ICANN Transcription
New gTLD Subsequent Procedures PDP Working Group
Tuesday 12 June 2018 at 0300 UTC

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Michelle DeSmyter: Thank you, Welcome, everyone. Good morning, good afternoon and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on the 12th of June, 2018. In the interest of time, there will be no roll call.

Attendance will be taken via the Adobe Connect room. So if you happen to be only on the audio bridge would you please let yourself be known now?

Hearing no names, I would like to remind everyone 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. With this I will hand the meeting over to Jeff Neuman. Please begin.

Jeff Neuman: Thank you, Michelle. Welcome, everyone. And just to note for the so many apologies, Cheryl was unable to make the call today but sends her apologies along with the other people that are listed in the agenda pod top right hand side.

So we'll start off I guess our agenda today is very much – is very similar to what it's been for the past couple weeks, and go through the next sections of the initial report. But before we do that, let me just see if there are any updates to any statements of interest?

Okay, seeing none, hearing none, let's go straight into the next part which is the review of the initial report. And I do want to read this, I think on the last call someone asked that we read this into the record. Let me go back up here, which is that, "The purpose of this review is to ensure that preliminary outcomes and deliberations are accurately captured and written in an understandable manner.

The cochairs – the working group cochairs have sought to make clear that this exercise is not intended to re-open substantive discussions, which is better served by the submission of public comments and subsequently when reviewing public comments received. Please submit your comments about these sections to the working group mailing list in advance of the meeting or afterwards."

And thank you to Ian and Jim and others that have been sending in comments, greatly appreciated. And do enable us to help shape some of the discussion. If I miss any of your comments during this call in the sections that we cover please make sure to bring them up just to make – just to see if there's any other discussion on those.

Any questions before we get started? Everyone should have control over the Adobe Section 1.7 is now showing, sorry, 1.7.8 specifically that starts on Page 50, which is where we left off. Are there any questions?

Okay so the first topic or where we left off was 1.7.8 on Page 50, 5-0, it's on name collisions. And this – in going back and looking at the original policy, there was a recommendation.

Recommendation Number 4, which said that strings must not cause any technical instability but although at the – should say – first sentence, sorry, I'm noticing a typo here in Part B, although at the time of a new gTLD program launch," so we just need to put an M in there in the word "time" – there were no mechanisms addressing name collisions but in 2010 the SSAC released SSAC 045 which did a bunch of things, said a bunch of things but one of those was that ICANN should promote a general awareness of potential problems that may occur when a query for a TLD string that has historically resulted in a negative response begins to resolve to a new TLD.

Though these were recommendations made by the SSAC in 2010, there were no other actions that were taken prior to when ICANN started to accept new gTLD applications. But after the launch, there – due to a number of comments that came in and – questions that came in about why this work hadn't been undertaken on October 7, 2013, the New gTLD Collision Occurrence Management framework was adopted by the ICANN Board to be implemented by the ICANN Organization, and that framework was intended to address potential issues arising from name collisions, including – take this from the report – systems disruption, SSL certificate hijacking, and alleged potential risks to human life.

There was an extended period between contract and delegation that was established to make SSL cert providers aware that new TLDs were going to be delegated, and to ensure that they are revoked, the existing SSL certs, and that – and also a final framework was being developed by advisors to

ICANN at the time to deal with the potential name collisions that could have occurred. And so ICANN did allow applicants to proceed with their TLDs provided that they agreed to implement a mechanism called the Alternate Path to Delegation. This involved requiring all registry operators to block all second level domains that appeared on a sample set of data called the Day in the Life data or DITL Initiative.

This required many registries to block the registrations of thousands and in some cases hundreds of thousands of second level domains. Final Name Collision Management Framework was released in July 2014 which allowed registries that were delegated after the release of the final framework to introduce a wildcard in the zone for the first 90 days after delegation where end users were taken to an unintended webpage or encountered an error message, "This warning mechanism, which was called controller interruption, required that system administrators be alerted that in the event they were directing queries to that newly delegated TLD, there may be an issue in the network."

This period had to last for at least 90 days. And it got its name from the intended design of making end users and systems administrators aware of the problem without risking that these unintended queries to the newly existing TLDs were not inadvertently misappropriated by the registry operator or any of its registrants. So this was taken up, this issue was taken up by Work Track 4, should also be noted that there are and we'll note later in this section, there are other efforts underway to tackle this issue as well.

But here are the preliminary recommendations on Page 51. The Work Track 4 developed the following preliminary recommendations. One is to include a mechanism to evaluate the risk of name collisions in the TLD evaluation process as well as during the transition to delegation phase. Second one is to use data-driven methodologies using trusted research-accessible data sources like the DITL and ORDINAL. We should probably have a footnote I

think to – well we do to the final framework but potentially have a link to later on where these terms are actually defined.

Efforts should be undertaken to create a "Do Not apply" list of TLD strings that pose a substantial name collision risk whereby application for such strings would not be allowed to be submitted. In addition, a second list of TLDs should be created if possible of strings that may not pose as high of a name collision risk as the "Do Not apply" list, but for which there would be a strong presumption that a specific mitigation framework would be required. Recommendation to allow every application, other than those on the Do Not Apply list, to file a name collision mitigation framework with their application.

And during the evaluation period, a test should be developed to evaluate the name collision risk for every applied-for string, putting them into 3 – essentially three baskets: a high risk basket, aggravated risk basket and a low risk. And clear guidance should be provided to applicants in advance as to what constitutes these three different classes. High risk strings would not be allowed to proceed and would be eligible for some form of a refund.

Aggravated risk strings would require a non-standard mitigation framework to move forward in the process; the proposed framework would be evaluated by an RSTEP panel. Low risk strings would start controlled interruption as soon as such finding is reached, recommended to be done by ICANN Org for a minimum period of 90 days but likely more considering the typical timeline for evaluation, contracting and delegation. If controlled interruption for a specific label is found to cause disruption, ICANN could decide to disable CI for that label while the disruption is fixed, provided that the minimum controlled interruption period still applied to that string.

