ICANN
Transcription
New gTLD Subsequent Procedures Working Group
Monday, 09 April 2018 15:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: https://audio.icann.org/gnso/gnso-new-gtld-subsequent-09apr18-en.mp3

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Coordinator: The recordings are now started.

Julie Bisland: Oh okay, super. Thank you. Well good morning, good afternoon and good evening, everyone. Welcome to the New gTLD Subsequent Procedures Working Group call on Monday, the 9th of April, 2018. In the interest of time, there will be no roll call. Attendance will be taken via the WebEx room. If you're only on the audio bridge would you please let yourself be known now? And I have Christopher Wilkinson noted.

                   Okay, hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and to 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 Jeff Neuman. Please begin.

Jeff Neuman: Thanks, Julie. This is Jeff Neuman and thank you, everyone, for attending. We are having some growing pains with using WebEx and so there's a number of things that are not as intuitive as they were for Adobe. And it's something we're trying to get used to. There is an option for everyone to view all attendees, if you click that option and the one problem I'm going to have and the leaders on this call is that if you raise your hand, it is actually something that we can't necessarily see, it's not like your name goes up to

the top once you raise your hand of the list so I'm going to ask staff to help me out to figure out if someone has their raised.

If multiple people have their hand raised it's also not possible for me to tell or anyone else to tell who raised their hand first unless they saw it first, so if we go out of order I will apologize in advance for that, that's just not simply a function that seems to be supported. But again, if you just bear with us during this trial period for us and we're going to do our best and if you could have some patience that'd be great. Again, mute your mics if you're speaking simply because this system seems to pick up a lot of audio and it's not as easy to mute.

That said, we – I will ask – our agenda is up on the screen so I will review the agenda, look at the – we'll call for statement of interest if there's any changes, do a short recap of ICANN 61 and then introduction to the initial report. And during that I will address a couple of the questions that were raised about – over the last couple of weeks on whether to call this an initial report or something else. And then I'll do a call for any other business. Any questions comments on the agenda? Okay, I'm not seeing any as I do a fast scroll through the attendee list.

Okay, so let me first ask if there's amendments, changes to anyone's statement of interest? Okay, not hearing any or seeing any. Let's just do a quick recap of ICANN 61. It's been a couple weeks now, it's been actually almost a month I think since ICANN 61. And I think we had some very production sessions including a session of the overall working group where we went through some items about this initial report as far as the timeline and then we had a session on Work Track 5.

For the majority of this call, or for pretty much all of this call, we're going to be referring to work tracks mostly the overall issues and Work Tracks 1-4. We do have a meeting later this week, I believe, on Work Track 5 and so that call will obviously be devoted to Work Track 5. I'm just double checking to make sure

that I got that right and maybe someone from staff can post the time of the next call. So everything we discuss today pretty much is going to be on Work Tracks 1-4 and the overall working group issues.

Sorry I thought I heard someone. Okay, so during the – and this kind of relates to the next subject that we're going to be talking about which is the initial report. So during the overall meeting we went through the timeline and the initial structure – or sorry the preliminary structure of the initial report. And our goal is to have our initial report out by the end of this month recognizing that it's already the 9th and we haven't gotten everything out yet so we will adjust the schedule accordingly to make sure that we do have several weeks to review the initial report before it goes out.

So I already – we are aware of timeline issues and we're going to do our best but make sure that there is ample time for the working group to review the initial report before it goes out for public comment.

The first thing I want to address is that there have been some people – some comments on the line that have said, you know, is this really an issue report because it doesn't necessarily have concrete recommendations for every section. Should we be calling this something different? You know, are we going to have another report? At this point my best answer to that is that there's one thing that's required in the – there's – sorry, there's more than one thing. But there's one report that's required in the bylaws so it's Annex A of the bylaws and in the PDP manual and GNSO Operating Procedures and that's that we have a both an initial report and a final report.

There is no prohibition, in fact there's explicit mention in – at least the Operating Procedures slash manual, that you can have additional items that are outputs of the – of the working group so you can have like we did, constituency comments or community comments or in fact if we deem it as a group to be necessary we can have yet another something that comes out,

whatever we want to call it, that has some more concrete recommendations that go out for public comment if that's something that the group wants to do.

So, you know, I appreciate the fact that there have been a number of comments of, you know, we should change the name of this, is this really an initial report? For now we are keeping the title "initial report" because that is something that the Bylaws, Annex A and the Operating Procedures require. Again, it does not mean that once you have an initial report the next thing to come out has to be a final report. There can be intermediary reports if we choose to do so as a group.

But at this point we are going to call this an initial report because that is what is required. I would like to take a few minutes to discuss that as I see people have their hand raised and hopefully try to address the comments. So I see – right now I see Anne because Anne's high up in the alphabetical order and I don't see anyone else yet, so, Anne, please.

Anne Aikman-Scalese: Oh sorry, Jeff, I was on mute. So in terms of trying to be, you know, just procedurally in line here, I'm looking at the PDP manual and is version 3.1 correct? Could staff confirm in the GNSO Operating Procedures that in Annex 2 is version 3.1 the correct version? Hello? Hello?

Jeff Neuman: Sorry, Anne, 3.3 is the latest version. I'm posting a link but I don't – I think with respect to whatever you're probably going to address that may be the latest version of that area, but do you have a question…

Anne Aikman-Scalese: Okay. Yes, the question – and we'd have to confirm this. I don't know how this changed. Actually I know that you and Marika essentially rewrote this PDP Manual so I'm assuming you probably know exactly where this stands, but the 3.1 version talks about the PDP team should formally solicit statements from each stakeholder group and constituency in the early stages of a PDP. And then later when it discusses the initial report it says the initial report should include those statements from the stakeholder groups

and constituencies. And it said that they should have 35 days to, you know, review whatever to make those statements. And I don't know – did you guys get rid of that when you revised the PDP Manual?

