**Transcription ICANN62 Panama**
**GNSO Subsequent Procedures PDP Working Group Face-to-Face Session 1**
**Monday, 25 June 2018 9:00 EST**

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Operator:          It is Monday, June 25, 2018 at 9:00 am. This is the GNSO Subsequent

                   Procedures PDP Working Group face to face Session 1 in Salon 7.


Cheryl Langdon-Orr:  Ladies and gentlemen, getting your two-minute warning; that's a two-

                   minute warning we'll be starting shortly.


Jeff Neuman:       Hello, everyone. Welcome. I'm just going to check with the tech guys in the

                   back. Are we ready to begin? Ready to roll? Thumbs up. Great. Good

                   morning, everyone. My name is Jeff Neuman. I'm one of the co-chairs of the

                   Subsequent Procedures PDP Working Group.


                   On my right is Cheryl Langdon-Orr, co-chair of the Subsequent Procedures

                   PDP, and then seated at the table in various spots we have the co-leads from

                   Work Tracks 1-5, I'm hoping. And so just to – without any order and from

                   memory, Work Track 1 we have Sara Bockey, I'm looking around the room.

Okay. Okay, Christa Taylor, if you can wave, say hi. Work Track 2 we have Michael Flemming and is Sophia Feng here?

Cheryl Langdon-Orr:   Not seeing Sophia here.

Jeff Neuman:   Okay. Work Track 3 we have Karen Day and Robin Gross, okay not here yet. Work Track 4 we have Rubens Kuhl and Cheryl Langdon-Orr and in Work Track 5 in no particular order I see Javier and we have Martin, which is there, okay, Annebeth, great and Olga Cavalli is probably with the GAC in the plenary. So welcome to everyone.

And I'm having computer issues, I'm trying to get on Adobe, but at least we have Adobe up and running so that's a good thing, and maybe I can ask Steve, if you can just – can you just send me the slides via Skype so I can see them because I can't get Adobe up on my screen for whatever reason. And then if we could go post the slides, start on Slide 1. We have three sessions here at this ICANN meeting.

And the first session will be used as more of a level-setting session but where are we now, where are we going and defining certain terms and things for our future work, so a roadmap for future work and then talking about how are we going to achieve consensus on all of these various topics.

And then we'll break out into some group discussions on some ideas on how we can go about doing that.

Then we'll have a coffee break and after the coffee break we'll go into our second session, which I believe runs from 10:30 to noon and that session will break out into groups and talk about some newer areas that we haven't really addressed in our work tracks, but ones which we know we have to devote some additional time to.

And then finally in our third session, which will be on Thursday, we're going to talk about a topic that many who have been in the working group have been looking at and reviewing, which is our initial report which we hope that will go out the first week – or next week, which is the first week of July, which will go out for public comment but we'll talk all about that. And if I could just ask the working group members who I know want to talk about the report, if we can hold…

((Crosstalk))

Jeff Neuman:     Yes, hold those thoughts until later on in the week so that we can have a full discussion. But it seems like we have a lot of people in this room, some of which are very new to this work and so forgive us a little bit as we go into a little bit of background in this first session and then we'll dive into the substance.

So if we can go to the next slide? And I apologize again because I should be on Adobe – able to connect it but I can't. I've already introduced the work track leaders. That's great.

Okay so the nature of our work, this really started back in 2007 – well not our group but the work on new TLDs really stems from recommendations from the Generic Name Supporting Organization back in 2007 which resulted in a document called the Applicant Guidebook that was used for the 2012 round of new gTLDs.

Our work is focused on looking at that 2012 round and determining what changes, if any, might need to be made to the original GNSO recommendations from 2007. The PDP was chartered and began its work in early 2016, so we are more than two years into our work. And for anyone who actually would like to review the charter, it's available at that link. And the slides should be posted up on the meeting website so if you want to review

those slides afterwards just go into our meeting session on the ICANN site and you can click on that link.

Just to give you an idea of the scope of topics that this group has been considering over the past two years, there's been at least, well, over 40 larger separate topics, each of those will many sub topics. And so we broke out into the work tracks in order to address those.

So Work Tracks 1-4 – and I introduced the leaders a little bit earlier, Work Track 1 in general was talking about the process – the application process, the systems that ICANN used, the applicant support program, so to enable those from developing nations to get financial support and other types of support.

Work Track 2 focused on the regulatory and legal aspects of the program so things like the registry contract registry registrar separation, the applicant terms and conditions that an applicant needed to sign in order to submit its application.

Work Track 3 focused on the objections that third parties could file along with communities, how to qualify as a community and if you qualified as a community you would get priority; how public comment and GAC Advice worked into the process, and a whole host of other subjects. I'm really going over this in very general terms.

Work Track 4 focused on a lot of the technical aspects and the evaluation criteria, things like financial support but as well as issues like name collision and IDNs, internationalized domain names.

I'm going to try the first time each time I mention an acronym to actually spell it out, I'm working on it so if anyone's got a question on any acronym, please raise your hand. I know especially for people coming to a first time session it's hard to understand all the acronyms.

And then Work Track 5 which was a later addition, talks exclusively on the use of generic names at the top – sorry, use of geographic names at the top level. We broke that out into a separate Work Track 5 really got underway earlier this year in 2018 to focus on that difficult subject and we're going to focus these first two sessions on mostly the overarching issues that we've had in the program and Work Tracks 1-4.

There is a session – high interest session later on today, 3:45 I believe local time, to talk about Work Track 5. That's their first session. And Work Track 5 will have a second session on Thursday at the same time.

So we can go onto the next slide. So at this point our current status – so the work tracks have been meeting for about two years now and have been talking about all these different areas.

The work tracks combined about a few months ago to put together a initial report. So that initial report could go out for public comment like I said hopefully next week.

The discussions that the working group has had over the last several months has not really been to discuss all of the issues again, because they were fully baked out in a number of the work tracks, but was really just to make sure that this initial report that comes out next week reflects the discussions that took place.

And also the questions that will go out for public comment which we're seeking input on. These revisions to the initial report have now been posted for the working group on our community wiki page. And the group is now reviewing those redlines.

I want to be a little clearer on the role of this initial report. In other policy development processes, initial reports have set forth recommendations and

have spelled out a level of consensus within the group on those recommendations.

