ICANN
Transcription
New gTLD Subsequent Procedures Working Group
Monday, 16 July 2018 at 20:00 UTC
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Operator: The recording has started.

Michelle DeSmyter: Thanks, Val. Well, welcome everyone. Good morning, good afternoon, and good evening to all. Welcome to the new gTLD subsequent procedures working group call on the 16th of July 2018. In the interest of time today, there will be no roll call as we have quite a few participants online. Attendance will be taken via the Adobe Connect room.

So if you happen to be only on the Audio Bridge today, would you please let yourself be known now?   Hearing no names, I would like to remind all participants if you would please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I'll hand the meeting back over to Jeff Neuman.

Jeff Neuman: Okay, thank you very much. I'm seeing some chat saying can we have an audio test. I'm hoping everyone can hear. I know last week, we were having some issues with Adobe, but hopefully all of that has been resolved. So on the assumption that everyone can hear, we have the agenda up on the right

hand side of the screen, where we are going to be going through - after your normal statements of interest, updates. We'll go through a brief recap of ICANN 62, status of the initial report. And then the proposed focus of work during the initial report public comment period and two topics we're going to talk about a little bit more today for the meat of the call, if you will, are on the auctions, mechanisms of last resort, and for this one we're talking about public auction or the ICANN auctions. If I have say public auctions, I apologize, but I mean the same thing as the ICANN auctions for mechanisms of last resort as opposed to private auctions, which we'll talk about on another date.

And then the second topic we'll talk about is application change request. So going back - and then of course, any other business. So if anyone has any other questions or any other business, we'll spend a couple minutes at the end of the call just seeing if there's anything else people want to (unintelligible). With that said, let me go see if there are any questions or comments on the agenda.

I'm getting some noise in the background. I'm not sure who that is but whoever that might be.

Cheryl Langdon-Orr: It's Cheryl here.

Jeff Neuman: Hi, Cheryl. Welcome.

Cheryl Langdon-Orr: I'll get on mute.

Jeff Neuman: So do we have any updates to statements of interest? Okay. I'm not seeing any hands or anybody in the chat so why don't we then move on. So just to recap the sessions in ICANN, ICANN 62, for those of you that were there, this was the policy meeting. We had three sessions of work with Work Tracks 1 through 4 as well as two sessions with the Work Track 5.

For Work Tracks 1 through 4, we spent the first - well, the first two sessions were actually in the same morning. So it was like one combined session but during that combined session, we went over the status of where we were on the initial report. We went over a discussion on the next steps, which included a discussion on how we are going to try to achieve consensus and we'll come back to that on a later date as a subject on a future call.

But the second session was spent on really what we're going to be spending some time on for the next few weeks or few calls, which might be a couple of months since we're doing calls every other week, which is some topics that as we went through, as ICANN staff and the leadership, including the leadership of Work Tracks 1 through 4, went through the initial report and the drafting of it, we realized that there were certain issues that we did not believe were covered as extensively as we probably should have covered them, or in some cases were not covered at all.

And so because these were not in the initial report, or because we had not discussed that, those issues prior to the starting of the drafting of the initial report, we decided as a leadership team to wait on those subjects until the initial report was done and out the door to actually start talking about those. So that we did not delay the publication of the initial report.

So that second session was spend discussing five different issues. One of the issues or two of the issues we're going to start on again today, which as I said on the agenda is the use of ICANN auctions as a mechanism of last resort. And also the concept of change requests, which although we did touch in a couple of different work tracks very lightly, they were only discussed in the context in which they were raised.

So there was a brief discussion in one of the work tracks and in the initial report on how to respond to picks, for example, if a pick was considered a change in the application. But we did not respond to changes of applications in general and under other circumstances.

So that was a second issue. A third issue that we covered during the second session, when we broke out into groups, was the use of private auctions as a mechanism to resolve contention sets and the concerns that were raised by several of the groups from the community.

And actually, if you can go back to that slide, which is really good, that has the five listed there that's great. Actually, no, I'm sorry, I thought that was the five listed subjects. Never mind.

