ICANN **62**
POLICY FORUM

PANAMA CITY
25–28 June 2018

New gTLD Subsequent Procedures Policy Development Process Working Group

Co-Chairs Jeff Neuman and Cheryl Langon-Orr

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Welcome and Introductions

Agenda Item #1

Welcome

- ⊙ Working Group Co-Chairs: Cheryl Langdon-Orr and Jeff Neuman
  - ○ WT1 Co-Leaders: Christa Taylor and Sara Bockey
  - ○ WT2 Co-Leaders: Michael Flemming and Sophia Feng
  - ○ WT3 Co-Leaders: Karen Day and Robin Gross
  - ○ WT4 Co-Leaders: Rubens Kuhl and Cheryl Langdon-Orr
  - ○ WT5 Co-Leaders: Olga Cavalli, Annebeth Lange, Javier Rúa-Jovet, Martin Sutton

Background and Status Update

Agenda Item #2

Background

- GNSO recommendations from 2007 resulted in the Applicant Guidebook and the 2012 round of the New gTLD Program.

- The New gTLD Subsequent Procedures PDP ("SubPro") is focused on considering the 2012 round policy and **determining what changes might need to be made to the original GNSO recommendations from 2007**.

- The PDP was **chartered** and began its work in early **2016**
  - Charter available here: https://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf

- The PDP has over 40 separate topics identified in its charter and broke into sub team work tracks to tackle work.

Current Status

- The full Working Group has been reviewing draft sections of the Initial Report over the last several months to ensure that they accurately reflect discussions in the Work Tracks. Revisions have been posted to the wiki.

- The Initial Report will go out for public comment the week following ICANN62.

- Objective of this Initial Report is to document the Working Group's deliberations on charter issues and preliminary recommendations, potential options for recommendations, as well as specific questions for which the Working Group is seeking input.

- The Working Group did not conduct consensus calls on any preliminary recommendations contained in this report. After review of public comments received on this report, the Working Group will conduct a formal consensus call on all recommendations before the group issues its Final Report. An interim report between the Initial and Final Report may be needed.

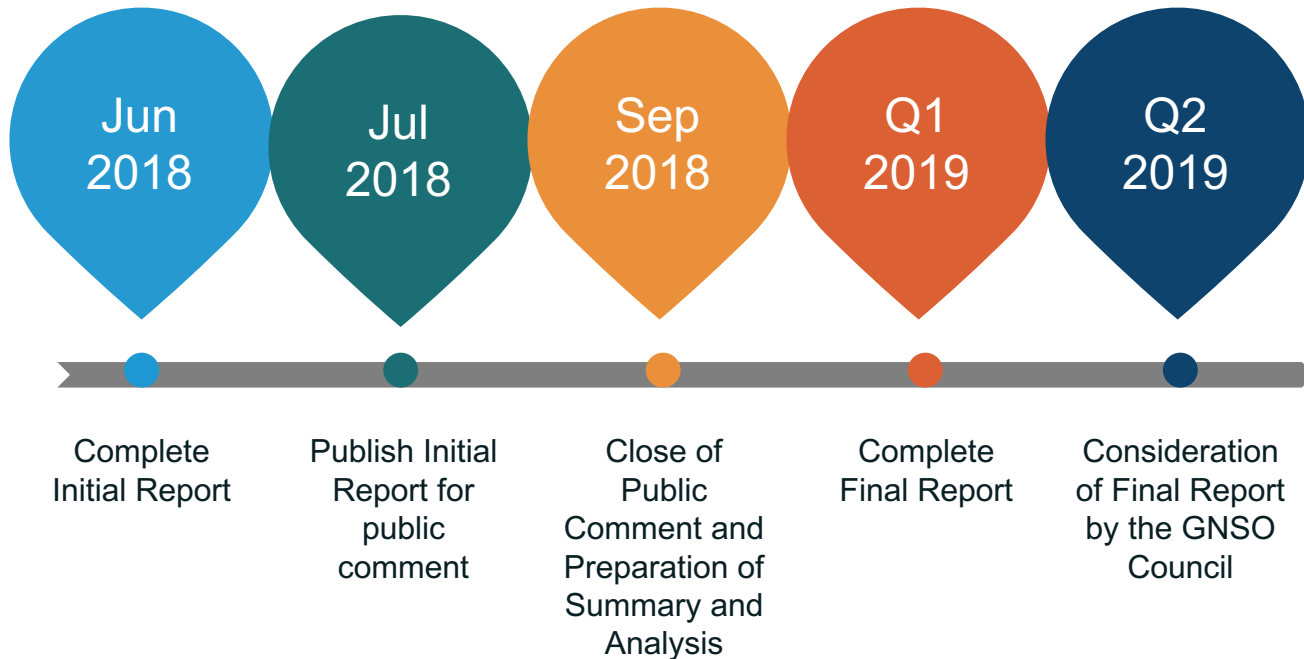- All are encouraged to participate in the Public Comment.

