ANDREA GLANDON:

Good morning, good afternoon, and good evening to everyone. Welcome to the third webinar of the 2018 At-Large Capacity Building Program on the topic of New gTLD Applications: Fees, Community, Support, etc. Work Track 1 and 3 on today, Wednesday, the 9th of May 2018 at 21:00 UTC. Our presenters for today are Christa Taylor and Robin Gross and I would like to welcome them.

We will not be doing a role call, since this is a webinar. We have French and Spanish interpretation. May I please remind you to state your names before speaking to allow our interpreters to identify you on the other language channels and for transcription purposes as well. Please also speak at a reasonable speed to allow for accurate interpretation. Could I kindly remind all participants on the phone bridge as well as on the WebX to please mute your speakers and microphones when not speaking. We will also mute all lines on the phone bridge during the presentation.

Thank you all for joining and I will now turn it over to Tijani Ben Jemaa, the Chair of the At-Large Capacity Building Working Group. Over to you, Tijani. Tijani, are you on the line? One moment, Tijani. Thank you. Your line is open now.

TIJANI BEN JEMAA:

Yes, now it is open. I don't know why you shut me down. Okay, no problem. Thank you very much, Andrea. Good morning, good afternoon, and good evening, everyone. This is another webinar of the Capacity Building Working Group, At-Large Capacity Building Working Group.

Today we are addressing a very important and very interesting subject, which is the subsequent procedures, the new gTLD subsequent procedures. We will focus on only two work tracks, which are work track one and work track three.

We have also I think the best persons to speak of that. They are co-chairs of both work tracks, so I think we are very well served by having Robin Gross and Christa Taylor.

So, before going to the webinar, I will give the floor back to the staff for housekeeping announcements.

ANDREA GLANDON: Thank you, Tijani. Thank you so much. I will run you through a few housekeeping items.

TIJANI BEN JEMAA: Andrea?

ANDREA GLANDON: Yes, can you hear me?

TIJANI BEN JEMAA: Andrea, do you hear me?

ANDREA GLANDON: I can hear you. Can you hear me, Tijani?

TIJANI BEN JEMAA: I hear you now.

ANDREA GLANDON: Okay, great. Thank you. I will run you through a few housekeeping items before we start. For questions and answers during this webinar, you can submit these via the chat pad by typing the word question followed by the actual question. These will be directed to the presenters. Please do, however, note that we have a question and answer session after the presentations and pop-quiz questions.

Regarding the pop-quiz questions, we will display these after the presentations, so for all of those again in the WebX room, please be ready to answer the questions via the polling tool. That will show up on the right side of your screen.

Finally, at the end of the webinar after the question and answer session, we will have a user experience survey composed of six questions. Please do stay around for an extra three minutes or so to complete them. It is important feedback for this At-Large Capacity Building program. Thank you and back to you, Tijani.

TIJANI BEN JEMAA: Thank you very much, Andrea. Now, I will give the floor to our presenters. I don't know who wants to start, Christa or Robin, but I would like to tell you that Robin is the co-chair of the work track three and Christa is the co-chair of work track one. So, work track one speaks especially about the application in general and also about Applicant

Guidebook, about the applicant support program, etc. She will be presenting that. So, if Christa is beginning, Christa, you have the floor.

CHRISTA TAYLOR: Great. Thank you, Tijani. Just to give you … First of all, I'd like to welcome everyone. Sorry about that. I am Christa Taylor and I'm one of the co-chairs for work track one. I'm just going to kind of jump in to give you – if we can move to slide number two – just a brief overview of what we're going to be chatting today.

I'm going to give you a quick overview of the timeline and the topics of work track one and what they've been discussing, along with a bit of a deeper dive into the application and the variable fees along with applicant support, and as mentioned in the housekeeping, there's some Q&A afterwards. I'm hearing a little bit of feedback. It's not from my side. I'm not sure, if somebody could mute, that would be great.

Just to give you a bit of an overview on the subsequent procedure policy development process, we were tasked to determine any new gTLD policy recommendations based on the experiences from the 2012 round. This is, unfortunately, one of my little balloons is missing off of this. It must be an Adobe conversion. My apologies. But, here is kind of a timeline that we're currently based on. We're currently working on the initial report targeted for release later this month.

TIJANI BEN JEMAA: Christa?

CHRISTA TAYLOR:	Yes?
TIJANI BEN JEMAA:	May I ask the staff to give you the control of the slides because you are speaking about the timeline and we are still on page two.
CHRISTA TAYLOR:	Oh, yes, please. On my screen, I see that I'm on page three, which is timeline.
TIJANI BEN JEMAA:	Yeah. Go ahead.
CHRISTA TAYLOR:	Yeah. Okay, sorry. So, jumping back into the timeline here, we're currently publishing initial report that's targeted for this month. I suspect the public summary of comments will be released in July due to the ICANN meeting in June with the final report being released in the fourth quarter of 2018. So, that's just kind of a brief overview or a highlight of where we're at. I'm just going to jump into work track one. This is where myself and my other co-chair, Sara Bockey, have focused our attention.
	Here's an overview of the various topics that we've been discussing, along with the different areas within the initial report. The topics range from overarching issues all the way to application processing. There is

sometimes a little bit of overlap between the topics, but I don't think that will really have too many implications on today's discussion.

Additionally, I've included two links. One is on the progress on drafting the initial report and the second is for the section 1.5 which is relating to the topics that I'll be discussing today. I'm hoping to pique your interest enough so you want to dive in a little bit deeper into the work track discussions. Worst case, hopefully you walk away with a few informational nuggets.

