

### AC Attendance / 20 Members

Alan Greenberg	Jim Prendergast
Anne Aikman-Scalese	Justine Chew
Cheryl Langdon-Orr (CLO PDP Co-Chair)	Martin Sutton
Christa Taylor	Maxim Alzoba (FAITID)
Christopher Niemi	Michael Flemming
Christopher Wilkinson	Raymond Zylstra - Neustar
Greg Shatan	Robin Gross
Heather Forrest	Sara Bockey
Jamie Baxter   dotgay	Satish Babu
Jeff Neuman	Sophie Hey

**On audio only:** none

**Apologies:** Annebeth Lange, Katrin Ohlmer, Kristina Rosette

**Staff:** Emily Barabas, Julie Hedlund, Berry Cobb, Steve Chan, Julie Bisland

### AC Chat:

Julie Bisland: Welcome to the New gTLD Subsequent Procedures Working Group meeting on Tuesday, 31 July 2018 at 03:00 UTC

Julie Bisland: Agenda wiki page: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_vlNHbQ&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QjF-05YzARosRvTYd84AB\\_UYInlydmFcjNmBM5XgySw&m=L35AIJ1V-U3vbW0fdjlbDLMKZx94ol8J2MyB9Cv4sjk&s=VQZOC89YwHGjPhlLcE8eg5LRyQrMS161JaGaZmm9y-k&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_vlNHbQ&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QjF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=L35AIJ1V-U3vbW0fdjlbDLMKZx94ol8J2MyB9Cv4sjk&s=VQZOC89YwHGjPhlLcE8eg5LRyQrMS161JaGaZmm9y-k&e=)

Maxim Alzoba (FAITID): Hello All

Maxim Alzoba (FAITID): 6 am

Jeff Neuman: Good morning Maxim

Jeff Neuman: It is 11 pm for me

Maxim Alzoba (FAITID): good evening Jeff

Jeff Neuman: 5 mins until start time

Jeff Neuman: 1 minute warning

Cheryl Langdon-Orr (CLO PDP Co-Chair): Hi all sorry the AC took Ages to load for me today :-)

Jim Prendergast: a little light on volume

Christa Taylor 2: one second

Jim Prendergast: there we go

Cheryl Langdon-Orr (CLO PDP Co-Chair): Ye Perfect now!

Julie Bisland: yes, perfect audio

Heather Forrest: Hello all - apologies for joining late

Jim Prendergast: What does FTC refer to in this context?

Maxim Alzoba (FAITID): Trade Commission?

Cheryl Langdon-Orr (CLO PDP Co-Chair): Welcome Heather

Jeff Neuman: Yes, United States specific

Sara Bockey: I do have an update to my SOI. I was recently elected to Vice Chair of Policy Coordination for the RrSG

Maxim Alzoba (FAITID): ftc.gov then

Heather Forrest:Thanks Cheryl

Heather Forrest:Congratulations, Sara!

Sara Bockey:Thank you, Heather

Maxim Alzoba (FAITID):yes, selling shares after that would help avoiding auctions

Maxim Alzoba (FAITID):I referred to joint ventures

Jeff Neuman:The discussion on joint ventures also relates to the topic from the last call on what changes to applications should be allowed, when should they be allowed, and how are they evaluated.

Jim Prendergast:yes it does - lots of tie ins between these topics

Cheryl Langdon-Orr (CLO PDP Co-Chair):Indeed @Jeff, we do need to further discuss and perhaps consider recommendations relating to "changes to applications to be allowed" and for the record, I agree with the sentiment that any fees price elevation(s) would never be sufficient to damp down the profiteering from string auctions.

Maxim Alzoba (FAITID):ICANN is a legal body established in US, that is why FTC might be applicable (and amounts of USD in the process)

Cheryl Langdon-Orr (CLO PDP Co-Chair):We DO need to discuss further ;-)

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

Christopher Wilkinson:Thanks, Jeff. JVs: there will always be some changes in management structure of Registries and applicants.

