

2020-04-02 New gTLD Subsequent Procedures PDP

The call for the New gTLD Subsequent Procedures Working Group will take place on **Thursday, 02 April 2020 at 20:00 UTC for 90 minutes**.

For other places see: <https://tinyurl.com/uc6dlby>



PROPOSED AGENDA

Proposed Agenda:

1. Review Agenda/Updates to Statements of Interest
2. Review Work Plan and Process – note that next meeting on 06 April is a *longer meeting* (as needed) for 120 minutes
3. Discussion of Final Report Topics: <https://docs.google.com/document/d/1kUImZH8nxWTgfcRluA5FxLheMm4XhhOwkRt7om52aQU/edit?usp=sharing> [docs.google.com]
 - a. 2.3.3 Applicant Freedom of Expression, page 60
 - b. 2.8.1 Objections [All Sub-Sections Except GAC Early Warning and GAC Advice], page 66
4. AOB

BACKGROUND DOCUMENTS



RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

[Chat Transcript](#)

GNSO transcripts are located on the [GNSO Calendar](#)



PARTICIPATION

[Attendance](#)

Apologies: none



Notes/ Action Items

Work Plan:

ACTION ITEM: Re: Name Collisions -- Circulate the NCAP Study 1 Report.

2.3.3 Applicant Freedom of Expression

Implementation Guidance xx

ACTION ITEM: Change to "The Working Group suggests that as work continues to incorporate human rights into ICANN's processes in line with the recommendations of [CCWG -Accountability] Work Stream 2, it may want to consider elements of the New gTLD Program as they relate to applicant freedom of expression rights in all stages of the process, while also taking into account the need to balance applicant freedom of expression with other rights recognized in the 2012 Applicant Guidebook [as modified by this PDP] -- add text in brackets.

ACTION ITEM: Re: "...New gTLD Program as they relate to applicant freedom of expression rights in all stages of the process" -- link to or clarify to which steps in the process this applies.

ACTION ITEM: Re: Change "...the need to balance applicant freedom of expression with other rights recognized in the 2012 Applicant Guidebook" to "other [third-party] rights". Add a footnote saying that this includes those whom the Independent Objector is representing.

ACTION ITEM: Revise the sentence to make it clearer and briefer.

2.8.1 Objections [All Sub-Sections Except GAC Early Warning and GAC Advice]

Affirmation xx (rationale 1)

ACTION ITEM: Include text that the cooling off period upon the agreement of the parties.

Notes:

1. Updates to Statements of Interest: No updates provided.

2. Review Work Plan and Process – note that next meeting on 06 April is a *longer meeting* (as needed) for 120 minutes

-- WG agreed to longer meetings last month; we will stick to the schedule unless the WG decides to change it.

-- Pre-Launch Activities sections will be sent as a batch for WG to review. WG members can use the form (see attached) if they have issues they cannot live with and provide the rationale.

-- As a reminder, the GNSO Secretariat sends the conference details and links to the Notify list so that only WG members and not observers (who do not attend WG meetings) will receive them. When staff sends the agenda they do not include the conference details since the agenda goes to the full WG list (including observers).

-- Since the WG has been making progress several topics have been moved earlier in the schedule, such as Name Collisions.

-- Concerns raised about the timing of the Name Collision discussion and possible coordination with the NCAP. We can take into consideration the work that they are doing and they can comment on the Draft Final Report.

ACTION ITEM: Re: Name Collisions -- Circulate the NCAP Study 1 Report.

3. Discussion of Final Report Topics: <https://docs.google.com/document/d/1kUImZH8nxWTgfcRluA5FxLheMm4XhhOwkRt7om52aQU/edit?usp=sharing>

a. 2.3.3 Applicant Freedom of Expression, page 60

Implementation Guidance xx

Discussion:

-- Question: What do we mean by, "...New gTLD Program as they relate to applicant freedom of expression rights in all stages of the process"? Answer: It is intended to refer to the entire process prior to application, then application, and all the way through delegation. Follow up question: can we link this to the steps in the process?

-- Question: Does it also include Objection processes and will it include appeals as we institute those?

-- The point is the Applicants can apply for what they like minus the handful of objections that are out there and no one should use the process to knock out an application that otherwise passes all objections, etc. just because they just don't like it.

-- Re: "...the need to balance applicant freedom of expression with other rights recognized in the 2012 Applicant Guidebook" -- specify what are the other rights? Change to "other [non-applicant] rights". Would be clearer to say, "third-party rights".

-- Could be dangerous to try to start specifying other rights.

-- Sentence has many clauses and sub-clauses that make it difficult to understand and unclear. It needs to be revised.

ACTION ITEM: Change to "The Working Group suggests that as work continues to incorporate human rights into ICANN's processes in line with the recommendations of [CCWG -Accountability] Work Stream 2, it may want to consider elements of the New gTLD Program as they relate to applicant freedom of expression rights in all stages of the process, while also taking into account the need to balance applicant freedom of expression with other rights recognized in the 2012 Applicant Guidebook [as modified by this PDP] -- add text in brackets.

ACTION ITEM: Re: "...New gTLD Program as they relate to applicant freedom of expression rights in all stages of the process" -- link to or clarify to which steps in the process this applies.

ACTION ITEM: Re: Change “...the need to balance applicant freedom of expression with other rights recognized in the 2012 Applicant Guidebook” to “other [third-party] rights”. Add a footnote saying that this includes those whom the Independent Objector is representing.

ACTION ITEM: Revise the sentence to make it clearer and briefer.

b. 2.8.1 Objections [All Sub-Sections Except GAC Early Warning and GAC Advice - Not Yet Completed], page 66

Implementation Guideline R: “Once formal objections or disputes are accepted for review there will be a cooling off period to allow parties to resolve the dispute or objection before review by the panel is initiated.”

Discussion:

-- This Implementation Guideline doesn’t include details about the time period. We can either develop Implementation Guidance on the time period or direct the IRT to do so.

-- This applies to any objections that are filed.

-- This is feasible, because it was done for 2012, but we may need to define it.

-- In 2012 there was no consistency and it may have been implemented after a response was filed. We can reject it, or affirm it, or affirm it but only by agreement of the parties. Also clarify if this is post-response and determine whether to make it a consistent implementation, including fixed period of time, for all types of objections.

-- If there is a cooling off period can this be sorted out before any payments are made, such as to respond.

ACTION ITEM: Include text that the cooling off period upon the agreement of the parties.