I'm going to jump right into application fees. Keep in mind that there is a bit of an overlap with application fees and a second topic, variable fees. So, please keep that in mind as I go along here.

Just a bit of a background on application fees, which is, just to give you the relevant policy, it's guideline B, which is the application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process and that the application fees may differ for applicants.

And just a little bit of a background here – sorry, I see a comment saying, "I can't hear." Can everyone else hear me? Okay, thank you, Heather.

So, a little bit of a background on the 2012 round. The $185,000 was comprised of four different categories. That was the processing and evaluation costs that were variable at $73,600, at $24,800. Risk mitigation at $60,000. Then there were development costs which were simply recovering that $13.5 million that was spent on a program to date and it was based on a projection of 500 applicants.

So, there were lots of discussions and I'm not going to go into all of the discussions. Again, that link has all of the details on it if you'd like to see exactly all the discussions that we've had over the last year and a bit.

But, here are some of the preliminary recommendations regarding application fees. So, the first one is the application fee should continue to follow the we call it revenue neutral principle, but with improved accuracy, and that's related to the overage that was currently seen in the new gTLD application process from the first round. Secondly, any excess fees related to the application process and [inaudible] the use of an application fee floor, which I'll describe in a second, should be refunded back to the applicant. Thirdly, if a deficit arises, an equal amount should be recovered in future TLD application windows.

Next, if the estimated application fee falls below a pre-determined threshold amount, the actual application fee will be set at the higher full amount instead, which is we refer to as the application fee floor. I'll give you an example of that in just a second.

Finally, the purpose of the [inaudible] fee floor is to deter speculation that warehousing of TLDs and mitigating against the use of TLDs for abuse of or malicious purposes.

So, I would find giving a bit of an example is probably the most efficient way to understand the methodology on the application fee floor. Again, it's the pre-determined minimum application fee value. By definition, that application fee floor won't be revenue neutral and it will create a bit of, say, a profit or excess funds. So, based on that, we're actually

breaking the revenue neutral principle because the floor amount will be greater than the application fees, which in turn causes the excess.

I have two examples here. The one on the left is when the application costs are less than the floor value. You see here on the left that the application fee could be … And all these numbers are just illustrative purposes. They're not anything that the work track has agreed to. But, the application fee is, say, $100,000, the application processing is $95,000, so let's say the floor value is $102,000. So, there's an additional $7,000 of fees that won't be returned to applicants in this example.

But, on the flip side, if the application costs are greater than the floor value, which is the example on the right, here we can see that the excess funds of $20,000 will be distributed per the schedule which is really a refund to applicants at this point in time.

I hope that makes sense. I'll continue on, and hopefully if there are any questions that arise or if that's not clear, please do let me know.

How the excess will be applied or used. The working group came up with four different categories and that is to support general outreach and awareness in the new gTLD program, to ensure that the new gTLD program long-term program needs are looked after i.e., to ensure that there's assets to in place to ensure the efficient operation of the program and replacement of those assets – for example, software development, etc. Thirdly, to support the application support program, which is a topic I'll get to in a few moments. Finally, a top-up on any shortfall in these segregated funds.

So, on the segregation fund or segregated fund, it's to help alleviate the burden of the overall shortfall of, say, one window into the other. That's kind of the base of where that's coming from. Really, the segregated funds is just set up to help smooth any realized shortfalls or overages in a particular window.

Moving right along, some of the questions that we're looking for for feedback, and these are preliminary and they've been somewhat abbreviated just so I could put it on the slide, but I think you'll get the gist of it, is that question number one is what happens if the revenue cost neutral amount results in a refund that is greater than the applicant fee score? Should there be any minimum dollar value for this to come into effect?

For instance, is it worthwhile to do a refund to everyone if it's, say, $400, for example? I'm just pulling numbers out of thin air, but just to give you an idea of is it worth perhaps the administration costs and processes to look after such a small amount?

Secondly, what aspects should be considered in establishing the application fee floor value? Some discussions in the group were perhaps we need an economic study to determine what that amount might be.

Thirdly, when the application fee is set at a floor amount, do you have any additional suggestions on the disbursement of the excess funds? That relates back to those four categories I was just discussing.

Finally, how do we address the timely disbursement of excess funds? What is the length of time applicants should expect to receive a refund after the evaluation process is complete?

So, that's for the application fees and I'm just going to jump right into variable fees because it ties right in.

For variable fees, the relevant policies or guideline B, which is application fees should be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process with application fees may end, application fees may differ for applicants. Sorry, I'm getting an echo.

Secondly, guideline [inaudible]. ICANN may put in place a few reduction schemes for gTLD applicants from economies classified by the UN as least developed.

And a little bit of background. All applicants were responsible for a $185,000 fee with two exceptions. The first was applicants eligible for the year 2000 proof of concept credit and applicants that were approved through the applicant support program. Again, we'll get to that in a moment.

Some of the preliminary recommendations. There were a number of alternative approaches that were discussed, but to date, no agreement has been reached. All applicants should incur the same base application fee amount regardless of the type of the application or the number of applicants that the same applicants submit. For instance, so far there has been no agreement that there should be some kind of discount if the same applicant has multiple applications.

Options being considered are two different application fees for different types of applications, which is only warranted if the cost incurred for processing those different types is significant.

