ICANN
Transcription
New gTLD Subsequent Procedures PDP - Sub Group C
Thursday, 13 December 2018 at 21:00 UTC

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Operator: This is the Operator. The recording started here.

Coordinator: Super. Thank you. Well, good morning, good afternoon, good evening, everyone. Welcome to the New gTLD Subsequent Procedures PDP Sub-Group C call, held on Thursday, the 13th of November, 2018.

In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect room. If you're only on the audio bridge, could you please let yourself be known now?

And I see everyone has actually joined via Adobe.

So, just want to remind everyone to please state your name before speaking, for recording purposes, and please keep your phones and microphones on mute when not speaking, to avoid any background noise.

And with this, I'll turn it back over to Michael Fleming. Please begin.

Michael Fleming: Good morning, everyone. Good evening. Good afternoon. Thank you for joining us for another episode of New gTLD Subsequent Procedures PDP Sub-Group C, where we will be discussing the subsequent – sorry, (inaudible) report. Please excuse me for just one moment. I am started to get somewhat of a cough, and so may need to pause to relieve myself for a few moments here and there. Just one moment, please.

Hello? Can people hear me?

Coordinator: Yes.

Michael Fleming: Good. I'm not sure if everyone heard me the first time, but thank you and welcome to another episode of New gTLD Subsequent Procedures PDP Sub-Group C, where we will be continuing with discussion of public comments on objections, starting with our most recent – where we left off last time, at 2.8.1.e.8.

I am developing the beginnings of a cold. So, at times I may need to pause to fix my voice a little bit, if that is alright.

Sorry. And I just woke up about 10 minutes ago. So, I'm still trying to get...yes. All right.

Then, we are at 2.8.1.e.8, and we are going to go through objections today. And if we have time to jump to (inaudible) the next section, which I believe is on the application – it's not coming; the words are in my head by not on the tongue – the appeal mechanism, the application appeal mechanism. So, yes, indeed. All right.

Let us go ahead and get started on this. I hope we'll have time to get to it. I don't know if we will.

But so, let's cruise along. As always, I will read the question. We will go over the feedback. We will start with those in agreement, and we will try to not go into specific discussion on one comment until I have finished the entire subset, the entire sequence of comments that are in a sequence of agreement or (inaudible) or different category, unless there is significant material to review. And then that's just comment.

Now then, as to the question 2.8.1.e.8, "Some members of the ICANN community believe that some objections were filed with the specific intent to delay the processing of applications for a particular string. Do you believe that this was the case? If so, please provide details and what you believe can be done to address this issue."

Yes. T.G. (ph) raises a good question. Could we get the link for the document in the chat – or not necessarily in the chat – in the notes, please?

So, for those that are in agreement, we have the NCSG agrees that someone filed objections or with the intent of delaying.

The allocation file. Good. Thank you, Steve.

Then we have the Registry Stakeholder Group. That is agreement and new idea.

So, then we have about three responses. And so, question. So, let's go ahead and consider those new ideas now.

The Registry Stakeholder Group provides recommendations for addressing (inaudible) objections. "While there may have been some instances..."

Hello?

Unidentified Participant: Adobe (inaudible). Put me in the queue.

Michael Fleming: Sure. Was that in response to the first one, to the first response of the NCSG? Or into the ROSG? If it's for the ROSG, please allow me to finish the comment itself.

Unidentified Participant: Sorry. It's just been very glitchy today. I have – I'm in the queue for the INTA. So, just call me when we get there. I've got to reset my system.

Michael Fleming: Okay. So, I'll call you when we get there.

And for now, let's go back to the Registry Stakeholder Group comment. "There may have been some instances where objections were filed with specific intent to delay others." But they do have recommendations for addressing these. One, "Individual entities should be limited to participating in either objections or community prior evaluation, but not both. Participating in both gives some entities multiple opportunities to delay the process who are in the same strings. We don't believe this matches the intent of the policy or the guidebook.

"Two, implement and strictly enforce page limits on objections. The Registry Stakeholder Group supports language clarifying that attachments should be limited to supporting documentation and must not be used to make additional arguments (inaudible) within the 5,000-word/20-page limit and that following submission of the initial objection additional documentation will only be accepted if it is specifically requested by the objection panel.