Jeff Neuman: Yes, Anne, this is Jeff. No, we did not. And we did have – we decided at the beginning of this PDP that to solicit statements at the very beginning didn't make much sense so we broke it out into two community comment periods which were both given over 35 days. So the requirement of asking – and we did send it out to each of the constituencies and stakeholder groups. So it was our belief as the leadership team that constituency comment – or sorry Community Comment Number 1 and Community Comment Number 2 met that requirement.

Anne Aikman-Scalese: Oh okay. Yes, just checking on that.

Jeff Neuman: Okay, thanks. And that…

((Crosstalk))

Anne Aikman-Scalese: I guess I should go ahead and follow up with my second question which was just what do we mean by the terminology quote unquote "preliminary recommendations" that I see used in the piece that we're discussing today.

Jeff Neuman: Yes, thanks. Thanks, Anne. This is Jeff. And sorry I'm just going to scroll through and see if there's any other hands raised. We'll get to the preliminary recommendations point in a couple minutes but let me get to Jim has his hand raised. Sorry, Jim, it's hard for us to find all this so, Jim, please.

Jim Prendergast: Oh no, no, that's fine. Yes, no, I just put it up so that's fine. Yes, Jim Prendergast for the record. So just to summarize, Jeff, what you said and see if I've got it right. So the initial report will go out. There may be issues or questions that are raised by the community that either group here is not sure

of or needs more clarification so there's nothing preventing an initial report draft 2 that could go out before our final report goes out because I think one of the issues that Greg raised in his email, I don't think he's able to be on, is, you know, the ability of the group as a whole to get the community sentiment spot on.

And I think we struggled with that a little bit going through CC2 so I think, you know, as long as we have that option there, go back to the community to get further clarification, I think that's important so thanks.

Jeff Neuman: Yes, thanks – sorry, this is Jeff Neuman. Thanks, Jim. Yes, there is that option for us. We could either do, as you said, initial report version 2 or call it something different or we could just put out parts of it; we don't necessarily have to put out the whole thing again if we just have certain areas that we want to ask certain questions on.

The manual – sorry, the Operating Procedures and the Manual are pretty flexible except for the notion that you have to have something called an initial report and you have to have something called a final report. And in Greg's email, Greg had said well, historically he's used to seeing much more concrete recommendations in an initial report. Whether that's true or not, that's not something that's required in a preliminary report, sorry, in an initial report.

That's – you know, again as you said, Jim, there may be certain things that we want to put out for additional comment or there may not be depending on what we get back in response to this report. So in short, our options are open and I want to keep our options open but if we called it something different than an initial report, then our options are not open; it would mean that we would have to come out with something new called an initial report. And so rather than close off the option of going from an initial report to a final report we're – leadership is agreed that we're going to call this the initial report and take it from there based on the responses we get back.

So I'm scrolling through. Jim, your hand is still up. Oh okay, thanks. And Anne, your hand is up, I'm not sure if that's old or new. Okay, there are no hands up at this point. Just double checking. Great.

Okay, so with that, why don't we turn to the excerpt that was provided. We're going to put that up on Adobe – sorry, Cisco, WebEx, sorry. So there's a couple limitations, I'll say right now on this. Right now with WebEx you can only view the page that the presenter, which is Emily at this point, has up so you cannot go to Pages 2, 3 or whatever other pages there are. So I would strongly encourage everyone to have, if they can, the PDF that we sent out open or just bear with us and you can only view one page at a time. And so I'll offer that as kind of initial at the outset.

So what this is is an excerpt of the initial report probably the most – the most meat of the report is going to be sections that look like this which are deliberations and recommendations and then followed by the title of the subject. I don't know if you remember but during the – actually the meeting before ICANN as well as at ICANN, we showed a slide that had a list of all the topics broken down not in work track order but broken down into semi – I'll call it chronological order as if you were I guess applying for a top level domain.

So it had sections broken down into issues associated – overall issues, it had a section on issues involving the application, it had issues broken down in terms of post application, things like that. So the number 12 corresponds to the post delegation section of the initial report. I'm not sure if can buy enough time for Emily or someone else to post that list of topics again. But each of the sections will have in it a very similar format. So each of these sections will be broken down into the subsections. It'll have a chart at the beginning like you see under 1.12 which is entitled, Post Delegation. You will have a subsection. So here 1.12.1 is the TLD rollout; 1.12.2 is the second level rights protection mechanisms; and 1.12.3 is contractual compliance.

These are the three elements of the Post Delegation section of this initial report. And each of the subsections then is broken down into the same way for each of the subsections, which is Part A – refers to what is the relevant policy and/or implementation guidance that comes from the 2007 final report that was approved by the Board – sorry the GNSO final report on new gTLDs, that was approved by the Board in 2008. So that section will refer to those. And so you'll see for TLD rollout, as an example it refers to an implementation guideline.

Then Section B talks about how it was implemented in the 2012 round of the new gTLD program and that'll be common for each of the subsections. Then it talks about Part C, what are the preliminary recommendations and/or implementation guidelines that we're giving in this initial report, if any? And so sorry, Emily, can you go to Page 2 – or the next page? So here you'll see, again, we're not going over the content right this section, I'm just going over the format so you'll see a couple different points here from the – from that section.

And Part D is what are the other options under consideration along with any benefits and drawbacks? So if there were any, which there are not in this particular subsection you'll see that there. Then Part E is, "What specific questions are – is the PDP working group seeking feedback on?" And so you'll see questions, if there are any, under that. And then you'll see a Section F, which talks about the deliberations that took place. And these, for the most part, were done in the work tracks for all of those issues or the overall working group for the overall issues.