So, in the working group we discussed 20%, but that's not a set percentage, and whether or not it's a percentage or value or some other methodology to assign that number hasn't been discussed and some kind of feedback on that would be wonderful.

Secondly, fees [inaudible] for changing the type of the application should be higher than those applying for the desired TLD type originally requested.

So, for instance, if you went from say a brand to a community and one had a different pricing scheme to it, there would be more than just that difference in the application fee.

The questions that so far have been proposed for feedback is, one, if the number of applications exceed the capacity limits and the projected processing costs, should there be an option to increase capacity and costs to meet service expectations? And, if so, how should capacity versus increased costs and/or limits be set? And, what is an acceptable increase and how would that actual percentage be determined?

Secondly, should there be any exception to the rule that all applicants pay the same application fee regardless of the type of application? Why or why not?

Thirdly, if different types of applicants result in different costs, what value i.e. the amount, percentage, etc. would justify having different fees?

Finally, if fees are imposed for changing a type of application, again, what is an acceptable percentage and how should that percentage be

determined? That's relating to the 25% that I just discussed on the previous slide.

So, now, tying back into both of those areas tie into applicant support. I'll try to catch up a little bit on time here because I know I'm going a little slow, but I'm trying to make it easy to understand, so hopefully it helps.

For applicant support, they are the same – the relevant policy is the same as in the variable fees with guidelines B and [N] so I won't read them.

For the background is applicant support in the first round was set at $47,000 instead of the $185,000 and whether or not that $47,000 would change to reflect a different fee amount if the application fee changes we're not clear on, but it was discussed in the work track.

Additionally, ICANN initially seeded the applicant support program with $2 million, and if the applicant did not qualify, it was required to withdraw with no opportunity to raise the additional funds.

Some of the preliminary recommendations from the work track are the applicant support should be open to applicants regardless of the location. For instance, there are a lot of underserved regions, groups of people that may not be in a specific location. Geographic outreach should target the global [inaudible] but also consider the middle applicants. And we defined the middle applicant which are those struggling regions which are further along in their development compared to underserved or underdeveloped regions, and that's

because we felt like perhaps the underserved or underdeveloped regions have other priorities that would be above, say, gTLD applicants.

Thirdly, applicants who do not meet the requirements should be allowed to pay the additional fee and move to the standard application process.

Additionally, improve awareness by engaging with other ICANN communities and suitable partners while improving awareness to extensive promotional activities.

Support should include mentorship on the management, operational, and technical aspects of running a registry to help ensure a viable business for the long term.

Continuing, moving along the same lines again, it should be a multifaceted approach based on pre-application support that includes longer lead times to create awareness, encouraging participation and insightful experts who understand the relevant regional issues along with the tools and expertise on how to evaluate the [inaudible].

So, support goes way beyond financial. It goes into actually helping them developing their application along with their business.

Additionally, support should also consider other fees including attorney, application, writing, and perhaps ICANN annual maintenance fees and evaluate additional funding partners including multilateral and bilateral organizations to help support the applicant support process. And ICANN should consider whether additional funds are required for the next round to support the applicant support program.

So, some of the questions that have – preliminary questions that we will put out to the community are, first, should the [AFP] be open to applicants regardless of their location and how will eligibility criteria need to be adjusted to accommodate any change in the scope of the applicant support program?

Secondly, how do we measure success? What metrics could those be to measure? Could it be the sheer volume of applications or those approved, or a comparison of the number that were considered applying versus the number that actually applied?

Third, what are realistic expectations of the applicant support program in developing regions where a critical domain name industry infrastructure may be absent or operating a registry may simply not be a priority for the potential applicant?

There are a few more questions here. We did spend a lot of time trying to kind of figure out the best way forward for the applicant support program, but it's a little bit longer.

Two more is, one, if there are more applicants than funds, what evaluation criteria should we use to determine how to disburse the funds? i.e., should it be by region, perhaps a number of points earned in the review of the application, the type of application, the communities represented, or some other methodology?

Finally, what should the source of funding be for the applicant support program? Should those funds be considered an extra component of the application fee or should ICANN use a portion of excess funds to fund the subsequent applicant application support period, which again ties

into the variable cost process that I was just referring to. There's lots of feedback there.

Finally, I do have the quiz questions, but I'd like to thank everyone for their time and hopefully that provides you with a high-level oversight of the work track one and I'd appreciate any questions now or at the end. Alternatively, I've also posted my e-mail in case something should arise later. Again, there will be the opportunity to public comments. I'll pause here. Please go ahead.

TIJANI BEN JEMAA: Thank you very much, Christa.

ANDREA GLANDON: Thank you, Christa. This is Andrea from staff. I'm going to go ahead and open the poll now with the three quiz questions that Christa sent in. It should be over on the right side of your screen. That should be open now. I will go ahead and read the questions as well.

Question one: what is an application fee floor? a) something to do with applicant support b) maximum application fee amount c) minimum application fee amount or d) soil needed to plant magic beans or e) none of the above.

The second question. Variable fees are application fees … One moment, I apologize.

Variable fees are application fees related to—

TIJANI BEN JEMAA: Please, Andrea?

ANDREA GLANDON: Yes?

TIJANI BEN JEMAA: We need to have Christa to tell us what is a good choice because now people make their choice. We need them to know what is the right answer. So, each question, Christa will tell us at the end when all people make their choice. Christa will tell us what is the right answer. Thank you.

ANDREA GLANDON: Okay, one moment. I'm trying to see what has been chosen. Just one moment. For the first question, it looks like most people have chosen C for the answer. Christa [inaudible].

