

Attendance: (17 Members)

Alberto Soto	Justine Chew
Anne Aikman-Scalese	Kristine Dorrain
Avri Doria	Matthew Crossman
Cheryl Langdon-Orr	Maxim Alzoba
Christopher Wilkinson	Michael Casadevall
Donna Austin	Robin Gross
Jeff Neuman	Sara Bockey
Jim Prendergast	Tom Dale
	Vanda Scartezini

Apologies:

Katrin Ohlmer
Malgorzata Pek
Annebeth Lange
Heath Dixon
Alan Greenberg

Staff:

Steve Chan
Julie Hedlund
Trang Nguyen
Antionietta Mangiacotti
Michelle DeSmyter

AC chat:

Michelle DeSmyter: Dear all, welcome to the New gTLD Subsequent Procedures PDP Working Group call on Tuesday, 18 December 2018 at 03:00 UTC.

Michelle DeSmyter: Agenda wiki page: <https://community.icann.org/x/7gXVBQ>

Michelle DeSmyter: [https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1sl4V7OkGldX-2DRIGZZO108ln5sUG-2DH-2DVOhz3Od2gfcRM_edit&d=DwlCaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6s|ms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=q3um1awhV_8DcVOIOXL7hqDiJBW8cwISiF_YZgnvSds&s=lyOgfNI7Y1tFqZSfoD5uSID5hL4ZhedNjfgOgd4lWDs&e=\[docs.google.com\]](https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1sl4V7OkGldX-2DRIGZZO108ln5sUG-2DH-2DVOhz3Od2gfcRM_edit&d=DwlCaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6s|ms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=q3um1awhV_8DcVOIOXL7hqDiJBW8cwISiF_YZgnvSds&s=lyOgfNI7Y1tFqZSfoD5uSID5hL4ZhedNjfgOgd4lWDs&e=[docs.google.com])

Cheryl Langdon-Orr (CLO - PDP Co-Chair): I shall keep my fingers crossed then @Jeff ;-)

Cheryl Langdon-Orr (CLO - PDP Co-Chair): So sorry to hear that Michael - My SYmpathies

Tom Dale: Godd afternoon

Tom Dale: Or even good

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

Michael Casadevall: Very low turnout :(

Tom Dale:I am in the process of amending my SOI to reflect my status as an independent consultant, rather than working as GAC Secretariat.

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

Jeff Neuman (Overall Co-chair):we will start at :02 after the hour

Vanda Scartezini:hi everyone!!!

Kristine Dorrain:Hi everyone.

Alberto Soto:Hi everyone from Buenos Aires!

Vanda Scartezini:my mic is not working well but I am listen ok

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

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

Maxim Alzoba:Hello all. it's quite eaarly here, will not be able to use mic.

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

Justine Chew:@Jeff, thanks - I didn't think it was an SOI update either. :)

Cheryl Langdon-Orr (CLO - PDP Co-Chair):and we are delighted to see it come out as planned :-)

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Well dont Team WT5

Steve Chan:Work Track 5 Supplemental Initial

Report: https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_public-2Dcomments_geo-2Dnames-2Dwt5-2Dinitial-2D2018-2D12-2D05-2Den&d=DwICaQ&c=FmY1u3Plp6wrcrwl3mSVzgfkbPSS6sJms7xcl4l5cM&r=8_WhWIPqSLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=q3um1awhV_8DcVOI0XL7hqDiJBW8cwISiF_YZgnvSds&s=UQRuwXoojFCvEqmoN1jSV8UDYln3NTWHxlrRh7rgb6U&e=

Steve Chan:Scheduled to close 22 Jan 2019

Steve Chan:I'm not sure, I will dig it up

Steve Chan:And post here

Cheryl Langdon-Orr (CLO - PDP Co-Chair):I thought 9th

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Nope I typed

Steve Chan:Webinar: Wednesday 9 January 2019 at 20:00 UTC for 60 minutes

Cheryl Langdon-Orr (CLO - PDP Co-Chair):No all groups are under subscribed (small) and turn out is a struggle it seems