Because of the huge number of topics that we've had to cover, because of the nearly 200 people that are in this group between participants and observers, the approach that Cheryl and I have decided to take is one where we hope in the initial report to reflect the temperature of…

((Crosstalk))

Jeff Neuman:     …yes, of the group, of the work tracks that focused on these issues and then put that out for public comment as opposed to seeking consensus on all of those individual recommendations.

We did it because of the size of the group and the number of issues but also in our discussions, we decided that to put forth a level of consensus within the group would also or could also have the effect of locking the group members into certain positions prior to putting that out for public comment.

And we really want the working group to be open to the comments that we get from the community without having locked itself into certain positions.

So for all of those reasons, we did not conduct consensus calls on each of the recommendations. So you will find when you review the report you will find lots of language like the working group – or "the work track generally believes that…"

((Crosstalk))

Jeff Neuman:     …or "members of the working group believe that." You'll also find a number of different options so there were a number of topics that we discussed that really the group at this point couldn't come to one single recommendation but wants to put our different options for the community to consider and then

hopefully based on the feedback we can either choose one of those options or a hybrid of those options, or if there's – or something else if the community comes together and proposes something that the working group or work tracks hadn't even considered.

So bottom line is that this is really an initial report of the work of the work tracks and the working group and we really encourage feedback when that initial report comes out next week.

We are also having, when the initial report comes out, an extra-long public comment period so the comment period will be 60 days so it will run, if we can get it out by July 3, I'm looking at ICANN staff…

Cheryl Langdon-Orr:   Ish.

Jeff Neuman:      Ish, the we can have we're thinking the first – the end of the first week of September for having comments come in. That also – we understand that in the Northern Hemisphere that is the summer, and in August that is a break for a lot of people but we do need to move on with the work and so if you are having a vacation during that time if you could plan accordingly and make sure that comments do come in…

Cheryl Langdon-Orr:   Take the work with you.

Jeff Neuman:      Take the – well I wouldn't say. Cheryl says take the work with you…

((Crosstalk))

Jeff Neuman:      I believe wholly in taking vacations away from everything so I don't think you should take the work with you but. So that's where we currently are on Work Tracks 1-4. If we can go onto the next slide?

Okay, so this is a timeline of our best current thinking as to where we are in terms of getting the report done and completed, the final report, and then sent over to the Council.

So the next step in any policy development process after the working group finishes its work and produces a final report and that final report will have a measurement of consensus of the members of the working group, and we'll talk about that a little bit later in the session, that report then goes to the GNSO Council, the GNSO Council in theory is supposed to just make sure that all the proper policies and procedures were followed in order for the working group to have come to its recommendations. And then the GNSO will then at some point vote to approve those recommendations or potentially send back some of the recommendations for further work.

We're hoping that they approve those and then it would be sent to the Board at which time the Board would then have its own public comment period and then the Board would vote on those recommendations. During the Board's public comment period they would also solicit input from the other advisory committees and supporting organizations.

We are hoping that because we have such a large group in – or large number of people within the working group, we're hoping that we've already heard a lot of the perspectives from the ALAC, from the GAC, from the ccNSO especially with respect to Work Track 5 so that when the report does go to the Council and then up to the Board, that it should reflect the views of the entire community.

But there is that separate public comment period and so at that point then the Board if they follow the same process as the last time, would approve the final report that the GNSO has passed onto it, and then it will move onto the implementation phase.

So this again is a little asterisk on top of the – where it says, "Overarching 1-4 – Work Tracks 1-4" because at this point there's a couple different things. Number 1 is this does not include yet the work of Work Track 5.

We're hoping that at some point the work of Work Track 5 and the other – and the full group will converge but that may or may not happen. It also assumes that there isn't – there aren't any additional public comment periods.

Now because this initial report does not provide a level of consensus along with the recommendations, and because there are options being presented and there is theoretically the opportunity to – when the working group collects the public input to come up with wholly new solutions to these issues.

We are reserving the right to have additional public comment periods if they are necessary. But those will be more in a format of supplemental or interim reports as opposed to releasing a full group paper like this initial report.

This initial report, just so you're aware, is at least the meat of it…

((Crosstalk))

Jeff Neuman:       …is about 200 pages long.

Cheryl Langdon-Orr:   It's a tiny document. Tiny, tiny document.

Jeff Neuman:       Tiny document. But what we are doing is to help out we are having several annexes to that report, one of those will pull out all of the options and preliminary recommendations and the other will pull out the questions for public input.

So we recognize that this is going to be -or is a lengthy report but because there are so many subjects there is really – we really wanted the report to show the deliberations in the group, all the different options that were

considered so that when someone does read the report they know all the work that went into it and they know what the work tracks have already considered.

If we want to move on? Or let me stop here. Is there any questions just on these slides right now? And I see Jim has his hand and then in the back. So let's go with Jim.

Jim Prendergast: Yes, good morning. Thanks, Jeff. Jim Prendergast for the record. Is – I see next steps – is there another slide that has bubbles that detail the next steps or is there a different slide?

Jeff Neuman: Not in this particular slide deck.

Jim Prendergast: Okay.

((Crosstalk))

Jim Prendergast: One thing you talked about the public comment period before the Board considers it and I think you said hopefully we will have all of the – an idea of all the different stakeholder groups' positions on these things.

I think it's also important to note that even though there are lots of people participating in this process they don't necessarily speak for the stakeholder groups that they come from so I think we need to be realistic and think that the GAC, the Registry Stakeholder Group, all the various constituencies have their own internal processes where they come up with those determinations on their stances, and I'm sure we're going to get them at that point.

Jeff Neuman: Yes, thanks Jim. That's a great point. And one of the things that – and I should have mentioned – in the initial report we're going to send during the public comment period we're going to send letters out to the GAC, to the ALAC, to the SSAC, basically all the ACs and SOs hoping to get some input

from them as well. So that will also provide another temperature gauge as to the thoughts behind the options, the outcomes the recommendations.

So what I'm hoping is that we're not surprised. So while taking your statement that the groups aren't – the people participating aren't necessarily representing their groups or authorized to represent their groups, hopefully they have a sense of what their groups are thinking and can bring that to us. So thank you, Jim. In the back, yes, I'm sorry, I can't see.

Holly Raiche: Holly Raiche, ALAC. To what extent is any of all of the groups taken into account any of the outcomes of the CCT-RT given that the whole mandate of the CC-RT was to look at the first round lessons learned, lessons not learned, information that was discovered or not, and to what extent will that form part of the information and the outcomes for this process? Thank you.