A lot of detail there; a lot of preliminary recommendations that was – that were discussed with Work Track 4, Rubens taking the lead on that particular issue with Cheryl. So if there are any questions I'm likely going to refer them

to Rubens on this call. And there are a large number of items that we're seeking feedback on.

The first one is really to determine what kind of dependency the community believes exists between the work of this working group and the end cap project, which is work that was under – or is being undertaken by the SSAC. I'm not sure where that stands at this point, I know there was a comment period on the proposed scope of work and I believe that the SSAC is looking at that right now.

The second question deals with if the end cap work is not completed, what should the default be? And then the third question is about the controlled interruption period, about the discussion of 60 days versus 90 days or even 120 days, so it's just comments on that. I think we have a bullet point there that probably shouldn't be there, I think that that, 1, 2, 3, fourth bullet is probably still part of the third.

The next question deals with – there is a mechanism that's required during the controlled – during the first two years after a TLD is delegated that the registry in essence be on call to respond to certain events within I think it's two hours. Some had seen that as being a little excessive but, you know, we do feel like we should ask a question on that.

And then if ICANN were initially required to delegate strings to its own controlled interruption platform, and then later delegate the TLD to the registry, would that unreasonably increase the changes to the root zone? And what threat vectors for name collisions in legacy gTLDs should the working group consider? And what mitigation control if any can be used to address such threats?

So a lot of these questions are further addressed in the deliberation section, Section F, so if they seem a little bit out of context hopefully referring to the deliberation section will put them back into context specifically on the

potential recommendation of having ICANN delegate strings to itself to start a controlled interruption period earlier. There is some discussion of that in the deliberation section and that's what the question on that refers to.

So let me just go back to the chat. Rubens may not be in an area where he can speak so that may pose an issue but we'll do the best. Jim's asking a question of the current state of the end cap.

And, yes, there was a comment period, staff reported due by June 16, which thanks, Jim, I didn't necessarily remember that. That's good to note for us. And but I'm not aware of any other activities. I assume the SSAC is aware of those and I'm looking at the list of people on this call, I'm not sure there's anyone on this call that knows.

Rubens says that the end cap sessions are in the Panama schedule but not much else is known at this point. I don't know – it's probably good for us to develop a – in fact, why don't we put this as an action item, if the group thinks this is okay, but let's see if we can find out prior to our first meeting in Panama what the – well actually even if we can maybe by later this week just to figure out what the status is and what we can expect to be discussed in Panama on this.

Anne has a comment, "Hi, Jeff. I submitted revisions to the questions in the section." Rubens responded, "I have sent that communication to the list twice." Okay. Thanks, Anne. I do recall you submitting those comments. If you'd like can you – from your point of view and then maybe if Rubens gets into an area where he can talk, do you want to just give a quick summary of those comments for everybody else here?

Anne Aikman-Scalese: Sure. Very quickly, Jeff, in the question section – this is Anne Aikman-Scalese for the record. On name collisions, I had just added three questions, and I think Rubens made a sort of a counter suggestion first one was fine with me. I said, "Should ICANN be directly responsible for controlled

interruption because this was discussed in Work Track 4?" And I think right now it's a change in that ICANN – and it might be more efficient apparently but there's a question now.

Rubens said this question is to be added before the question on root zone changes. It could be a standalone question or merged with that question. Suggestion accepted text still to be decided, so that's all fine with me. I just think we have to ask the public directly because that was you know, discussed in the work track.

And then the second question I wanted to ask was regarding the do not apply and the exercise care list, how should technical standards for these categories be established? Should experts be consulted? And Rubens is commenting that this should be added almost exactly as is but that the question should read, "Should experts other than end cap working group be consulted since end cap is already covered?"

And the only thing I would note there is I don't think end cap is a working group, it's an SSAC working party so I think maybe the question for this group, for Subsequent Procedures, just for your consideration is whether SubPro itself should be, you know, experts should be consulted you know, independently by the SubPro Working Group?

So I mean, I guess I don't know if that's a question or if everybody wants to just defer to the end cap study. And then the last item I have the question, "Should applicants be able to propose name collision mitigation plans on a string by string basis with each application? And if so, should evaluation be done by ICANN or by an independent expert?" And on this one Rubens says that, "The current report already says that they can do that."

But my issue with that is there's not a consensus on whether or not – there's certainly at least the minority view on whether or not name collision mitigation plans – that it would be a recommendation from this group that applicants be

able to supply those individually. And that's one question. Another question is, if applicants – if it's determined applicants should be able to do that individually with each application, you know, who should be evaluating that?

And so this is not something that there's you know, there was discussion on it, there were exchanges on the list on it and the question should be put out for public comment. Thanks.

Jeff Neuman: Okay thanks, Anne. Those are some good questions. And I think sounds like we really only have one that – but let me actually, sorry, Rubens, you have your hand raised. Cool. Rubens, please.

Rubens Kuhl: Thanks, Jeff. Rubens Kuhl here. On (unintelligible) name collision framework (unintelligible) reported that asks (unintelligible) would make such evaluation. And so that's already in the report. As such other question, if we don't allow an applicant to file (unintelligible) framework, and then a string is found to be (unintelligible) then how could the applicant move on with the process? So (unintelligible) is it something that might generate a block for that application that needs to be something that the applicant would be able to suggest.

That doesn't mean that applicants suggestion will be taken as absolute truth, it would fall into the (unintelligible) to evaluate that proposal but just an opportunity for that to happen.

And it's not the only opportunity the applicant could file it later, but at some point everything that might generate a (unintelligible) application needs to have something that an applicant can say that would allow that applicant or application to move on. That's why there is an opportunity for the submission of framework. Thank you.

Jeff Neuman: Okay thanks, Rubens. I think for purposes, and this is just my own kind of – and if people disagree please feel free, I think we should be much more high level on the questions that we ask. So instead of saying something like, you

know, who should evaluate this other than the end cap, I think it should stay general, who should – or, you know, who should be the evaluators of this framework or of these?