Jim Prendergast:@cheryl - and at time slack of diversity among stakeholder groups too

Cheryl Langdon-Orr (CLO - PDP Co-Chair):yup.... *SIGH*

Cheryl Langdon-Orr (CLO - PDP Co-Chair):I'm C

Steve Chan:Sub Group A: Thursday, 20 December 2018 at 20:00 UTC for 60 minutes

Steve Chan:Sub Group B: Tuesday, 18 December 2018 at 17:00 UTC for 60 minutes

Steve Chan:Sub Group C: Thursday, 20 December 2018 at 15:00 UTC for 60 minutes

Cheryl Langdon-Orr (CLO - PDP Co-Chair):with cicada noise in the background Sorry

Steve Chan:The document on screen is available

here: https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1sl4V7OkGldX-2DRIGZZO108ln5sUG-2DH-2DVOhz30d2gfcRM_edit&d=DwICaQ&c=FmY1u3PJp6wrcrwl3mSVzgfbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwhehFBfjrsjWv9&m=q3um1awhV_8DcVOIOXL7hqDijBW8cwISiF_YZgnvSds&s=lyOgfNI7Y1tFqZSfoD5uSID5hL4ZhedNjfgOgd4lWDs&e=

Maxim Alzoba:stuck items basically

Anne Aikman-Scalese:COMMENT: As I understand it, there are no 2012 applications that are the subject of this Subsequent Procedures PDP. Not in the Charter as to recommendations, right? COMMENT

Steve Chan:For context, these three comments in this document from ICANN org were originally submitted as a single comment.

Justine Chew:Also any strings that did not proceed in previous rounds that have since been (or will be) placed under reservation, if any?

Anne Aikman-Scalese:QUESTION: Jeff, could you please remind me what name collision issues were described as backward looking in the 2012 round? QUESTION

Cheryl Langdon-Orr (CLO - PDP Co-Chair):That was indeed the way WT4 worked (other than for the obvious Name Collision issues since subject to Board resolution as well Anne

Cheryl Langdon-Orr (CLO - PDP Co-Chair):@Anne ... Not in Scope from my personal POV...

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

Anne Aikman-Scalese:Agree with Cheryl - 2012 is out of scope. Agree with Steve re name collision look back related to legacy TLDs.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Just say No!

Cheryl Langdon-Orr (CLO - PDP Co-Chair):THEY need to do things with those applications

Steve Chan:I would imagine that to the extent that any recommendations are looking backwards, the PDP should make that explicitly clear?

Cheryl Langdon-Orr (CLO - PDP Co-Chair):and THEY need to deal with any overlap re any reservations/ holds moratoriums of whatever

Steve Chan:I think that's the takeaway from the ICANN org comment?

Cheryl Langdon-Orr (CLO - PDP Co-Chair):BUT for FUTURE rounds we can make recommendations re unresolved/ string applications

Anne Aikman-Scalese:Reply to ICANN org is this matter is out of scope for this PDP. ICANN Legal will have to determine. Frankly it's a legal matter.

Kristine Dorrain:Strings that are pending should be allowed to run themselves out under the 2012 AG

Donna Austin, Neustar:Agree with Kristine.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):definitely IMO @Kristine

Kristine Dorrain:No applying for terms in a pending round. No one should create a contention set

Justine Chew:+1 Kristine: Moratorium over application of (new) AGB to 2012 applications still in process (ie not yet determined)

Donna Austin, Neustar:Is it about applications or strings?

Anne Aikman-Scalese:COMMENT: @Jeff - It's not even a policy matter. It's a legal matter. And it's not in scope for this PDP. COMMENT

Jeff Neuman (Overall Co-chair):@Donna - Not sure I understand the significance

Maxim Alzoba:if we want to avoid mixing rules from different rounds, the new applications for old stuck strings should not be added

Maxim Alzoba:most probably with similarity items

Justine Chew:Should not accept new applications for strings whose existing applications are still in process because that would cause (further) contention / similarity conflict

Donna Austin, Neustar:Agree Justine

Vanda Scartezini:justine is right

Anne Aikman-Scalese:QUESTION: How many strings are "stuck"? QUESTION

Kristine Dorrain:Yes, Justine was far more succinct. LOL

Maxim Alzoba:yes

Donna Austin, Neustar:Where this may, or maybe not, get a little complicated is as it relates to string similarity.