Jeff Neuman: Thank you, Holly. And I'm looking at Jonathan Zuck over here. So at this point the CCT-Review Team has not produced its final report. We did see the initial report and the – I think you called it a supplemental report on some of the trademark issues and the DNS abuse. We are certainly monitoring those and our charter does require us to take that into consideration. But because – and we were hoping to have considered some of those for the initial report but because of the timing we weren't able to do that.

So short answer is we will be considering those when the report comes out. And I'll ask Jonathan on the spot if he can let us know when he thinks that might be. But so, Jonathan, not to put you on the spot but…

Cheryl Langdon-Orr: Well yes, to put you on the spot.

Jonathan Zuck: Yes, Jonathan Zuck for the record. But off the record, no, the – we are very close to a final report but I don't believe that it is too incredibly different from the ones that you have in hand really so I mean, I think the findings have not changed dramatically, etcetera. There's some recommendation language and

consolidation because a lot of what we did in a way was similar to you in that we made very granular like a huge number of very granular recommendations to facilitate commenting that has now been merged together, etcetera, and reduced in number and so hopefully it's a little bit more digestible document than the initial document was.

And we will then be in some sort of implementation phase related to those recommendations, some of which are aimed at the Subsequent Procedures Working Group and some aren't, right? And so there was an attempt in that document to identify issues. And so I think some of us will be joining the Subsequent Procedures Working Group to help bring that across the finish line and to be advocates for some of those recommendations. So I think there'll be some integration that takes place like that.

Jeff Neuman:     Thanks, Jonathan. And I see Phil Corwin.

Phil Corwin:     Yes, thank you, Jeff. Phil Corwin for the record. I just wanted to thank Jeff, you and Cheryl, for this very timely update. And just wanted to note in my capacity as one of the co-chairs of the Rights Protection Mechanism Review Working Group that in terms of timelines, earlier is had looked like you folks might finish up about half a year before us; right now it's looking like about three months prior but that's without another comment period. We're projecting delivering our final report to Council in the second quarter of 2019. While I can't guarantee no slippage from that date, those involved with our working group know that we are working very hard to stay on that timeline.

So just for the information of those in this room, and listening, it does now appear that the two working groups that are both supposed to complete their work before a subsequent round will be wrapping up very close to the same time. Thank you very much.

Jeff Neuman:     Thanks, Phil. That'll help as well. We've had a couple subjects that were referred to us by the RPM group and we've started – well we've considered

those and some of which are reflected in the initial report and certainly we're all monitoring that work in case there are issues that need to come over into ours or vice versa for that matter.

So we are coordinating with Phil and the other co-chairs, Kathy Kleiman and I guess you've added Brian Beckham now on that work, so thank you, Phil.

Phil Corwin: Yes, and just to add, I think while I haven't discussed this with the other co-chairs yet, certainly it would seem to me that we would want to look at the provisions of your report that relate to our work and bring them up within our working group for some feedback on them. Thanks.

Jeff Neuman: Okay thank you, Phil. And I'm just looking at the Adobe room. When I say I'm looking at it, I'm looking over Cheryl's shoulders. Is there anyone else that has any comments so far? Okay, if we can go onto the next slide? Just waiting for that to happen. There we go.

Okay, so what are the next steps? Just a little bit more granular here, there are topics that we've identified which we'll talk about in the next session which the initial report doesn't necessarily cover either because they were just very lightly touched upon or in some cases not touched upon at all. Those topics include things like the role of private auctions to decide contention sets, the role of – or discussion about the actual ICANN auctions, or the auctions of last resort.

We also recognize that we have not – although we touched on the subject in the initial report, in terms of changes to applications in response to government advice, or GAC Advice, we have not really touched upon the general notion of whether applicants can change their application and how they can change it after the applications are submitted, if they can change it at all. There was a very strict policy in the last round of pretty much no changes. And so we'll discuss that.

Those are just three of a few of the topics that we'll talk about in the next session. As we just mentioned, we obviously have to review the recommendations when they finally come out from the CCT-RT, although as Jonathan said, they're not very different from the recommendations we saw in the interim report.

And so the other thing that we're considering is although we were divided into four – or five work tracks with this report and with Work Track 5, when we get public comment back, because of the way we consolidated the initial report, we will likely divide up into groups but they are not going to be the same format or the same groups that they were broken out to in the initial work tracks.

We are likely to break out into three groups where we will basically focus on if you look at the sub bullets, or sub-sub bullets, in the second area there, we're looking at breaking it down into three different subject areas, the overarching issues, the foundational issues, and pre-launch as being one area. The numbers there correspond to the sections of the initial report that they appear in so that's Sections 1.2 through 1.4.

Application submission, processing and evaluation would be the second group. And the third group being disputes, contention resolution, contracting, pre delegation, post delegation, which although looks like – if you just look at that numbers, looks like a lot more subjects, it's actually a smaller portion of the initial report. Some of those issues did not really generate a huge amount of discussion or contention from where the current Guidebook is.

And then as we talked about that we'll publish supplemental reports and have additional – we may publish supplemental reports and have additional comment periods. We put in there a question of you know, what standard should be applied in order to decide whether initial reports come out. I think we might want to take a couple minutes just to gauge your thoughts on this issue because there were a number of members of the working group that

thought that well since we're not stating final recommendations in this report, any report that does state final recommendations would need to have a supplemental comment period. There are members of the leadership team however that don't necessarily share that view.

In discussions with the leadership group, which includes the work track leaders as well as Cheryl and I, our view has been that only if – so in areas where let's say there are four options presented in the initial report, if through public comment and discussions after that with the working group we coalesce on one of those options, the thought would be that we wouldn't have to put that out for a supplemental comment period because those options were presented in the initial report.

If however, we came up with some unique fifth option that could not have been contemplated by the public comments that we initially received, that may be an area where we would have to seek additional public input. So I'm going to kind of throw out this question for you all as to what your thoughts are in terms of when you believe an additional comment period may be warranted.

And I know we're speaking kind of abstract terms here but this will really help the leadership team as we go forward into thinking about what areas would need to go – which topics would need a supplemental report to go out for public comment.

So as I look around the room…

Cheryl Langdon-Orr:   You got Jonathan.

Jeff Neuman:       …Jonathan Zuck, please. Start us off.

