jamie Baxter | dotgay:@Paul .. +1 ... it could be assumed that some will hold their cards close going into the next round and ultimately not fit into the final product here. it is perhaps why it is more important to try and isolate some of the unique characteristics of applications

Paul McGrady:@Jeff - yes. We can insist that ICANN actually negotiate its agreements.

Annebeth Lange, co-lead WT5:Sorry, have to leave. Bye for now!

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Bye Annebeth...

Karen Day:It wasn't listed as an actual date

Susan Payne:it relates to the date of applying to TLD so we don't need to change the TM date

Maxim Alzoba (FAITID):bye all

Christopher Wilkinson (CW):Good night everyone. Thankyou staff and all others. CW
Cheryl Langdon-Orr (CLO - PDP Co-Chair):Thanks Evryone, bye for now then... Use the mailing list to continue your input!
Ken Stubbs - Afilias:good day all
Kristina Rosette (Amazon Registry):Thanks everyone. Go Dawgs!
Hadia Elminiawi:Thank you all, bye
Susan Payne:thanks Jeff
Robin Gross:Thanks Jeff and all, bye!
Katrin Ohlmer | DOTZON:thanks & bye, everybody!
Phil Buckingham:thanks Jeff