Kristine Dorrain:@ Anne, you can go to the new applicant page and filter by status. https://urldefense.proofpoint.com/v2/url?u=https-3A_gtldresult.icann.org_applicationstatus_viewstatus&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=q3um1awhV_8DcVOI0XL7hqDijBW8cwISiF_YZgnvSds&s=MCm63ogrdSB72rEqnQcIn9MoTlCeDh2xrcyVgFEjaAY&e=

Maxim Alzoba:missing rules from different rounds adds complexity and lowers clarity significantly

Maxim Alzoba:mixing

Justine Chew:Also, when applicants applied in 2012 they would have only agreed to terms and conditions applicable to 2012 round (with whatever amendments). It would be unfair to impose further changes to terms and conditions that may then impact existing applications.

Kristine Dorrain:(24 applications are listed as active)

Kristine Dorrain:+1 Justine

Steve Chan:For the WG's consideration: Would an application with a "Shall not proceed" status, but has not yet been Withdrawn, count as in progress still?

Jeff Neuman (Overall Co-chair):@Maxim - The rules for a 2020 round hypothetically speaking could be the same as 2022

Kristine Dorrain:@ Steve, I would say yes.

Steve Chan:I do not believe there is anything that requires an application be withdrawn.

Jeff Neuman (Overall Co-chair):But I think the concept of not mixing rounds sounds like it is where we are heading

Steve Chan:So in other words, an application could be perpetually in progress if the applicant chooses not to withdraw.

Jeff Neuman (Overall Co-chair):@Steve - Good question and lets bring that up right after this

Kristine Dorrain:But closed generic is a regulation on how the string operates but not about a pending application. Am I missing something?

Maxim Alzoba:there was no contract, only AGB

Jim Prendergast:@Krtistine - some applicants withdrew because of the prohibition suddenly appearing post application. So its a question of treatment

Kristine Dorrain:OK, understand that.

Trang Nguyen:I'm unclear as to what the question is for ICANN legal. I'm happy to pass it along if the PDP WG would like to formulate a question.

Justine Chew:@Anne, at the very least, we should have ICANN Legal look into how we can appropriately "terminate" those applications that have not been withdrawn but are clearly not looking to proceed.

Anne Aikman-Scalese:@Maxim - AGB creates a contract - just ask Amazon why they objected to late-breaking determination that was far outside what the AGB said.

Anne Aikman-Scalese:Agree Justine

Steve Chan:To Trang's point, I believe it's best if the WG formulates and agrees upon a question before it is sent to GDD, ICANN legal, etc.

Christopher Wilkinson:For future rounds there could be a cut off period. If the application has not been resolved after [two] years it should fall back into the pool.

Anne Aikman-Scalese:The question comes from ICANN org - maybe ICANN org should formulate the question to Legal?

Michael Casadevall: Agree with Steve and Christopher.

Justine Chew:@CW: Agree that we should propose the inclusion of such term in the (new) AGB

Kristine Dorrain: I would be cautious about a randomly designated cutoff. Accountability mechanisms take a long time.

Maxim Alzoba:@Cristopher, applicants should not be responsible for slow processing by ICANN ANN

Maxim Alzoba: responsible

Trang Nguyen:@Anne, I think you misunderstood the question from ICANN org. The question is, given that in the 2012 round special considerations were given to applications from the 2000 round, does the PDP WG anticipate making any policy recommendations or implementation guidance about any special treatments for any strings or category of strings from the 2012?

Michael Casadevall:@Maxim: keeping them in limbo is not a desirable alternative as you could block a string by keeping it in contention.