So the fourth area that we discussed was what if you were a registry that wanted to launch and you're an open - or registry that accepted registrations from third parties as opposed to a brand registry. But you could not get a registrar that was willing to carry your top level domain. Then what options were available to you. And so that was a fourth one and for some reason, I am missing the fifth one off the top of my head.

So Steve, or anyone feel free to jump in with that fifth one, which I have no idea - ah, thank you, Steve just put it in there, the role of public comments during the application process. So we did not - although we had discussed in Work Track 3 a little bit about - we talked about government advice and early warnings, we didn't talk in general about the role of comments, public comments when an application is posted. And so that was a fifth subject that we had broken down into groups.

So I think in all of the cases in Panama, we broke out into small subgroups to different parts of the room. And it seems like the conclusion of each of the groups was pretty much the same in that we needed - we thought that these were good issues to keep discussing.

We had some great ideas that came across in each of the groups and so it was clear to the leadership team that we do need to spend more time on this. And it's also clear to the leadership team that at some point, we will also put

forth a supplemental report that details at least these issues and what we are thinking in terms of these particular subjects.

And there may be additional ones that we realize as we go through or even that we may realize from the public comment period. So the second session was spent at ICANN on that and then the final session, the third session on the last day of ICANN 62 was spent going over the final red lines to the initial report. We got some great comments during that session and thankfully, were able to walk through the whole thing and basically finalize all of the changes to the initial report.

As you all I'm sure know by now, the initial report was put out for public comment on schedule on July 3. And that comment period goes until September 5. So if my math is right, about 60 plus, 62 days or so. We - Cheryl and I sent letters to the ICANN Board as well as to GDD staff, specifically inviting them to comment on the initial report as well and how important it was for - that we believe how important it is for them to comment on the initial report so that they can be part of the process as opposed to the way it was done in 2008, where we first heard comments from ICANN staff after the whole policy process was done and the report submitted.

In this case, hopefully, we'll get an indication from the ICANN Board members as well as from GDD staff as to hopefully whether we're on the right track with our thoughts, or in cases where we have recommendations, or even on certain options that we may present, they may have some thoughts on those issues as well.

Ultimately, I think getting feedback from the ICANN Board and GDD staff especially I think will give us a much better final report and a work product that we can then discuss when the comments come in, in September. So are there any questions about the sessions at ICANN 62 before I go into the focus of work?

Okay. I'm not seeing any questions. Please feel free if you have any questions to interrupt any time. Okay. So what's the plan going forward? Well, this is the summer months and so we know that lots of people have vacations - I'm sorry, it is the winter months for those in Australia and South of the equator. So whether it's summer or winter, we know that there are vacation plans and so we know that people take time off.

But that said, we still want to continue our work and although we had initially planned several months ago, we had talked about going over the recommendations from the final report of the CCT review team, we do not have that final report from the CCT review team yet.

And so rather than starting that at this point, we - the leadership team got together after the ICANN meeting and thought it would be a good idea to continue work on the five subject areas that we had started work on at ICANN 62.

So the plan is, and I believe, Steve, you can verify that you've published the schedule so that on this call, we will talk about the two issues on the agenda, which are again the use of public - the mechanisms of last resort or the ICANN auctions and the application or filing changes to applications.

On the call on July 30, two weeks from today, we will talk about the - two of the other issues, which correct me if I am wrong, Steve, will include the use of private auctions as well as the role of public comments. And then the call after that, we will do - we'll talk about the one I missed, okay sorry, being a registrar.

Oh, I'm sorry, if you're a registry and you don't get any registrars to sign up and then also we'll talk about definitions and talk a little bit further about consensus.

So the next three calls, those are the agenda items and we'll make sure that that's published if it's not already published, but I think it is. And I see a question from Donna, can we get some clarity on the timing of the CCT review final report? Donna, I wish I had some more clarity on that. I'm going to - we were told at some point that it was supposed to be by the end of June or the end of July. I'm not sure at this point because the deadline has been moving so many times.

So Steve or anyone, Emily, do you have any update on that final report?

Steve Chan: Hi, Jeff. This is Steve from staff. No, not at this time but what we can do is you'll probably see in the action items right now, we'll check on the target date for their final report and get back to you as soon as we have a chance. Thanks.