I don't think we should refer to the end cap as if that's definitely going to exist because they – as far as I'm aware they're not – there's a proposal for this end cap but they still need to get funding and all sorts of other things. At this point it's not a definite – it's not something that's definitely going to happen, although I think fairly likely.

So why don't we stay more at the higher level if we can to just ask the question who should evaluate these things as opposed to even mentioning end cap in that. That's kind of my suggestion to kind of get us out of the weeds. So if we can get the comments from people as to their thoughts without making specific reference to a group, or suggesting a group, I think that would be better. And so Anne is saying, "We can rephrase. It may be important to know whether or not evaluators should be independent." Yes, thanks Anne.

And when you're using the term "independent" in your mind, independent from what? Independent from the registry, independent from ICANN, just want to make sure we are all taking the same terms. Independent of the contractual – okay, so I think you're saying there, Anne, not a current registry or registrar; a consultant could have a contractual relationship with ICANN so I think that's what you're saying, not a registry or registrar or what we would think of as a quote, contracted party.

Okay, and then the question of should ICANN evaluate or not? Anne, when you say ICANN – should ICANN the organization evaluate it or are you talking about should ICANN either be doing any types of evaluations at all? I'm sorry, I'm just trying to clarify what you're typing. And I think we should probably move on. So Anne is typing. Yes, ICANN – should ICANN staff be evaluating the name collision risk? Okay, if we can throw in those concepts I

think Rubens, what do you think about that, just making sure that we have the concepts now and we can work specific wording out. Rubens is typing.

And while he's typing I do want to just refer to – Rubens is saying, "As meeting 12 of Work Track 4, this was one of the broad points, mitigation frameworks would be evaluated by RSTEP." Okay, let's take this offline. I think we can make sure that we ask the question. We could say – members – we could say something like members of Work Track 4 discussed these mitigation frameworks being evaluated by RSTEP but we're seeking feedback on whether that would be appropriate or not, or something like that.

Okay, trying to move on here. So please, on this section, pay attention to the deliberations. It's fairly extensive, a lot of the SSAC studies are referenced in here and so are the collision frameworks and all of that, and then in Section G, there is a dependency in there on the end cap, assuming that it goes forward, which I think is fairly safe to assume.

And then a reference to IETF special TLDs initiative. Perhaps if we could provide a footnote as to where people can get more information on that? Actually it is above in the deliberations, so maybe just providing a note to the above deliberations because I think it's referred to there.

Anne, please.

Anne Aikman-Scalese: Yes, Jeff. This is Anne Aikman-Scalese again for the transcript. And it's just a note about this issue of, you know, well we put it in the deliberations so we probably don't need to ask the public. There's a very big difference between, you know, this thing is so lengthy – very big difference between saying X was discussed and actually asking for public comment on an issue. People are going to focus on the questions that are outlined for public comment.

In the work tracks, the work that we have done we have, you know, consistently said, hey, we should ask the public this, so when we say well a solution that is just to put it in the deliberations, from my standpoint procedurally, it is not a solution just to list something in lengthy paragraphs about deliberations. They are issues the public needs to be consulted on and they need to be pointed out.

Jeff Neuman: Yes, thanks Anne. I think w agree on that. I think when I was making a reference I meant we don't have to restate the entire thing in the deliberations so cite that section then ask the question so people can get the context. So I agree with you completely on that. Anything we want to ask a question on, I agree, it should not – we should not just expect people to read the deliberations and comment on all of it. If there's something we want to highlight, absolutely. So I agree with you completely on that. Cool.

Jim is typing but okay, why don't we then move on? I think we're done with Section 1.7 so let's go to the next section which Jim says, "It'll be interesting to see how the community digests this monster document." It will be. And on that, actually, if I can just remind maybe ICANN staff, ICANN Org or our policy friends, if you guys can just make sure that we have 15 minutes at the end of the meeting to just – so if you could cut me off and cut us off so we can start talking about the document and start talking – and talk about next steps and the questions that were raised on the sessions in Panama? So if I can just ask that favor? Thanks, Steve.

Okay, Section 1.3 is dealing with – and everyone should have control of the Adobe, deals with really the three parts that we're going to talk about most are 1.3.2, 1.3.3 and 1.3.4 which deal with global public interest, applicant freedom of expression and a little bit on universal acceptance. The reason being is that 1.3.1 essentially is a very small section which says we're still waiting for the CCT Review Team report.

And once we get that especially from the action items that we get from there, then we'll more thoroughly address those issues but until then, there's not really much for us to comment on. So I'm assuming everyone is in agreement with that approach, that there's really nothing else we should be saying other than describing the principle about consumer choice, marketing differentiation and geographical and service provider diversity, which is in Principle C.

Jim asks the question, "What's the ballpark timing of CCT Review report?" well, initially it was supposed to be January this year, then it was February, then March. We're told that it's going to be possibly by the end of June but the good news is, and we'll talk about a little bit more in the last couple minutes of this session, but we are going to get kind of a preview of the recommendations that deal with our working group from Jonathan Zuck and the team so that we can discuss those – start discussing those in Panama. So that – we're all waiting for that report and but at least we'll be able to start some work on our deliverables.

Okay, moving to Section 1.3.2, global public interest, which was a – frankly a difficult section for us to write and for us to think about. This stems from work that was in I believe a couple different groups actually. I think I know that Work Track 2 discussed this issue and I believe it came up in a couple other work tracks, Work Track 3 in certain areas. But so what's the principle? Or sorry, what's the policy or implementation guidance?

Recommendation 6 started out saying that "Strings must not be contrary to generally accepted legal norms relating to morality and public order," and then defines a couple different examples of these internationally recognized principles of law.

And then the global public interest is also referenced in ICANN's core values under Article 1, Section 1.2, subsection B, subsection 2, where it talks about seeking and supporting broad informed participation reflecting the functional, geographic and cultural diversity of the Internet at all levels of policy

development and decision making to ensure that that bottom up multistakeholder policy development process is used to ascertain the global public interest. And that those processes are accountable and transparent.

