

AC Attendance - 14 Members

Alan Greenberg
Alexander Schubert
Bruna Santos
Cheryl Langdon-Orr (CLO - PDP Co-Chair)
Gemma Keegan - Neustar
Heather Forrest
Jeff Neuman
Jim Prendergast
Justine Chew
Kathy Kleiman
Kristina Rosette (Amazon Registry)
Michael Flemming
Raymond Zylstra - Neustar
Sophia Feng

On Audio Only: none

Apology: Susan Payne

Staff:

Julie Hedlund
Trang Nguyen
Steve Chan
Berry Cobb
Julie Bisland

AC Chat Transcript:

Julie Bisland:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 2 – Legal/Regulatory Issues call on Thursday, 18 January 2018 at 03:00 UTC

Julie Bisland:Agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_WB1yB&d=DwIFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvRPDQ&s=9n4sPluQE7n3wY6qhiOGZvRrSUc6mqtGL05KXm3V42E&e=

Cheryl Langdon-Orr (CLO - PDP Co-Chair):work fine Jeff

Cheryl Langdon-Orr (CLO - PDP Co-Chair):All good Michael

Jeff Neuman:Michael - there is a bunch of static on your side.....may be your mic turned up too much

Jeff Neuman:better!

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Sounds fine Sophia

Heather Forrest:Apologies for joining late, all!

Sophia Feng:Welcome Heather, we just started

Heather Forrest:Thanks, Sophia - Michael's introductory remarks which I just heard sound very sensible to me.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Which could be a requirement in any "rationale" required

Cheryl Langdon-Orr (CLO - PDP Co-Chair):that was related to Kristina's interbvention
Heather Forrest:In other words, we are limiting discretion to reject to specified rationales
Kristina Rosette (Amazon Registry):I think we need to be crystal clear that the ICANN's discretion is limited to law, bylaws or other policy.

Jeff Neuman:Is there a link to this doc for people to suggest changes to the wording here?

Jeff Neuman:If so, lets post

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Good idea Jeff

Sophia Feng:yes there are jeff, one sec

Jim Prendergast:or a google doc for editing post call since we only have a few people on the call

Cheryl Langdon-Orr (CLO - PDP Co-Chair):exactly Jim

Sophia Feng:https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1LyeCn0QHfFu8cvmAuZ8-5FsUUluGMzeh8XyaLMhDI5Msk_edit&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QjF-

05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvR
PDQ&s=4CD5SJhT59b54cXzcQYaLAsRdWULZOHPq379985pGmA&e=

Sophia Feng:here is link to this document

Jim Prendergast:can I suggest that one of the post call action items that is sent int he summary a link to the doc asking WT members to review and propose edits.

Kristina Rosette (Amazon Registry):For the record, we oppose the covenant not to sue - regardless of any appeals mechanism.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):I suspect several entities will @Kristina, and that may be clearer post public comments after the Initial Report

Jeff Neuman:I believe our Prelim Report needs to state that some members of the Working Group oppose the covenant not to sue as a concept. If, however, such a covenant not to sue remains, then we recommend.....

Heather Forrest:There was a presentation to SO/AC leaders yesterday on the new IRP and what SO/ACs will need to do to participate in that process. I wasn't able to participate due to time zone but think we need to consider these Ts and Cs in light of that new process

Steve Chan:WT3 is definitely considering appeals mechanisms as part of its topic on Accountability Mechanisms (probably a topic that is not correctly labeled)

Cheryl Langdon-Orr (CLO - PDP Co-Chair):The IRP is certainly a good bst practice model in my biased (personal) view

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Main point of the new IRP is that apeals are *not* limited to Bylaws

Cheryl Langdon-Orr (CLO - PDP Co-Chair):it is of course as yet untested

Cheryl Langdon-Orr (CLO - PDP Co-Chair):as a mechanism

Alan Greenberg:Sorry to be late.