"Three, consider expanding the Quick Look mechanism beyond limited public interest objections to other categories or other objections, particularly as a means to identify instances of abuse of the right to object."

And does anyone – would anyone like to reply to highlight some of the ideas that were raised here by the Registry Stakeholder Group?

Hearing none, let's move on to INTA. INTA has – let me – Michael, please let me read the comment, go through the comment first, and then I'll call upon you. So, they have a new idea but notes that these are ideas that have been previously raised in other Work Track discussions. They suggest a Quick Look mechanisms process which would allow for summary judgments and costs, awarding clear-cut (inaudible) cases as well as clear application guidelines for applications in clear conflicts of

interest measures. Specifically highlighted in blue, a process which would allow for summary judgments and costs awarded in clear-cut (inaudible). So, similar to what has already been highlighted.

At this point, I will call upon Michael, since he would like to comment on this. You have the floor.

Unidentified Participant: My one comment is I think this is "agreement/new idea," because (inaudible) said that clear application guidelines or application (inaudible) cases to help minimize frivolous or malicious objections. So, I think they agree that this was the case even if they don't outright support it, as well as being a new idea on how to handle it. So, just two cents there.

Michael Fleming: Thank you, Michael, for the suggestion. I do identify that the language initially states "where there is a limited objection or an intent to delay the processing of a specific string" somewhat depends on perspective. It is important not to deny access.

So, I'm not going to jump into there to disagree with you to say it's not an agreement, but there really isn't necessarily specific language to say that there were applications like this. But if there were, while the Registry Stakeholder Group – excuse me, this is not a good morning for me. While the Registry Stakeholder Group does state that they believe that there might have been different – there might have been some of those instances. It's just really a difference on language, specifically, but I'm not going to really make a big deal out of that at this point, because since new ideas here seem to support clarifying some of these areas – sorry, clarifying the situation where we need help with it.

Okay. Let's cruise on. Okay. Next question, 2.8.1.e.9, "How can the Quick Look mechanism be improved to eliminate frivolous objections?"

So, Jamie Baxter, we have your comment here with a new idea, and let me go over this. So, "we support a suggestion to improve the Quick Look mechanism as well as support to extend the mechanism to offer – to other objection types." Highlight specifically, "the objector should be responsible for covering the initial cost to establish standing. And only if standing is confirmed should the applicant be required to respond. Applicants (inaudible) objection should also have the opportunity to submit materials in rebuttal to the objector's claim of standing, at no cost to the applicant."

Would anyone like to go over this in more detail or add onto this?

Hearing none, the ALAC – well, Jamie Baxter, you have your hand raised. Please go ahead.

Jamie Baxter: Thanks, Michael. It's Jamie Baxter, for the record. I think the philosophy behind this is that in order to succeed in objections, standing is a full

requirement. And so, since it's somewhat of a siloed item to be confirmed, why not just clarify if somebody has standing before you waste any time having evaluators look at the actual complaint or concern? And it seems like that would be a nice gateway to prevent gaming, because people knowing that it's only their money that's getting tied up are not going to waste their time to try to initiate an objection if they can't even confirm standing. I think it's a really nice gateway to stop and prevent a lot of frivolous objections from even getting into the realm of a full objection.

Cheryl Langdon-Orr: Michael, if you are speaking, we are not hearing you.

Michael Fleming: Hello, hello, hello. Can anyone hear me at this point?

Coordinator: Yes. Thank you, Michael.

Michael Fleming: Hello? All right. Wonderful. Okay. I guess I have to push it a few times. Thank you, Jamie, for that. I said something really cool, but you couldn't hear it. So, I'm just going to say it again. But if it doesn't sound as cool, let me know.

Thank you for that. We – that was – I can't find a way to disagree with you at a personal level because – I am sorry. This is really not a good morning.

That sounds – it makes sense and I think that is – sorry. Let me restart here.

Cheryl Langdon-Orr: Let's just say, "thank you, Jamie" and move on.

