

2020-09-10 New gTLD Subsequent Procedures PDP

The call for the New gTLD Subsequent Procedures Working Group will take place on **Thursday, 10 September 2020 at 03:00 UTC for 90 minutes**.

For other places see: <https://tinyurl.com/y5a3v59h>



PROPOSED AGENDA

1. Review Agenda/Updates to Statements of Interest
2. Update on the Public Comment Forum/Early Feedback (if any)
3. Closed Generics Proposals: In-Depth Discussion – see:
 - a. A Proposal for Public Interest Closed Generic gTLDs (PICG TLDs)(submitted by Alan Greenberg, Kathy Kleiman, George Sadowsky, Greg Shatan): [Word](#), [PDF](#)
 - b. The Case for Delegating Closed Generics (submitted by Kurt Pritz, Marc Trachtenberg, Mike Rodenbaugh): [PDF](#)
 - c. Closed Generics Proposal (submitted by Jeff Neuman in his individual capacity): [Word](#), [PDF](#) (see original [email message](#))
4. AOB

BACKGROUND DOCUMENTS



RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

[Chat Transcript](#)

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



PARTICIPATION

[Attendance](#)

Apologies: Susan Payne, Katrin Ohlmer, Annebeth Lange, Maxim Alzoba, Christopher Wilkinson, Olga Cavalli



Notes/ Action Items

Actions:

ACTION ITEM: Send the SubPro Draft Final Report Webinar slides to the WG by Friday, 11 September.

Notes:

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

2. Update on the Public Comment Forum/Early Feedback (if any)

Requests for Extensions:

- Received two requests for extensions of the public comment period for a specific amount of time, due to the length of the draft Final Report.
- Only way to deliver the Final Report according to the timeline is not to formally grant extensions.
- But as we get closer and we see that groups might need an extra day or two we won't close the comment period immediately.
- Staff is now going to be analyzing and putting together the public comment report by the 21st of October, for the most part during ICANN69.

-- Hoping that staff support for the GAC can provide an indication of their positions even if they need more time for their formal response, but the GAC has not requested an extension.

Public Comment Input Form:

-- Submissions go into a spreadsheet. It is hard to read but it isn't the final output. Staff will create a Public Comment Review Tool.

-- Anyone can submit so some responses are spam – those will be left out of the review.

-- Partial submissions will be displayed in the spreadsheet – staff will combine incomplete submissions if they aren't reflected in the spreadsheet as one entry.

-- Urge you to put your responses in the Word version of the Google form and then paste them into the survey all at once – saving the Word document as backup.

-- That is how we recommend doing it in the Google form demonstration.

-- We aren't going to use the donut/bagel charts that RPMs used as these can be misleading.

-- We also will cover this on the SubPro draft Initial Report Webinar that will be held on Monday, 14 September at 2000 UTC. Spend the bulk of the highlighting 7-8 topics from the draft Final Report.

ACTION ITEM: Send the SubPro Draft Final Report Webinar slides to the WG by Friday, 11 September.

3. Closed Generics Proposals: In-Depth Discussion – see: <https://community.icann.org/display/NGSPP/Proposals+Included+in+Draft+Final+Report>

a. A Proposal for Public Interest Closed Generic gTLDs (PICG TLDs)(submitted by Alan Greenberg, Kathy Kleiman, George Sadowsky, Greg Shatan): [Word](#), [PDF](#)

b. The Case for Delegating Closed Generics (submitted by Kurt Pritz, Marc Trachtenberg, Mike Rodenbaugh): [PDF](#)

Discussion:

-- Read the proposal as though section 4.2 was not there, or not a focal point.

-- Does this include other socially driven mission organizations, or dedicated to the public interest?

-- One question that is coming up on the Board a lot is how do we determine public interest?

-- This proposal is malleable. In other words, changes can be made that would allow for greater flexibility within the concept of the closed generic or the closed concept.

-- For instance, if there are jurisdictions where there functionally isn't really a nonprofit concept or even many or any relevant ideas or INGOs that something else could work or even in places where it does.

-- Would hope that we don't have to get bogged down in defining the public interest.

-- Could deal with it by a series of concrete or relatively concrete attributes as opposed to, you know, looking for a unified field theory of the public interest.

-- There's no way to define and create standards for what's in the public interest, it's just completely unworkable and having a public interest standard is only going to guarantee that applicants will be arguing about this and battling with I can't for years and suing ICANN.

-- We're doing ourselves and the community disservice by recommending anything that can't be implemented because even now, people can't think of what the standards would be. So we can't put it in this own panel and some give them some guideposts, that's just not going to work. We have to be realistic here.

-- So there's no basis for a requirement that an applicant be a not-for-profit. And being a not-for-profit doesn't mean you can't generate substantial profits. Nor does it guarantee that you will be acting for good.

-- There's no evidence whatsoever anywhere that allowing applicants or registries to operate close generics will result in any harm whatsoever. This is 100% speculative.

-- We did put some criteria in the proposal about what it means to act in the public interest.

-- You aren't going to make a lot of money getting one of these Closed Generic gTLDs, so it has to be a public interest goal that is served.

-- We never let Closed Generics go through so we don't know what would have happened if we had.

-- It may be possible to develop standards for a Public Interest Closed Generic that is more limited in the scope of the definition than the overall definition of Global Public Interest.

-- We understand the Board is working on this, that it has to serve the public interest, and looking to the GNSO to define it or define the conditions. See: <https://www.icann.org/en/system/files/correspondence/langdon-orr-neuman-to-botterman-20aug20-en.pdf>

-- The Board looks at the public interest as dictated by their Bylaws.

-- If you look at Community Applications you have a list of factors and they fly or they don't. For Closed Generics you could come up with standards and questions to be answered and rates and points that address whether a Closed Generic serves a public interest goal.

c. Closed Generics Proposal (submitted by Jeff Neuman in his individual capacity): [Word](#), [PDF](#)(see original [email message](#))

Discussion:

-- Really consideration needs to be given to the end users.

-- Have to acknowledge that this will be a subjective determination.

-- What this proposal, then does is to say that these are some of the factors that should be looked at by a panel in determining whether it serves a public interest goal, the details.

-- Don't think it's fair to tell people to expect that it will be subjective and they have to accept that.

-- The proposal is saying this was an acknowledgement of a subjective determination that attempts to use these criteria.

-- You can establish a rating system and you can answer questions and the applicant can provide support and logical arguments and I'm really not sure why you would want to characterize the evaluation is subjective.

-- It is subjective because it's going to be done by individuals, it's going to be done by people making their best attempt using the guidelines that they're given from the community.

-- Why have a different standard for Closed Generics? why should, why should a non-Closed Generic be able to operate in a way that's not in the public interest, give this public interest is so important?

4. AOB: ICANN69

-- We are scheduled to have two back-to-back sessions on the Wednesday of the week for internal meetings (not the plenary week) – 14 October.

-- By that time we should have received all of the public comments.

-- We are hoping there are certain sections that we can prioritize to have ready for review during the ICANN69 sessions.

-- The time zone for the official meeting will be Hamburg.