Jeff Neuman: Yes, thanks Steve. So we hope to get that soon. I would love to start some work on that after we work on all of these items for the next three calls. But I am not confident that we will have seen the final report by then. So then after we get the public comments back from the community and September 5 is the due date for the comments.

ICANN staff will then take the comments and will organize them so that the comments are pointing to the right sections in the report and the plan is to divide up into most likely three subgroups to start talking about those comments and analyzing them and to try to start putting everything together. And then get back together as a full group to talk about changes to the reports.

So roughly that's the plan moving forward. Do we have any questions? Okay. I'm not seeing any. We have a quiet group today. Okay. Before I go on, Cheryl, is there anything in general that I need to cover before we go on to the next or the first subject area for the call?

Cheryl Langdon-Orr: No, let's just get into the substantive work. Thanks.

Jeff Neuman: Awesome. Okay. So this item is auctions, mechanisms of last resort in contention sets. And if we want to go to the next slide, I am going to turn this over to, I believe, Karen, to lead the discussion. But essentially, these items capture some of the discussion items from the - that the small group had within - at ICANN 62. I don't know if, Karen, if you are ready to kind of just help lead the discussion?

Karen Day: Hi, Jeff. This is Karen. I'm ready.

Jeff Neuman: Great. Before you get started, Karen, we do have a question from Kavouss and I see a question from (Christopher). Let me go to Kavouss and then I'll come to (Christopher)'s question. Kavouss, are you speaking? Okay, I can't hear Kavouss. So if Michelle, if we can work on getting Kavouss hooked up and work on his sound. In the meantime, while we wait for that let me go to (Christopher)'s question. How will the working group members of the subgroups reviewing the comments received?

(Christopher), I think that's a great question. I don't think that we are going to necessarily (unintelligible) people. I think it will be similar to the work tracks where those that would like to work on that subject area will then join those calls or those lists. So we're not going to officially appoint people to them. It's really going to be a self-selection.

Are there any comments on that? Okay. I think we're still trying to get Kavouss on the connection. Let's see if he can type in the question. Okay, I guess we're re-dialing him. So Karen, why don't we start with you and then once we get Kavouss on the call, then maybe we can take his question. Okay, Karen needs a second. So let's give Karen a second or if Kavouss joins us…

Karen Day: Sorry about that.

Jeff Neuman: That's okay. Karen, please.

Karen Day: I'm here. Sorry, I had to have a coffee sip while I was in the interim. So I'm going to lead off this discussion a little, give you a brief recap of what we did in Panama and the history of this issue, and then I will turn it over to my co-help lead here, Sara, and we're going to get your input and see if we can refine this topic some more.

                 Auctions that were supposed to be auctions of last resort, like some people refer to as public auctions, were the mechanisms set up for the 2012 round as you know to decide contention set resolution that otherwise was not resolved by the parties. And this was handled. ICANN put out an RFP. A vendor was eventually selected, Power Auctions.

                 The auction process was self-funded. Proceeds from the auctions paid for the service and then as I'm sure you all are all aware, we have the proceeds from the auction that are pending community decision on what we have to do with the excess funds.

                 With regard to going forward, what we did in Panama was we presented to our group that gathered in the corner of the room these questions which you see on the screen. And briefly, we just asked about whether or not folks thought that they would want to continue to have this mechanism used in future rounds of new gTLDs, future subsequent procedures, what changes to the process if we did continue auctions of last resort, people would like to see why, why not, and what other ideas and people had.

                 And generally, the discussion we had - oh, I'm sorry, I just see in the chat now, I just looked down at the chat here, I think Kavouss is online and before we get into the discussion we had in Panama, is Kavouss ready to speak?

Kavouss Arasteh: Do you hear me please?

Karen Day: Yes, go ahead Kavouss. Please.

Kavouss Arasteh: Okay. Thank you very much everybody and good afternoon, good morning, and good day to everybody. I have no problem but I hope that we do not repeat the discussion that we have about 14 months in auctions and (unintelligible) have someone from that group either (unintelligible) or Marika Konings, or someone else would give a very brief discussion or very brief idea of what is going on. We do not get into the detail of auction and just (unintelligible) have some briefing from then and it continues that we don't want to have an overlapping and repeating what you had discussed during the 14 months. That's all. Thank you.