And at that point the deliberations will be presented as far as, you know, whether the work track asked itself different questions or received certain comment from the Community Comment 1 or Community Comment 2. So it really goes into the – oh sorry, I'm looking at the chat now. Steve, yes, can you post that topic structure then? Sorry, I'm waiting for Steve. There you go.

Oh, I'm sorry, this is different. Sorry, can you go back to the other document? Sorry, I'm – I thought you were referring to some different, I apologize. Can you go to the next page of this one first and then we'll go back to the topics.

So then if you look down at Subsection G, you will see something – a last section that says, "Are there any other activities in the community that may serve as a dependency or future input to this topic?" So for these I think for all three of these the answer is none, but for other subjects where let's say we're relying on the final report of the CCT Review Team, or we're relying on the Phase 1 of the policy development process and RPMs, that'll be listed there, or are we relying on the PDP on IGOs? That's the kind of information we'll have in Section G for those particular topics.

So let me go back to some of the chat comments. And as Steve, if you want to pull up that other one, let me see if I can go back to the chat comments here. Anne says, "My question re preliminary recommendation and what that means, is that the sense of leadership for," sorry, "SubPro without actually taking consensus call?" and let me see, Cheryl says, "Yes, Anne the current thinking where there have been assent of agreement or only some concerns as no formal consensus calls have been taken yet. The initial report also lists options under discussion questions that we are seeking feedback on." And then Cheryl says, "Some of them have dependencies."

So, Anne, during each of the work tracks we documented and probably heard a number of work track leaders say – or summarize the current thinking either on slides or on – sorry slides or written documents or otherwise and they presented those during the – their work track calls. We also took note of where there was not agreement so for example, in areas like when we get to registry services, I know, Anne, you had some comments on that one.

So even though there were slides that were presented as the current thinking at the time, they are updated to reflect – or the sections that you'll see in this initial report should be updated to include the other comments that were

received and therefore may not be preliminary recommendations but may be just listed in the deliberations.

So one of the things we're asking each of the participants here is to keep us honest. When these sections are released to go through them to make sure that we've covered each of the areas and that we are accurately reflecting the current thinking, any preliminary recommendations and any questions that we want to ask.

So as we go further into reviewing these sections as a full working group, over the next few weeks, our goal is not to introduce new arguments, is not to necessarily talk about the merits or answer any of the questions that we're asking for community feedback or for public input; the goal here is really to make sure we've provided an accurate summary of where we are in each of these subjects, to make sure that we have not left anything out and to make sure that the questions that we present are the ones – are concisely stated but also cover all of the areas we want to ask questions on.

We do not want to engage, although I'm sure it will happen as it's natural tendency, the intent is not to engage on substantive discussions of what should be a recommendation or shouldn't be a recommendation, unless it's something we've listed as a recommendation and that there is question as to whether we have accurately reflected the conversations, the comments, the comment periods that we've already had and any of the previous reviews or documents that have been put out externally that we make reference to.

So for example, a big part of what you'll see in some of the sections is – or you may see in some of the sections will be let's say, for example, the ICANN report – I'm forgetting the exact title of that report but I look at it as kind of their post mortem report on the operational issues that they put out now it's been, I guess, over a year and a half ago. So there is definitely going to be references to those documents as well.

Are any further – sorry, I'm having a tough time keeping track of people who have their hand raised and the chat. So let me just pause a second here and look through the list. Okay, I'm seeing no one with their hands up. And I'm seeing, let's see, a bunch of comments, so let me go back make sure I cover those.

Kavouss says, "Is there a section called 1.1 and subsections, 1.1.1.1?" Christopher asks, "Under F, Deliberations, it would be nice if the work track would positively conclude as to what constitutes squatting or warehousing." Okay, let me – let's hold onto that comment because that's a substantive comment so if staff could take a note of that after we talk about structure to look at these sections and see if we've – let's bring up that comment at that point so we can get to it.

Let's see, then there's a – no hands up. Phil Buckingham raises a, "Should 1.3.1 read Competition, Consumer Trust and Consumer Choice?" I will leave that for a minute at this point. Go to Anne's comments, says, "Thanks, Jeff, I think it's important that issues that were outstanding in the discussions are highlighted in the initial report so that these can be reviewed by the community and commented on. I agree with you that issues should be raised for further discussion and comment as," sorry, I'm scrolling down here, "as long as issues are raised in the initial report I'm comfortable; would not want to see something referred to as preliminary recommendation if it was not supported by the work track."

Thanks, Anne. To that I will just say, please help us, all of you, keep us honest. We're doing the best we can and if we've incorrectly labeled something please, that's one of the things we're looking for from you all during your review. Robin says, "Is there any way to see more than just a couple lines of chat text at a time? Can we make the chat box larger with WebEx?" Robin, I will let others answer that. Oh, Mary says, "If you minimize the participant list that magnifies the chat box." Okay, cool.

So let's go back then, let me just double check, make sure there's no hands up. I'm not seeing any. Great. So let's go then to the list of topics just so everyone can see that and, again, in the order in which we are presenting. So if you look at the document that's up on WebEx right now, you'll see that 1.2.1, Continuing Subsequent – these are the overarching issues, in Section 1.2 – so that includes the Continuing Subsequent Procedures Predictability, Applications Assessed in Rounds, Different TLD Types, Application Submission Limits, Accreditation Programs, which we now call Preapproval.

Then you'll see the next section we've called Foundational Issues and it's, I think is what Phil is referring to so we just need to make sure that the title is right there. That will be addressing the Competition, Consumer Choice and Trust. Then Global Public Interest Applicant Freedom Expression, Universal Acceptance. So the one thing I really want to point out here is that the order of this report does not go through the order in which we did work tracks. So it's not as if we're doing Work Track 1 issues followed by Work Track 2, 3 and 4.

What we're doing here is putting it more in a more logical maybe chronological in a number of areas order. So what that will mean when we review the comments we can talk about later. We may or may not break out back into work tracks when we get comments back, we may break it down by functional area or these area as opposed to work tracks, but that's something we can address as we get further along.