Next Steps After Initial Report Publication

Agenda Item #3

Subsequent Procedures PDP Timeline – Current Estimate

Work Tracks: Overarching & 1 – 4*

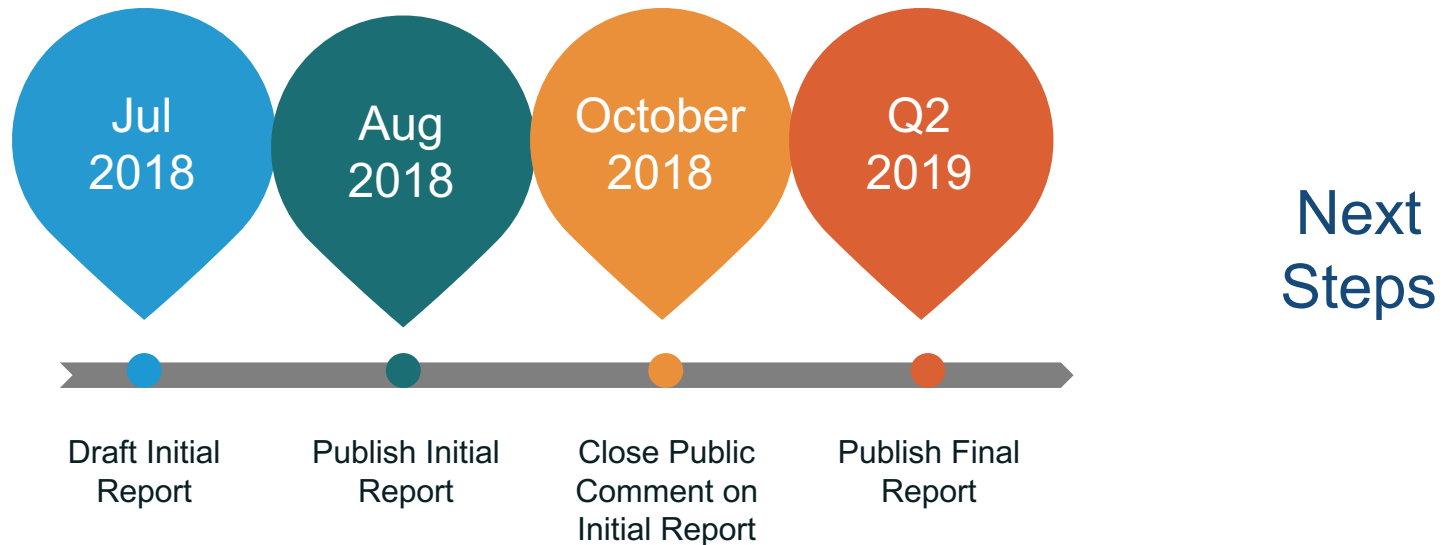| Jun 2018	Jul 2018	Sep 2018	Q1 2019	Q2 2019
Complete Initial Report	Publish Initial Report for public comment	Close of Public Comment and Preparation of Summary and Analysis	Complete Final Report	Consideration of Final Report by the GNSO Council

Next Steps

Timeline Refinements

WG will seek more precision in its timeline, developing detailed work plans, based in part on discussions today about how the WG will operate after publication of the Initial Report.

* This timeline assumes no supplemental public comment periods. If there are additional public comment periods, timeline could slip by several months.

Next Steps

- Focus of the WG during public comment. Some ideas include:
  - Topics that may warrant additional discussion (see **Session 2 topics**)
  - Review of the recommendations from the Competition, Consumer Trust & Consumer Choice Review Team (**CCT-RT**) and determine if additional work is needed to account for their recommendations

- Working methods once public comment closes - how will the WG consider public comment? It does not make sense to divide into same work tracks; but subdivision of work is necessary.
  - Division by Program Phase / Initial Report Section
    - Overarching Issues / Foundational Issues/ Pre-Launch (1.2 – 1.4)
    - Application Submission / Processing / Evaluation (1.5 – 1.7)
    - Disputes / Contention Resolution / Contracting / Pre-delegation / Post Delegation (1.8 – 1.12)

- Will we need to publish supplemental reports and have additional public comment periods?
  - *What standard should be applied in order to decide?*

Work Track 5 Timeline – Current Estimates

Jul 2018 — Draft Initial Report

Aug 2018 — Publish Initial Report

October 2018 — Close Public Comment on Initial Report

Q2 2019 — Publish Final Report

Next Steps

*** *Timeline and Work Track 5 Subjects will be discussed in further detail Monday, June 25,15:15 – 16:45 and Thursday, June 28, 15:15 – 16:45.*

Impact of Work Track 5 – GeoNames at Top-Level

- Timeline: Behind Overarching Issues / Work Tracks 1-4; but expected to catch up after release of Initial Report and working toward Final Report.

- The work of Work Track 5 could impact a number of different areas which are included in the scope of Work Tracks 1-4 (e.g., reserved names, dispute processes, objections, contracting, PICs, etc.)
  - Can the recommendations of our group co-exist with the recommendations of Work Track 5?
  - Do changes need to be made by this group to accommodate the recommendations of Work Track 5 or vice versa?

What is Consensus and How Do We Get There?

Agenda Item #4

What is Consensus?

GNSO Operating Procedures, section 3.6:

The Chair will be responsible for designating each position as having one of the following designations:

o **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as Unanimous Consensus.

o **Consensus** - a position where only a small minority disagrees, but most agree.

o **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.

o **Divergence (also referred to as No Consensus)** - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.

o **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a Consensus, Strong support but significant opposition, and No Consensus; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

How is Consensus Discovered?

GNSO Operating Procedures, section 3.6:

The recommended method for discovering the consensus level designation on recommendations should work as follows:

i.   After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.

ii.   After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.

iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.

iv.   iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:

   o   A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.

   o   It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between Consensus and Strong support but Significant Opposition or between Strong support but Significant Opposition and Divergence.

How Does This Group Reach Consensus?

- For some topics, Work Track members tended to converge on a set of ideas/recommendations.
  - Example: Systems

- For other topics, it has been difficult to obtain concrete input from WT members and the community about how to move forward.
  - Example: Applicant Support

- On certain topics, opinion appears to be divided about what recommendations should be made.
  - Example: Closed Generics

- In cases where there is no clear answer, how do we determine where consensus is possible and work towards reaching it?

Wrap-Up

Agenda Item #5

Engage with ICANN – Thank You and Questions

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