

**Attendance: (24 Members)**

Alberto Soto	Jim Prendergast
Alfredo Calderon	Jon Nevett
Anne Aikman-Scalese	Justine Chew
Cheryl Langdon-Orr	Maxim Alzoba
Christa Taylor	Michael Casadevall
Christopher Niemi	Raymond Zylstra
Christopher Wilkinson	Roger Carney
Gemma Keegan	Rubens Kuhl
Harold Arcos	Sara Bockey
Jamie Baxter	Sarah Langstone
Jeff Neuman	Vanda Scartezini
Jess Hooper	

Audio only: Kristine Dorrain

Apologies:

Katrin Ohlmer  
Annebeth Lange  
Martin Sutton  
Phil Buckingham  
Peter LaMantia

Staff:

Steve Chan  
Emily Barabas  
Berry Cobb  
Michelle DeSmyter

**AC chat:**

Michelle DeSmyter:Dear all, welcome to the New gTLD Subsequent Procedures Working Group call on Tuesday, 02 October 2018 at 03:00 UTC.

Michelle DeSmyter:Agenda wiki page: <https://community.icann.org/x/4QirBQ>

Christopher Wilkinson:Good morning CW

Michelle DeSmyter:Hello, welcome Christopher!

Vanda Scartezini:hi everyone... Mu=ichelle, Christopher..

Michael Casadevall:Evening all

Jeff Neuman:LOL

Jeff Neuman:Thanks!

Michael Casadevall:What we had there was a real life version of a packet collision :)

Vanda Scartezini:thanks

Vanda Scartezini:will go mute now

Jeff Neuman:light attendance so far

Jeff Neuman:Lets give 2 more minutes and then start

Michelle DeSmyter:Sounds good - thank you Jeff

Cheryl Langdon-Orr (CLO-PDP Co-Chair):Rather low numbers today

Cheryl Langdon-Orr (CLO-PDP Co-Chair):numbers even ;-)

Jeff Neuman:ok, why dont we get the recording started

Cheryl Langdon-Orr (CLO-PDP Co-Chair):May as well

Jeff Neuman:Sounds good :)

Maxim Alzoba (FAITID ):Hello all. will not be able to use mic (quite early here)

Cheryl Langdon-Orr (CLO-PDP Co-Chair):Back :-)\ great timing (not)

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

Christopher Wilkinson:unlocked here

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

Steve Chan:You're right Jeff about the changes being cumulative

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

Alberto Soto:Hello, Sorry I'm late

Jim Prendergast:i was gonna say - something in writing would help

Rubens Kuhl:One of the challenges for those applying to more than 1 TLD, either 2 or an infinite number of them, is to submit maximum bids for each strin, since if hey lose one, they have more resources to pay in another one.

Cheryl Langdon-Orr (CLO-PDP Co-Chair):Thanks Sarah, most helpful it is akin to what I have seen used in certain charity auctions here in AU

Rubens Kuhl:Another challenge for that is the possibility of indirect contention sets.

Anne Aikman-Scalese:COMMENT: The way to resolve that may be give Community applicants a priority round. Then you are only resolving contention among community applicants. Then in the general round, the bid could be a "silent auction". COMMENT

Vanda Scartezini:Anne, could be a good idea - contention among community applicants can work more fairly

Michael Casadevall:COMMENT: I can see a tie. Two companies bidding the same nice round number.

Jon Nevett:thanks for the explanation Sarah

Jim Prendergast:compared ot the broader community - this is a pretty small group so putting it out to the community might yeld more answers and new ideas as well as critiques.

Jon Nevett:assuming no glitches or data breaches!

Justine Chew:Can we start collecting descriptions of "complications" for further consideration?

Jim Prendergast:you went there john

Michael Casadevall:I need to re-read the list email, but my concern is that could be discriminatory or simply push people out of the running for strings. Can't remember if it was addressed its very late for me.

Anne Aikman-Scalese:right Michael - the edit I suggested and Jeff has added raises the issue of favoring large applicants if the fee is reduced for each additional gTLD application.

Michael Casadevall:Ok, good :)

Anne Aikman-Scalese:\*Jeff WILL add not Has added.

Jeff Neuman:yes...thanks Anne

Rubens Kuhl:Curiously, people seem to be in favor of private resolution by constituting joint-ventures.

Rubens Kuhl:But Jon is right, you can't have the cake and eat it too.

Michael Casadevall:Well, forming a JV is somewhat different since it's "everyone wins"

Jim Prendergast:ff memory serves correct - I think the suggestion for a determination draw was to replace both private auction and ICANN last resort auction

Michael Casadevall:It should be noted that banning private resolutions except X is an option.

Rubens Kuhl:I can sell shares in a JV for the highest bidder.

Justine Chew:Correct, we need to be clear on what should be encouraged vs discouraged (or disallowed).