Jeff Neuman: Yes, thanks Kavouss. This is Jeff. If I can jump in, I think your question is on the proceeds of the auctions, which is not something that we're going to talk about. We are talking about just in general the use of auctions as a mechanism of last resort as well as maybe any difficulties or any procedural things that there may have been issues with. But we are not touching the funds issue or what we're doing with those. Is that what I'm interpreting your question to be?

Kavouss Arasteh: My question - yes, I (unintelligible) but even whether or not we need the auction as a last resort. It was also discussed so I would suggest that perhaps if there is any briefing from that but I have no problem if you have time, you want to get to the need or otherwise appropriateness, or otherwise of the auction as a last sort. I have no problem but very brief. Thank you.

Karen Day: Thanks, Kavouss. I think we can - once you hear what we discussed in Panama, I think you'll understand we're not trying to rehash having them or not having them. We're looking to perhaps improve and maybe save us some time if that's okay.

Kavouss Arasteh: Yes, no problem.

Karen Day: So Jeff, are you okay? I'm going to go in and jump into what we did in
                 Panama.

Jeff Neuman: Yes, great. Thanks.

Karen Day: Okay. So I'm going to go ahead and move the slides over. And we're going
                 to - these are just some bullet points, these next two slides, and I'm going to
                 ask staff to unsync them so you can look at them at your leisure as I talk
                 through them. But these next two slides are just some bullet points of our
                 discussion.

                 But at the very highest level, I think where we came to after some really good
                 input from the folks that have participated was that while auctions as a last
                 resort perhaps do have a place as a last resort, there seemed to be great
                 interest in creating ways to avoid them. Because they're not perhaps the
                 best resort. They're not perhaps what we should strive for in terms of
                 resolving contention sets.

                 So one of the key things and the reason we asked for our topic to be paired
                 today with the topic that Robin is going to present following, which is
                 application change request, is several of our participants noted that if
                 applications change request were allowed in subsequent rounds, it could be
                 that two applicants for the same stream could work it out where they might
                 change slightly what one or both of them applied for, the string that they
                 applied for, and both end up with TLDs that they're both happy with. The
                 contention set disappears and then there's no need to go through the
                 expense and time of an auction.

                 An example with this, I can use a real world example of my own company.
                 We applied for .sas. We're a software company, .sas. Scandinavian Airline
                 Systems also applied for .sas. If we had been allowed to, one of us, change
                 our applications rather than going into contention set, maybe they would have

been happy with .sasair or .flysas. And they could have changed their application. They could have had their TLD instead of us having contention set where only one of us comes out with a TLD.

So we felt like - the group felt like there was a lot of feedback. I think Jim Prendergast was with us for a brief time that that is something worth looking at, and that would avoid putting auctions of a last resort as the first resort. Some of the issues that we see with auctions is it favors perhaps those with more money. It favors perhaps the insider.

So we're looking at other ways of also encouraging diversity, looking at people suggested almost doing an RFP type system where there's questions asked, scores given based on diversity and other examples. And other ways of looking to see that the RFP process mentioned on the second slide here.

And also there was a discussion of the fees and the evaluations started and so a disclosure of contention sets would be done earlier in the process so that resolutions could be worked on prior to people having committed the full financials that they had to commit last time before they knew they were in a contention set.

So last time, even though you had gotten a refund, or some percentage of a refund, you'd already invested a lot of time and money. So one way to truly make the auctions of last resort a last resort would be if we could gear our processes to have a disclosure of contention sets earlier before fees are paid so that people aren't out so much time and money if they choose to withdraw at that point.

So that is sort of where we wound up in Panama. Again, people weren't - until we can see what other changes we can make coupled with this, people weren't ready right then and there to say completely do away with it. But do see a lot of room for refinement. So I think that's what we wanted to talk

about today was what other refinement and what other changes might need to make this if we keep it, work better for us in future rounds.

Jeff, I see your hand and I see (Christopher)'s hand.

Jeff Neuman: Thanks, Karen and one of the points I put into the chat was that this relates to changes in applications, which I know is a subject that we'll bet to later on in this call. But I do want to stop there and see if anyone does have any thoughts on whether members of a contention set should be allowed, rather than going to auctions, to be able to negotiate and change their strings, obviously under certain terms and conditions. But love to hear feedback on that and what those terms and conditions should be. We don't want people to, of course, apply for a generic word or whatever and then maybe just change that to speculate.

