2018-12-18 New gTLD Subsequent Procedures PDP

The call for the New gTLD Subsequent Procedures Working Group will take place on **Tuesday, 18 December 2018 at 03:00 UTC for 90 minutes**.

(Monday)19:00 PST, (Monday) 22:00 EST, 04:00 Paris CET, 08:00 Karachi PKT, 12:00 Tokyo JST, 14:00 Melbourne AEDT

For other places see: **https://tinyurl.com/y8aqwmts**

(i) **PROPOSED AGENDA**

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1. Welcome/Agenda Review/SOI Updates

2. Update on Sub Groups and Work Track 5

3. Continued Review of Items Referred from the Sub Groups to the Full Working Group (https://docs.google.com/document/d/1sl4V7OkGldX-RIGZZO108ln5sUG-H-VOhz3Od2gfcRM/edit [docs.google.com])

4. AOB

BACKGROUND DOCUMENTS

(i) **RECORDINGS**

Mp3

Adobe connect recording

GNSO transcripts are located on the GNSO Calendar

⊘ **PARTICIPATION**

Attendance & AC chat

Apologies: Katrin Ohlmer, Malgorzata Pek, Annebeth Lange, Heath Dixon, Alan Greenberg

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⚠ **Notes/ Action Items**

Action Items:

ACTION ITEM 1: RE: Suggestion to be more clear when recommendations have effects beyond just subsequent new gTLD procedures.

Suggestion to provide clarity on applied-
for strings that did not proceed. (ICANN Org question): WG formulates and agrees upon a question before it

is sent to GDD, ICANN legal, etc.

ACTION ITEM 2: Question: Are there any closed generics applications that are in this limbo state that are waiting for the policy in the next round ?

Answer (ICANN Org): Don't believe so - not all are delegated, but none have said they want to wait pending future policies. Request to ICANN Org to clarify.

Notes:

1. Welcome/Agenda Review/SOI Updates:

-- Michael Casadevall: Recorder of the public comments for NCSG for WT5.

-- Justine Chew: Nominated as ALAC (small) liaison and will serve as the contact point for any outstanding or onwards clarification requests regarding ALAC's

comments to the Initial Report.

2. Update on Sub Groups and Work Track 5:

Work Track 5: The WT5 Supplemental Initial Report has been published: https://www.icann.org/public-comments/geo-names-wt5-initial-2018-12-05-en. [icann.org]

Comment period closes 22 January. There will be a webinar on 09 January at 20:00 UTC for 60 minutes.

Sub Group Updates:

Sub Group A:

-- Tough to get good attendance. Got through a bunch of items on the overall subject -- predictability framework and overarching questions.

-- One of the important things to get out of the sub groups is that if a group is against a recommendation do they have a suggestion /proposal for a compromise.

-- Next meeting is Tuesday, 20 December at 20:00 UTC for 60 minutes.

Sub Group B:

-- Next meeting is Tuesday, 18 December 2018 at 17:00 UTC for 60 minutes.

Sub Group C:

-- Next meeting is Thursday, 20 December 2018 at 15:00 UTC for 60 minutes.

-- Sub Group C:

3. Continued Review of Items Referred from the Sub Groups to the Full Working Group

https://docs.google.com/document/d/1sl4V7OkGldX-RlGZZO108ln5sUG-H-VOhz3Od2gfcRM/edit [docs.google.com]

Page 2: Suggestion to be more clear when recommendations seek to codify implementation of 2012 round of the New gTLD Program (ICANN Org)

-- Leadership -- brainstorming on how we can identify areas where there are changes, to make sure that it's clear whether we are recommending

 that things stay the same or change.

Page 3: Suggestion to be more clear when recommendations have effects beyond just subsequent new gTLD procedures. Suggestion to provide

 clarity on applied-for strings that did not proceed..(ICANN Org):

-- Should any additional considerations be given to strings applied-
for from the 2012 round (similar to how round 2000 strings were provided a discount)?

-- Don't think any recommendations look backwards to those strings, but the charter allows us to do that.

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

- For Work Track 4: Thought 2012 applications were out of scope? Concern that we might be trying to develop new policy recommendations at this point when in

Work Track 4 those recommendations where characterized as out of scope.

-- From what staff recalls is that the name collision issue was not to 2012 but to legacy domains. For 2012 there was a framework.

-- Don't think we got into discussions about a framework for legacy domains.

-- Should be clear that if there is any application /string still pending from the 2012 rounds -- look at what we should do with the strings that were not resolved in

the 2012 round (still in limbo)?

-- ICANN Org's question should be directed to ICANN Legal. -- "what if any considerations should be given to strings that were applied-
for but did not proceed

in the 2012 round (e.g., IDN variants identified in applications submitted during the 2012 round, applications that received GAC advice, etc.)."

-- Don't think it is in the scope of this WG to resolve the 2012 strings.

-- If the next round starts and there are still unresolved items, then should we say that ICANN can't accept applications for those string, or not start processing

 applications for them until they are resolved?

-- There is a view that between 2012 round and the next round once strings are applied for we should not accept applications for that string in the next round.

Would that same principle be carried through for all rounds?

-- Legal issue with respect to what is the contract between the applicants and ICANN in the 2012 round. What is the legal status of those applications?

- Related question: In the 2012 round, ICANN could put applications on a "will not proceed" status. Applicants could withdraw their applications, but they

did not have to. If we go along with the concept that applications for a string are still in process at the next round begins, what does it mean to be "in process"?

Should we think about policy/procedures if a string/application is in a "will not proceed" status can we force the string into a forceable withdrawl?

-- Maybe for the next AGB you put in a limit.

-- Put some sort of limit in the AGB -- a mechanism where an applicant would be forceably withdrawn.

-- Sounds like there is some agreement that for any strings that are still in process from the 2012 round if they are still in process, we shouldn't allow

applications for them.

-- But for future rounds we may want to consider a cut-off point that takes into account all accountability mechanisms to have a cut-off period.

-- Don't agree that all new applications for a string in limbo from the 2012 round are prohibited.

- Question: Are there any closed generics applications that are in this limbo state that are waiting for the policy in the next round? Answer (ICANN Org):

Don't believe so - not all are delegated, but none have said they want to wait pending future policies.

-- Shouldn't retroactively apply policy to strings applied for in the 2012 round.

-- Question: (ICANN Org): Forward looking question: some applications from this round proposed to change the string name, but that was not allowed in 2012 --

should any special considerations be given any particular string or category of string in the next round?

-- ICANN Org: On IDN variants: there were 4 applications that were identified as IDN variants in the 2012 round.

- Don't think the recommendations are legal issues if we say "no special considerations". We only need legal adice if we think someone should get special

treatment. No comments thus far that there should be special considerations. If that is the conclusion it should be documented.

- Did the .mail, .corp, and .
home that were withdrawn given any special preference in the next round? In Work Track 4 these were listed as out of scope.

Those were refunded and they aren't stuck. They also are on a reserve list. Per the Board -- should not proceed, directs President and CEO that upon withdrawal

provide a full refund.

3. Update on Discussions with Auction Provider:

- Scheduled Monte Cahn for a call in mid-January. Also tried to reach out to another provider, but have not heard back.