Michael Fleming: Thank you, Jamie. Thank you for that clarification. I'm having a hard time speaking this morning. Sincere apologies.

And let's continue on with the other new ideas that have been raised. The ALAC suggests identifying traits of frivolous objections from the 2012 round and adding criteria to the Quick Look mechanism. So, something similar.

Registry Stakeholder Group also supports considering expanding the Quick Look mechanism and ICANN should develop clear criteria and appropriate sanctions for abuse.

And then we need to go to the agreement ones, whereas MarkMonitor and NCSG are in agreement with this. It seems the Quick Look mechanism is supported by multiple partners here.

So, then let's move on to the next question, unless there is anything that should be raised more in this section.

Hearing none, the next question is 2.8.1.e.10. "ICANN agreed to fund any objections filed by the ALAC in the 2012 round. Should this continue to be the case, moving forward? Please explain. If this does continue, should any limits be placed on such funding? And if so, what limits? Should ICANN continue to fund the ALAC or any party to file objections on behalf of others?"

So, the first comment is from the ALAC, with agreement with new idea. "ICANN should continue to fund all objections filed by us in future rounds. However, for the ALAC objections to have proper effect as intended in the applicable guidebook, the ALAC proposes a guidance for dispute resolution, DRSP" – dispute resolution procedures, I believe – "panelists be substantial and respect of adopting definitions of terms, such as community and public interest, as well as questions on objector standing in an effort to limit the damage resulting from panelists' unfamiliarity with the ICANN community structure, divergent panelist views, even values on the same and to which conflicts the goals stated in ICANN bylaws or GNSO consensus policy."

Now, the Council of Europe is in agreement with new idea, saying it would be advisable to clarify the ALAC's tasks and (inaudible) ICANN bylaws.

Registry Stakeholder Group agrees with this, and also supports – also says that ICANN and the ALAC "should prioritize cost-controlling mechanisms where possible associated with any objection funded by ICANN." But the Registry Stakeholder Group also sees divergence, stating that – this is confusing. Oh, sorry. Sorry. This is the Registrar Stakeholder Group. It seems my eyes aren't as good as my speech this morning. Registrar Stakeholder Group does not support ICANN funding the ALAC or any party to file objections. They'd like to see limitation on objections and funding, if allowed to continue.

The NCSG is also in divergence, saying they do not support special rights and privilege for ALAC or any party unless they have standing, saying, "no, it is not recommended that any group be provided special rights and privileges to interject in the objection process unless they have been found to have limited legal standing in the dispute at issue."

So, we do have those that diverge as well as those that agree, but also with the intent to limit cost and find priority among what needs to be filed, is what I think would be a good summary for that question.

Would anyone like to add or view this differently than what I – how we have summarized that?

Hearing none, let's move on to the next question, 2.8.1.e.11. "Should applicants have the opportunity to take remediation measures in response to objections about the application under certain

circumstances? And if so, under what circumstances should this apply? To all types of objections or only certain types?"

So, (inaudible) support the idea of allowing remediation measures, but additional guidance is provided, including a few ideas that have already been introduced.

So, first of all, we have comments from Jamie Baxter, agreeing with this.

We also have agreement from Registrar Stakeholder Group.

And agreement/new idea from Marks, stating that "all applicants should be given the option of submitting a second-choice alternative string. Where there is an objection or direct conflict, resolution could thus include abandoning the first choice and moving it to the second choice."

INTA agrees with this as well as highlighting new idea, stating that it must be at the discretion of the applicant. The application should not suffer punishment for failing to take advantage of early remediation measures and instead going through the full dispute process. So, there might be remediation, including voluntary adoption of contractual provisions such as PICs, and then also include the possibility of adopting or changing to an alternative string.

The Registry Stakeholder Group also is in agreement with this as well as bringing up a new idea. "Wherein the community itself identifies a resolution that the applicants can agree to, they should be permitted to resolve the issue. The working group may propose a mechanism to allow an arbitrator panelist to identify remedies or cures that could address the retirement – determinant to the agreement (inaudible) which could be adopted by the applicant and would form a binding portion into the registry agreement." However, they also caution against giving the panel opportunity – the authority to go beyond the remedies requested.