Rubens Kuhl:There's no way to implement such discretionary approach to private resolutions. It's all or nothing.

Vanda Scartezini:+ 1 Justine

Maxim Alzoba (FAITID ):will a company , which has lots of JV in the same market create anti-trust concerns of antimonopoly agency ?

Michael Casadevall:Does anyone know how many gTLDs were resolved by private resolution in 2012?

Justine Chew:And I dare say even, consider if we need to address unintended consequences of private resolutions (to the extent that it concerns ICANN). Such as the eg that Jeff mentioned on SAS, if one applicants goes for SASx and another goes for SASy, what happens to "SAS"? Does SAS go back to available pool or "reserved list"?

Vanda Scartezini:Michael, yes, icann has all the statistics...

Jon Nevett:i object to keeping it as a recommendation

Jon Nevett:banning just private auctions makes no sense

Rubens Kuhl:Michael, [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_newgtlds.icann.org\\_en\\_program-2Dstatus\\_statistics&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8\\_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe\\_5iHWGIBLwwwehFBfjrsjWv9&m=Lbi8Sd4qnG80vAyFDhBE8u3436HqbYgB4sLwSuzuk0Q&s=ZAa2XtLAweHjua56h-VNEASixCZUYF0Crj8qDCIO0YQ&e](https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_program-2Dstatus_statistics&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=Lbi8Sd4qnG80vAyFDhBE8u3436HqbYgB4sLwSuzuk0Q&s=ZAa2XtLAweHjua56h-VNEASixCZUYF0Crj8qDCIO0YQ&e) has the numbers.

Rubens Kuhl:Total Contention Sets 234  
Rubens Kuhl:Resolved Contention Sets 226  
Rubens Kuhl:Contention Sets Resolved via ICANN Auction 16  
Rubens Kuhl:Unresolved Contention Sets8  
Rubens Kuhl:Applications Pending Contention Resolution 24

Michael Casadevall:Rubens: Thank you

Rubens Kuhl:So ICANN Auction was used to resolve 7% of the resolved contention sets so far. Which is compatible with something that is called "last resort".

Anne Aikman-Scalese:QUESTION: If the award goes to a certain entity and if the entity changes, ICANN approval is needed, right? Does that reduce gaming in the suggested solutions? QUESTION

Rubens Kuhl:Private auctions are an undesirable side effect, but we need to compare with the badness of what we do to kill them.

Michael Casadevall:Maybe it's just me, but I haven't heard much support for auctions in general, even as a public last resort.

Justine Chew:@Rubens, pros and cons of an alternative vs private auctions :)

Anne Aikman-Scalese:Its a question related to whether any system we devise could be easily "gamed".

Jim Prendergast:here is the Board comment on private auctions - Regarding question 2.7.4.e.2 on "gaming" or abuse of private auction, the Board believes that applications should not be submitted as a means to engage in private auctions, including for the purpose of using private auctions as a method of financing their other applications. This not only increases the workload on processing but puts undue financial pressure on other applicants who have business plans and financing based on their intention to execute the plan described in the application. In particular, we are concerned about how gaming for the purpose of financing other applications, or with no intent to operate the gTLD as stated in the application, can be reconciled with ICANN's Commitments and Core Values.

Jon Nevett:Perhaps we should refer to private sales vs. private auctions?

Jim Prendergast:The ones who support private auctions are likely the ones who made serious \$\$\$\$\$ off of them

Anne Aikman-Scalese:@Jon - or private string contention settlement?

Vanda Scartezini:i beleive there still one string pendent of decision related to change request

Vanda Scartezini:from 2012 round

Steve Chan:@Sarah, I don't believe that particular angle is captured

Jamie Baxter | dotgay:i believe that issue was raised in a prior discussion however Sarah & Steve

Christopher Wilkinson:Section 1.5: just to recall that I hae already posted my comments to the List.

Maxim Alzoba (FAITID ):this idea will help .superhighcost TLDS to survive on some registrars account (for example - with requirement of a 100 k usd deposits)

Jim Prendergast:will do

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

Jon Nevett:Jim +1 -- if a registry isn't getting sufficient registrar support, it could start its own

sarah l:@steve thanks I think it should be captured - thanks for.p checking

Rubens Kuhl:Jon, that doesn't work in practice due to (1) high cost of registrar accreditation when used to sell a single TLD (2) registrants inertia or preference to use a single registrar/reseller for all their domain registrations.

Michael Casadevall:I see Jim's point, but I have concerns that a registrar may refuse to carry a gTLD for non-technical/non-financial reasons. I want to see Jim's comments before I dig in deeper though.

Jon Nevett:in the 2005-8 policy debate on use of registrars, the key was that the protections required in the RAA are required for all registrations

Rubens Kuhl:Michael, must-carry obligations were deemed to be over the top. So this doesn't seem to have much traction indeed.