But what about - are there any cases where that should be allowed? Karen, if you want to lead the queue.

Karen Day: Thanks. Actually, I think this is the point where I turn it over to Sara and Sara is going to lead us in the post-summary discussion and see if we can refine this thing. Sara, you ready?

Sara Bockey: I'm ready.

Karen Day: Have at it. We've got a queue.

Sara Bockey: All right (unintelligible). Is it muted? Okay, is that better? All right, no echo. Excellent. Yes, so I see that we have a comment from Vanda in the chat saying yes, I believe it should be allowed. (Christopher), I see you're wanting to speak and you have your hand raised. So please go ahead. Thank you.

Kavouss Arasteh: Hello?

Sara Bockey: Yes.

Kavouss Arasteh: Excuse me, I raised two questions and I raised my hand when it is possible to give me the floor.

Sara Bockey: Hi, Kavouss. Yes, I think (Christopher) is actually speaking right now but we're not hearing him. So I do see your hand raised in the queue and we'll get to you in a second. But staff, could you check on (Christopher)'s line because we're not hearing audio from him.

((Crosstalk))

Jeff Neuman: Let Kavouss go first.

Sara Bockey: Okay, great. Thanks, (Christopher). Kavouss, go ahead please.

Kavouss Arasteh: (Unintelligible) You're not hearing me. Okay.

((Crosstalk))

Sara Bockey: Okay, (Christopher), your line is still open so let's just go ahead and have you say what you'd like to say. Okay, staff, can you mute (Christopher)'s line so that we can go onto the next people? Okay, great. Greg, can you please go ahead? Sorry about that.

Greg Shatan: Thank you, it's Greg Shatan for the record. Hopefully my sound is okay. I think that there is value to allowing changes to try to resolve contention sets. I am concerned about gaming, and speculating, and trafficking, and basically using an application kind of almost as a marker to be converted into something else, especially because as long as we have windows that close, getting into a particular round will have a certain amount of value.

So I think that there has to be some rules around what the change can be, when the change can be in that sense applied for. There probably needs to be some sort of a review process to make sure that it is kind of a legitimate good faith change for the SAS example as a good one.

Certainly sounded like it would have been a good faith change but just coming in with some variation on a random name that might be valuable and hoping that you get some version of it I think would be troublesome.

But I think it's not something we should close the door on because I think the more that we can do resolve issues short of any auction process and that allows for a change, if the change in the string will in essence bring more top level domains to fruition that will be useful to those - to the registry and to end users and to potential registrants, assuming they're not (dot brand) that the better off we are.

I know the potential tension with something else being discussed, I'm not sure in which work track about eliminating singles versus plurals of the same string. There might be some friction between that and the idea of slight deviations. I guess that also gets to the question of whether slight deviations then somehow backed us into string similarity issues or whether the deviation has to avoid string similarity in some fashion, assuming that there's some actual confusion raised and that string similarity is a bad thing as opposed to just (unintelligible).

But overall, I think it's something that we should be able to work our way through so that the good faith issues can be resolved appropriately without opening the door to gaming. Thank you.

Sara Bockey: Great. Thank you, Greg, and very good points regarding the deviations. And I see that Kurt also made a point in the chat here where he says recommend (unintelligible) can change the TLD to avoid contention we should fully understand why that was not done in the round six years ago. Such a

mechanism was carefully considered at the time and (unintelligible) and Karen Lentz could articulate it well.

So that's also something maybe staff we can make a note of and look at the discussions that took place before to have a better understanding there as well. Then I will go ahead and go to Kavouss. Are you ready to speak Kavouss?

Kavouss Arasteh: Yes, I raised the question in the chat, repeating again how do we identify the origin of auction, why we have auction. And if we identify that is a possibility to minimize that, we cannot eliminate that totally. Is a possibility to minimize that if we identify.

So we have to have a list of the (unintelligible) conditions which lead us to lead the community to recourse to contention, to auction. If that is the case then we have to see whether there is a way to minimize that and that is the question I have raised. Still I have not received any answer. Thank you.

