

# 2020-10-29 New gTLD Subsequent Procedures PDP

The call for the New gTLD Subsequent Procedures Working Group will take place on **Thursday, 29 October 2020 at 15:00 UTC for 90 minutes**.

For other places see: <https://tinyurl.com/yykcq8y4>



## PROPOSED AGENDA

1. Review Agenda/Updates to Statements of Interest
2. Review draft Final Report Public Comments – to prepare see the links to the Public Comment Review Tool on the wiki at: <https://community.icann.org/display/NGSPP/h.+Published+Draft+reports> and review the following topics and comments:

- a. [Application Submission comment review document](#): Topic 17 Applicant Support
  - b. [Dispute Proceedings comment review document](#): Topic 32: Limited Challenge/Appeal Mechanism
  - c. [Pre-Launch Activities comment review document](#): Topic 12: Applicant Guidebook, Topic 13: Communications, and Topic 14: Systems
3. AOB

## BACKGROUND DOCUMENTS



## RECORDINGS

[Audio Recording Part 1](#)

[Audio Recording Part 2](#)

[Zoom Recording Part 1](#)

[Zoom Recording Part 2](#)

[Chat Transcript Part 1](#)

[Chat Transcript Part 2](#)

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



## PARTICIPATION

[Attendance](#)

**Apologies:** Justine Chew



## Notes/ Action Items

### Action Items:

Topic 17 Applicant Support:

Row 19 – RySG:

**ACTION ITEM:** Re: 17.5 Bid Credits, also 17.9, 17.13, and 17.17

**ACTION ITEM:** Staff to review the RySG comments (17.9, 17.13, 17.17) to determine how they can be incorporated into the Final Report. Re: 17.5: Leadership to send a question to the list re: bid credits.

Row 23 – ALAC re: Metrics

**ACTION ITEM:** Add the metrics suggestions to the metrics section of the Final Report.

Row 25 – GAC re: “Middle Applicant”

**ACTION ITEM:** Ask on the list whether WG members want to develop a definition of “middle applicant” or re-write the recommendation to avoid use of the term.

Topic 32: Limited Challenge/Appeal Mechanism:

Row 15 – ICANN Org re: Appeals Mechanisms and Bylaws

**ACTION ITEM:** Flag the issue of the interrelationship between ICANN as an evaluator and the accountability mechanisms; add to the chart in Annex F where ICANN is the evaluator the parties that can challenge and the mechanism to address that challenge.

Topic 12: Applicant Guidebook

Multiple Comments re: AGB publication in other languages.

**ACTION ITEM:** Take the discussion to the list as to whether the timeframe for the publication in UN languages could be shorter.

Row 13: ICANN org re: 12.4 clarity of language

**ACTION ITEM:** re: 12.4 and clarity of language: Move the Implementation Guidance 12.8 into the recommendation 12.4; staff to reach out to ICANN org to see if that language addresses the issue.

Topic 13: Communications

Row 17 -- ICANN org re: Goals and Affirmation 6.1.1

Re: “It would be helpful to understand the PDP WG’s definition of the goals of the Program and whether this Recommendation is in reference to Affirmation 6.1.1.”

**ACTION ITEM:** Re: ICANN org comments on goals and Affirmation 6.1.1: Ensure that the Recommendation on the goals of the Program is linked to Affirmation 6.1.1.

Topic 14: Systems

Row 13: Dotzon re: certain character combinations not allowed

**ACTION ITEM:** Check on what are the problematic character combinations.

Row 15: ICANN org

**ACTION ITEM:** Bring to the list the ICANN org comment on Topic 14 Systems: “ICANN org would like to note that for issues related to security and stability, as well as the proper functioning of systems, ICANN org cannot be constrained to the processes outlined under Topic 2. ICANN org will need to respond rapidly to any issue that may fall under these categories.”

**Notes:**

1. Updates to Statements of Interest:

-- Maxim Alzoba has stepped down from the RySG position on the Standing Selection Committee (SSC).