Jonathan Zuck:    Yes, Jonathan Zuck for the record. And I guess this answer is going to be equally abstract to the question but there are a lot of strong personalities in

every working group inside of ICANN, that probably goes without saying. And so I guess my concern about – we've put out for options, there was public comment and then we got together and chose one of them therefore there isn't a need for further public comment, doesn't really leave room for the possibility about disagreements about where the sway of the public comments was on those four options, for example.

And so in theory, the group could choose something that others perceived was not the preponderance of comments for example, in the first round that's happening now. And that might be a reason. So I guess I'd be inclined toward a more generous perception of when to have public comments rather than a more conservative one just so that people feel like they're heard on issues around the process as well if that makes sense.

Jeff Neuman:     Thanks, Jonathan. I see Alan and is Anne – I'm sorry, I'm reading over the – so Anne is also in the queue. Thanks.

Alan Greenberg:   Thank you. I pretty well support what Jonathan said and I'll elaborate a little bit why. As you point out, you're putting out a 200-page report with lots and lots of options. That's going to be hard for someone to essentially assimilate and, you know, understand whereas when you come up with a – if you were to come out with a final draft – draft final report saying how you picked them, that's a lot more concrete for people to focus on.

And the second thing is there is – there are enumerable interactions between these things. So each of them does not stand in its own right so you may have picked what seemed like the recommendation on each of the – even if you, you know, diligently followed the public comment and did not, as Jonathan implied, perhaps change the prioritization based on the strong personalities in the group, the interaction between them is such that even though each of them make sense in their own right, together they're not the right picture.

So I guess I would side without having seen the, you know, the current interim report, I would side on having a real draft, you know, a real draft final report issues for a public comment. The 40 days or whatever, it doesn't have to be an elaborate one, I think will make sure that you are producing something that will be supported by the community and not require lots of comments or for that matter lots of difficult discussion during the implementation phase. Remember, Jeff, when you summarize the process, the Board approved the last GNSO policy in 2007 and it was the 2012 round. We spent five years doing the implementation, we don't want to do that again. So I think it may be worth an extra two months to put out a report. Thank you.

Jeff Neuman:     Thanks, Alan. Anne's in the queue.

Anne Aikman-Scalese:      Thanks, Jeff. It's Anne Aikman-Scalese with IPC but not speaking for IPC obviously. I tend to agree with Jonathan and Alan, but I did want to say that I thought determining this question the timing of it would probably be best after we see the public comment on our draft initial report.

And I think that the answer to the question depends a great deal on how well the issues are described and whether we've truly reflected diversity of opinion in our initial public report.

I still unfortunately have not had a chance to review the redlines to the report but I think that you know, as working group members our responsibility is to be sure that diverse opinions are reflected and if the initial report comes out with the – as you say – three or four options, then we're going to be in a more secure position when we get to final report. Thank you.

Jeff Neuman:     Thanks, Anne. And I appreciate those comments and just for the record, not all the subjects have three or four options, that was kind of one just example I used. And so that's helpful. Is there anyone else that's got any comments? The other question I'll throw out there while people are thinking is how do we balance all of that with the need to get the program actually underway at

some point and not go on through an endless loop of comments? So I don't know if anyone's got any thoughts on that as well or whether we just should push forward? So I see Donna and Jim.

Donna Austin:     Thanks, Jeff. Donna Austin from Neustar. I'm also the GNSO Council liaison to this working group, I'm a co-liaison, I don't know if Keith's in the room or not. I'd just like to make the point that we're actually almost at a point where this group has been meeting for two years so the document that's coming out, this report, is based on considerable discussion to date. And we shouldn't lose sight of that.

So we're not starting from ground zero by any stretch of the imagination. There's been a lot of work and effort to get us to this point. So I guess it's just a plea, let's not lose sight of that and let's not go backwards from this point; let's try to move forward. You know, to Jeff's point, we do need to get this launched. To Alan's point, we don't want to spend another five years on implementation.

So I would – I'm really concerned that, you know, some of the conversation I hear it sounds like we're potentially going backwards, not moving forward but we've been talking about this for two years so how can we collectively work together to try to progress this a little bit more quickly than kind of argue about whether it's three or four recommendations.

I think this report is, you know, it's a culmination of two years' work. It is a big document but it's the collective of what we've been doing for the last two years so let's not lose sight of that and let's see if we can move forward to the next step. Thanks.

Jeff Neuman:     Thanks, Donna. Jim.

Jim Prendergast:  Yes. Thank you. Jim Prendergast. I'm going to park one question and that is on the second bullet point, are we going to go – and we don't have to touch

on this now, I think we can come back to it, but are we going to go back into a work track working method to deal with those issues as they break out after the comment period or are we doing something as a plenary on those issues?

I think that's important at some point to get a better sense of because working in a group this big is challenging as we all know from the last eight, nine weeks of weekly calls. I think the work track sort of approach did yield some efficiencies and some benefits there.

And just to follow up, you know, Donna, I get what you're saying about this has been going on for a while but, you know, my experience from the last round is that there were significant gaps or inconsistencies or uncertainties about what the Guidebook said and what the policies were that led to instances where you had staff or the Board making implementation decisions which did not sit well with nearly everybody in this room who was involved at the time.

So I think it is – it feels like we're hashing it out, but I think the time spent now hashing it out and getting it right will save us more time after we issue this report if we start to see things like unilateral right to amend the contract or other issues that pop up that were not dealt with as part of this process.

Cheryl Langdon-Orr:    Thanks for that, Jim. Cheryl Langdon-Orr for the record. And I just wanted to follow n there because I just want to remind everyone, particularly those who haven't been as actively involved in the various work tracks as many of you around the table are, we're trying to come up with something that has greater predictability.

This is an aim to make a lot of progress on the learnings out of the 2012 round. So when you're talking about opinions and discussing and debating things, think about it from an improvement to process and predictability lens

and that's very much what the work track leaders and the protagonists I think in most of the work tracks are trying to do.

Jim, you want to get back with that?

Jim Prendergast: Yes, no I agree. I think but we do have an, you know, we missed a few topics so we can't miss topics when this final report is put out. That's where I'm going.

Jeff Neuman: Thanks. Alan.