Sara Bockey: Thank you, Kavouss. That's a very good point and I've made a note of that and I'm sure staff has as well. So we will look into that question as well. I see a comment from Anne in the chat. I'll read it before going to Jamie. A comment, making decisions based on criteria like (unintelligible) community focus may not be within the scope of ICANN's mission and hinges on the principled applicants' freedom of expression re within ICANN mission suggest this question be posed to ICANN legal. Okay, thank you Anne, for that comment. I'm sure staff will make a note of it as well.

And then let's go ahead and go to Jamie and then we'll circle back (unintelligible).

Jamie Baxter: Thanks, Jamie Baxter for the record. I think one thing I'd like to add to this discussion is just a recognition that there are some applicants that go through a slightly different route in getting to the application process and that would

be the community applicants because they in general become public about their applications in order to build support and endorsement from those who are part of that community.

And so the auction that I would raise here is that if there is an opportunity for folks to simply, as I think Greg put it, put a stake in the ground, I have a little bit of a concern and fear about how that could impact community applicants, whether there be some sort of deviation or derivative of the name in some way. Because as we've seen, the standard applicant route is always going to get to market faster than the community applicants in a balanced world.

And so that's another auction that I would just raise when discussing this topic about how it's treated. And if it was to go forward there would probably need to be some rules or exceptions around how that happens. So just some thoughts.

Sara Bockey: Great. Thank you, Jamie and those are excellent points as well and we'll take that into consideration. (Christopher), are you ready to speak now? I see your hand is still raised so I presume you still need to speak or did Greg cover what you wanted?

(Christopher): I'm sorry, did somebody say something? I don't have my hand up anymore.

Sara Bockey: Okay, great. I don't see any more hands in the queue and so I guess to carry on that conversation, does anyone have any other ideas of potential alternate resolution methods that we could perhaps explore? How do people feel about the potential of doing an RFP process? Just looking to get a little more feedback on other optional ways that we could move this forward as far as not using auctions as the first last resort but as the very, very last resort.

Okay. And I see a comment from Martin in the chat saying perhaps an option is to avoid auctions all together and use a lottery mechanism. And I believe that there's - not allowed to actually say lottery, if I recall correctly, but I

understand what you mean, Martin, yes. And I see a comment from Christa, the applications or trademark names, perhaps they should be able to change an application that helps reduce the gaming concerns. Greg is being funny with digital archery.

I see people typing so I will give them a chance to type in their comment. Does anyone else have a hand they might like to raise and make a comment? I say a comment from Gg saying the ability to change an application seems to make more sense than having someone have to decide which application is better. And this is true.

I think it's always better to be able to resolve something amongst ourselves than have to go to the auctions. Martin saying that if we encourage applicants to resolve issues, change applications, use the lottery as a last resort.

That's a good point Donna has raised. She said what if you have five or six applications in contention. Obviously, they would have to be some really good terms put into place to address all these potential issues. Greg, I see you have your hand raised so I will let you go ahead.

Greg Shatan: Thank you. I figured I'd speak in my own voice. I've been letting you read me out. Greg Shatan for the record. I don't think in the end we'll be able to avoid auctions entirely. I mean we could but I think I haven't heard yet kind of a superior way to resolve something short of that. I do think that one other form of gaming and perhaps that can be eliminated, which is the business strategy or alleged business strategy of entering auctions to lose, and thereby make money by applying for popular strings and not being the last man, or woman, or entity standing, but rather getting paid to leave in a private auction. There may be some way to avoid that.

Maybe there isn't but that I think did encourage some auctions to go forward and did encourage - if we are having a better program of other ways to fix a

contention set, the idea of losing contention sets on purpose for the money somehow I think would be good to control for that.

But I think that if there is a particular string, which is not substitutable or which the parties don't believe has anywhere near the same amount of currency, or value, or ability to succeed, at some point, we either go with money or we go with, Gg feared and I also fear, kind of some sort of qualitative analysis as to who is the better steward for .crypto. I think we get into a real morass if we start trying to do that. It's bad enough with the community application thing but at least there you have some perhaps idea of what makes a good community. But what makes a good kind of generic TLD or open TLD other than, I hesitate to even begin to speculate, so I won't. Thank you.

