

Adobe Connect: 13 Members

Alan Greenberg	Jim Prendergast
Alexander Schubert	Karen Day
Bruna Santos	Kathy Kleiman
Cheryl Langdon-Orr (CLO)	Kristina Rosette (Amazon Registry)
Christine Farley	Liz Brodzinski
Gg Levine (NABP)	Michael Flemming
	Sophia Feng

On audio only: none

Apologies:

Heather Forrest	Sara Bockey
Justine Chew	Susan Payne

Staff:

Emily Barabas	Julie Hedlund
Trang Nguyen	Steve Chan
	Terri Agnew

Terri Agnew:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 2 – Legal/Regulatory Issues on Thursday, 22 February 2018 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-5FwSfB&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Aign-H4xR2EBk&m=Yc_C3m_tb6l2wWJQY5EizgDVk_49znpsMJ5qpK95sLo&s=ITJ2XhHCE6VWqiglxh5ecsxhBgHyllisSsDfD0akaAw&e=

Jim Prendergast:unfortuntley Im in type only mode as im also in the GDPR meeting taking place in Washington, DC

Cheryl Langdon-Orr (CLO):Terri dial out? getting error message when I try to instigate

Terri Agnew:same for me Cheryl. I am trying to trouble shoot this

Cheryl Langdon-Orr (CLO):and for me Michael sounded underwater

Michael Flemming:That was my Skype

Sophia Feng:hallo everyone

Michael Flemming:I hope

Michael Flemming>Hello!

Cheryl Langdon-Orr (CLO):I will try again

Steve Chan:michael was clear for me as well (dialed in)

Michael Flemming:I have closed Skype, so if you have a chat to send to me, send me a private message in here.

Jim Prendergast:I heard him loud and clear

Cheryl Langdon-Orr (CLO):in audio now thx all clear

Terri Agnew:@Cheryl, glad audio is sortetd

Jim Prendergast:yes we were on the books first

Alan Greenberg:It also overlaps with auction Proceeds which fortunately ended early

Steve Chan:Maybe best to defer timeline discussion for the full WG call perhaps?

Kathy Kleiman:What's the timeframe for evaluation, thoughts, edits of this document?

Kathy Kleiman:Before PR - makes sense. Tx!

Steve Chan:FYI, I believe we will be looking at page 11.

Jim Prendergast:one other question on feedback and edits - how will those be incorporated into the doc? and who makes that call - is it the WT co leads?

Kathy Kleiman:Tx!

Jim Prendergast:one suggestion - leave and edits or comment as redlines as long as possible so all can see them

Jim Prendergast:ok thanks

Sophia Feng:will do

Kristina Rosette (Amazon Registry):the latter seems more efficient

Gg Levine (NABP):Jump to paths forward

Jim Prendergast:do we have an ETA on the responses from Compliance on these?

Steve Chan:@Jim, not yet. They were just very recently sent to ICANN Org.

Jim Prendergast:thanks

Steve Chan:All, if you'd like to view the first response from Contractual Compliance, you can see that here: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_58735941_New-2520gTLD-2520Subsequent-2520Procedures-2520Request-2520for-2520Data.docx-3Fversion-3D2-26modificationDate-3D1518698389000-26api-3Dv2&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7a

[3A_community.icann.org_download_attachments_58735941_New-2520gTLD-2520Subsequent-2520Procedures-2520Request-2520for-2520Data.docx-3Fversion-3D2-26modificationDate-3D1518698389000-26api-3Dv2&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7a](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_58735941_New-2520gTLD-2520Subsequent-2520Procedures-2520Request-2520for-2520Data.docx-3Fversion-3D2-26modificationDate-3D1518698389000-26api-3Dv2&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7a)
[r9Qfqa0Algn-
H4xR2EBk&m=Yc_C3m_tb6l2wWJQY5EizgDVk_49znpsMJ5qpK95sLo&s=mgbIJPzHx4nWmGtbMpOPfnXkM79otk9ZD0eydNyYgw0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_58735941_New-2520gTLD-2520Subsequent-2520Procedures-2520Request-2520for-2520Data.docx-3Fversion-3D2-26modificationDate-3D1518698389000-26api-3Dv2&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7a)

Kristina Rosette (Amazon Registry):Has Compliance staff said that they will be answering the more recent questions?