Alan Greenberg: Thank you. And, you know, I think the whole issue in my mind is when we do the implementation, we want it to be done and a small amount of time at the beginning may well allow that to happen. I'll remind everyone we spent a lot of time on a group called Policy and Implementation, was – or something like that, and that group was contemplating how do we address an issue that arises after the policy is determined, which we think really is a policy question, not an implementation question. And the answer is, it goes back to a PDP or something like that. We really want to avoid having that happen because if we have to reconvene some form of policy discussion halfway through implementation, that's going to add an extra year to it.

And we really want to avoid that. And if we can spend a few months to make sure that doesn't happen or minimize the chances, because that's all we can do, I think that's going to be time well spent.

Jeff Neuman: Thanks, Alan. Anyone else in the queue at this point?

Cheryl Langdon-Orr: Jonathan.

Jeff Neuman: We have someone over here first, sorry, and then we'll go to Jonathan.

Woman: Thank you. I have a remote comment and question from Justine Chew. "Certainly the areas already identified as additional which have yet to be considered for – by Work Tracks 1-4 require what would be in effect an additional comment period." Her question, "How will comments on these areas be handled in due course?"

Jeff Neuman: Yes, thanks, that's a great question from Justine. And I think with these new subjects I think that there's certainly a desire amongst us to collect the comments in the same way we collect with all the other topics. So I think there's a recognition at this point that there may need to be a supplemental questions asked of the community but they may not necessarily fall after we review all the comments from this one. In theory, we could decide if we have a good grasp on the topics and some of the comments and questions we may issue a supplemental request after the close of this current request, so it doesn't necessarily have to be in a sequential order. So that's some of the things that we're talking about just, you know, as a leadership team.

Anyone else in the – oh sorry, Jonathan, yes.

Jonathan Zuck: Yes, and I apologize, this might be a little bit of an orthogonal comment, and I apologize for that, and I guess it wasn't the job of this working group to ask the question about whether or not we should have more rounds of new gTLDs, etcetera.

And that – and so I guess I'm a little bit – I want to just pause a little bit on this notion of, wow, we better hurry up and get this launched, like there's some enormous demand out there in the marketplace for this that we're starving for new gTLDs and make sure that we get – dot the Is and cross the Ts this time around because this isn't a situation where the majority of the community is saying oh my God, when can we possibly get to these new TLDs? I think the majority of the community are very concerned right now about GDPR and the implications on privacy and the interaction with consumer protection and IP, etcetera.

There's a lot of questions that I think from the standpoint of the community as a whole are much larger than when we're going to get around to new round or a new set of procedures around new gTLDs. And so I guess I just want to put the brakes on the notion of oh my God, let's make sure we get a new round launched as fast as we can because it's a luxury; it's not something that the Internet is going to collapse in the absence of.

Jeff Neuman: Thanks, Jonathan. I think that's semi-orthogonal, but I appreciate your – I guess it's a personal view, right. You know, we've heard just as – standing up here as a chair we've heard from both sides, right? So you may not have heard but we've heard from others that just going back from the discussions on the overarching issues, which is that the GNSO passed a policy that there will be a continuous – the continuous introduction of new gTLDs. In fact, it was never contemplated in 2007 with the GNSO that there would be at this point we're now talking about six years since the closing of the last application period. And at the rate we're moving now, it could easily get to be a decade in between rounds.

So while I completely understand that that the issue of the day is GDPR, the issue of yesterday was the transition, the issue of the day before that, there will always be an issue of the day and does the community have to wait until it's the issue of the day in order to get to move forward? So as the working group, we're not determining the speed at which this next round launches.

We are assigned with a task, we're moving forward with the task. We're not going to slow down or speed up frankly, based on comments that we hear, we're just going to go at the rate in which we need to go and the rate at which we are going.

So by that token, we're not going to extend our deadlines because GDPR is the issue of the day, we're not also going to move faster because some

people want it faster; we're going to move at which we as a working group can move if that makes sense.

Jonathan Zuck:    That makes perfect sense. It's just not in perfect aligned with the notion of let's hurry up because we need to get a new thing launched, which got said a few times. So that's the only reason that I brought it up.

Jeff Neuman:    Okay thanks. Christopher, I see your hand raised, so please, if you could…

Cheryl Langdon-Orr:  Is there a roving mic we can use?

Jeff Neuman:    Or a standing mic or…

Cheryl Langdon-Orr:  Yes, there we go. Behind you, Christopher. Is the mic coming?

((Crosstalk))

Christopher Wilkinson:      Thank you. Christopher Wilkinson for the record. Member of the PDP and of Work Track 5. First of all I have considerable sympathy with Jonathan's last statement. I also support what Alan said. Particularly as we don't seem to have an authoritative assessment statistical and economic about the results of the previous round, I think that is lacking and the applicants for the next round really need to be able to read what happened last time including the questions of the numbers of registrants and the viability of the businesses that resulted.

I've read nearly all the WT drafts, 1, 2, 3, 4, I'll just note that – and I think the staff already are aware of this, I'll just note that there are some significant rationalizations to be undertaken between the different chapters, which sometimes say different things about the same things.

I've received the redline version but because of the timing and the time spent in an airplane, I haven't had an opportunity to read the redline version. So I

hope that the staff and the co-leads have succeeded in editing the cross references between the different chapters.

This is particularly relevant when it comes to Work Track 5 because the question of geographical terms and geographical indications and other geo aspects relate very closely to several aspects of the other work tracks. So, as I pointed out on the call, and I think the preamble to the initial report that we're talking about, does make the point that the integration of Work Track 5 geographical issues still needs to be done.

And finally, I'll make a strong plea of from a political point of view internationally, public comment should really make an effort to outreach to interested parties who've not be party to this process at all. It's not going to be very useful if public comment boils down to an echo chamber of the participants in the work track. Some people, and I enter the reservation myself, that if they don't find themselves at all in the report may feel that they have to say something in public comment. But that is far from ideal.

What we're looking for in public comment is comment internationally from all parties who may be affected or may be interested in the next round whether they've participated in the work tracks or not. Thank you for your attention.

Jeff Neuman:     Thanks, Christopher. And if you could help us as well during the comment period, we're going to do our best to try get as much input from other groups as possible, but we're relying on you all as a community to help with that process as well. We can only do what we can do in terms of getting people to respond and to participate. I see Rubens has his hand up.

Rubens Kuhl:     Rubens Kuhl, NIC.br, Work Track 4 co-leader. All engagement outside of the usual suspects of the ICANN community we could try asking Global Stakeholder Engagement for some outreach. And say, hey, this is this public comment period, it's important, well it's important because we think it's

important. If you are interested in – so we could at least try and get out of the usual grounds.