Maxim Alzoba (FAITID):what to do with travelhotelcarfood TLD? claiming to be contentious with travel and hotel and car and food

Jim Prendergast:make it as part of the T&Cs and sever financial penalties or the take back as Jeff just said

Justine Chew:Agree with Jeff and Jim. Ultimately can ICANN not withhold delegation related to gTLD which are subject to such private auctions?

Jim Prendergast:There may be some prohibitions in the real estate market on private auctions

Maxim Alzoba (FAITID):the current language of AGB is a auction and "Applicants are encouraged to resolve string contention cases among themselves prior to the string contention resolution stage." - so formally it does not say that private auctions are forbidden

Maxim Alzoba (FAITID):it was page 1-13

Justine Chew:Yes, sure, but AGB can be altered.

Maxim Alzoba (FAITID):yes, I meant that without the change of the text it will be the same

Cheryl Langdon-Orr (CLO PDP Co-Chair):Indeed Justine very much our job to make any such recommendations to do so in fact :-)

Justine Chew:... to allow resolution by means that the group considers are desirable, of course.

Steve Chan:i believe the context of encouraging applicants to work it out themselves was indeed, because the ICANN auctions were supposed to be last resort.

Cheryl Langdon-Orr (CLO PDP Co-Chair):Thanks for leading us through this discussion Christa.

Maxim Alzoba (FAITID):too close to mic

Steve Chan:Spot on Martin, less than 1% of the 12,691 resulted in Clarifying Questions

Jeff Neuman:There was one other purpose (sort of)...which was that the Independent Objector was supposed to review the public comments and then he or she could only file an objection IF there were public comments against that application as well. In other words, if there were no public comments filed on an application, the IO could not file an objection on that string

Jim Prendergast:i cant remember but did the Staff Issue report go into any detail about what was actually done with all these comments?

Steve Chan:@Jim, this topic was not specifically identified in the Final Issue Report actually.

Jim Prendergast:and im guessing that this go around, we wont be seeing lawyers filing comments on 600+ applications since it's unclear what the impact of those were

Jim Prendergast:should add - the same comment on 600 applications

Jeff Neuman:So the question still remains....what do we believe should be the role of public comments?

Steve Chan:@Jim again, the Program Implementation Review Report talks about the breakdown of comments, as well as how the comments were considered by each panel

Michael Flemming:I think this question was raised in change request as well

Justine Chew:Can someone please remind me if a flow+timeline chart for Application Comment been drawn up and circulated to WG prior to this?

Maxim Alzoba (FAITID):analogue of SOI for comments?

Jeff Neuman:@Maxim - Yes in a way. When comments are made, in order to have an impact on the evaluation is critical to know who is making the comment and whether they have an ulterior motive in making the comment

Jeff Neuman:Some applicants believed that to respond to a comment publicly gave those comments more credibility than they should have had.

Jeff Neuman:So in many cases, unless scoring would be affected, it was better to not respond

Maxim Alzoba (FAITID):@Jeff then some kind of "short certification" might be required (like are you affiliated with an applicant, e.t.c.)

Jim Prendergast:i think the requirment was an email and a name and thats it.

Martin Sutton:thanks Jim, good to know

Jim Prendergast:how many applications actually failed evaluation?

Jim Prendergast:we could be trying to solve for a non exitent problem. over 10,000 comments submitted and no impact?

Jim Prendergast:Community apps excepted from that comment of course

Maxim Alzoba (FAITID):I wonder if asking firend to file a comment is a workaround to avoid conflict of interest in the self certification

Christa Taylor 2:I can't recall the timeline between comments and CQ's. Was there sufficient time for them to go through the system and be consolidated into the CQs?