NCSG is also in agreement, also say that revisions "must be done publicly even such that other impacted parties have a right to comment on the proposed amendment."

ALAC is in – gives a new idea here, that "if the remediation measures are permitted, criteria must be clear and established in advanced." So, crystal-clear criteria to be agreed on by ICANN and the community. They say it should take place before even (inaudible), what circumstances would be and to what remediation measures to be taken in response to which objections.

"Assuming that this proposal were to be taken up and a (inaudible)-standing IRT were to be given the task of deciding what – where it is possible, such factors should be taken and to include determination, such as principle fairness, the extent to which an application is capable of

being amended to address the concerns and objections, (inaudible) objection, the extent to which such application is substantially amended to address concerns/opposition, and how does an amendment if allowed impact other application." Highlight "consistency in considering and determining such opportunities be achieved, and would there be an appeals mechanism for either applicant or objector to challenge a determination?"

So, that last portion will be addressed in our next topic. But other comments, other suggestions are taken into account.

Jamie, you have your hands raised. Please go ahead.

Jamie Baxter: Thanks, Michael. Jamie Baxter, for the record. I 'd just like to highlight that I would consider the non-discriminatory treatment between standard and community applications as a new idea. It certainly – I don't think it's something that was baked into the '12 round when it comes to remediation or the opportunity to make changes to an application because of an objection. So, I might want to just highlight that the non-discriminatory manner in which different types of applications are treated in this case isn't – I think it's being presented as a new idea.

Thanks.

Coordinator: Hi, Michael. We can't hear you, again.

Cheryl Langdon-Orr: You beat me to it, yes.

Michael Fleming: Sorry. Thank you, Jamie, for that comment. Can you hear me now?

Coordinator: Yes, yes. Thank you.

Michael Fleming: Okay. Good. Thank you, Jamie, for that comment. Are you referring to the comment that you raised initially here? And (inaudible) response to this question?

Jamie Baxter: Yes, that is correct. It seems that it wasn't extrapolated out of the comment as a new idea, and I'm encouraging or suggesting that it should be.

Michael Fleming: Thank you, Jamie. I'm hoping that you can hear me.

Coordinator: Yes.

Michael Fleming: Okay. Good. Emily, you have your hand raised, as well. Go ahead and respond in regards to that, I believe, perhaps.

Emily Barabas: Thanks, Michael. This is Emily Barabas, from staff, and I actually apologize. I wanted to go backwards a little bit, to line 164. We were just

back-channeling a little among the staff members, and I think we may have made a mistake in the initial coding. So, I wanted to make sure that we corrected that.

So, the NCSG comment is marked as "divergence," and it states that "it is not recommended that any groups be provided special rights and privileges to interject in the objection process unless they have been found to have legitimate legal standing in the dispute at issue." And I think that may actually be miscoded. I think it might actually be "concerns" and not "divergence," because it sounds like what's happening there is that they're saying that they essentially conditionally support funding, if it is the case that there is standing; as opposed to being opposed to funding, altogether.

So, I just wanted to run that by the group, but it sounds like we may have made an error there, and we'd like to correct it if everyone agrees. So, again that's line 164, changing from "divergence" to "concerns."

Thanks.

Michael Fleming: Thank you. I'm getting some (inaudible), Emily. Just, first of all, in response to Jamie, I think we could make that – we could extrapolate that as a new idea. I don't think that would be a big issue.

In response to Emily, Michael, you might have your hand raised. So, I will wait before I chime in on that. So, Michael, why don't you go ahead? And Jamie, I think your audio is still on. I think we can still hear some background noise. Okay. Thank you.

Unidentified Participant: On the NCSG comments, on rereading it looks like a double negative, which I can definitely see where (inaudible) is coming from, where this may be a "concern." Because they also talk about "otherwise, the policy can be incentivized for gaming." So, on a closer reading, I would agree that this is actually a "concern" and not a "divergence."

Michael Fleming: Test, test.

Coordinator: There you go. We can hear you now.

Michael Fleming: All right. So, that – thank you Michael, first of all. Kathy Kleiman, you think it's divergent.