Going back to the chat, Kristina has posted a question, says, "Reposting question which inadvertently directed to panelists, not attendees." Actually let me ask everyone just before I read Kristina's question, if you want someone to – if you want both ICANN and everyone to be able to read it, as Kristina said, please make sure it's addressed to all attendees, so if you have a question.

So the question here is, "Will staff be inserting citations and links to all statements that are either quotations or purport appear to be quotations? If not I recommend requested citations be added. Thanks." Emily says, "I made a mistake." Okay, so do not send it to all attendees because I was reminded that that does not – that does not go to the panelists so you have to send it all participants. So if you have a question please make sure you send it to all participants or comments because if it's not sent to all participants it may not be picked up for the notes that get written afterwards.

So if you sent something to all attendees but did not send it to all participants and we haven't raised it on the call please make sure you send it to all participants.

Now with respect to Kristina's question, I believe I will answer it and staff will correct me if I'm wrong, but yes, where we are quoting we are going to have the citations listed either in link format or in footnote, endnote citations or it will be, sorry, in link format. If it is – or if it's paraphrased we will also – there'll still be a link to the citation of where you would find the section that we are quoting or paraphrasing, sorry.

So let me go back to chat. Staff, is there anyone that has their hands raised? Okay, so one of the things, as we release the sections, you will, as Christine has found, we may not have everything in there like the links and everything that should be in there in terms of things like that. We are continually working on it but we want to get as much material out to the working group as possible even while we work through those other things like putting in citations, and links and other things like that.

In addition, in the background ICANN staff is also working on producing some of the other required elements of the initial report like the – like an executive summary, which pulls out any of the key points from the sections, like the compiling all of the comments so we can include those as appendices or annexes and also attendance logs and everything that's needed for initial

reports. They're doing that behind the scenes. We didn't necessarily think that all of those sections needed to go out for working group review but they are working on that.

As Cheryl is saying, the document already is huge. I think at current – the document stands even without the annexes and appendices I think the document is somewhat close to 140 pages at this point, so it is definitely going to be a very long document and one that certainly I think shows the amount of work that's gone on in this working group and all of the work tracks. And it's a phenomenal amount of material and ICANN staff and the leadership has been working pretty much tirelessly the last several weeks or month on getting this all together so it's really impressive.

And as we get these out, sections out again the goal is to have all of the sections out by the end of the week and so we're still working very hard at this. Kavouss asks the question, "Is the executive summary – does it serve as the summary for the entire report or each chapter will have its own summary?" I think, Kavouss, the intent is to have one executive summary for the entire report. So again, the exec summary is not going to be – the executive summary is intended to pull out some of the key elements but it's not going to be a complete restatement of each of the sections. So we're hoping that it is not going to be too long. And Cheryl says, "It'll highlight the key elements of all the sections."

Okay, scrolling through, Christopher Wilkinson has a check. I'm not sure what that check was for; it might have been to Kristina's question or recommendation but I'm not 100% sure. So Kavouss is asking how long the executive summary will be? I think Kavouss, it'll be longer than one or two pages but the goal is to not make it a huge standalone document.

Kristina Rosette asks, "1.2.e bullet 1," so let me go back to this here. Kristina, are you referring – are you referring to 1.12.1 in the section that we handed out? If so, we're not quite there yet, I just want to make sure we have

everything down as far as the topics and then we'll get there. Yes, okay cool. So Kristina, staff please note that question and we'll get there when we go over the sections that we've handed out.

So just going back to the document that's on WebEx, if you could, Emily just go one more page up to the prelaunch activities that are listed. So you'll see there are some large topics out of the Applicant Guidebook, Communication Systems. Then Application Submission, we have Fees in that section both the application fees, variable fees, which is a topic we discussed in work track – well actually all of these I think, 1.5.1 through 1.5.4 were topics in Work Track 1, Subject 1.5.5 was actually Work Track 2, the Applicant Terms and Conditions.

To the next subject, Application Processing, so I believe rather than going through each of these separately because I think everyone kind of gets the gist of the sections, Steve, have we sent – or Emily, have we sent this document as kind of a key to everyone as a standalone document? If we could do that, just so it can serve as a guide for them? We'll send that out so that everyone can – everyone can see this – the list of subjects. And Anne has her hand up. Sorry for missing that, Anne.

Anne Aikman-Scalese: Oh that's okay. Thanks, Jeff. Unfortunately I just want to go back just a little bit to capture something from that chat that wasn't read out and that was that Jim Prendergast had said that in terms of how the public reads this initial report that we should include in the introductory section, you know, some of this comment about why we're not using level of consensus and whatnot because in the – I finally found the right version of the PDP Manual, sorry I was slow on the uptake there.

But in Paragraph 11 in that annex it talks about, it says, "Publication of the initial report" and it says, "After collection and review of the information the PDP team and staff are responsible for," you know, "producing a report. The initial report should include the following elements," and the element listed

here that we need to explain in the introduction, as Jim has suggested, is there's an element that "The initial report says it should include a statement of level of consensus for the recommendations presented in the initial report."

So as I think Jim is absolutely correct in his chat comment earlier that there's got to be, you know, an introductory paragraph to this report that says, hey, we're not doing it this way and here's why because this is an element that says it should be in the initial report.

Jeff Neuman: Yes, thanks Anne. That's a great comment. We may do that in the form of maybe Cheryl and I might do a cover letter or something like that to the report that will explain that up front so that everyone sees, you know, right away that – sees kind of a response to that and why we're not including it and how this initial report should be read. I think that's a great…

Anne Aikman-Scalese: Okay great. Thanks.

((Crosstalk))

Jeff Neuman: Great recommendation and so we'll capture that as an action item so that we can do that because I do think that is definitely important and, you know, there's just so many – so much material in here that up – stating it up front is probably best.