Vanda Scartezini: we still have pending string in a kind of limbo process

Anne Aikman-Scalese:@Trang - that question does not include evaluation of the legal risk associated with "special treatments". There are very definitely legal questions involved. And legal action is far more likely at this juncture.

Jeff Neuman (Overall Co-chair):@Kristine - I don't think we can retroactively terminate any string from the 2012 round...this would be on an ongoing basis

Jeff Neuman (Overall Co-chair): after the next round

Jeff Neuman (Overall Co-chair):@Kristine - yes, we are talking about a going forward basis

Vanda Scartezini: I will need to go. I teach early morning today and need a couple hours of sleeping... nice and happy season to all and 2019 full of good things!

Kristine Dorrain: Ok good, I misunderstood then.

Trang Nguyen:@Anne, as I said the question from ICANN org is not directed at applications that are still pending in the 2012 round. If you look at the examples that we gave with the question, it was variant TLDs that were identified in applications for example.

Jeff Neuman (Overall Co-chair):@Trang, how many applications were there for variants of existing strings which were denied (or have not proceeded)

Anne Aikman-Scalese:COMMENT: Re "closed generics", policy may differ in the next round. Are we saying that those who applied in 2012 should have a chance to meet the new policy requirements? The reason I ask is that the Board asked us to develop Closed Generic policy, right? Or is my memory bad?

Trang Nguyen:@Jeff, I don't have the number off the top of my head, but can get it. Just to clarify, are you asking only for variant TLDs identified in applications that have been withdrawn, or cannot proceed but have not been withdrawn?

Jeff Neuman (Overall Co-chair):@Trang, I think I am asking at this point for all of those

Jeff Neuman (Overall Co-chair):to see if there is anything we can extrapolate

Trang Nguyen:@Jeff, I think we're talking about 2 different things. Applicants were able to identify variant TLDs for the string that they applied for, but nothing was done on the variant TLDs because the community has not agreed on a process to delegate variant TLDs. I think you're asking about variant TLDs that were identified as part of the string sim eval?

Kristine Dorrain:@Anne, I think applicants that could meet new requirements, should be allowed to go forward. I don't think anyone needs an engraved invitation.

Kristine Dorrain:If people want to to apply again, I'm not seeing why we would prevent that.

Maxim Alzoba:is it a suggestion to withdraw and Re -apply under b new rules with the discount?

Justine Chew:I think we are getting a bit confused over Trang's actual question.

Kristine Dorrain:Are any applications stuck due to closed generics????

Jim Prendergast:moved forward after changing their business model - so would they be able to amend contract and move to closed generic?

Kristine Dorrain:Am I overthinking this? Why would we make a recommendation based on the reason an application was pending? Closed generics, variants, etc.? Am I missing it? Why do we care why it's pending?

Justine Chew:Would be great if we can have confirmation that we don't have any applications still in process that would be affected by change in "closed generics" policy.

Justine Chew:@Kristine: I'm with you. Lol.

Kristine Dorrain:@Jim, how is the use of a TLD relevant? If there is ICANN policy about how a TLD can be used wouldn't that apply to all existing TLDs?

Kristine Dorrain:I think we're demonstrating how ICANN weighing in on business models is troublesome. :) :D

Jim Prendergast:I dont know - if one set of contracts has a prohibition and another doesnt, that creates an issue.

Jeff Neuman (Overall Co-chair):@Kristine - There was an option under the Board Resolution that an applicant could await the results of our PDP and have their application proceed under the next round,.....but I dont think anyone exercised that option

Anne Aikman-Scalese:COMMENT: True. That is why this becomes a legal issue. COMMENT

Kristine Dorrain:@Jim, I agree that's an issue, but not a mountain we can't scale

Justine Chew:@Jeff, well I wouldn't exercise anything if I still don't know what my options could be. ;)

Jeff Neuman (Overall Co-chair):@Justine - you then could not have withdrawn your app

Jeff Neuman (Overall Co-chair):If you withdrew your app (to get the refund - like SAfeway did I believe), then you are not still pending and could not exercise a right to await the new policy

Jeff Neuman (Overall Co-chair):you would have to reapply

Kristine Dorrain:@Trang, that's very helpful.