CHRISTA TAYLOR: That is correct.

ANDREA GLANDON: Perfect. Okay, for question two, variable fees are application fees related to a) costs related to the amount of [inaudible] required to process an application b) direct labor and material fees required to

process an application c) the change in relation to activity rates d) all of the above or e) none of the above.

It looks like we've got one for b) direct labor and materials and none of the above.

CHRISTA TAYLOR: The answer is actually C, all of the above. It was a bit of a trick question, though.

ANDREA GLANDON: Question three: what is the middle applicant? a) [inaudible] from the [inaudible] b) portfolio of TLDs with a projected volume to be in the middle of the road c) regions that are further along in their development when compared to underserved regions d) an economy listed on the United Nations as least developed or e) all of the above.

It looks like for this one we only had two people answer. We've got C as an answer and E as an answer.

CHRISTA TAYLOR: The answer is actually C.

ANDREA GLANDON: Great. Thank you so much. Those were all of the quiz questions. Did we have any questions for Christa?

TIJANI BEN JEMAA:	Andrea, do you hear me?

ANDREA GLANDON:	[inaudible].

TIJANI BEN JEMAA:	Okay. I propose that we continue with Robin and the we come back to open the floor for all people to ask questions for both presentations, if you don't mind. Do you hear me?

GISELLA GRUBER:	Tijani, apologies. This is Gisella on the audio bridge. Andrea disconnected. She will be reconnecting shortly. We will now put up Robin's presentation. Thank you very much and apologies to any inconvenience.

TIJANI BEN JEMAA:	Yes, please. No problem. Thank you. So, now, we will give the floor to Robin Gross, co-chair of the work track number three.

ROBIN GROSS:	Thank you very much. Can you hear me okay?

TIJANI BEN JEMAA:	I hear you very GOOD.

ROBIN GROSS: Terrific. If we could just get the slides up.

CLAUDIA RUIZ: Robin, sorry. Hi, this is Claudia. We lost Andrea for a second, but you have control of the presentation.

ROBIN GROSS: Okay, how do I … I've never. There we go. Okay, I figured it out. Thanks.

As you've been told, I'm one of the co-chairs of work track three together with Karen Day in the Registry Stakeholder Group. What work track three focuses on is string contention, objections, and disputes in the new gTLD application process.

What I want to focus on today is what's been coming up in our initial report that's about to be released for public comment. We've got summary of preliminary recommendations and then there's also a number of questions and issues on which we specifically seek community feedback. So, that's what I'd like to focus on today.

So, drilling down a little bit more specifically, what are the different buckets of issues, if you will, that work team three deals with? So, we're working on community applications, the community process, the string similarity and string confusion issues, the accountability mechanisms available to the new gTLD program, the different kinds of objections that parties can raise in the new gTLD application process, and the rights with respect to applicant freedom of expression that were laid out in the 2012 round. So, let me go forward.

The first issue, area, that I want to focus on again deals with the concept of community applications and what we did with that in the 2012 round.

So, implementation guideline F tells us that, making it very sort of short and sweet, a claim to support community by one party will be a reason to award priority to that application. Again, that's sort of a shorthand and there's really this other test here that deals with whether or not there is contention for strings and then first the applicants are requested to resolve their competing claims within themselves and then if there's no mutual agreement, you can trigger the community application program process to be awarded priority. If there's no such claim and no mutual agreement, then a process will be put in place to enable efficient resolution of the contentions and the ICANN board may be used to make the final decision using the advice from staff and expert panels.

Then implementation guideline H in the 2012 round said that external dispute providers will give decisions on these complaints.

So, having looked at how the process for community applications went in the 2012 round, and we had a number of discussions over the course of more than a year now, we have come up with some very high-level preliminary recommendations on eh community priority evaluation process providing implementation guidance in particular, with respect to the CPE.

In particular, we'd like to increase the transparency and the predictability in the application process. There's a feeling that applicants

should be evaluated in a shorter time period than happened in the 2012 round. Evaluation procedures should be developed before the application process opens. There was some concern in the 2012 round how the rules and the procedures were often being developed after the fact, after applications had been filed and it was a bit disconcerting to applicants and objectors and many people in the community.

There was a feeling that we need more opportunity for dialogue and clarifying questions in the CPE process and a less restrictive word count for communities to engage in clarifying and providing additional information.

Then with respect to community applications, what are the specific issues that work team three is seeking feedback on? One of the most important issues where we'd really like to hear from the rest of the participants in the community is how should we define the concept of community for the purposes of community based applications in a new gTLD program? What attributes are appropriate? Are there specific examples where demonstrable community support should or should not award priority for a string? Do you believe examples are useful in developing an understanding of the purpose and goals of any community based application treatment?

Again, we're really trying to ask the community to give us information on what are the goals and what are the purposes and how can we achieve that with that concept of community? There's a sense that needs to be more clearly defined going forward.

Furthermore, should community-based applications receive any differential treatment beyond the chance to participate in a CPE community priority evaluation in the event of string contentions? Should there be additional outcomes beyond awarding the TLD be considered for CPE? What specific changes to the CPE criteria should be considered if the community mechanism, the CPE mechanism, is maintained? And, should the new gTLD program continue to incorporate the general concept of preferential treatment for community applications going forward? Is the concept of awarding priority for community-based applications feasible given that it creates winners and losers?