Jeff Neuman:The new IRP is a little bit better, but it will not be sufficient to challenge substantive decisions of evaluators

Kristina Rosette (Amazon Registry):The comments I made earlier w/r/t the .ISLAM and .HALAL IRP Final Declaration apply to Section 14, too.

Steve Chan:Would a reference to the Predictabilty Framework, from the overarching issues, make sense here?

Heather Forrest:+1 Kristina - decisions such as these on validity are critical to this group's evaluation

Jeff Neuman:Sure

Steve Chan:Or perhaps this particular concerns might feed into the Predictability Framework?

Cheryl Langdon-Orr (CLO - PDP Co-Chair):We could do that Steve...

Justine Chew:Section 14 -- unavoidable changes should not prejudice applicants who have submitted their application(s), and if prejudice arises some allowances should be granted to such applicants.

Jim Prendergast:no objections here

Jeff Neuman:At the end of the day, I think that fourth bullet will go away and just reference the other work under the predictability framework

Cheryl Langdon-Orr (CLO - PDP Co-Chair):makes sense Jeff

Jeff Neuman:[which goes into the things that Alan talked about]

Jeff Neuman:@Jim - I think you are right

Kristina Rosette (Amazon Registry):The other issue with "a few" is that "a few" has one meaning if the few = all SGs and Constituencies (for example) and another meaning if "a few" = 2 people in their individual capacity. Suggest rephrasing for that reason, too.

Jeff Neuman:This is a very agreeable crowd today :)

Jeff Neuman:Hopefully i didnt just jinx us

Jim Prendergast:sooner we get done, the sooner to bed

Jeff Neuman:Nope

Sophia Feng:[https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1h4aqPkeTg0-2D8tMatrEHFMMZsaZNC6qfTR04uDuhQLz0_edit&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-](https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1h4aqPkeTg0-2D8tMatrEHFMMZsaZNC6qfTR04uDuhQLz0_edit&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARoSrVtYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvRPDQ&s=CoFHh4PyxliME0V9OtHB_kZEJVm0qily_NqljdCNRYM&e=)

[05YzARoSrVtYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvRPDQ&s=CoFHh4PyxliME0V9OtHB_kZEJVm0qily_NqljdCNRYM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1h4aqPkeTg0-2D8tMatrEHFMMZsaZNC6qfTR04uDuhQLz0_edit&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARoSrVtYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvRPDQ&s=CoFHh4PyxliME0V9OtHB_kZEJVm0qily_NqljdCNRYM&e=)

Jeff Neuman:AS a preface to this section, we know that there is a new consensus policy just announced on IGO / INGO names and so we will make sure that that consensus policy is incorporated into our prelim report

Jeff Neuman:sorry initial report

Michael Flemming:I think that everyone is fully aware, but just to make sure there is no confusion. Geographic Names at the TOP LEVEL are being discussed in Work Track 5, not Work Track 2.

Steve Chan:Here is the announcement Jeff just referenced:

https://urldefense.proofpoint.com/v2/url?u=https-3A__www.icann.org_news_announcement-2D2018-2D01-2D16-2Den&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARoSrVtYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvRPDQ&s=CRqKtImW3yWliBOjVMhb278pCybi8Bpg1yT2DYJ50Rc&e=

Heather Forrest:Raising for completeness the same comment here as I made in this week's WT5 meeting - it's important that we focus on the rationale of reserving names (as was done in the RNWG Final Report)

Michael Flemming:RNWG = Reserved Name Working Group

Steve Chan:https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_spreadsheets_d_1WgsYIUUpKI-5FQGuIOI0xtu4uBBj8ZWgD0bTw8GCamL3NQ_edit-3Fts-3D5a5726be-23gid-3D2486987&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARoSrVtYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvRPDQ&s=q0gTbbqBGyIRd1z-eH1hYM4DVsbWBRrmGoU8nWYGvcl&e=

Julie Hedlund:@Sophia: Unless we share screen we can't show it. But members can open it.