Anne Aikman-Scalese: Okay, thank you.

Jeff Neuman: Okay, thanks, Anne. Anyone else's hand up that I missed? Do a quick scroll down. Christopher Wilkinson still has a checkmark up. Okay.

Greg Shatan: Jeff, this is Greg Shatan. I'm in the mobile version and I still don't see a place to put my hand up but if I could interject?

Jeff Neuman: Yes, please. Thanks, Greg.

Greg Shatan: Sorry I joined the call late, I had an overlapping client call. But the question I have is kind of – and maybe this was raised during the time before I got here but Anne's question kind of reminded me of my general concern expressed on the list that if we're not going to essentially have any levels of consensus or even, you know, what seemed to be any decisions in this group – in this report, that essentially we would be going straight to final without any preliminary report on where we would have our levels of consensus available to comment and then be able to come back and react to the comments about what our decisions were?

So I'm wondering why this is being fashioned as a preliminary report as opposed to some sort of zero report or other report that isn't expected to have consensus so that we will have the usual two rounds by which to first express our consensus to the community and then take it back and see if we – where we got it wrong or what we need to refine the first time, because right now we're – just sending out kind of a menu to people and asking them to order, which I think, you know, is going to be potentially problematic.

I understand maybe we're trying to save time by doing this but I'm just concerned that we're going to be paying for it later on and so I don't know what the plan is for how one goes from this report straight to a final report which is not then going to be accompanied by a supplemental final report that would have been the final report if this was being done normally. Thanks.

Jeff Neuman: Yes, thanks Greg. I – sorry you missed the first 15 minutes or so of this call. If you want to go back and listen to that, we did address that in short, very briefly. The guideline, sorry, the – trying to do this in a short way. The PDP requires only two elements, an initial report and a final report. It does not say that you can't have other elements to it or other reports or other things, other types of reports or other types of documents that come out.

If you listen to the first 15, 20 minutes of this call you will see that we are not foreclosing at all the opportunity if this group wants to after the comment period release additional subsequent – whatever we want to call it, we can label it anything we want frankly. But at the end of the day we have to have an initial report, we have to have a final report. And there's no other guidance or restrictions on what we do in between. So listen to those 15, 20 minutes and if you still have any questions please bring it back up on the list but I think we've addressed that and I think you'll be okay with the discussion that took place.

Greg Shatan: Thanks, Jeff.

Jeff Neuman: Sure. Let me just – sorry, Jim, as I noted Jim's point about, I just want to make sure I'm covering everything from the chat. So there seems to be, let's see. Okay, I think…

Cheryl Langdon-Orr: Just go to Anne's point with the greater detail. Cheryl here, Jeff. Jim's was the short version, Anne's was the longer version. Jump to that and cover them.

Jeff Neuman: Okay, Cheryl, do you want to do that for a minute since I'm getting lost here. So can I ask you to do that?

Cheryl Langdon-Orr: Certainly I can do my best. As I was trying to note in the chat and indicate – Cheryl for the record – was trying to note in the chat to ensure that everyone can rest assured that the points they're making in chat are being noted. I noted Jim's point which was to say that in his view he felt that rather than – as I indicated we perhaps could look at supporting documentation to cover the details that were on discussion. And so I said as noted and then Anne felt we needed to become very specific on that and pointed out that in – it needs to be addressed in the introduction, I'm quoting Anne here, "Because it's a required element of the initial report in the PDP Manual pursuant to Section 11."

We have varied that procedure – we are varying that procedure so we need to say why we're doing that, that it feels justified and she quoted Page 71, the current version of the PDP Manual regarding initial report. And I was simply saying with awful typos, but I apologize for that, what is it, oh yes, almost 2:00 am, and there's no way of changing them in this tool, that as I noted Jim's point, I was noting her additional point as well.

And yes, we're certainly also while I've got the microphone, Kavouss, final report might have supplemental one if needed. Very true but as I would like to now just restate very briefly what Jeff had said in the beginning and that is after this initial report it doesn't mean that we'll only have a final report; we can have interim reporting but there has to be an initial report with a specified community feedback (unintelligible) associated with it.

Have you taken any breaths now, Jeff and got yourself caught up with chat? If so I'll hand it back to you to get us back to the meat and potatoes of today. Thank you.

Jeff Neuman: Thanks, Cheryl. You also gave me an opportunity to get a little bit of water so thank you. I see Anne has her hand raised. Anne, is that new one?

Anne Aikman-Scalese: I'm sorry, Jeff, I can't tell in WebEx when my hand is up or down. I don't know how to tell in WebEx if I put it down or not. If somebody could enlighten us on that, that would be great.

Jeff Neuman: Great, yes thanks, Anne, we're all having trouble getting used to this new system, so hopefully we'll – right now it is down so we're good there, just doing a quick scan to see if anybody else's hand is up? I will note that Christopher Wilkinson still has a checkmark so if there's a way we could take that down, let's see if we can do that.

Okay, so why don't we then turn to – go back to the document we submitted and go through the section in a little bit of detail just to, again, kind of introduce it. So this Section 1.12 deals with the post delegation. And it's the one we felt that was in at the time on Friday the best shape to go out to the full working group.

And if you notice here, and as Kristine has pointed out, we'll have to definitely put the citation or the link in there from the implementation guidance. The TLD rollout deals with the notion of making sure that there is a fixed time period or fixed as much as possible as to when, you know, how long it would take applications to go through the process and then once it goes through the process how long an applicant has to, for example, sign a Registry Agreement and then how long it would have from the agreement date to have the TLD delegated.