And that is from the current version of the Bylaws. Steve, correct me if I'm wrong. But those are the real policy guidance to the extent that we have any. And so how was this actually implemented in 2012 round? So the work tracks that addressed this issue addressed it in a couple different ways. The – there was – or when we started the round in 2012, there was nothing that really addressed these – the concept of public interest commitments, in fact it wasn't until the GAC provided advice in October of 2012 that the Board should come up with a mechanism to incorporate certain commitments, business plans, registration restrictions, additional rights protection mechanisms and other objectives in the base Registry Agreement such that they could be overseen by ICANN's Compliance department. That was according to their relevant communiqué.

And in response to the GAC, the New gTLD Program Committee of the Board proposed a new Spec 11 to the base Registry Agreement to transform application statements into binding contractual commitments, as well as to give applicants the opportunity to voluntarily submit to heightened public interest commitments, and then goes on to quote some of the thing in Specification 11 including the 2013 RAA – sorry the Registrar Accreditation Agreement that allowed registry operators to voluntarily commit to certain statements in their application and then also additional obligations that were mandatory for all registries are also in Spec 11 like the ban on closed generics, the language in the RRA with respect to protection against domain name abuse, and ensuring that registries operate in a transparent manner.

So this is paraphrased wording, not the actual wording unless we have quotes there. And I see you, Anne, I'll get to you in a second, let just finish this up real quickly.

In addition, in 2014, the ICANN Board's New gTLD Program Committee adopted an implementation framework for GAC Category 1 Safeguard Advice, which required safeguards to be added as Public Interest Commitments to Spec 11 of the Registry Agreement for certain categories of strings and those are listed in those bulleted points.

So Steve confirms that that was from the original- sorry, the current ICANN Bylaws. And I would go to Anne and then I'll read Kristina's comment. So Anne first, please.

Anne Aikman-Scalese: Yes, thanks Jeff. It's Anne really quickly for the transcript. It's just I think this language is a little bit misleading because it makes it kind of sound as though ICANN was supposed to initiate a requirement for certain commitments and for certain business plans and I just think that language needs to be clarified because I'm pretty sure that, you know, they don't mean that; it's a mechanism to require the applicant to incorporate you know, the commitments that it's already made in the application into the Registry Agreement by reference. It's not to get ICANN to have a mechanism to incorporate commitments in business plans.

I mean, it's – you see what I mean by the distinction as far as the clarifying the language? It's not imposed by ICANN what the business plan is, it's just that ICANN asks the registry to – the advice is that the registry should incorporate those elements that are already proposed in its application into its you know, commitments – into its Registry Agreement, incorporating those by reference. So I suggest the language with a mechanism to require an applicant to incorporate into its Registry Agreements by reference certain commitments, business plans, registrations, restrictions, etcetera so it doesn't sound like something that ICANN is imposing on the applicant to, you know, approve its business plan; it's not doing that.

Jeff Neuman: Okay, thanks Anne. So I'll let – we'll go to Kristina and then why doesn't everyone just think about what Anne's proposal is and see if there are any

objections to Anne's proposal? So let me first go to Kristina and then we'll loop back.

Kristina Rosette: Hi. Kristina Rosette, Amazon Registry for the transcript. I don't know if I'm getting ahead of ourselves because I just joined, and apologies for being late. I had a comment on 1.3.2b namely where we list out what's included in Spec 11, more specifically Specification 11 in that it has three bullets. I think it's a little odd, if you go to that third bullet, "Include additional obligations that were mandated for all registry operators such as," there we've listed three of the four additional obligations and it just seemed a little odd to me that we would include three of the four and not just all four for the purposes of completeness.

So I would just suggest adding that third bullet after registry operators and then including the fourth element that's not currently there which I knew what that was a few hours ago but I've forgotten.

Jeff Neuman: Thanks, Kristina. I admit that it's late so I forgot what that fourth one is too. But, yes, there's – I don't think it was intentional to leave out the fourth one so why don't we go back and, I agree, for completeness, let's make sure that we have that fourth element. But let me – actually let me ask if – so that would have been Michael – would that have been your group? I'm trying to remember if that was Work Track 2? You have any thoughts on that? Michael may be preoccupied so – oh he's typing, okay. So oh he (unintelligible).

I think yes, Michael, so Kristina just made the point that for some reason, and this could be my fault because I think I may have written the background on this, there was a fourth bullet point – a sub bullet point in the additional obligations that were mandatory for all registry operators and we listed three; there was – Kristina said there were four so for completeness we should list the fourth one. I don't think that that's controversial but wanted to make sure you were okay with that. Yes. Okay cool. So Michael says, "Yes, it's a good idea." So we will go back and research that.

The – just want to go back because Kristina, you also said something in the chat which I'll read. "My only comment on 1.3.1," so this goes back to the Consumer Trust stuff, Competition, "we should add a sentence or two to sub section F that explains what the work track will do once it receives the final report and what the best estimate of the time required for that work." I think that's a good idea to put in the sentences of what we're going to do once we get the report. Kind of hard to give an estimate on the time required because we're not fully aware of the list of deliverables are, but I think certainly we can and should list what we expect to do with that report.

Okay, any other questions or comments on Section B, which is really just the background before we get into the meat of the recommendations? Okay, not seeing any, then Part C, what are the preliminary recommendations and our guidelines? We're now on Page 6, Work Track 2 discussed the concept of PICs, sorry, public interest commitments, I'm now going to say PICs instead of repeating the whole thing.

How they were added, the effectiveness, concerns, the effectiveness in addressing concerns expressed by the GAC during early warnings process, and as a mechanism to allow applicants to respond to issues brought up by the community after an application has been submitted. And so to this end we – the discussions were divided – sorry, we divided the discussions, Work Track 2, first talked about the mandatory PICs and the work track is considering a recommendation to codify the current implementation of mandatory PICs as policy recommendations.

In addition, such mandatory PICs should be revisited to reflect the ongoing discussions between the GAC Public Safety Working Group and Registries as appropriate. For voluntary PICs, the work track recommends continuing the concept of voluntary public interest commitments and asking applicants to state any voluntary PICs in their application. In addition, the work – it should say the work track – supports the ability of applicants to commit to additional

voluntary PICs in response to public comment, GAC early warnings and/or GAC advice. The work track acknowledges that changes to voluntary PICs may result in changing the nature of the application except where otherwise prohibited in the Applicant Guidebook and we need to discuss that further.