Jeff Neuman:     Okay, thanks, Rubens. Let's – oh one more, is there a remote comment? Okay, thanks. And then we'll move on.

Andrea Glandon:  Thank you. Andrea Glandon. A remote comment from (John McCormack). "Has there been any thought given to inheritance procedures where a gTLD registry fails to get a sufficient number of registrations/revenue to be financially viable and the gTLD is then purchased by another operator beyond EBERO?"

Jeff Neuman:     Thanks. I think that that's – at this point we'll take that comment, we'll include it and then we'll – that dives into a whole other area which we won't get into at this point. But I think we certainly will take that comment in and take it to the work track.

All right, moving on to the next slide, just a quick note on Work Track 5, just to kind of show you, this is not – we're not here to talk about Work Track 5 so there'll be plenty of discussion on this particular slide later on today. So just so everyone knows, there is a plan for Work Track 5 to catch up with the work in theory to the work that we're doing so that by the Q2 of next year to kind of be on the same time scale so that's aspirational we know, but the Work Track 5 co-leads will talk about that at the session this afternoon.

Can we go to the next slide? And so then the one question for this group that we'll have to think about and I think Christopher has spoken on this a couple times and just said something about this as well, is that there are some of the work of Work Track 5 could impact some of the areas that we're discussing so things like reserve names or dispute processes, objections, contracts, things like that.

So the questions that we're posing to the group are can the recommendations of our group coexist with the recommendations of Work Track 5? And do changes need to be made by this group to accommodate the recommendations of Work Track 5 or vice versa? To give, excuse me, to give an example, you know, Work Track 5 could come up with a – and I'm making this up so please don't read this into what Work Track 5 is doing – but Work Track 5 could say that there are certain names that are unavailable for registration so they're in essence reserve names or something like that.

Does that – so yes, that impacts the number of reserve names but does that mean that we need to then have a discussion here about updating the reserve names list? I would think not. I think they could coexist together. But then again there may also be some discussion again totally making this up – that if let's say that there was a Public Interest Commitment that came out of Work Track 5 as a solution, you know, we're talking about Public Interest Commitments in general, within our working group, do we then have to update all of our materials to accommodate that? Or can we just as a group say they could both coexist?

So I'm posing these more as philosophical questions at this point because they have been raised and to also say that we are aware of these issues and so Jonathan Robinson, looks like you have something you want to say so – no? Oh, I thought you hand was raised. Does anybody have any thoughts on that? Okay so we can move on.

So when the working group meets again, oh, Jim, sorry, you have thoughts.

Jim Prendergast: Sorry, I've been using the mic a lot so I wanted to give deference to others who may not have had a chance to speak. Jim Prendergast. So, Jeff, I get, you know, I get how Work Track 5 is operating in a parallel process. I didn't want to say "universe" but a parallel process because they started later than us. But at some point we've got to bring them into the room. I know a lot of folks are sitting around the table but I mean, you referred to Work Track 5 as

a gating issue in the past and I think a lot of people in the room believe that it still is.

So what is the sort of – I know you said they'll catch up to us in Q2 but when are we going to start thinking of SubPro as Work Tracks 1-5 instead of Work Tracks 1-4 and Work Track 5?

Jeff Neuman: That's a great question, Jim. I think when I say – I guess I used it kind of glibly as kind of catching up. The whole point is to bring the recommendations into work track – I'm sorry, into the full group but the hope is that, and the expectations have been that if the issues have been thoroughly vetted and discussed within Work Track 5, the hope is that the group would not re-raise – the full group wouldn't re-raise the topics that were discussed within Work Track 5 extensively. So in essence, it is part of our group but the hope is not to revisit everything because people may or may not like how the group came out.

So the answer, sorry, short answer is, we will incorporate that but probably at a little bit different standard then the normal subjects that come into the full Subsequent Procedures Working Group would come in.

((Crosstalk))

Jim Prendergast: So if you're interested in Work Track 5 issues and are not part of Work Track 5, become a part of Work Track 5 now so you can have your say now instead of waiting until the end?

((Crosstalk))

Jeff Neuman: Great comment but you could also – they'll have a public comment period on their initial report as well so you will have opportunity to provide your comments – input.

Annebeth Lange:    Annebeth Lange for the record. One of the co-chairs in Work Track 5 representing the ccNSO. I think it's worth thinking about that Work Track 5 is a little different from Work Tracks 1-4 since it has four co-chairs from all the different COs, ACs, and that what makes it different and what we try to achieve is to avoid as Alan said and also some others, that if we look at the last round it was the geographical names that caused among those things that caused all this extra time after the policy was released and before the implementation.

So it's of special interest for other groups more than Work Tracks 1-4, that's why we do it this way and hope to avoid the discussion in extensive afterwards. So it's a little difficult to see how we can just move it from there and start the whole discussion. So I agree with you, Jim, if you're interested in Work Track 5 and geo names, be a member and be part of the discussion as soon as possible even if you have the opportunity of course to give a comment when we publish the report. Thank you.

Jeff Neuman:      Thanks, Annebeth. Ken, are you coming to the mic or…

Cheryl Langdon-Orr:  Yes.

Jeff Neuman:      Yes. Ken Stubbs, please.

Ken Stubbs:       Yes, my name is Ken Stubbs. I have a favor to ask, and maybe this is something that's already been contemplated. I'm hoping that we're going not get a myriad of public comments relate to actions that are being done by both the SubPro, the group that Jeff's handling as well as Work Track 5. I would really appreciate if we consider stratifying those comments and having them available in our sessions to address on an individual basis, they tend to get lost in the public fora and I think if we could do that and we had a list of the public comments we could address them in the meetings that would bring them back fresh to our minds and it would be more effective way of dealing with it. Thank you very much.

Cheryl Langdon-Orr:   Thanks, Ken. Just to be clear, Cheryl for the record here, you're talking about making sure the committee as a whole is actively involved in that, right? Okay thanks. Jonathan, do you want to move to a microphone? Thanks.

Jonathan Robinson:   Jonathan Robinson for the record. I'm just wondering – I'm thinking about process here, chairs and co-chairs, and how you – so just to clarify, on Work Track 5, so you envisage that Work Track 5 will do its work, publish its outcome and have an entirely separate public comment to the main working report? I'm thinking how does that link into the earlier conversation about whether or not there's an additional sort of public comment for an integrated entire proposal? And am I correct in understanding at the moment Work Track 5 continues parallel indefinitely and at what point does it become integrated?