And so you'll see that that implementation guideline was implemented in the 2012 round as saying that essentially you have nine months to sign the agreement from the date in which your – you were given a notice from ICANN that you are ready to proceed which came after not only initial evaluation but came after the – all the disputes – dispute resolution, objections and all of those other elements were final, that's when you got the notice if you were an applicant saying, okay, you – and obviously contentions were done at that point.

You got a notice from ICANN saying you have nine months unless you can demonstrate to ICANN's satisfaction that you were working diligently towards getting the process done. You know, and although that was well and good in the Guidebook it turned out that there were some complications when it came to dealing with that because for example you had brands that were at that point there was no amendment or sorry, not amendment, there was no Specification 13 so that was in development. So it wasn't exactly nine months at that point when it was actually implemented.

But the group that talked about this in I believe it was Work Track 1 felt like that nine month period was still an appropriate one assuming, you know, the process goes much more smoothly, that nine months following the date in which you're told you could proceed was fine. And then in 4.3 of the Registry Agreement it was says that you had to complete all testing procedures, which were identified by ICANN, within 12 months and you could request an extension, that's all in there.

And so what the group is – if we can go to the next page – what Work Track 1, I think, talked about was these preliminary – or yes, preliminary recommendations which is ICANN Organization should be responsible for meeting the deadlines in the contracting and delegation process and the work track supported the timeframes that were in the Guidebook and the Registry Agreement.

So that seemed to be what the group had come to – agree to. There were no really dissenting opinions at that point for these topics and there were no other options that were presented in that work track. And – but there are questions that the work track had which are listed in Item E which is, you know, at the beginning when this work track was talking about the – about this particular – the reason for timeframes, it was pointed out that it was – the deadlines were put into place to prevent squatting and warehousing.

I think it was Christopher maybe that pointed out or someone had pointed out earlier in a comment on this chat that perhaps that could use a definition and – or a citation as to where that term is defined or where we got that. And we're asking whether that's still the case. Kristine I think had mentioned perhaps some other wording but essentially the question is, you know, do we still believe that the timelines are necessary for the prevention of squatting and warehousing? And second question, part of that, is are other measured needed?

Can we go back to the comment from Kristine I think it was on this particular point? I know Kristine is dropping for a call. If someone can go back – if staff can help me find that where we wanted to come back to Kristine's point? And while they're looking for that, the second question – oh, okay, Kristine has reposted it.

For clarity, revise the first question, "Is this reason still applicable and/or relevant?" I think that's great. So we will make that change. And also should follow a question, "Are other measures needed? And if so, what?" okay, so I think those are – those are exactly the type of feedback we would like and I think those are great additions so we will make those. Fantastic, great. Okay, so we will put those in there. And that's exactly the type of thing that we're looking for, to help us make the questions more clear and to help us elicit the feedback that the group is looking for on these questions.

And so the second question there – Kavouss, you have your hand raised. Sorry. Apologize for missing that. Kavouss, please.

Kavouss Arasteh: Hello? Do you hear me please?

Jeff Neuman: Yes, we can…

((Crosstalk))

Kavouss Arasteh: Yes, I have read your document very carefully and I come to the following conclusions. We do not change something just for change; we change something if there is some deficiencies, problems, difficulties, validly reported or if we believe that there is room for some improvement, otherwise it is better not to change. If there is no sufficient analysis or there is no sufficient argument that even what is proposed or being proposed improve the situation it is better not to change that. This is just general comment I wish to submit to the colleagues, thank you.

Jeff Neuman: Thanks, Kavouss. This is Jeff. I agree with that, I think that's a good summary. Thank you for putting it in those words. Yes, I think the – one of the things we're really looking for is to help us make it more clear especially the questions and the feedback we're soliciting. And I think as you stated, it's – if you have an argument pro or con or in favor or not in favor of the options that we present in certain sections, please save that for the public comment period as opposed to add new ones. Unless you believe that those items were covered during the particular deliberations but we missed them. So anything new, yes, please hold off, make those comments during the public comment period so that we can accurately capture those. Yes.

Okay, let me go back to the chat, see if there's anyone else with their hands raised. Okay, I'm not seeing any hands raised and I'm seeing a comment – Kristina's point could apply to the next bullet as well. Okay, so we will look at making the second – so the second bullet there asks about the delegation process and whether essentially there should be any other – anything else other than nick.tld and Whois.nick.tld that needs to be in place in order to satisfy the requirements of – I mean, that is all that's required to satisfy the agreement but the question is really should be there some other form of use that's required for a registry, so that came up as a topic. And we will do our best to see if we can also make that more clear.

And then you'll notice in Section F there's a – there is discussion here about questions that we focused on as the work track so for this one it was I believe Work Track 1. And so for that, you know, it goes into the discussions that took place, the questions we asked ourselves in cases where there was comments received in community – constituency comment, sorry, Community Comment 1 and Community Comment 2. Those would also be referenced in the deliberation section.

And so if you could look at that section to make sure, and again, the same Section F is in all of them, to make sure we've accurately captured the deliberations that took place. This is really where it's important as well to

make sure that if you didn't agree with something that even the – even if a majority of the rest of the group agreed with something else if you didn't agree to make sure that your view is captured in the deliberations.

Going back to – if we could turn the page to the next page and I'll go look through the chat real quick. There's some discussion of – okay this is on rewording so basically on the if so why element that Kristina suggested for Bullet 1, is probably important for all the questions that are similar where they – where we want rationale to support so I think that's – I think that's good feedback and we will make sure we add that in.

Gg is asking for a link to the document. So at this point we are going to post these as PDFs but not as Google Docs simply because we need to make sure that we have version control and it becomes much more difficult with Google Docs. So to the extent that you have comments on these PDFs, which we will also put links up to as well, we'll post them on our wiki and then have links, please submit them all in email and if you could in the header of the email we'll send out a note after this call, if you could put the section number that you're making the comment on in the header of the email.