Let's go back and look at the question, unless – I think, Cheryl, you had your hand raised, as well – unless you'd like to chime in. But I'm going to go ahead and read the question, and then we can read the NCSG's comment, specifically, to figure out when or where we should hit this nail on the head.

2.8.1.e.10, again. So, "ICANN agreed to fund any objections filed by the ALAC in the 2012 round. Should this continue to be the case, moving forward? Please explain. If this does continue, should any limits be placed on such funding? And if so, what limits? Should ICANN continue to fund the ALAC or any party to file objections on behalf of others?"

So, the NCSG comment, again, was that they do not support special rights and privileges for ALAC or any other party unless they have standing. So, specifically, 2.8.1.e.10, "ICANN agreed to fund any objections filed by the ALAC in the 2012 round." Sorry, just restating the question. But "no, it is not recommended that any groups be provided special rights and privileges to interject in the objection process unless they have been found to have legitimate legal standing in the dispute at issue. Otherwise, the policy can incentivize gaming and the invitation from gTLD competitors offering rewards to agree to object on their behalf."

So, I don't think this really jumps into say that specifically a – the way they answer, I'm not sure if this is specifically in – it's a hard one to – I could see keeping it as to "divergence," but also highlighting "concern" up there, as well.

Cheryl, you have your hand raised. I'll let you take this one. I'm going to get a drink of water while you do that.

Cheryl Langdon-Orr: Thanks, Michael. And I'm hoping your water will refresh your throat somewhat.

Cheryl Langdon-Orr, for the record. I personally don't give a damn whether it's "divergence" or "concern" or anything else. What I do want to make clear is that the ALAC, with that particular funded right, is only allowed to do it on behalf of someone who does have standing and, in fact, has to have a public interest test, as well, applied to it.

So, what the ALAC was, as I understand there, in their public comment suggesting is that there is greater clarity, predictability, and some performance standards or, if not performance standards, some requirement for the panelists to have a greater understandings of ICANN's structure in their role and that the system that is applied to this, should it continue, has greater rigor. So, let's not read into it that there was no requirements and that any entity, as such – ALAC is the example here – could at a whim make any sort of objection; they could not.

Thank you.

Michael Fleming: Just in time, Cheryl. I just sat back down. Kathy, you have your hand raised, as well. I'll let you take the next – you're next in the queue. Please (inaudible).

Kathy Kleiman: Hi. Can you hear me?

Coordinator: Yes, we can.

Kathy Kleiman: Oh, okay. Terrific. And good to be joining you. I think this is my first of this sub-team. So, good to be joining you, Michael, and thanks.

I'm back on the original comment. Again, sorry to be stepping in cold. I'm back on the original comment submitted by NCSG. And it's really short. And I don't think it's meant to have any overlay on ALAC, or others. It's, no. So, no. It's "divergence." It does not agree to 2.8.1.e.10.

Should this be the – "ICANN agreed to fund any objections filed by the ALAC in the 2012 round. Should this continue to be the case, moving forward?" "No. It is not recommended that any groups be provided special rights and privileges to interject in the objection process unless they've been found to have legitimate legal standing in the dispute at issue" – which is a very, very, very high standard. "Otherwise," – and a direct tie to the question. So, again, no overlay, no (inaudible) of ALAC. Just a direct understanding, since I was involved, on how hard it is to prove that global standing. "Otherwise, the policy can incentivize gaming and the invitation from gTLD competitors offering rewards to groups who agree to object on their behalf."

So, I do think this is divergent. I agree with Cheryl: I'm not sure it matters. But I think a "no" is a "no" in this case and that there may be ways to clarify or improve. But given what we've been given with this question, I think NCSG is saying "no."

Thanks.

Michael Fleming: Thank you, Kathy. I think at this point we have enough parties that have voiced concern with the comment and we can highlight it with the concerns that we've taken. "Divergence." It might be a "new concern." It might be "concerns." It might be "divergence." But we've done our job at this point, and I think we can send it up to the full working group to consider the content itself of the comment, rather than the placement of it to figure out specifically which category it should be filed under. All the same, we have done our job on this one, I believe.