Jeff Neuman:Adobe Connect has some limitations

Steve Chan:The document is uploaded to the AC room and can be displayed, but probably difficult to read there.

Jeff Neuman:Lets make sure to capture Heather's comment on making sure the rationale is provided from the original 2007/2008 RSWG where we recommend the reservations are maintained

Steve Chan:The link shared above is for second-level reserved names.

Steve Chan:Here is the link for the top-level: https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_spreadsheets_d_1x74w58a9UaTTVuLCMmri45iTiHao6Hf1s8eVeeh5-2DN0_edit-3Fts-3D5a5726eb-23gid-3D0&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=Qif-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvR-PDQ&s=GID_8BRHdVAqBgJn13gJGMKLH46QE1YxTv8rkYehVY4&e=

Heather Forrest:Thanks Jeff :)

Jim Prendergast:today's announcement contains a definitive list of terms that must be reserved. but no list like that was provided in the AGB. I can't remember if we talked about having icann develop and publish a definitive list but that would seem to make sense to synch the two major categories of reserved names. (at 2nd level)

Kristina Rosette (Amazon Registry):+1 Jim

Jeff Neuman:Good point Jim

Jeff Neuman:One I know that many registries were asking ICANN to do for a long time :)

Michael Flemming:Just one moment, please, Jeff

Jeff Neuman:no problem

Jeff Neuman:just putting hand up for when it is time

Heather Forrest:Has any new Registry been questioned as to its choice of 100?

Steve Chan:[https://urldefense.proofpoint.com/v2/url?u=https-3A__www.icann.org_sites_default_files_packages_reserved-2Dnames_ReservedNames.xml&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=Qif-](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.icann.org_sites_default_files_packages_reserved-2Dnames_ReservedNames.xml&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=Qif-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvR-PDQ&s=PKMpDDkVLPryku4FJmZddod70gi9GqzPM7PMMuSeFvQ&e=)

[05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvR-PDQ&s=PKMpDDkVLPryku4FJmZddod70gi9GqzPM7PMMuSeFvQ&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.icann.org_sites_default_files_packages_reserved-2Dnames_ReservedNames.xml&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=Qif-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=QNrJj1zhPpv4VLPDOljSHpncklWskWh9qFOcpQvR-PDQ&s=PKMpDDkVLPryku4FJmZddod70gi9GqzPM7PMMuSeFvQ&e=)

Michael Flemming:@Heather, some CC2 comments addressed this area. But, when you say questioned in regards to its choice, I don't believe we have had a Registry chime in on.

Heather Forrest:@Michael - thank you. I was just curious, but the fact that Registries haven't raised it as a problem suggests that it isn't a problem, or it isn't high priority

Heather Forrest:To the comment about IANA transition, there were some very interesting discussions in the Reserved Names Working Group in 2007 about reservations for ICANN-related names, and why these should be treated differently than any other brand or corporate name

Kristina Rosette (Amazon Registry):"Very interesting discussions," indeed. :-)

Heather Forrest:I recall a very rational argument raised by Mike Rodenbaugh, I think

Jeff Neuman:But also we are talking about both top level and second level here

Jeff Neuman:Alan you may be right at top level, but second level is a different story

Kathy Kleiman:Perhaps you can put this out for review by the whole subteam?

Jeff Neuman:Either way, we need to discuss it further

Kathy Kleiman:on the list...

Jeff Neuman:@Kathy - yes, it needs to be discussed by all

Alan Greenberg:@Jeff, the PDP was exclusively discussing 2nd level.

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

Heather Forrest:Thanks Michael and Sophia for keeping us progressing

Justine Chew:I'd like a longer look at the 2 googledocs shared.

Kathy Kleiman:tx!

Julie Bisland:Thursday, 01 February 2018 at 15:00 UTC