At the time, the next one is, at the time a voluntary PIC is made, the applicant must set forth whether such PIC is limited in time duration and/or scope, such that the PIC can adequately be reviewed by ICANN and existing objective applicable and/or the GAC if the voluntary PIC was in response to a GAC early warning or GAC advice. So that reference was, for many of you may be aware, that some registries had said that there'd be a PIC but that they could change it at any point in time and/or they could limit to just the first couple years so this is something that we recognize needs to be discussed or we need to get comments on.

To the extent that a voluntary PIC is accepted, such PIC must be reflected in the applicant's Registry Agreement. A process to change PICs should be established to allow for changes to that PIC to be made but only after being subject to public comment by the ICANN community. To the extent that the PIC was made in response to an objection, GAC early warning and/or GAC advice, any proposed material changes to that PIC must take into account comments made by the applicable objector and/or the applicable GAC member that issued the early warning, or in the case of GAC advice, the GAC itself.

So that's some of the – or that's the recommendations. And then there a whole bunch of questions that we're seeking feedback on. But before I get to those questions, are there any comments on the recommendations – the preliminary recommendations themselves?

Okay, moving on to Section E, what specific questions are the PDP working group seeking feedback on? The first one, Does the community believe that there are additional Public Interest Commitments that should be mandatory

for all Registry Operators to implement? If so, please specify these commitments in detail?

Number 2, Should there be any exemptions and/or waivers granted to Registry Operators of any of the mandatory Public Interest Commitments? Please explain. And you will see actually in the deliberations section there is some discussion on – that took place within Work Track 2 on certain types of registries that may or may not need to read all these PICs so we're seeking feedback on that.

For any voluntary PICs submitted either in response to GAC early warnings, public comments, or any other concerns expressed by the Community, is the inclusion of those PICs the appropriate way to address those issues? Kristina, let me stop there and go over to you.

Kristina Rosette: Sorry, difficulties getting off of mute. Kristina Rosette for the transcript. On that third bullet point, I think we need a follow up question to the effect of, "If not" so if the commenter is of the view that the inclusion of those PICs is not the appropriate way to address those issues, the question would be something to the effect of, "If not, what mechanism do you propose?" so that we don't get a bunch of comments that just say, "no" but don't really give us any feedback as to what folks would suggest as a viable alternative.

Jeff Neuman: Thanks, Kristina, that makes complete sense to me. Michael, thoughts on that, just as the work track lead. Plus one. Good. Okay that – thanks, Kristina, that's a great addition so we will definitely put that in there. Moving onto to Bullet 4, To what extent should the inclusion of voluntary PICs after an application has been submitted be allowed, even if such inclusion results in a change to the nature of the original application?

So this is – I think one of – well they're all important questions but I actually think this one is particular important simply because the original process basically was that in 2012 you really couldn't change the nature of the

application at all and so this seemed to cause some issues especially with the notion of any kind of voluntary PICs when you want to address the, you know, any comments that are received or advice or whatnot so I think this is going to be important.

Okay, next bullet point is if a voluntary PIC does change the nature of an application, to what extent if any should there be a reopening of public comments periods, objection periods, etcetera offered to the community to address those changes?

Next question, the work track seeks to solicit input in regards to comments raised by the Verified TLD Consortium and National Association of Boards of Pharmacy that recommended a registry should be required to operate as a verified TLD if it, number one, is linked to regulated or – now Page 8 - professional sectors; 2, likely to invoke a level of implied trust from consumers; or 3, has implications for consumer safety and well-being.

In order to fully consider the impact and nature of this recommendation, the working group is asking the following questions. First one, how would such a registry be recognized to be in line with these three criteria and who would make such a judgment? And the second sub question is what types of conditions should be placed upon a registry if it is required to operate as a verified TLD?

And while you're thinking about that I'll go to the chat. Anne says – Anne Aikman-Scalese says in the chat, "Language of 1.3.2 regarding GAC advice should instead be clarified to say, 'In October 2012 the Government Advisory Committee provided advice to the ICANN Board of Directors of ICANN that it should come up with a mechanism to require an applicant to incorporate into its Registry Agreements by reference certain commitments, business plans, registration restrictions'," okay, then it goes on from there.

Anne, are those greater than signs? Are those bullets or are those – I'm just trying to figure out what those – look like greater than signs or were those like sub quotes within the quote? Anne is saying, done. Sorry. Well while we're figuring that out, I think we'll get the quote right and make sure that that's in there on 1.3.2. Oh, Justine says that it's syntax copied over from the email. Okay we'll get the quote and make sure that it's accurately referenced.

Okay, any other questions? I mean, this is a pretty big area, lots of discussion in the deliberations. And in line with the comments that Anne made earlier we should make sure that we're highlighting in the questions things that are pointed out in the deliberations. And so there are several pages of deliberations on this including the highly sensitive strings. So are there things that we should be asking questions on that we have not asked already?

Okay, not seeing any, of course this is not your only opportunity to bring this up but if you think of any questions afterwards please let us know. And then going into Section G, of course read the deliberation section, make sure it accurately captures the discussion. Part G, are the dependencies and so one of the dependencies is the CCT Review Team should say final report, the second dependency is that there is work underway in the Global Public Interest Framework under ICANN Strategic Plan. And then we did reference a little bit earlier there is a GAC Public Safety Working Group and the Registries discussion on mandatory PICs which to be honest I'm not even sure where that is at this point.

I know that there was a public comment – there was something that was agreed upon I believe there was a public comment period and I can't remember where that is right now but we should probably check in to see where that is. If anyone knows on this call, feel free to remind us but otherwise we'll do some research on it.

Okay, 1.3.3, applicant freedom of expression, another difficult subject to cover because it could potentially cover a lot of different things. But this was

addressed in Work Track 3 and I believe – I know that Karen is on the call but I believe Robin may have headed up this discussion so Robin's not on the call but Karen and I and others will hopefully do our best covering any questions if you have any.