So,let's move on to the next section, which I think, let's see, was 2.8.1.e.12. "Who should be responsible for administering a transparent process for ensuring that panelists, evaluators, and independent objectors are free from conflicts of interest?"

So, Jamie Baxter has highlighted a new idea. So, not ICANN organization. So, "the complete information on all applicant panelists and evaluators and independent objectors should be made 100% public for all in the ICANN community and to comment on, as well as if a third party will not agree to these terms then they should not be eligible. ICANN

should also be restricted from entering into contract with any provider that requires a cloak of secrecy on any aspect of their process and personnel, as occurred with the Economic Intelligence Unit when hired to conduct CPE in the 2012 round."

Further new ideas, from INTA, state that, "it is ICANN's role to evaluate fitness of providers. The EDRP suggests using (inaudible) as a model in this process which relies on select trustworthy third-party arbitration providers. It would seem to be a good model for this. Ultimately, it is ICANN's responsibility to evaluate the fitness of the arbitration entities, but the entities themselves ensure that the panelists meet the requirements. There should be an established process, a method of challenging a panelist." And we take that into concern in I think on our next topic. So, I'm not going to get into that one.

Registry Stakeholder Group says that "ICANN should partner with an independent organization to ensure that panelists, evaluators, and independent objectors are free from conflicts of interest."

So, we here have a couple of comments, with the INTA saying that it's ICANN's role, while looking at two other comments about having a third party or making sure that all this information is 100% public.

Would anyone like to comment on the ideas that have been raised here, specifically on whether or not we've analyzed our comments correctly, but not on the specific meat of it? Jamie, please go ahead.

Jamie Baxter: Jamie Baxter, for the record. I think what's important to note in the INTA comment is that it says, "It is ICANN's role to evaluate fitness of providers." The question was actually who should be responsible for administering a transparent process. So, I think they're slightly answering a different question. Administering the process and evaluating the fitness of providers – in other words, selecting the providers – are slightly different things. So, I just wanted to highlight that, because I think that there's a little – it's a little bit off from the actual question.

Thanks.

Michael Fleming: Thank you, Jamie. That was very insightful. I think that's actually very important to highlight. Staff, can I quickly ask, is there more to the comment from INTA, specifically? Or is it just this?

Hearing none – can anyone hear me, just to be sure?

Coordinator: Yes, we can hear you, Michael.

Michael Fleming: Okay. Good. So, I think that's actually very insightful and very important to highlight, actually. Still, I do think we should consider what is raised by

INTA, but with how Jamie has stated. So, let's take that to – our report to the full working group.

Did we skip –? No. Kathy, we actually covered 2.8.1.e.11, but we had a comment that was raised that went back to the previous question. So, we did a little jumping back and forth.

So, let's cover 2.8.e.1. – no, I read that wrong – 2.8. – we're on 13. Okay. I'm just going to stop reading (inaudible). "Community objections. In 2012, some applicants for community TLDs were also objectors to other applications by other parties to the same strings. Should the same entity be allowed to apply for a TLD as a community and also file a community objection for the same string? If so, why? If not, why not?"

So, comments are split on whether this should be allowed. ALAC suggested a community-based gTLD applicant may file a community objection or a string contention objection.

So, the Council of Europe is in agreement with this. "It is legitimate to allow a concerned community to file an objection in response to the other applicant for the same string."

ALAC is in agreement, but with concerns, stating "We are concerned with the situation where a community-based gTLD applicant were to file two different types of objections resulting in diverging determination based on different definitions of community adopted by each dispute resolution panelist. On this basis – This biases and unless the evaluation of criteria for community can be harmonized across all dispute resolution procedures, we suggest that it be stipulated that a community-based gTLD applicant may, one, file a community objection or a string contention objection."

So, Registry Stakeholder Group is marked as "divergent," stating that, no, they believe the community objections should not have standing to raise a community – sorry. "Community applicants should not have standing to raise a community objection for the same string. Applying for a TLD as a community while also filing a community objection offers an entity an unfair ability to game the system to there advantage."