The next bucket of issues that we've looked at has to do with string similarity and string confusion and how that worked out in the 2012 round and reforms for going forward.

With respect to string similarity, the 2012 policy included recommendation two focused on this issue, which said that strings must not be confusingly similar to an existing top-level domain or reserved name. It's worth noting that this was limited to visual similarity in the 2012 round and that the standard of confusion was to be defined as probable confusion, not just possible confusion to invoke this string similarity.

What are some of the initial preliminary recommendations that have come out of the discussions on string similarity? A few recommendations. First is that we should be in the next round prohibiting plurals and singulars of the same word within the same language or script in order to reduce the risk of consumer confusion.

Additionally, there's a preliminary recommendation to expand the scope of the string similarity review to encompass singulars and plurals of TLDs on a per-language basis and using a dictionary to determine the singular and plural version of the string for that specific language.

Applications for singular or plural variations of each string will be placed in a contention set. An application should not be automatically disqualified because of single letter difference with an existing TLD. For example dot-new and dot-news. Just because the S is added on there doesn't make the word suddenly plural. In fact, in this case, it's a new word.

There seemed to be near unanimous agreement in the work group regarding elimination of the [sword] tool in subsequent procedures which had been created to try to assist applicants in determining whether or not their potential string might create some string similarity issues and it turned out to be not particularly helpful, so that tool would be eliminated in the next round.

Then, the next bucket would deal with accountability mechanisms with respect to the new gTLD program. In the 2012 round, there was recommendation 12 which stated dispute resolution and challenge processes must be established prior to the start of the process. There was also implementation guideline R which said once formal objections or disputes are accepted for review, there will be a cooling off period to allow the parties to resolve the dispute or objection before review by the panel is initiated.

The general ICANN accountability mechanisms were what was available to applicants and objectors in the 2012 round, so what we're talking about here are the general ICANN accountability mechanisms such as the reconsideration request process, the independent review process, and the ombudsman process.

So, work track three has preliminary agreed to a very high-level recommendation for a limited appeals mechanism to supplement the existing challenge mechanisms available in the bylaws. So, ICANN should create a new appeal mechanism that is specific to the new gTLD program. This process should be transparent and ensure that panelists, evaluators, and independent [inaudible] are free from conflicts of interest.

There was also some discussion of recommendations with respect to the post-delegation dispute resolution procedures, particularly the parties to a [inaudible] should be given the opportunity to agree upon a single panelist or a three-person panel and bearing the costs accordingly.

It is recommended that we need clearer, more details, and better defined guidance on the scope and adjudication process of the proceedings and the role of all the parties must be available to participants and panelists prior to the initiation of the PDDRP, the post-delegation dispute resolution procedures. That was a mouthful.

So, there are some specific issues that we are seeking feedback on with respect to accountability mechanisms. In particular, this limited appeals process that's been recommended. Should the process make a

distinction between appeals relating to substantive and procedural issues? In the past, it was only procedural issues upon which appeals could be raised and there's been some discussion that the substantive merits need to come into effect also in that the only question to be asked shouldn't be was the process followed correctly, but looking at it a little bit more deeply and making recommendations about whether or not the substance of decisions should be available for appeal.

Furthermore, discussion is warranted with respect to who is the appropriate final arbitrator? Who should be the decision-maker on these limited appeals? Should it be an independent panel? Should it be the board? Should it be some other thing? This is something that we're specifically seeking feedback on.

Additionally, do you have any additional input regarding the details of such a mechanism, this limited appeals process that is specific to the new gTLD program?

The next bucket of issues that we looked at had to do with objections to new gTLD applications. There was a number of recommendations in the new gTLD 2012 policy report that dealt with different kinds of objections. Recommendation 2 dealt with confusingly similar applications. Recommendation 3 stated strings must not infringe existing legal rights of other, which generally in practice dealt with trademark rights. Recommendation 6 said strings must not be contrary to generally accepted legal norms relating to morality and public order that are enforceable. Recommendation 12 stated dispute resolution and challenge processes must be established prior to the start of the process. And recommendation 20 dealt with the community objections

saying if there's a substantial opposition to it from among established institutions of a particular community, then they have a right to object as well.

So, there are a number of different types of objections that are available and here we can just sort of see them laid out. There were objections based on community, objections based on string confusion, based on legal rights of others based upon this concept of limited public interest, based upon the independent objector, and also based upon GAC early earnings and GAC advice.

I apologize. I should have skipped to that screen. Let me move forward.

So, what are some of the preliminary recommendations that have come out of work team three with respect to the objection process? One is the need to develop a transparent process for ensuring that panelists, evaluators, and independent objectors are free from conflicts of interest.

For all types of objections, the parties to a proceeding should be given an opportunity to agree upon a single panelist or a three-person panel and bear the costs accordingly.

Guidance for decision-making by panelists must be more detailed and clearly written in all objection and dispute resolution proceedings than what occurred in the 2012 round.

There's a recommendation to extend what is called the quick look mechanism which currently applies only to the limited public interest objection. It would extend that to all types of objections. And the quick

look mechanism is designed to identify and eliminate frivolous and/or abusive rejections in the process.

So, work team three is seeking feedback specifically on a number of questions with respect to the objection process and one deals with this question of should the panel of independent objectors be created rather than having a single IO? I guess the idea is should we have a panel or should we just have one? If we're going to have a panel, should these be various subject matter experts?

Can the objection fees be restructured in order to reduce gaming in the process? And how can the quick look mechanism can be improved to eliminate frivolous objections? We want to see that, but we need advice on how to actually achieve that.