Jim Prendergast:QCs took months to come out

Jeff Neuman:No, I just said we needed to separate community based applications from others, because public comments play a different role

Steve Chan:@Christa, I am not certain, but I believe the application comment period closed at least two weeks prior to the initiation of initial evaluation. And as Jim mentioned, it took several months to beging releasing CQs.

Justine Chew:Hence my request for a flowchart+timeline of process....

Cheryl Langdon-Orr (CLO PDP Co-Chair):Agreed @Martin we need absolute clarity on this ( is that exists ;-)

Jeff Neuman:There were several types of public comment periods. There was technically a public comment period of 30 days after any change was made to an app. But here we are just talking about the initial period when applications first come int

Jeff Neuman:in

Cheryl Langdon-Orr (CLO PDP Co-Chair):Yes @Jaustine, that seems worthy indeed.

Cheryl Langdon-Orr (CLO PDP Co-Chair):sorry typo extrodinaire @Justine

Steve Chan:@Martin, we want to try and leave about 15 minutes to cover the Work Plan and AOB. Let's try to wrap up this topic for today at 15 after the hour?

Maxim Alzoba (FAITID):if we need to attach qualifications to comments - then this bit needs to be extended "To be considered by evaluators, comments must be received in the designated comment forum within the stated time period." (page 1-6)

Steve Chan:Perhaps I missed it, but did we skip 5?

Maxim Alzoba (FAITID):system might be opened with no ability to add comments

Steve Chan:@Jamie, I believe there was still a cutoff, but of course, that cutoff came far later for CPE than for Initial Evaluation.

Justine Chew:Answer to Q5 is "No". Support Jamie's point against an no-end comment period for Community applications by any means.

Justine Chew:In other words, there should be a consistent application across the board.

Cheryl Langdon-Orr (CLO PDP Co-Chair):Yes Thanks everyone, and @Martin for leading us through these discussions...

Heather Forrest:well done Jeff

Cheryl Langdon-Orr (CLO PDP Co-Chair)::=-)

Cheryl Langdon-Orr (CLO PDP Co-Chair):your learning Jeff.. the world is round :-)

Heather Forrest:we are waiting for summer here on the other side of the planet, right Cheryl?

Cheryl Langdon-Orr (CLO PDP Co-Chair):Yup

Maxim Alzoba (FAITID):for the record, I am going to be on a vacation on 13th aug, but will try to attend

Jim Prendergast:How would the potential extension of the comment period you discussed for the GAC impact the work plan?

Michael Flemming:l'd be happy to send some of this heat wave your way

Heather Forrest:sorry Jeff

Julie Bisland:@Maxim, I've noted your potential apology

Maxim Alzoba (FAITID):@Julie, thanks

Cheryl Langdon-Orr (CLO PDP Co-Chair):We can be flexible, especially with planing and cooperation

Maxim Alzoba (FAITID):GAC seems to be issuing bits of text only when they had some work done on those particulatr bits between ICANN meetings

Maxim Alzoba (FAITID):they have confcalls between ICANN meetings

Maxim Alzoba (FAITID):GDPR & EPDP & GAC ?

Heather Forrest:We have some say, but how much, I'm not sure

Steve Chan:@Jeff, as a reminder, there is also a separate request for WT5 as well.

Heather Forrest:Always happy to communicate upwards

Steve Chan:These high interest sessions/cross-community would be in addition to the normal face to face sessions

Jim Prendergast:so plan on starting work two days befor eopening ceremony

Heather Forrest:Hooray for acknowledging the phantom work like dogs days

Maxim Alzoba (FAITID):20th is the "day one"

Cheryl Langdon-Orr (CLO PDP Co-Chair):Thanks everyone, good progress in discussion today, we will of course talk again here on August 13th... And have a good look at the Work PLaN please :-)

Justine Chew:Thank you for this AP-friendly time call :)

Heather Forrest:Well done Jeff and Cheryl

Maxim Alzoba (FAITID):bye all

Christa Taylor 2:thanks all