NCSG is in divergence, stating that "the practice of filing for a community TLD and filing a community objection for the same string is an inappropriate form of double-dipping that should be discouraged in the next round, as it encourages wealthy objectors to file multiple actions for the same goal and overwhelm a competitor with ICANN objection processes."

So, we do have a bit of divergence here, and we are – sorry. I was just looking at the notes. Are we jumping into Point – I see that staff is already

going through 14, as well. So, that's good. I just wanted to make sure we're all on the same page.

All right. So, we went to that section. Is anybody – would anyone like to highlight anything specifically out of this? Did we go over the comments incorrectly? Or should we consider any new light in regards to how they've been categorized?

Hearing none, let's move on to 14. "Community objections. Many Work Track members and commentators believe that the costs involved in filing community objections were unpredictable and too high. What can be done to lower the fees and make them more predictable while at the same time ensuring that the evaluations are both fair and comprehensive?"

So, Jamie Baxter, you have given us a bunch of different new ideas. So, suggesting that "ICANN must negotiate better rates and provide better predictability." "ICANN must negotiate on behalf of the applications to limit the range of costs for community objections." "ICANN must stand behind their published cost projections, and cost projections must be published with more care. And if costs inflate beyond the projections communicated to applications at the time the application window does closes, ICANN and/or their providers must bear the burden in subsequent rounds, hopefully encouraging ICANN to have tighter oversight on all providers in the New gTLD program – involved in the New gTLD program."

ALAC is agreeing, offering new ideas, and saying that "ICANN should play a greater role in facilitating a meeting of minds between applicants and objectors in a way that community objections go forward to the designated dispute resolution panelists as a resolution mechanism of last resort. Reasonable time should be given for this facilitation and discussion between the parties to resolve comments" – sorry, "to resolve concerns. Mandate clear advanced notice to parties in objection resolution proceeding, if cost varies. And the appointed resolution panelists should be held to account by ICANN for why the costs for filing community objections varied upwards from originally quoted." Greater transparency. "Allow for greater flexibility in consolidating community objections filed against the same string using pre-agreed criteria, including collaboration with the (inaudible) objector without compromising their independence."

NewStar is providing new ideas, too, and state that this "predictability and transparency in costs should be supported by ensuring fees are clear and communicated to participants up front."

Registry Stakeholder Group says a new idea, with "the cost should be transparent, up front to participants, and objection processes with a fixed fee, absent extraordinary circumstances."

So, it seems much of these new ideas have been previously discussed.

And the NCSG raises new ideas, stating that they suggest early education and DNS background which might help the learning curve, that the arbitrator forums might want to provide some education, the DNS, to their arbitrators before bringing them into subjection proceedings. "Such a process, especially if done up front for the pool of possible arbitrators before any specific objection were brought forward, might help shorten the learning curve for each arbitrator (inaudible) objections."

This concludes the new ideas for this section. Would anyone like to see – does anyone think that we covered those incorrectly? Or do we need to look at some new light on that?

Hearing none – I'm just seeing if we have – okay. I think we have time just to conclude the next section, which is 15, community objections and the Word Track. Should – "There was a proposal to allow those filing a community objection to specify public interest – PICs they want to apply to their string. If the objector prevails, these PICs become mandatory for any applicant that wins a contention set. What is your view of this proposal?"

So, one of the comments supports the proposal, with the caveat that applicants should be able to withdraw applications (inaudible) responses, provided some form of guidance that any (inaudible) should be subject to discussion/negotiation between parties.

And then, one response opposes this proposal.

So, ALAC is in agreement, with a new idea. "The applicant guidebook must reflect the possibility and the applicant be given a choice of withdrawing his application."

Jamie Baxter agrees with the proposal and states, "This will require further instruction in the community objection filing procedures to ensure that community organizations fully understand their options. And it may subsequently be necessary to include a negotiation period between the objector and a winning applicant in order to reach agreement on the final language of the PIC."

INTA would not support imposing mandatory PICs. Okay. So, that's a bit of divergence, but with a new idea stating that "COs should include some PIC suggestions, and the parties could use this as a starting point to discussions to resolve the objection by way of negotiated settlement."