Jeff Neuman:       So the hope and, again, the Work Track 5 leaders are here, so I'm not going to put them on the spot, and it's something for them to consider, but the hope is at this point it's parallel, they'll have their own initial report that comes out later this summer – I'm looking at them. And then they'll collect the comments on that separately because it'll be a separate public comment period.

They will deliberate on those comments and they will produce final recommendations. At the point that they have final recommendations, then those final recommendations will be incorporated into the final recommendations of the whole, so that's the thinking.

Jonathan Robinson:   Ok, so then I am correct in my understanding which some may have a concern about and that needs to be at least well communicated if not addressed, that at no point will, as currently envisaged, the entire report be with all recommendations be available for public comment.

Jeff Neuman:       At this point that is not contemplated in the schedule.

Cheryl Langdon-Orr: But we've heard comments here today and we're obviously going to take those into account.

Jeff Neuman: Right. Thank you.

Cheryl Langdon-Orr: I'm the nice one today. We agreed, I was being nice today.

Jeff Neuman: Right. I'm the bad cop, okay. So…

Jonathan Robinson: Just to finish on that because that's why I was linking it back to that theme because it did seem to be very consistent with that concern that maybe you heard – so you did hear that, that's good, and that's well acknowledged then, thanks Cheryl.

Jeff Neuman: Ken's back up at the mic, and let me just see if there's anyone else? Okay Ken and then we'll move on.

Ken Stubbs: I'll defer to anyone else first. Okay. I am concerned about something, Jeff. We spend a significant amount of discussion about what's going to be done this summer. We're all aware of the fact that many countries, especially the European countries, things tend to slow down in July and August. And I don't want to have a situation where they're not given the opportunity to really be able to materially contribute unless they want to give up their opportunity to be with their family.

There's – I mean, let's get real, you know, Italy, France, many countries like that August – working in working group, so I don't want to come into September and October and have anyone feel like they've been discriminated against culturally because of the fact that they wanted to take some time and go down to the beach with their family for three weeks like they've been doing for the last 20 years. So let's please keep that in mind as we plan the summer work that we do balance the load in a way that allows

culturally those countries and those people who do enjoy the holidays to be able to participate to get back up to speed. Thank you.

Cheryl Langdon-Orr:   I'm going to take that seeing as I certainly don't domicile where you summer happens to be or the European ones for that matter so, you know, I'm sure APAC would have a very different view. But what you've clearly come on to there is one of the rationales for us having a 60-day public comment period so 21 days to 30 days of whatever it is people want to do, in whatever winter or summer season it happens to be, whatever solstice you're celebrating, we're trying to be generous on the time allocated so that unless you're spending eight weeks away somewhere, you may be able to not feel discriminated against. So hopefully what we're doing with 60 days is going to go a long way to meeting that. And if there's a problem we'll discuss it. Hadia.

Hadia Elminiawi:   I wanted to go – Hadia Elminiawi for the record. I wanted to go back to the point where we said that no final reports would be submitted until Work Track 5 finishes their work and they have their final report published for public comments. So my question then is the final report of Work Track 5 foreseen to be completed and put out for public comment?

Jeff Neuman:   Thank you. That's a great question. And I just want to be clear that we have not yet finally concluded that the final report of the rest of Subsequent Procedures cannot be submitted to the Council, if it looks like Work Track 5 is going to take longer, then there may in essence be two final reports – may, I'm just throwing that out there. So I don't want it a foregone conclusion that the rest of the subjects will be fully dependent on Work Track 5.

So I will save the Work Track 5 questions until the later session as to when they expect the final report to be done so that will be talked about at 3:45…

Cheryl Langdon-Orr:   Three fifteen.

Jeff Neuman:    Three fifteen, I'm sorry, 3:15 to 4:45 today, so let's hold that. It's a great question. But at this point we're kind of taking a wait and see approach from a full Subsequent Procedures Working Group standpoint as to whether there will be a consolidated final report or two separate ones.

Cheryl Langdon-Orr:  So, Jeff, Cheryl Langdon-Orr for the record again. We're looking at the time here and we've really – and listen, we are hearing you and we are taking notes and we are considering everything you're saying to us, so nothing is set in stone. We're going to be both friendly and flexible but we're also going to be efficient and effective and to that end, what we had planned was a conversation in small groups for the rest of today's session on what is consensus and what does it mean, well tough, that's not going to happen, you've got five minutes.

So what we might do is take a high points and holiday tour of consensus and ask you to start thinking about this and talking about this over coffee, I mean, what could be more exciting while you're having your morning break than discussing consensus. And then when we come back after our break, and I'd love to see everybody who's in the room now come back after our mid-morning break, we're going to be looking at a couple of I think fairly important questions and this is where we're going to get you far more interactive and much more into workshop mode.

So we're just going to modify our agenda on the fly now and I'm now going to throw back to Jeff for the full five minutes he has on consensus. Go.

Jeff Neuman:    One of my favorite subjects.

Cheryl Langdon-Orr:  Yes.

Jeff Neuman:    Thank you. So if we can go ahead in the slides, so ultimately at the end of the day, there are a number of subjects which have different viewpoints from different members of the community or even from different viewpoints within

the same group in the community on a lot of the different areas. So just to define consensus, and how Cheryl and I are tasked with measuring it, at the end of the day, is in the Operating Procedures Section 3.6, and there's different levels of consensus or different levels of gauging the support within the group.

You have a full consensus which is basically unanimous. You have regular definition of consensus, which is a position where there's only a small minority that disagrees but most of the rest of the group agrees. There is strong support but significant opposition, which is while most of the group supports it, there is a significant number of those that do not support the recommendations. Divergence, which essentially means that there's two or more positions on a particular issue with different points of view and it's hard to reconcile those different positions together for one concrete uniform recommendation.

And then finally where there's just a huge number of different – I don't think we've ever seen this within a working group yet, where it's just…

((Crosstalk))

Jeff Neuman:     …small groups each feeling differently on the issue to where you can't even say that there is divergence; that there's just so many different opinions on it that it basically at that point it's a no recommendation. So those are what the levels are. And at some point Cheryl and I are going to have to measure that on each of the recommendations. So if you go to the next slide, this is the methods to how we normally would do a measurement of consensus. It's after the groups have had a lengthy-enough discussion on the issues, when – after it's already been published for the group to review, after Cheryl and I have reevaluated and basically made sure that all the viewpoints are taken into account.