Jim Prendergast:Michael - do you envision a scenario where ICANN shoudl force a registrar to carry a TLD?

Rubens Kuhl:Jon, the 100 domains already require registries to follow RAA. It's water under the bridge...

Jon Nevett:Yep -- that is the same as a registry starting its own registrar

Vanda Scartezini:@ jim - I don't but need to have a solution because this is still a problem not solved

Jon Nevett:I don't envision that Jim

Michael Casadevall:Jim: that's a can of worms I'm not sure it's a good thing to open

Steve Chan:Oh, it's a clean version Jeff!

Steve Chan:If you want the redline, I can grab that instead

Steve Chan:One second...

Rubens Kuhl:@Michael, what was discussed in the F2F meeting is that if there were economic studies showing that registrars were the problem, this would justify must-carry obligations. But those do not exist at this time, and it's doubtful they could ever exist.

Maxim Alzoba (FAITID ):must-carry does not go well with requirements for registrar deposits

Rubens Kuhl:@Maxim, registrar deposits and pre-payment were both deemed to be disqualifying for any ICANN support in that matter.

Cheryl Langdon-Orr (CLO-PDP Co-Chair):May as well do that now Yes Jeff

Anne Aikman-Scalese:Interference on Steve's line I think

Cheryl Langdon-Orr (CLO-PDP Co-Chair):odd noise  
Jeff Neuman:good

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

Jim Prendergast:and i was concerned a week ago we only had five ....)

Cheryl Langdon-Orr (CLO-PDP Co-Chair):an excellent number as Public Comments go...

Rubens Kuhl:Jim, be careful what you wish for...

Cheryl Langdon-Orr (CLO-PDP Co-Chair):Yes a BUSY Wednesday Jim...

Steve Chan:I see you Cheryl :)

Anne Aikman-Scalese:I sent questions to the list on this document.

Anne Aikman-Scalese:RPM Review is not a PDP so the question relates to how results of mandated Reviews are considered procedurally. Same basic question applies to CCT-RT Review and relationship of those Recommendations to the PDP. There may be public comment on these questions - not sure.

Jeff Neuman:The RPM Review is a PDP

Jeff Neuman:It is charged with reviewing and making recommendations

Jon Nevett:[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gnso.icann.org\\_sites\\_default\\_files\\_file\\_field-2Dfile-2Dattach\\_projects-2Dlist-2D19sep18-2Den.pdf&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8\\_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe\\_5iHWGIBLwwwehFBfjrsjWv9&m=Lbi8Sd4qnG8OvAyFDhBE8u3436HqbYgB4sLwSuzuk0Q&s=rGWcl433KtkPLW4DZcMEpug4dd7JH1-NJccqC-JaRzo&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_sites_default_files_file_field-2Dfile-2Dattach_projects-2Dlist-2D19sep18-2Den.pdf&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=Lbi8Sd4qnG8OvAyFDhBE8u3436HqbYgB4sLwSuzuk0Q&s=rGWcl433KtkPLW4DZcMEpug4dd7JH1-NJccqC-JaRzo&e=)

Jon Nevett:cite to show it is a PDP

Jeff Neuman:The CCT-RT is just advice to the Board

Anne Aikman-Scalese:Many thanks. If 2 PDPs disagree, is it up to GNSO Council to resolve the differences in the recommendations? I ask because in several places we say we have to determine whether we agree with CCT-RT.

Rubens Kuhl:RPM Review is a PDP, CCT-RT isn't.

Anne Aikman-Scalese:We also say in the draft that we want to examine the underlying data used by CCT-RT so that is de novo. So are these recommendations to the Board and not the GNSO?

Maxim Alzoba (FAITID ):RT is not equal tto PDP

Cheryl Langdon-Orr (CLO-PDP Co-Chair):Sorry much excitement here ... Spring has sprung and 2 of our local pythoins (young) were starting to mate in the pond off my verandah

Anne Aikman-Scalese:Okay thanks for clarifying that Review reports are recommendations to the Board. My concern is sending differing recommendations from two different groups. If the Board has to resolve, that slows things down.

Cheryl Langdon-Orr (CLO-PDP Co-Chair):dogs thought that must be fighting I suspect rather noisy ;-)

Justine Chew:In the Initial Report, this WG has "deferred" to RPM PDP WG in respect of the section on RPMs. :)



Anne Aikman-Scalese:Okay thank you Jeff - very helpful . We should say that in the document if so.

Cheryl Langdon-Orr (CLO-PDP Co-Chair):Yes it would need to I assume come via Council  
Jeff

Michelle DeSmyter:yes, Monday 08 October at 15:00 UTC

Vanda Scartezini:thanks Michelle!

Anne Aikman-Scalese:Thank you Jeff Cheryl and staff

Vanda Scartezini:tanks to all going to bed...

Maxim Alzoba (FAITID ):bbye all