NewStar is in divergence. "We echo the Registry Stakeholder Group cautioning giving a panel authority to impose remedies beyond that of the decision"; with new idea stating that, "if an objector identifies PICs that

they believe could be applied to the TLD to resolve the objection, the parties should resolve the issue cooperatively."

Registry Stakeholder Group gives new idea/divergence, saying that "PICs should be used as an option to resolve this cooperatively, but should not allow the panel authority to impose remedies." So, any PIC made to resolve an objection should be binding on the applicant.

And we have divergence from the NCSG and opposition to additional PICs seen as "a boundless mechanism unto itself, serving commitments forced on an applicant. Community objection could be leveraged to get concessions out of applicants." Notes that "nothing prevents applicant and objector collaborating to seek to resolve; however, modifications to the application follow process at a more transparent and bilateral negotiation."

So, this concludes this section. We have about four minutes left. Kathy, I'll call on you in just a moment. But if anyone has any other business, please put it in the chat so we can make sure to highlight that, as well.

So, I have Kathy, and then I have Jamie. Please, go ahead.

Kathy Kleiman: Hi, Michael. This is Kathy. And I think the divergence/new idea is misleading here, because normally a new idea suggests a path towards – having now been in many of these meetings – suggests a path towards achieving what the goal is of the question. And that's not what these responses from INTA, the Registry Stakeholder Group, and the others do.

In a community objection, in any objection, you can always settle it. That's not an issue. So, these new ideas are already existing ideas. You can settle based on anything you want.

But the ones that I'm seeing, especially in red – NewStar, Registry Stakeholder Group – are very clear: no, the panelists cannot decide on these issues. So, the new idea, settlement, is not a new idea. It exists. You can include it, but it's not a new idea to getting to the path of the goal of the question. That, I think, is divergent. These guys – you've got pretty clear agreement that the answer is, no, at least when – so, I'd be grouping the Registry Stakeholder Group, NewStar, Non-Commercial Stakeholder Group together. I'm not quite sure about INTA; I'd have to parse that because they're differentiating different types of PICs. But again, NewStar, Registry Stakeholder Group, and Non-Commercial seem to be pretty clear, and the settlement idea, again, is not a new idea.

Thanks.

Michael Fleming: Thanks, Kathy. I don't think we're going to get into that, specifically, because we're limited in time today, but we'll definitely take that into

consideration as we do a little recycling. Sorry. We'll go a little bit back and go over this.

But Jamie, you have the floor. Please, go ahead.

Jamie Baxter: Thanks, Michael. Jamie Baxter, for the record. I think it's worth highlighting here in the NCSG response that there seems to be a slight misunderstanding on their behalf as to how community applications work, because the current – the 2012 round did not give community applications the ability to make changes to their application. Therefore, negotiations would be frivolous. It may just be an oversight on their part, but I think it's worth pointing out that community applications who could receive community objection did not have the ability to negotiate towards, like, any sort of bilateral negotiation. So, it's important to make that clear so that there's not a misunderstanding when potential new policy is developed around this, that that is a complete change, which was raised earlier in the call, that needs to also be addressed.

Thank you.

Michael Fleming: Thank you, Jamie. That's important insight in considering that.

We are at the top of the hour at this point. I apologize that we're not able to discuss these specific comments now, but we're definitely taking them into the consideration as we formulate our report for the full working group, which it doesn't mean we have something in a physical format now, but all this is being contributed to the eventual product.

At this point, we have another meeting next week, and I think Cheryl will be leading that. I have a bit of a family (inaudible).

Cheryl Langdon-Orr: (inaudible)

Michael Fleming: Yes, I will be off. I'll unfortunately not be around that week. But we will hopefully finish objections next week. And I think we really need to seriously consider how we can move forward at a faster pace. But let's – the leadership team will give a bit of consideration to that and come back to the group.

So, thank you for your time this week. We are over our – the hour. So, a good and wonderful week and weekend to the rest of you.

All right. Thank you for your time. Bye, bye.

Coordinator: Thanks, Michael. Thanks, everyone. Today's meeting is adjourned. You can disconnect your lines. And have a good rest of your day.