This is one recommendation that is of particular interest to this group. Should ICANN continue to fund the ALAC or any other party to file objection on behalf of others? Should the same entity be available to both applied for community priority evaluation (a CPE) and also file a community-based objection for the same string? So, should they have the opportunity to do both or should it be sort of a take your pick, one or the other?

So, again, these are the kinds of questions we're hoping to get feedback on from members of the community.

There's also some feedback that's sought on preliminary recommendations that focus specifically on GAC advice and the GAC early warning process.

The preliminary recommendation would be that GAC advice must include clearly articulated rationale including the national or international law upon which it is based.

Future GAC advice and the board action thereupon for categories of gTLDs should be issued prior to the finalization of the next Applicant Guidebook. Any GAC advice issued after the application period has begun must apply to individual strings only, based on the merits and details of the application, not on groups or classes of applications.

Individual governments should not be allowed to use the GAC advice mechanism absent full consensus supported by the GAC. The objecting government should instead file a string objection, utilizing the existing ICANN procedures such as the community objections, the string confusion objections, the legal rights objections, the limited public interest objections that we just talked about.

Furthermore, the application process should define a specific time period during which the GAC early warnings can be issued and require that the governments issuing such warnings include both a rational basis and a specific action requested of the applicants.

The applicants should have an opportunity to engage in direct dialogue in response to such warning and amend the application during the specified time period.

Another option might be to include PICs, public interest commitments, to address any outstanding concerns about the application.

Moving along to the final bucket of issues we looked at that dealt with applicant freedom of expression rights in the new gTLD program. So, what the 2012 round recommended was principle G that stated the string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.

Furthermore, recommendation 3 which stated strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. A number of examples are providing, including in particular freedom of expression rights. This was a clearly laid out policy goal in the 2012 final report, which was approved by a super majority of GNSO and the board.

So, with work team three having looked at how that policy goal was treated in the 2012 round, it has come up with some initial preliminary recommendations, first being the implementation guidelines should be clarified such that dispute resolution panelists and other evaluators are informed and aware that freedom of expression rights are to be included in the balancing test when different policy goals seem in conflict. Each policy principle should not be evaluated in isolation from the other policy principles, but rather a balancing of legitimate interests must be reached in cases where approved policy goals are not completely congruent or otherwise seem in conflict.

Applicant freedom of expression is an important policy goal in the new gTLD process and should be fully implemented in accordance with the applicant's freedom of expression rights that exist under law.

So, that is the end of my presentation and the five different issues that work team three has drilled down into and come up with some recommendations on. Again, if you've got any comments, any questions, any concerns, please feel free to reach out to me via e-mail. Here's my e-mail address: robin@ipjustice.org. Again, we've got a public comment forum that's about to open and we're seeking feedback on a number of these issues, although you're not only … Those aren't the only things that you can comment on in public comment. If there are other things that we haven't asked about that you think we missed, please do add that to your public comment in the public comment forum and we'll have a meeting in Panama at ICANN 62 where we will be able to focus a little bit further on some of these issues.

That's it for me, and again if anyone has any questions. Actually, I do have the pop quiz. Did you guys want to do the pop quiz now?

ANDREA GLANDON: Yes, Robin. Thank you. I will open up the poll for the pop quiz. This time, we will do it, because of the way I set up the questions, we will do it where I'll go through all of the questions and answers and then have everybody submit their answers and I'll tell you what everybody has chosen or what a majority has chosen and then we'll go over the correct answer. Okay?

ROBIN GROSS: Sounds great, thanks.

ANDREA GLANDON:	Great. Thank you. I have opened that poll over on the right side of your screen. I will read through the questions.
	Question one: what new accountability mechanism is proposed for new gTLD program? a) ombudsman b) independent objector process c) digital [inaudible] evaluation or d) limited appeals process. Please choose your answer for all questions before you submit.
	Question two: does the work team recommend continued use of the [sword] tool to assist in the evaluation of string similarity, string confusion? a) yes b) no.
	The final question: which of the below statements is not a recommendation for improvements to the community priority evaluation CPE program? a) increase the transparency and predictability in the application process b) applications should be evaluated in a shorter time period c) evaluation procedures should be developed after the application process opens or d) need opportunity for dialogue and clarifying questions in the CPE process.
	It looks like for the first question … I'll give just a minute for everybody to submit their answers.
	It looks like for the first question we have between B and D for most people that answered.
ROBIN GROSS:	Aha! Well, the answer is the digital [inaudible] evaluation. No, I'm just kidding. That's a joke. The answer is D, the limited appeals process.

ANDREA GLANDON: Yay!

ROBIN GROSS: We've already got … I'm sorry, go ahead.

ANDREA GLANDON: For question two, a majority of the people who answered chose the answer B, which is no.

ROBIN GROSS: That Is correct. The answer is no.

ANDREA GLANDON: Okay, one moment for question three. Okay, for question three, a majority chose C.

ROBIN GROSS: Alright! C is the right answer. You guys are good. The evaluation procedures should be developed before the application process opens would be the correct answer. [inaudible] the one that is not the recommendation.

TIJANI BEN JEMAA: Thank you very much, Robin. Do you hear me now?

UNIDENTIFIED FEMALE: Yes, we can hear you, Tijani.

TIJANI BEN JEMAA: Okay, thank you very much. So, thank you very much, Robin, for the presentation and the pop quiz questions. Now, we will open the floor to have questions from the participants. I cannot see the hands. First of all, we have to remove the questions from the screen and then if you can help me with the hands, I don't see hands here.