To the extent that you have multiple comments on multiple sections, I know this is going to be a pain, but it'll make it easier for us, if you could clearly in, you know, send a separate email for each section. I know that's going to become voluminous but I think it'll be helpful for us to – in order to make sure that we've captured all of the comments. We'll take it on as an action item to make sure we send an email after this call with those – with reminding everyone of how we'd like to see comments just so – to make our lives a little bit easier.

And as Kavouss says, some people are still having difficulties with Google Doc so we're going to send everything around and post everything around in PDF links. So Susan is asking a very good question, "Are we emailing the SubPro mailing list or is there going to be feedback email address?" Does

anyone from staff – Julie, Steve, Emily, have any thoughts on that question or Cheryl? And while you're gathering…

((Crosstalk))

Jeff Neuman: Oh, sorry, is that Steve?

Steve Chan: Yes, this is Steve from staff. And so just to note that we hadn't intended on setting up a separate email box for that purpose but if that's something that the working group thinks would be useful it's something we can do. So no intention to do so at this point but we can if needed. Thanks.

Jeff Neuman: Okay, so thanks, Steve. And this is Jeff, and I see Anne's got her hand up. If you have thoughts on that please let us know. It would mean though, if we set up a separate email box I would think we'd have to have separate – I guess if we automatically subscribe to everyone but I'm not sure everyone wants to be subscribed to that, so we'll have to think about the separate email box because I'm sure people will want to see those comments. So let us take that off – oh I'm sorry, Steve, do you have a comment on that? No, okay. Sorry, I thought I heard someone. Let us take that offline, that's a great question and we'll come back to the group on that.

Anne, please.

Anne Aikman-Scalese: Thanks, Jeff. Is there any way that we'll be able to know which of these points track to which work track because I'm a little bit concerned that I, you know, I may be able to comment more intelligently regarding Work Track 3 and Work Track 4 for example, and, you know, I assume any of us can comment on any question but if we haven't actually been involved in the deliberations it's, I mean, still I assume the whole group can make comments but is there any way to track these sections to work tracks?

Jeff Neuman: Yes, thanks Anne. Yes, so staff, don't kill me, if we could take that chart that you presented with the list of topics, if we can add a column to that chart and just put the corresponding work track or overall working group on that if that won't be too much of a pain? I think it's a good suggestion. And Steve says "noted and not a problem." So okay, thanks, Anne, we'll…

Anne Aikman-Scalese: Thanks so much…

((Crosstalk))

Anne Aikman-Scalese: …really appreciate it. Thank you.

Jeff Neuman: Yes, it makes a lot of sense. And looking at the comments, so to ensure that everyone can distinguish the comments and also have access to those comments I think preliminary thinking is that we'll just keep the regular mailing list to make the comments but really if we could make sure we – in the header put of your email please put in the section that you were referring to so that others can see it and we can easily keep track of it. And Justine is asking if we could somehow have a consolidated way to view comments sent through email so that we don't have to review and re-review all emails.

          We'll – these are some great comments. We'll take these offline and see what we can do to make it easier for everyone including us that are – and ICANN staff that are reviewing these comments and make sure that they get incorporated.

          Okay, Anne still has her hand up but I think that might be an old one. Okay. And then, Kavouss, please, is that old or is that a new one? Okay. Okay, so Jim is asking the question, "Is this not going to be run like a typical comment period?" Jim, sorry, the comments we're referring to right now are comments internally from the working group. Once we do release this initial report out to the world at large then it will be run like a typical comment period. Sorry, that

was not necessarily clear but yes, this is just for the next few weeks as we're all reviewing the initial report internally.

Okay, jumping down to the second level rights protection mechanisms, this is probably the shortest and easiest one for us, I shouldn't say easiest because it's second level rights protection mechanisms is not easy at all. But this section really just says that, you know, it's in the issue report but at this point we're not – we didn't work on this; this is really for the RPM PDP but there are some questions that we'll note that we did get referred to us from the RPM PDP.

And then finally, the last section that we sent out is on contractual compliance. So you'll notice that the only thing in the GNSO final report was – and this all is from work track 2, by the way – was Recommendation 17 which stated that a clear compliance and sanctions process must be set out in the base contract which could lead to contract termination. That was the only thing that was said in that initial guidance. So I'm sorry, in the initial recommendation - the final recommendation of the 2007 report.

And so Part B says, you know, how that was implemented and Part C talks about the preliminary recommendations if we had any. And right now basically the way the conversations were heading – the current thinking of the group was that the foundational elements of contractual compliance program put into place were the right ones and satisfies the requirements of Recommendation 17 but members of the working group believe that ICANN's contractual compliance department should publish more granular and meaningful data on the activities of the department and the nature of the complaints handled.

And then if you scroll down further there were no other options under consideration that have been at least presented at this point. And Part E talks about questions that we have asked for feedback on and this is really a key section so I'd love everyone to review this offline to make sure that we're

asking these questions clearly but the first question – the nature of the first question really is that essentially the – with the exception of any voluntary PICs that you might have had and the general representation and warranty in the agreement which says that everything is correct or was correct in your application and continues to be correct, and if you were a community and you had a community specification, other than those there were no other mechanisms in the agreement to measure or check on or audit whether you met any of the other things that you had said in your application.

So, for example, there was a Question 18 that had everyone – all the applicants respond with the – their business model, the purpose and other elements but unless you fell into one of these other categories being a community or you made a voluntary PIC, there was not in the Registry Agreement that compliance could use to see whether you were living up to what you had said in your application. So the question that we're soliciting comments on is whether there should be additional commitments and if so, are those the types of commitments that should be enforced by contractual compliance?

And then the second question is really – it was generated from a comment made by INTA in – sorry the International Trademark Association in Community Comment Number 2 which was that there was arbitrary and abusive pricing for premium domains targeting trademarks, that there was use of reserve names to circumvent sunrise and operating launch programs that differed materially from what was approved by ICANN. And although these comments were made through Work Track 2 did not have any evidence to support that assertion.