2. Review draft Final Report Public Comments – to prepare see the links to the Public Comment Review Tool on the wiki at: <https://community.icann.org/display/NGSPP/h.+Published+Draft+reports> and review the following topics:

-- Discussion on the list: Predictability and GAC/Board Questions: Comments due by Monday, 02 November.

[Application Submission comment review document:](#)

Topic 17 Applicant Support

-- A lot of the comments have been considered.

-- We did say that there should be a work stream specifically set up for Applicant Support for implementation.

-- Lots of comments that have specifics. Most would be referred to an IRT.

-- Provide more guidance on bid credits/multiplier.

-- Meta question: based on the comments do we think we are in good shape? Answer: There are a few actions, but otherwise we are in good shape.

Row 19 – RySG:

Leadership Comments: A lot of these are for clarity; could be adopted if the WG agrees.

-- RySG and ALAC comments mention metrics. These also could be referred to an IRT.

-- 17.17: Use the colloquial term “going out of business” – we should define it better. Take the RySG definition.

-- 17.13: Also worth adopting.

-- 17.5 Significant concerns on how bid credits, multipliers, and other features may be used in other unintended ways beyond benefiting AS applicants, and how the risk of gaming can be mitigated. Leadership to send a question to the list.

**ACTION ITEM: Staff to review the RySG comments (17.9, 17.13, 17.17) to determine how they can be incorporated into the Final Report. Re: 17.5: Leadership to send a question to the list re: bid credits.**

Row 22 – InfoNetworks LLC re: reduced fees. Also Row 24: ICANN Board concerns

Leadership Comments: Consider Implementation Guidance for IRT? Further WG discussion.

Discussion:

-- Reducing fees is a Pandora's Box. If ICANN can lower them for certain registries what is keeping them from raising them for others? .museum is an outlier and should stay that way.

-- Could consider a degree of payment is linked with a degree of activity in the TLD.

-- There were a number of comments on the theme of no matter what happens an applicant has to meet all of the other qualifications, such as the technical requirements.

-- If the ICANN Board wants to favor one type of speech over another type of speech by reducing or raising its prices, I'm not sure that is something this WG wants to be involved in at all.

-- Wouldn't that be the type of content based decisions the Board has expressed concern about?

-- There were comments on both sides – reduced fees or not. Seems that we are not going to get consensus on ongoing support once an applicant becomes a registry.

-- I don't think Applicant Support assessment is content based. Isn't it more about underserved regions and slower economies in the Global South etc.

Row 23 – ALAC re: Community

Leadership Comments: Look to see if there is overlap with the request for metrics from the RySG. Isn't supposed to have the same definition of “community” as CPE.

**ACTION ITEM: Add the metrics suggestions to the metrics section of the Final Report.**

Row 25 – GAC re: “Middle Applicant”

Leadership Comments: We do address “middle applicant” but don’t define it. Either develop a definition (maybe through a small team), or restate the recommendation without using the term.

Discussion:

-- Generally speaking - its best if we, the Sub Pro WG, define any terms so they are not misconstrued during implementation.

**ACTION ITEM: Ask on the list whether WG members want to develop a definition of “middle applicant” or re-write the recommendation to avoid use of the term.**

[Dispute Proceedings comment review document:](#)

Topic 32: Limited Challenge/Appeal Mechanism

Row 11: INTA and GBOC re: 32.5 Appeal

Leadership Comments: This was addressed by the WG, but flag for discussion.

Discussion:

-- Any way to strengthen the recommendation that the appeal should not be heard by the same people?

-- 32.5 does say “must” in the Implementation Guidance.

Row 15 – ICANN Org re: Appeals Mechanisms and Bylaws

Leadership Comments: WG to consider if ICANN is a party to the appeal/challenge how does the process work. Seek clarification on Org's comments on interplay of limited challenge/appeals mechanism on the Bylaws accountability mechanisms.

Discussion:

-- Where ICANN is the evaluator, the Accountability Mechanisms should apply rather than instituting new appeals mechanisms. It's duplicative. But what does ICANN org say about this?

-- The accountability mechanisms are meant to address Bylaws related issues.