What was the relevant policy and/or implementation guidance? Principle G said that string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law. There's a citation to that.

Recommendation 3 states that strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industrial Property, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and a citation to that.

How is that implemented? Specific guidance regarding the implementation of Principle G and Recommendation 3 was not included in the Applicant Guidebook. And as a result, it really was up to evaluators and dispute resolution providers as applicable to interpret these provisions.

That said though, some guidance regarding the implementation of Principle G was contained in the GNSO's final New gTLD Policy report, which did state, "an applicant would be bound by the laws of the country where they are located and an applicant may be bound by another country that has jurisdiction over them." It is also worth noting that Module 3 of the Applicant Guidebook, which discussed Recommendation 3 dealt only with the legal rights related to trademarks, but did not refer to – or did not deal not with other legal rights, such as freedom of expression.

Any questions on the background? Anything missing? Everyone still awake? Cool.

Section C, fairly short on this subject. Sorry, Anne, let me go to you.

Anne Aikman-Scalese: I guess I'm awake because I'm on the West – well near the West Coast. So Jeff, as I brought up some comments earlier down the list I think we need to clarify, you know, check with Karen, the language about freedom of expression makes several references to dispute resolution but dispute resolution is kind of a term of art that really talks about UDRP and URS proceedings.

And what we're really talking about here is the principle of the applicant's freedom of repression and so that language needs to be clarified to talk about not only objection – not only evaluation and objection procedures but also requests for reconsideration, independent review panel but really shouldn't refer to dispute resolution because that is about, you know, UDRP proceedings, URS proceedings, registrant's rights. And there may be, in the future, issues about registrant's freedom of expression but this is about applicant's freedom of expression.

Jeff Neuman: Yes thanks, Anne. I did see that – excuse me – I did see that comment. I think you're right, I agree with that. I just – Robin's not on the call so just waiting for some confirmation from Robin, but I do think that that is right, that we should not be referring to objections and the applicant's procedures as dispute resolution procedures. I think you're right, when we do talk about dispute resolution it's more in line with UDRP, URS and things like that. So unless we hear otherwise from Robin on that I think we'll make those changes. Karen's typing. Just give Karen a second.

And while I'm giving Karen a second to type, there is – we're going to turn next to the preliminary recommendations which really is fairly short. Okay,

Karen just confirmed that Robin has a pen on the section so we'll let her confirm but it sounds right what Anne was saying.

So Work Track 3 did spend a lot of time discussing the protection of applicant's freedom of expression rights to ensure that evaluating this and it should say here objection providers performed their roles in a manner to protect these fundamental rights. The work track generally believes that the implementation guidelines should be clarified to ensure that the panelists, I'll just panelists, the objector panelists, and the evaluators are aware that freedom of expression rights are considered throughout the evaluation.

To do this, each policy principle should not be evaluated in isolation from the other policy principles, but rather should involve a balancing of legitimate interests where approved policy goals are not completely congruent or otherwise seem in conflict. Applicant freedom of expression is an important policy goal in the new gTLD process and should be fully implemented in accordance with the applicant's freedom of expression rights that exist under law.

Rubens has suggested some alternate language, objection grounds, standing dispute and dispute resolution service provider information. Rubens, that's a quote from where? Okay so Justine – that's the ICANN language in 2012. Okay, so why don't we use the exact language that ICANN used so that we don't have the mix up and then we could also put in that link. So even if it the language that ICANN used, if Anne believes and others believe that it still is a source of confusion, there's nothing preventing us from using alternate language as long as we tie the two together, meaning that whatever language we decide to use has references to what ICANN – the language that they used.

So I – one of our recommendations in fact could in theory, be that we think ICANN should use different language when referring to these things types of things as opposed to dispute resolution so I don't want to be tied down simply

because that's the language that ICANN used especially if people are confused by it, then we should still have the tie so that everyone who reads this understands where to get more information. So okay so we'll have Robin confirm what was meant by dispute resolution providers as Justine says, and we'll make sure that it's at least clear for the reader which I think is who we're trying to cater to at this point.

So let us go back and take that as an action item. Are there any questions on the preliminary recommendations? And unfortunately if there are, probably have to defer it to Robin simply because she has the pen on this and knows more about this section then I do or that Karen does. I was not heavily involved in these discussions. And Anne is just explaining the why. So, Anne, I think we understand the reasoning and I don't hear any disagreement with the reasoning so let's see if we can – let's see what we can do to address those to address the confusion but also tie the sections together.

Okay, so okay so going to Section D, what are the options or under consideration. We really didn't discuss many – the work track didn't really discuss too many other options at this point, but we do have a series of three – well set of three questions here. The first one is, what specific advice or other guidance should dispute resolution panelists – here we have the use of that word again - and other evaluators be given to ensure that the policy principle of protecting applicant freedom of expression can be effectively implemented in the overall program?

Number 2, when considering Legal Rights Objections, what are some concrete guidelines that can be provided to dispute resolution providers to consider "fair use", "parody", and other forms of freedom of expression" rights in its evaluation as to whether an applied for string infringes on the legal rights of others?

And the third question, in the evaluation of a string, what criteria can ICANN and/or its evaluators apply to ensure that the refusal of the delegation of a particular string will not infringe an applicant's freedom of expression rights?

Anybody have any questions on the questions? There's still some more discussion on the terms we should be using. Greg says that the procedure was an objection but the entities that are hired to do it were called dispute resolution service providers in the Guidebook. And then Anne says, "I think we also need to mention applicant's freedom of expression in relation to requests for reconsideration and IRP." So, Anne, is that more properly in the accountability mechanisms and the discussion on appeals that we talk about in Section – I'm forgetting the section now, I don't think we've gone over that section yet but I know we sent it out so I think it's 1.8, maybe?

So why don't we hold onto that thought Anne, and see if that was mentioned in the Section 1.8? Justine bringing up a comment saying "Last bullet – on the last bullet either delete the word "the" or "a" in the second line, typographical error." Thank you, Justine. We will do that. Cool. Okay. Please keep those types of comments coming as well.