Kristine Dorrain:I feel much less confused now.

Cheryl Langdon-Orr (CLO - PDP Co-Chair):Ypur clarity on what is being asked after is appreciated @Trang

Justine Chew:But would I then get priority for the string I had applied for in the previous round?

Anne Aikman-Scalese:COMMENT: Deciding whether it wants to go forward in the next round means accepting new terms and that is why there is a Legal issue. The question is not just about "closed generics". It's about all the "stuck" applications. What are they? The kind of "special considerations Trang is suggesting very definitely involve legal issues. COMMENT

Kristine Dorrain:@ Anne, as I understand it, Trang clarified it's not about stuck applications. It's about withdrawn applications.

Trang Nguyen:@Jeff, to answer your earlier question about IDN variants, there were 4 applications that were identified as IDN variants in the 2012 round. https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_announcements-2Dand-2Dmedia_announcement-2D01mar13-2Den&d=DwICaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqSLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwwehFBfjrsjWv9&m=q3um1awhV_8DcVOI0XL7hqDijBW8cwISiF_YZgnvSds&s=YuzIcZliCjOSQ9ZIRfwH2lpWff7YNfz6B3MakJBxC44&e=

Kristine Dorrain:COMMENT: I

Kristine Dorrain:COMMENT: I don't think the recommendations are legal issues if we say "no special considerations." We only need legal advice if we think someone should get special treatment.COMMENT

Michael Casadevall:Krisitine beat me to typing it.

Anne Aikman-Scalese:We don't even know if we can legally give such "special consideration". It's likely out of scope for us to begin with.

Maxim Alzoba:applying new preferences to old applications would be mix of rules from different rounds

Michael Casadevall:Maybe we can resolve this if we feel there are cases where re-applicants is no, then no legal issue.

Kristine Dorrain:+1 Maxim

Jeff Neuman (Overall Co-chair):Was I muted?

Kristine Dorrain:dunno but you weren't there

Steve Chan:We missed your amazing point Jeff!

Jeff Neuman (Overall Co-chair):Hmmm.....I just said that it was out of scope

Kristine Dorrain:@Anne, not all applicants have withdrawn

Michelle DeSmyter:@Jeff - please let me know if you need a dialout

Cheryl Langdon-Orr (CLO - PDP Co-Chair):We are aware of the Name collisions decision of the Board

Michelle DeSmyter:ahh, there you are

Michelle DeSmyter:yes

Trang Nguyen:Here's the Board resolution for .home/.corp/.mail: "Resolved (2018.02.04.12), the Board directs the President and CEO, or his designee(s), that the applications for .CORP, .HOME, and .MAIL should not proceed and, to account for the unforeseen impact to application processing, the Board directs the President and CEO to, upon withdrawal of the remaining applications for .CORP, .HOME, and .MAIL, provide the applicants a full refund of the New gTLD Program application fee of \$185,000."

Justine Chew:They are also not stuck.

Justine Chew:@Jeff, exactly what I said much earlier

Anne Aikman-Scalese:.yes correct

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

Maxim Alzoba:SSAC should be asked why they are acting so slow. and what happened to the last JAS rereport

Kristine Dorrain:haha, good luck with that Maxim

Justine Chew:+1 Jeff on discussion with auction provider :)

Michael Casadevall:++

Maxim Alzoba:the latter - SSAC is in need for 3.5M for name collisions ananfld three more years according yto nap

Anne Aikman-Scalese:@ STAFF - May we please have a list of all "stuck" applications and the reason that these are "stuck"?

Maxim Alzoba:happy holidays!

Kristine Dorrain:(we might need to define stuck)

Justine Chew:Nope, merry Xmas and HNY!

Anne Aikman-Scalese:Happy Holidays to all

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

Avri Doria:bye

Cheryl Langdon-Orr (CLO - PDP Co-Chair): Bye for now