-- Not always a Bylaws issue. It also says “failure to take into account relevant information when making the determination”. Accountability Mechanisms are not limited to ByLaws as far as I know.

-- Question: Could we just say that if there is an appeal it would stay any accountability mechanism deadlines? Answer: Don't think the WG has the authority to recommend this.

-- Should flag to the Board that it wouldn't be efficient to have two appeals mechanisms running at the same time.

-- There is a group working on the timing rules for IRTs. Susan Payne is on this group and will ask that it bear it in mind. The WG also could send a note to the group. The rules also will go out for public comment.

-- Can't see making recommendations to change the accountability mechanisms.

-- Add to the chart in Annex F where ICANN is the evaluator the parties that can challenge and the mechanism to address that challenge.

**ACTION ITEM: Flag the issue of the interrelationship between ICANN as an evaluator and the accountability mechanisms; add to the chart in Annex F where ICANN is the evaluator the parties that can challenge and the mechanism to address that challenge.**

## Topic 12: Applicant Guidebook

Multiple Comments re: AGB publication in other languages.

Leadership Comments: The WG has considered it and addressed this concern.

### Discussion:

- The English version will always be out earlier in draft versions.
- Could change to 1 month instead of 2 – making it 3 months instead of 4, but check with language services.
- We do say it should be as soon as possible but application window can't open until 2 months after publication.
- Perhaps strengthen the intent to have them out \*together\* or as close as possible.
- As a policy statement we could say "take measures to translate as quickly as possible" rather than debate 2 mos vs 3 mos.
- But there were concerns about that language.
- You could always say as soon as possible, but not later than 2-3 months.

**ACTION ITEM: Take the discussion to the list as to whether the timeframe for the publication in UN languages could be shorter.**

## Row 13: ICANN org re: 12.4 clarity of language

Leadership Comments: Discussed the issue of min/max timeframe: tried to develop a range but WG was unsuccessful. On the second issue, this is something the IRT can focus on when writing the AGB, but note that we should focus on language that is measurable.

### Discussion:

- We can address this by giving examples, or we could leave this as a high-level principle.
- If it comes to the IRT we will have the same problem.
- There is a term of art: "plain English" with standards for it available.
- If we cannot come up with examples or more guidance, we can't expect the IRT members to.
- ICANN has a style guide.
- Examples: Make sure to reduce the ICANN acronyms, legal jargon, use plain English, remove historical background.
- Need to tie this to the Implementation Guidance 12.8 where the WG gives examples. Could put this into the recommendation.

**ACTION ITEM: re: 12.4 and clarity of language: Move the Implementation Guidance 12.8 into the recommendation 12.4; staff to reach out to ICANN org to see if that language addresses the issue.**

## Topic 13: Communications

Multiple comments re: longer communications period:

- Diverse support for what the WG recommended concerning the communications period; don't need to revise the recommendation.

## Row 17 -- ICANN org re: Goals and Affirmation 6.1.1

Re: "It would be helpful to understand the PDP WG's definition of the goals of the Program and whether this Recommendation is in reference to Affirmation 6.1.1."

**ACTION ITEM: Re: ICANN org comments on goals and Affirmation 6.1.1: Ensure that the Recommendation on the goals of the Program is linked to Affirmation 6.1.1.**

## Topic 14: Systems

Row 13: Dotzon re: certain character combinations not allowed

Leadership Comments: This is new information not considered. Find out what were the problematic characters.

**ACTION ITEM: Check on what are the problematic character combinations.**

Row 15: ICANN org re: "ICANN org would like to note that for issues related to security and stability, as well as the proper functioning of systems, ICANN org cannot be constrained to the processes outlined under Topic 2. ICANN org will need to respond rapidly to any issue that may fall under these categories."

Leadership Comments: Addressed, primarily in Predictability Framework.

**ACTION ITEM: Bring to the list the ICANN org comment on Topic 14 Systems: "ICANN org would like to note that for issues related to security and stability, as well as the proper functioning of systems, ICANN org cannot be constrained to the processes outlined under Topic 2. ICANN org will need to respond rapidly to any issue that may fall under these categories."**