Okay, there is a deliberation section as there is in all of them. Please make sure that we've covered the material aspects of that and the one dependency in Section G is the CCWG Accountability Work Stream 2 Subgroup on Human Rights. And I know that some of you on this call have been paying a lot of attention to that. I am not one of those so I think that should be done shortly, if I'm not mistaken, maybe Greg, you might know more or Avri or – trying to think of who else is on that, I know there are others but hopefully that work will be done fairly soon at least some work will come out of that fairly soon.

Okay, moving on to 1.3.4, you'll see this as a relatively short section as well simply because there are other groups within ICANN that have been tackling this issue and are continuing to discuss this issue. And so we have what's the

relevant policy and/or implementation guidance? Principle B says some new generic top level domains should be internationalized domain names subject to the approval IDNs being available in the root. Doesn't really say too much about universal acceptance.

But how was that implemented? And there are two ways, the first one was by requiring applicants to answer Question 16 which asks applicants to describe their efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. And if they are known, describe what steps will be taken to mitigate those.

And the second one is by including clause 1.2 of the Registry Agreement called Technical Feasibility of String. While ICANN has encouraged and will continue to encourage universal acceptance of all top-level domain strings across the Internet, certain top-level domain strings may encounter difficulty in acceptance by ISPs and web hosts and/or validation by web applications. Registry Operator shall be responsible for ensuring to its satisfaction the technical feasibility of the TLD string prior to entering into this – into the Registry Agreement.

And so what are the recommendations here? Some new generic top level domains should be internationalized domain names – so it's basically – sorry, should have gone back. It's a – what's being proposed is a additional wording for Principle B of the GNSO recommendation in 2008. It should say some new generic top level domains should be internationalized domain names although applicants should be made aware of universal acceptance challenges in ASCII and IDN TLDs and given access to all applicable information about universal acceptance currently maintained on ICANN's Universal Acceptance Initiative page as well through the Universal Acceptance Steering Group.

Any questions on that amended principle? I think it's fairly simple as far as the principle, difficult to implement but simple principle. And given that this is

the only real recommendation and given that the work really, I mean, the universal acceptance has been done in other forums within ICANN, there's no questions really being asked of the community. So let me ask this group, does anyone think that we should be asking any questions on this section?

While people are thinking, there's still discussion in the chat on the freedoms of expression, so we will capture those to make sure that we are responding. All right, no comments on asking additional questions. And deliberation section talks about the Universal Acceptance Steering Group but it's really short, again. Where it says, "Work of the UASG" we should probably again cite to where that work is for more information.

Okay, Alan is asking a question. "Given that universal acceptance has continued to be problematic, do you think that other efforts need to be undertaken?" okay so Alan is suggesting this as a question to ask in the feedback section. So again, it's "Given that universal acceptance has continued to be problematic, do you think that other efforts should be undertaken?"

Let me – Rubens says he agrees, okay. If I can make a kind of friendly suggestion, without prejudging whether universal acceptance has continued to be problematic, because we don't really go into a discussion of whether it is or is not problematic, why don't we just ask the general question to say other than the work of the Universal Acceptance Steering Group and the information contained on whatever page that is – on ICANN's site, do we believe that additional – or do you believe that additional efforts need to be taken – undertaken by the community?

So okay. So I think we will – sounds like that's getting some positive feedback, although Alan is saying, "I do think we need the 'given' perhaps Rubens word 'challenging' – word is challenging." Rubens, thoughts? Okay, Rubens, please.

Rubens Kuhl: Thanks, Jeff. You didn't quickly sum up the words for address words like challenging or simply ask a question of what are the efforts. I think this question has a place in this report and should add it just need to figure out the wording for it. Thanks.

Jeff Neuman: Okay thanks, Rubens. I see that there's a time check so last comment I'll make on this is, you know, personal one, ultimately it's Rubens, your call and Alan, to kind of make sure you're comfortable with this language but because we really don't go into any kind of detail in this section, I think that we should probably stay away from any kind of judgments on whether it's challenging or not. So you may all agree inherently that there are challenges but since we don't really provide context let's try to take it up a level and just make it objective. But leave it to you, Rubens and to Alan to kind of discuss this further to make sure you guys are comfortable with the question.

Rubens, your hand is still raised. Okay, Alan, take your point, the issue is still on the table. But for the reader they may or may not know that so anyway, let's move on to the – we're not going to start 1.8 at this point, but we will take up 1.8 on the next call along with 1.9, will hopefully be out shortly, but I do want to spend a couple minutes on next steps and on some of the questions that have come up on the mailing list.

So the first one is yes, it's our intent that ICANN staff and the work track leaders have been working on including the discussions that have taken place over the last couple months on the initial report and it is our intent to send out the sections shortly as revised in redline form but it's going to be more as an informational purposes, we don't really want to get into debate on these revisions to the extent we can avoid those. Really it's to make sure that we've captured the concepts that were discussed. So it'll be much more of a, you know, unless you object this is what we're going to go with as opposed to let's spend some more calls talking about the issue.

So when those do come out, and they will come out very shortly, I'm saying that for my benefit as well as for the other leaders, just please keep that in mind. And so that's Question 1. Question 2, the intent also will be to circulate some other language that will deal with the executive summary and other kinds of boilerplate. The executive summary you'll find is not the traditional type of executive summary that you normally see simply because this report is so large that to do an executive summary as historically we've done would probably be yet another 30, 40 or 50-page document so we don't want to do that. But we will make those available shortly as well.

And if all goes according to plan, we have two more calls to talk about these materials before Panama, one more this week, one call next week. And we'd like to release that documentation to the community before we all leave for Panama. We are not going to start the public comment period before Panama but we do think it should be available for people to read and we'll make it clear that the public comment period will not start until after ICANN is over.

And the thinking so far is that we would have an extended type of public comment period starting somewhere around July 2, ending somewhere around September 3, which I think is a Wednesday so that should give a full 60 days recognizing that August is a travel month for a lot of people and also recognizing that some groups were asking to make comments may need that longer 60 days if not a little more time to make some comments so we're really hoping for example that the GAC is able to submit comments, that the ICANN staff is able to submit comments as well as the – potentially the Board.