ANDREA GLANDON: Yes, will do. Just one moment.

TIJANI BEN JEMAA: Okay.

ANDREA GLANDON: Okay. It looks like Javier has his hand up. Your line is open, Javier.

JAVIER RUA-JOVET: Thank you. Robin, thank you for this very, very engaging presentation. Fascinating. I'm speaking on a personal capacity, not as a work track leader or even an ALAC member. Just as Javier.

I see the importance stressed that your work track is putting on freedom of expression and grounded upon the international covenant of civil and political rights. I wonder if you see tangency or relationship

between community applications that are linguistic communities and the geo-names track in the sense that [inaudible] hypothetical situations in which a linguistic community might have interest, might be wanting to apply for a string and maybe the government authority, the country, that might or might not be a party to the covenant, but let's say it is, objects to that string for some reason. Is that type of controversy solved already in the guidebook or is this completely open territory? Thank you.

ROBIN GROSS: Well, I wouldn't say it's solved, but I think that the objections that are available … We just went through six different kinds of objections. Those would be available. I think if a government, for example, or somebody else wanted to object to a particular community holding a language application, if they felt like that harmed them in some way, they would have an objection right under the community objection process.

I think you've also touched upon an interesting issue with respect to the possible overlap of work team three and work team five, because I know in work team five which deals with geographic names there have been some thoughts that perhaps some of the types of geographic strings, if you will, would fit under community or perhaps could be a type of community string.

One of the things we talked about is should we have different types of community, and maybe a one-size-fits-all isn't the right approach and we should have different privileges and different benefits available to

different communities based upon what their needs are. I think that quite possibly one of the types of communities that could come out of this – and this is just a speculation on my part. This isn't a recommendation or anything. But, I think it's possible that we could see geographic or geo-TLDs as a type of community going forward.

TIJANI BEN JEMAA: Any other hands?

ANDREA GLANDON: Yes. Thank you. Next we have Olivier with his hand up.

UNIDENTIFIED FEMALE: I've got my hand up.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this presentation. Very interesting. Certainly lots of stones that you turned and the group has worked on. I just had one question and one comment.

The question is to do with the gaming of the objections. Had there been any … Is there any evidence of objection gaming? Because that was the first time I heard about this.

ROBIN GROSS: I'm not really sure if we can say this is solid evidence, but there was a bit of discussion in the work track meetings that said where there were

allegations of gaming and concern about gaming and a feeling that maybe we need to look at that a little bit closer and make sure that we aren't incentivizing that kind of activity with our policy recommendations.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks. That was the first thing. The second was to do with the limits being put on the GAC's ability to object. Was there any discussion about the … Well, if the GAC faced specific difficulties or more difficulties because, as we know, they're not particularly happy with the first round to start with or with several things in the first round. If they're faced with further difficulties, they might just slam the door and impose national legislation on the new gTLDs and acting completely outside the ICANN remit.

ROBIN GROSS: Well, I think that's always the threat that we see when GAC doesn't get everything that it wants is we're going to impose laws, we're going to go to the ITU. That certainly is their right as governments to do so. I would hope that they would continue to participate in the multi-stakeholder process, but the idea that we're going to stop the work that we're doing or that we should cater to one of those stakeholders more than others because of the threats of we're going to go pass a law somewhere, if you can pass a law somewhere, go do it.

TIJANI BEN JEMAA: [inaudible]?

UNIDENTIFIED FEMALE: Yes. First of all, thank you very much for both presentations. There are particularly interesting issues raised and the definition of community is certainly one we had a bit to say about. What is the process … You kept saying we're seeking input on. How is that going to happen? Because a number of us are really quite interested in contributing.

ROBIN GROSS: Great, thanks. Great question. We are just about to release the initial report and that will go out for public comment in just a few weeks. When we say we're seeking feedback, I think in the public comment forum, at ICANN 62 in Panama when we've got a discussion specific to these issues, these are two very relevant places where that feedback can be given to us. Thanks.

UNIDENTIFIED FEMALE: Great, thanks.

TIJANI BEN JEMAA: Okay, is there any more hands? Any other hands?

UNIDENTIFIED FEMALE: No, [inaudible], Tijani.

TIJANI BEN JEMAA:	Okay, thank you very much. It's my turn now. I would like to thank our presenters because, really, they were good presentations and it is needed for us now because we have a public comment about them and we need to understand better what will be the problem that we need to comment on.

First of all, for Christa's presentation, I am so happy that you addressed most of our concerns about the application support program. The concerns that we had after the experience of 2012. Because, as you know, the applicant support program had zero [inaudible].

But, we still have, if you want, the origin of the problem isn't solved by those recommendations. [inaudible] say how we will define the criteria to say that this application is in need of support or not. This was the problem in 2012 because we put very tough criteria because there are always people who thought that it will be gamed, it will be gamed, so we have to be more tough, more strict, in the criteria and the result was no one [got it]. So, this is one of the main problems of the applicant support program.

Also, there is another problem which was the outreach, but you addressed it and thank you very much. I think it was an important thing that you did.

I think that the main issue of the applicant support is still there and I don't know how it will be done, but we need to define the criteria before we launch the round.