Again, that's not a value judgment as to whether the assertion is true or not true, it's just that there was no – there was nothing presented in Work Track 2 that had evidence of this. And so the question is if this was indeed the case you know, was there evidence to support that that you could send to the work

track and if indeed this was the case what are some mechanisms that we could or should impose for addressing these issues?

And those were the two main questions that came out of this particular topic in Work Track 2. So I'm going back to the chat right now. There's confusion. Okay, just to go over to the rule, this is a WebEx and it's very strange but in WebEx if you send a note to all attendees it only goes to those that are listed in the attendees section of WebEx which does not include the panelists, which are generally ICANN. So if you want to include and make sure it gets included in the notes, please send it to all participants which does include both the attendees and the panelists. It is not necessarily the most intuitive but it is making sure that everyone gets the message included in the notes.

Okay, so Kavouss, it is not an old hand. Yes, please, your hand is up. Please, you have the floor.

Kavouss Arasteh: Do you hear me?

Jeff Neuman: Yes, I hear you now.

Kavouss Arasteh: Yes, I have a question on section that you mentioned of comments for the – of the compliance. In little C there is two terms called should publish more granular and meaningful data. I have some comments. What do you mean more granular? What (specificity) you are – we are looking for? And then what we mean by more meaningful data? Does it mean that the data currently available are not meaningful or to what extent we want to – we have to qualify that what we mean by "meaningful" data. These are the two question, granularity (unintelligible) and what do you mean by more meaningful? Thank you.

Jeff Neuman: Okay, thanks Kavouss. I am going to – Michael, I don't know if I can put you on the spot or Sophie or ICANN staff, do you guys have a response at this point for Kavouss? I'll wait to see if they can unmute. Okay, not hearing

anyone or seeing any hands, I could give you what I – from reading this and from participating in those discussions, ICANN Compliance has published data in the aggregate, for example, they will publish how many complaints they received on registry and registrar separation, for example, you know, problems where registries and registrars were not – there was a complaint received that the registry and registrar were not operating separately and they will list the – how many of those cases they got in a given time period, you know, how long it took to resolve those and some other stats or statistics in the very aggregate.

What ICANN Compliance – some viewed ICANN Compliance not doing an effective job on was basically making sure that there was more detail, you know, what was the complaint? Was it their pricing seemed to be influenced by owning both the registry and registrar and how was it resolved by compliance? Those are the types of details that are not always published. But Michael, we couldn't hear you, can you try again if you want to respond?

Kavouss Arasteh: Are you talking with me, please?

Jeff Neuman: No, Kavouss, I'm sorry. I'm asking Michael if he wanted to – Michael Flemming if he wanted to respond but he's saying the microphone is not working.

Kavouss Arasteh: Yes, because I think instead of more granular perhaps say more detailed and we have to especially what degree of detail we want; we have to give some examples and then the next question is whether it takes more time for the ICANN staff to provide that, whether it requires more resources, what are the costs involved? So these are the questions that we know that we – nothing is granted, you have to – if you are asked more information, more detailed information the degree of detail should also be specified, that is my question. Thank you.

Jeff Neuman: Okay, thanks Kavouss. I think we got it. Michael, you want to try again?

Michael Flemming: Testing, testing.

Jeff Neuman: Yes, it works. Thank you.

Michael Flemming: Oh perfect. So that – so this is in response – sorry, this is in regards to INTA's comment, correct?

Jeff Neuman: No, Michael, the question here is on actually the first – in Part C where we say our recommendation is that ICANN should – compliance should publish more granular and meaningful data…

Michael Flemming: Yes, taken from the INTA comment, correct?

Jeff Neuman: No, I think it's taking overall compliance on overall…

((Crosstalk))

Jeff Neuman: …basically overall, yes.

Michael Flemming: So I think this originally came from one of the – because if you look at the bottom as well INTA made – we received a comment from INTA during CC2 in regards to there should be more meaningful and granular data, but I don't think that we sent any clarifying questions or anything out to INTA to the basis for what the word "meaningful" was. So I'm not – I don't think we're able to give a very specific reply to Kavouss. But, Jeff, I think your diagnosis or your analysis of what "meaningful" meant in this case was right on the dot. So I wish we could give a more clarifying answer at this point but this – we don't have that, so thank you.

Jeff Neuman: Okay thanks, Michael. So one recommendation was maybe changing the slang term "granular" to "detailed" which I think is a good recommendation. And then the other one is if we have anything from those conversations and

we could back and point to a specific example that was brought up in the work track we'll try to do that. If there wasn't a specific example then we may just try to summarize it. But we've noted that and we will see if we can – see if we can address that.

Okay I notice that we have only four minutes left, which let me check to see if there's anyone in the chat that's got their hand raised. And I'm not seeing any, which is good. So let me ask now if there are – if here's anything anyone wants to address in terms of any other business? And then I'll wrap up. Okay, I'm not seeing any other business, so the goal again is to publish everything by the end of this week. We may choose to publish sections as we have them done so please keep a lookout for that rather than posting everything all at once to the group.

So we will – I'll confer with ICANN staff to see and the leadership to see if that's more feasible rather than dropping everything all at once at the end of the week. But please do read these, they're very important. They're going to go in the – they are the basis, they are the initial report, each of these sections so please make sure everything is clear, the comments we got today, tonight for some of you, or tomorrow, were great and these are exactly the type of comments we need so please keep them coming with a header on the section you're replying to.

So thank you, everyone. We are going to meet next week and the week after so please make sure to have those on your calendar. Thank you, everyone.

Julie Bisland: Great, thank you, Jeff, and everyone, have a good rest of your day. Today's meeting has been adjourned. (Brad), can you go ahead and stop the recording for us?

END