Kristina Rosette (Amazon Registry):Thanks.

Steve Chan:@Kristina, all, by very recently, I mean today. We will provide guidance on timeline as soon as we can.

Jim Prendergast:half the BC is in the room next to me. Want me to ask then now? ;)

Jim Prendergast:I support send the uestion

Kristina Rosette (Amazon Registry):No, not yet.

Jim Prendergast:I think thats why asking the BC for clarification might be helpful -

Cheryl Langdon-Orr (CLO):audio

Kristina Rosette (Amazon Registry):and presumably product also includes services. That would be a strange exclusion.

Kristina Rosette (Amazon Registry):I suggest we put a pin in this and ask BC for clarification.

Kristina Rosette (Amazon Registry):Sorry for sticking to chat. My neighbor is renovating and it's loud.

Jim Prendergast:yes

Sophia Feng:yes we can heary u

Jim Prendergast:That is a big question but are we trying to resolve that among us or is it being put to the larger community via the preliminary report?

Kathy Kleiman:Are there any Registrars in this subteam?

Kathy Kleiman:Have anyone asked the Registrars about this provision?

Kristina Rosette (Amazon Registry):Hold on a second. I think there's a difference between full vertical integration and self allocation. We're talking about the latter, right?

Kristina Rosette (Amazon Registry):OK, thanks.

Kathy Kleiman:Could you remind us of the current rule, Michael?

Kristina Rosette (Amazon Registry):Current rule is that .BRAND can select up to 3 registrars (as few as one).

Sophia Feng:@michael, Jim had a question

Kathy Kleiman:So you have to use a registrar unaffiliated with yourself (in the case of Vertical Integration).

Sophia Feng:yes I believe so

Kathy Kleiman:Can we flag this for the Registrars Stakeholder Group so that they can see it directly and respond?

Kristina Rosette (Amazon Registry):@Kathy. No, that's not correct.

Kristina Rosette (Amazon Registry):A .BRAND RO can select as its only registrar an entity that is an Affiliate.

Kristina Rosette (Amazon Registry):To be clear, Spec. 13 doesn't provide any restrictions on whether or not the 1-3 registrars are an Affiliate of the RO.

Cheryl Langdon-Orr (CLO):we hear

Kristina Rosette (Amazon Registry):Spec. 13 is silent on the criteria that apply to those registrars, other than they have to have signed the 2013 RRA

Kristina Rosette (Amazon Registry):Don't we already have RrSG input - from CC2?

Trang Nguyen:Section 5 of Spec 13 says: "Subject to the requirements of Specification 11, Registry Operator must either (i) provide non-discriminatory access to Registry Services to all ICANN accredited registrars that enter into and are in compliance with the registry registrar agreement for the TLD; provided that Registry Operator may establish non-discriminatory criteria for qualification to register names in the TLD that are reasonably related to the proper functioning of the TLD, or (ii) designate no more than three ICANN accredited registrars at any point in time to serve as the exclusive registrar(s) for the TLD. "

Emily Barabas:CC2 Comments:

Emily Barabas:https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_spreadsheets_d_1tcWZt1bdoYH7vJl2Yi9G0jah7QzyhqU99tXnl3qV0rc_edit-23gid-3D603723260&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=Yc_C3m_tb6l2wWJQY5EizgDVk_49znpsMJ5qpK95sLo&s=9SyT9Ws_zvuZH-O-dKq5I7otb-fm7QfJMtRsiROVn9U&e=

Trang Nguyen:ROs that are granted Spec13 also have the Code of Conduct exemption. Section 2 of the Code of Conduct says: "If Registry Operator or a Registry Related Party also operates as a provider of registrar or registrar-reseller services, Registry Operator will, or will cause such Registry Related Party to, ensure that such services are offered through a legal entity separate from Registry Operator, and maintain separate books of accounts with respect to its registrar or registrar-reseller operations."