For Robin's presentation, wonderful presentation. Yes, Robin, the singular and the plural, we shouldn't [inaudible] at the same time

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because of confusion. But, what about the plural which is not [inaudible] by the singular? For example, children. Those are very different words. No similarity between them, so why you make a general [inaudible]? Why it is not [inaudible] for only the names that will take [inaudible] to be plural? Thank you. Christa or Robin?

CHRISTA TAYLOR: Just one comment to kind of back it up. The applicant support program still really needs a lot of insight and the community to really kind of get involved and be behind it. As you said, there was so much of that fear of gaming and what would happen that it didn't really take off. The questions came up and there was feedback on what is the amount of time that is required for it to be properly implemented and to ensure that people want to or the right people apply for it and are properly supported?

So, if there's any … There isn't a clear road forward and would really encourage any feedback or ideas or anything [inaudible] to help spur the conversation. So, thank you.

TIJANI BEN JEMAA: Robin?

ROBIN GROSS: Yes, can you hear me okay?

TIJANI BEN JEMAA: I hear you very well.

ROBIN GROSS: Great. Okay. So, to answer your question about string similarity and why this particular recommendation would not prohibit children, which would be the plural of child, the singular for example. The reason is because that would be outside of the scope of this particular recommendation. This particular recommendation has to do with visual confusion. Basically, what your eyeballs see.

If you were to see the word child, you're probably not going to imagine … Or, if you were to see the word children, you wouldn't confuse that with the word child from a visual sense because they look different. The words just look different. Really, this is focused on words that look particular in this particular recommendation.

TIJANI BEN JEMAA: Okay. Yes, you are right. Exactly. [inaudible] my point. They are not similar at all. But, for the evaluation of the string similarity last time, we had two panels and the two panels give different results. I think that the process of evaluation of string similarity should be different this time because we may be in the same case and I think it will not be any evolution for the process. Robin?

ROBIN GROSS: Thanks. I think that would be terrific feedback. I can't really speak for the group now on this because we don't have a recommendation to that effect, but I would certainly welcome you to encourage that

suggestion in the feedback that you give on the recommendations that we do have, if that makes any sense.

TIJANI BEN JEMAA: Thank you very much. Also, for Christa, there is a big problem with I think it was [inaudible]. I don't remember. The community evaluation panel. Last time we proposed that, we include in this panel people from the community and it wasn't accepted. The result was that even the only one accepted for the applicant support because they said it is not a community application.

So, there is a big problem about defining a community application. I think that this time we need to be very clear about it, otherwise we will be in the same place.

ROBIN GROSS: I think that's exactly right and that's really why I want to encourage people to speak out to the question of how we define community here, because one thing that we have learned in the course of this working group is that there are at least a dozen different definitions or concepts that people have in their minds about what is a community that should be protected, privileged in the new gTLD program.

Some have said that it should be limited to only non-commercial communities. Others have said no it should be available to commercial communities as well. Others have said it should only be available to language communities. There's a whole spectrum of ideas that people

have put forward as to what are we trying to privilege or what is it that we're trying to protect with this concept of community?

So, you're absolutely right. We've got to get this clearly defined, because until that happens, lots and lots of people are going to be unhappy about the way the decisions come out because they will be all over the map because it's always going to be just in the minds of the individual panelists and how they conceive of the concept of community and what ought to be a public goal in this respect. I think they need guidance.

When the ICANN community is itself kind of all over the map on this, it's really going to be hard to narrow that and to get panelists to not invite them to be all over the map on that as well.

I think this is one of the most important issues that we've talked about in work team three in terms of really needing more information, more feedback, from you all in terms of what is it that we're really trying to do here and who really needs to be helped, promoted, protected, or privileged in the process and who doesn't and why?

Some have said, well, there's this idea of we like the concept of communities being able to self-identify, being able to control their own narratives, if you will, in the world. Maybe that's one of the policy goals that is underlying this concept of community. Others have said we're really trying to help underprivileged groups or marginalized groups or something along those lines and that's the bounds that we need to put on this.

I'm not here to say what it ought to be. I'm just here to say there's a lot of different ideas and we need to narrow it down, so your feedback on this particular question would be really welcome. Thanks.

TIJANI BEN JEMAA: Thank you very much, Robin. Any other hands?

ANDREA GLANDON: There are no hands at this time.

TIJANI BEN JEMAA: No other hands. We are approaching the end of this webinar with one minute left, so I would like you, staff, please to tell me if we have evaluation questions.

ANDREA GLANDON: Yes, we do. I will post those now.

TIJANI BEN JEMAA: Okay. Please, go ahead.

ANDREA GLANDON: Okay, those are posted on the right of your screen. Answer all of the questions before you submit.

TIJANI BEN JEMAA:	You have to scroll. There are other questions.
ANDREA GLANDON:	Yes. I believe there are six questions, so please make sure you scroll down and do not submit until you've answered all of the questions. It looks like so far we have had nine people submit their survey. We're still at nine people who have submitted their survey.

Tijani, it doesn't appear that anybody else is in the process of doing the survey. |
| TIJANI BEN JEMAA: | Okay. Thank you very much. I would like to thank especially Robin and Christa for accepting to make those presentations and to be patient to listen to our questions and make the pop quiz questions, etc.

Also, I would like to thank our staff with helping us as usual and also the interpreters for this very late time for my zone. I don't know if it is late for the other zones.

Thank you, all. Thanks for all the participants who made it. This webinar is now adjourned. Thank you very much. |
| ANDREA GLANDON: | Thank you. Everyone have a wonderful rest of your day. |

[END OF TRANSCRIPTION]