And then of course that we can decide to use polls if that's something we want to do and or otherwise we can – and this is all challengeable too under the GNSO procedures so if there are those that feel like Cheryl and I are…

Cheryl Langdon-Orr:  Got it wrong.

Jeff Neuman:      …got it wrong…

((Crosstalk))

Jeff Neuman:      …or exceeding our authority or doing that, there are mechanisms to go to. As Donna said, she's one of the liaisons.

Cheryl Langdon-Orr:  Yes.

Jeff Neuman:      Keith Drazek, who I'm not sure…

Cheryl Langdon-Orr:  Yes, he's here somewhere…

Jeff Neuman:      …here, was here, he's the other Council liaison to bring that to. So ultimately the questions to kind of think about and talk about on the next slide are really on the methods. And so next slide.

Cheryl Langdon-Orr:  Yes.

Jeff Neuman:      There we go. So in essence what we're working on or – is that for some topics we have already had working group or work track members that have kind of converged on a single set of ideas and recommendations. But for others, to be honest, it's been difficult to obtain concrete input about how the applicant feels moving forward. So we know, as a working group, that the topic of applicant support is – has been mentioned in a number of GAC communiqués, it's been high on the list of a number of groups to talk about

but at the end of the day when the topic came up at Work Track 1 and even some discussions in person at these meetings we get very little feedback.

So we know it's important, you know, we don't have to be told again it's important. But what we're lacking is concrete recommendations so that's, you know, determining consensus on a subject like that will be difficult, at anything other than an extremely high level. On certain topics we have divergence, just to be honest. There is a strong group of people that feel like, for example the topic of closed generics, which is basically a registry to apply for an to use a string solely for its own organization and its affiliates as that term is described in the Registry Agreement, Specification 11, there is a divergence at that point.

There are people that strongly feel we should never allow it and there are strong views on the other side that said we should always allow it unless someone could point to something specific that's against the public interest. Now maybe public comment will clarify that, maybe it won't. And so at the end of the day we're going to be in a position of trying to measure the temperature of the group, consensus level of the group, on an issue that we know has highly divergent views.

Cheryl Langdon-Orr:   Yes.

Jeff Neuman:   And then in cases where there's no clear answer, how do we determine where consensus is possible and working towards reaching it? So even if we can't come to a consensus on an issue like closed generics, are there things around the edges where can try to come to consensus? So if this is – if closed generics are allowed, then what protections must be in place? So things like that.

I know we have to go into a break, so I see Ken at the mic. Do we have time to take one question at the mic or…

Cheryl Langdon-Orr:   It's their coffee break. Yes.

Jeff Neuman:        So let's take one question and then we'll go off into the break an then organize to separate into groups.

Ken Stubbs:        Thanks, Jeff. I notice in the way that you discuss these last issues you were placing a significant amount of responsibility on you and Cheryl to make determinations. I'm concerned because I think any determinations regarding consensus positions, not the actual material but the position really need to be taken back to the group and – I won't say voted on it but if you feel that there's consensus and a significant number of members in the group don't agree with you, then we have an issue. So I don't want to have a situation where the ability to determine consensus is placed on the chairpersons without any opportunity for ratification. I hope you understand what I'm saying there, Cheryl.

Cheryl Langdon-Orr:   Of course I understand what you're saying, Ken. Cheryl Langdon-Orr for the record. And we'd be a crazy couple of PDP leaders if we didn't take into consideration the howls of the crowd when we potentially got it wrong. And so I hopefully won't be in a situation of thinking either of us crazy by doing that. But it is of course the task of the co-chairs to establish consensus. With a group our size, unless there is utter and absolute clarity on something like either end of the spectrum, we will make some form of consensus call process, I'm sure.

But we will also be working with the full PDP working group, this is not going to be, you know, a surprise missive from Jeff and I to say, hey, guess what we've decided? You know, this will be an iterative process as well. But we'd be crazy to muck it up.

Jeff Neuman:        So as we go – thanks, Cheryl, this is Jeff Neuman again. As we go into break, these are things to think about especially for the working group over the next few months. We'll be talking about all this stuff. At the end of the day,

Cheryl's right, according to the guidelines, the two of us have to make the determination. If you disagree with the determination, there are things written into the procedures in order to do that.

But that's what we're trying to seek input on from you all is to – what tools can help us make that call? And again, we're not going to talk about that right now, we're going to go into a break. When we come out of that break I will spend a very short amount of time going over a few different new areas and then we will break out into groups to talk about those areas. So is there…

Cheryl Langdon-Orr: Phil, you're going to stand between us and coffee? Go for it.

Phil Corwin: Yes, I am, it'll be quick, but I think it's important. And this is based on my experience within the working group that's considering curative rights protections for IGOs that I formally was a co-chair of. In that working group one member of the working group filed a – what's called a Section 3.7 appeal based on a disagreement with the fact that the co-chairs of that working group proposed to poll the working group to get an idea of where people stood to begin the consensus call discussion.

Because at the timing of when that happened, and other factors, that basically – because it was very late in the work of the group it froze us for – it froze the group for five months. That individual has filed a second 3.7, so I want to say something publicly here, this 3.7 appeal is a very potent weapon by a disaffected member of the working group, not just disappears with proposed consensus levels but actually the process of getting to them.

And I just want to say here publicly, Council needs to look at and flesh out that part of the guidelines because right now there's no timetable for response to that, it's – all it says is that the person protesting gets to talk to the chairs and then gets to talk to the Council Chair or her liaison, nothing further about remedies, no sanctions if the appeal is abused by a member. And as we go into critical period for both your working group and the RPM

Working Group, Council really needs to address this and put some clear guidelines into that 3.7 so that it's not abused because it could – it can result in delaying action for months if it's misused. Just wanted to get that on the record. Thank you.

Cheryl Langdon-Orr:   Thanks, Phil. We're going to have a 10-minute break now if you can come and return back into this room after 10 minutes. Look forward to seeing all of you and I'm quite sure you'll have a little bit more interaction and a little bit more fun. Jeff's going to make it fun now. Thank you. Ten minute break. Back at 10:30.

((Crosstalk))

END