Jim is going to say, well the executive summary try to explain how this is more likely to report than an initial report. And there may be further comment periods. Jim, we're going to put that actually in the – before the executive summary as kind of a cover – a preamble to all of this. So there will be that section that talks about what we're aiming to accomplish here. I'm not calling it an interim report because I don't think it is but we are going to talk about

what this report is and isn't and the fact that it is possible to – that we may choose to have further comment prior to the ultimate final report. So you're right, that has not been circulated yet and that is what we will circulate later this week.

Anne has said, "Question, Jeff, can you repeat your first comment about the nature of the changes that will be made in redline?" Okay, so for this group, internally, we are going to send a redline of each of the sections around, internally, to this working group to show you what changes we've made from the sections as you previously have seen them. Those redlines – the nature of those changes will hopefully reflect what we've discussed so – but the intent or the hope is that that would be close to final language assuming we've captured things correctly.

And really up to – I guess the standard of how we'd like this reviewed is look, unless you have any objections to this redline language, strong objections, this is what we intend to go with. I hope that answers the question. Cool.

Steve said something that was important, I want to make sure I go back in the chat to reflect his comments. Steve said, "The executive summary usually includes all recommendations, options and questions, which would make this executive summary probably 50 pages long." And so we're not going to do that in the executive summary.

And then let's see, going to the chat, I went back too far. Okay, so that is the – what – that's our plan next steps before the ICANN 62. And yes, Greg, kind of the summary of the summary will be the exec sum, sort of, yes. At ICANN 62, you'll – you will have seen a note sent around earlier a few hours ago that notes – explains that there are five sessions of the full – sorry, five sessions that relate to subsequent procedures, three of them related to Work Tracks 1-4, two of them related to Work Track 5. We intend on having interactive sessions for all of those five sessions, so please be prepared to participate.

And we are considering how to include remote participants, we have some questions pending with technology with the people that own the technology of Adobe to see what we can and what we can't do. There are some things we're going to hopefully try when we break out into subgroups to have people from, if it's possible, which we're still checking, to have those that are participating remote also have the ability to join these subgroups virtually. And so we should have some more information on what we're able to do in the next hopefully couple days.

We had a discussion with the Council leaders a few hours ago to get that work started to make sure that we know what our capabilities are so we are taking remote participants into consideration as best as possible. Also, for the first two sessions on the first day, on Monday, for Work Tracks 1-4 in breaking out into these small groups, the focus will be on with respect to a lot of these more difficult issues, what are some of the ways in which we can get to a final recommendation, so what are the tools?

We don't necessarily want to engage in the discussion on the substance of those issues so, you know, like closed generics, for example, we've been through that discussion, the pros and the cons and all of that a lot of times. What we want to do now is to get ideas on how we can try to move forward in order to try to come up with recommendations on some of those topics. So there'll be a bunch of brainstorming sessions on different tools that we could try to use and recommend how we can get to that final stage. So that's some of the items we'll be covering.

The third session for Work Tracks 1-4 will focus as talked about a little bit earlier, on the CCT Review Team deliverables, that this SubPro group will have and kicking that work off because it's the intention of leadership that we work on those deliverables while we are waiting for the public comments to come in. Are there any questions on that?

Work Track 5 has – I'll leave to the coleaders of Work Track 5 to explain their intentions and so I think if you're on the Work Track 5 call – I think that's in a few hours as well or that might be on Wednesday, they'll discuss their plans for the Work Track 5 sessions.

Alan is saying, "Jeff, discussions on tools is fine but there will potentially be people there who do not otherwise participate and therefore we do need a brief intro on the substance." Alan, let's take that offline. Let's start a discussion on email about that. I don't want to give that short shrift simply because we have only a couple minutes left on this call. There are a couple different philosophies on this. On the one hand, this meeting is an outreach meeting, on the other hand it's a policy meeting, so let's see if we can strike the best balance on what to do there.

Also, I do want to point out that there are a lot of conflicts in the schedule. For those of you that talked to me in the day or days following the GNSO – the release of the GNSO schedule, you know that I was not very happy at all because of the conflicts, not necessarily with the conflicts from the GAC or the ccNSO or the ALAC; fully expected those, but really was not happy about the conflicts with the GNSO constituencies and stakeholder groups. Understanding some of it's not exactly the choice of the stakeholder groups or constituencies, the timing they got, but I have asked Council to discuss this issue for next year especially to really go back to the drawing board on what it means to have a policy meeting and an outreach meeting to make sure that some of the – that we go back to what was intended.

And, Alan, thank you, I see that you're noting that the ALAC canceled some of its own meetings for Monday in favor of the PDP meetings. I'm – I certainly appreciate that; I know the work track leaders also appreciate that. And really I know that there's commitments, there's competing commitments but I would hope that each of you can come to the PDP meetings because it is important, it's rare that we get a chance to meet face to face, it's only at these ICANN meetings and while I know that some of the other meetings are high profile

or, you know, may seem to be interesting but to the extent that you can get to our meetings we'd really appreciate it. I think we have a lot of work to do and I think that these meetings will be beneficial.

So to the extent that you all can talk to your constituency group leaders, stakeholder group leaders, if you could let them know that we're trying to get as much participation as possible to our meetings and to be able to attend our meetings, that would be great.

Any other questions or comments? Steve, anything I've missed, that I should have been covering or Emily? Alan, I see that that's why because there'll be a lot of other people and we should have a bit more of an introduction. So let me see – let me talk to the other coleads, Alan, see how we can get that in there. Nothing else from Steve and it is exactly on time so let me just do a last call for any questions or comments? Okay, seeing none and I know everybody's got other meetings coming u so have a great rest of the day if you are in the Asia Pacific, Europe area, and have a good night for those in the Americas. Thanks, everyone.

Michelle DeSmyter: Thanks, Jeff. The meeting has been adjourned. Operator, please stop the recordings and disconnect all remaining lines. Have a great day, everyone.

END