Kristina Rosette (Amazon Registry):Can we please check RrSG CC2 comments first? No need to ask if they've already answered.

Emily Barabas:See 2.6

Emily Barabas:There is not a comment on this topic from RrSG

Kristina Rosette (Amazon Registry):In that case, the most efficient thing would be for the WT to reach its views, and note in the Preliminary Report that we seek further input from the community.

Kathy Kleiman:could you reread that -- and from whom?

Kathy Kleiman:the last comment?

Sophia Feng:Pre-existing requirements for registry-registrar relationships may not be fully tailored for today's domain name marketplace. One example is the concept of closed TLDs that emerged from the

2012 Round. In the context of a closed TLD the justifications for registry-registrar non-discrimination requirements do not clearly apply given that the registry, as sole registrant, will ultimately have discretion to select its registrar regardless of whether multiple registrars have been onboarded onto the platform. While the change made through the introduction of Specification 13, wherein qualified .brand TLDs could select one to three "preferred registrars," aim to address these issues, it may only be a partial solution. The Working Group should consider whether to permit closed TLDs to self-allocate all domain names given that those domains will be self-registered, not sold. In any case, carve outs granted to .brands should be extended to TLDs that qualify for an exemption to the Registry Operator Code of Condu

Sophia Feng:google's comment

Karen Day 2:Google is a Registrar as well

Kristina Rosette (Amazon Registry):I can't hear Kathy. Just me?

Karen Day 2:Kathy is very faint

Cheryl Langdon-Orr (CLO):it is a bit muffled

Kristina Rosette (Amazon Registry):yes

Karen Day 2:yes

Cheryl Langdon-Orr (CLO):yes

Kathy Kleiman:with no input of a traditional registrar? What's the danger in reaching out now?

Michael Flemming:Because time wise, I think the initial report will be out within March or early April. By the time we reach out to them, they will have the full initial report to consider.

Kristina Rosette (Amazon Registry):To be clear, we're not excluding additional input from any SG/C/participant, we're just trying to be efficient about it. And, of course, we'll need to take into account the comments we receive.

Sophia Feng:I agree with Michael, timewise it is better to seek for feedbacks when the initial report's out.

Sophia Feng:yes

Kristina Rosette (Amazon Registry):I think we should take the same approach with the BC, namely, reach our own views based on our current interpretation of the BC comment and indicate (if appropriate) that we seek comment on that point.

Kristina Rosette (Amazon Registry):+1 Karen

Gg Levine (NABP):Makes sense, Karen. Let's move forward.

Kathy Kleiman:+1 Alan

Kristina Rosette (Amazon Registry):Where are we in the doc?

Steve Chan:bottom of page 13

Kristina Rosette (Amazon Registry):Thanks!

Jim Prendergast:is this a policy recommendation? Im not so sure that ICANN wants or should be in the business of dictating terms of contracts between parties that ICANN is not party to.

Michael Flemming:Steve, do you have this page from the Issues Report?

Steve Chan:You can see the excerpt for the relevant section here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_58735941_Section-25204.3.8.pdf-3Fversion-3D1-26modificationDate-3D1518687583000-26api-3Dv2&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=Yc_C3m_tb6l2wWJQY5EizgDVk_49znpsMJ5qpK95sLo&s=yr5_vfvVcUxNrdMyOPCGJY30zRWL-IAxnras1jo8CCc&e=

Kathy Kleiman:No more base registry agreements?

Kathy Kleiman:ICANN was adamant on that issue.

Kathy Kleiman:Leave what off the table?

Alan Greenberg:It would be really useful to have significant registrars present for this discussion!

Kristina Rosette (Amazon Registry):@Kathy: No, that's not what we're talking about. We're talking about the Registry-Registrar Agreement that each RO must have registrars sign.

Kristina Rosette (Amazon Registry):I have to run for another meeting. Thanks, all.

Kathy Kleiman:Tx for the meeting!

Alexander Schubert:Bye

Kathy Kleiman:@Kristina- tx

Bruna Santos:thanks everyone

Sophia Feng:Thank you everyone for joining

Cheryl Langdon-Orr (CLO):bye 🙏🙏🙏