Sara Bockey: Okay. Great. Thank you, Greg. I appreciate that input. It seems that a lot of what we're discussing here is sort of dependent on the idea of being able to make a (unintelligible) to your application. Perhaps we should go ahead and move onto that discussion. And then if we need to, we can always circle back and add some additional comments to that based off of maybe conversations that come out of that topic.

So if no one else has anything that they'd like to add regarding potential resolution methods here, in addition to what was already discussed, then I will turn it over to I think it's Robin for the application change request.

Robin Gross: Hi, this is Robin. Can you hear me okay? Can you hear me okay?

Sara Bockey: I can hear you.

Robin Gross: Great. Okay. So we were going to discuss today the change request to applications and picking up on our discussion MR. during the breakout session on this. So let me give a little bit of background first in terms of what was the 2012 round policy on this issue and there really wasn't a GNSO

policy or an implementation guidance. But that doesn't mean it didn't happen in the 2012 round.

So basically, when the application submission period was open, the application window period was still open, change requests were generally all allowed. But then once the application window closed, ICANN published criteria for considering and evaluating change requests. And the requests were considered against a set of seven criteria. And if approved, they were published for a 30-day comment period.

Okay, so what were these seven criteria that the application change requests were evaluated against? The first was the explanation. Is it a reasonable explanation that's been provided. Next, evidence that original submission was in error. Are there (unintelligible) to support an assertion that the change merely corrects an error?

Three, other third parties effected. Does the change affect other third parties materially? Four, precedence. Is the change similar to others that have already been approved? Could the change lead others to request similar changes that could affect third parties or result in undesirable effects on the program?

Five, fairness to the applicants. Would allowing the change be construed as fair to the general community? Would disallowing the change be construed as unfair? Six, materiality. Would the change affect the evaluation score or require reevaluation of some or all of the applications? Would the change affect string contention or community priority? And lastly, the timing. Does the timing interfere with the evaluation process in some way.

So depending on the nature of the requested change, some of the changes would require revaluation if it was received after the completion of the initial evaluation. For instance, substantial changes to the technical or financial

portions of the applications would be more likely to require reevaluation since merely changes to contact information and the like.

So while change request is beneficial in some regards by allowing applicants to hear deficiencies or concerns, for example, a GAC early warning, the timing of change requests created operational challenges, sometimes requiring redundant reviews and delays in the processing. So there were also challenges around change requests for applications, self-identified as community-based where certain changes that could impact community priority evaluation were not allowed.

So that's a little bit of background in terms of what happened last time and we started some discussion in Panama about how did that go and what kind of improvements could be made. And we got pretty good feedback. One of the areas where there seemed to be a divergent view, however, was in the (unintelligible) of change - the type of change request that would be allowed.

We had a number of people in the group who didn't or only wanted to allow change requests for a specific and explicit preordained list of reasons. And then we had, on the other hand, a number of people who wanted to allow change requests for any reasonable reason that keeping in mind that there's an anti-competitive nature to not allowing changes and business models need to evolve and shouldn't be sort of straight jacketed into what they thought they would be at startup.

So in terms of keeping a spirit of innovation and growth on the internet, we need to be a little bit more permissive in terms of the kinds of change requests that we will allow. So again, this was an issue whether diversity of views and I'm wondering if maybe this group today could sort of pick this point up and come up with some ideas or some suggestions about how we could try to satisfy both goals of predictability and making sure that parties that are affected have an opportunity to get involved, while at the same time

trying to ensure that we are allowing for innovation on the internet and business models to evolve over time.

So if folks have some ideas about this and how we could try to find a path forward that could satisfy both of these interests that would be terrific. So is there anybody have any views on this? I don't see any hands. Okay. What about the idea of allowing change requests, in particular when we've got vertical integration? And so allowing applicants to be able to make change requests in that sort of a context, which was another idea that came out of Panama. It would be good to get some feedback on. I see Jeff has his hand up. Jeff, please go ahead.

Jeff Neuman: Well, I was going to not necessarily on that question -- this is Jeff Neuman -- but maybe ask another question as to whether are there certain types of changes that we think should not - should definitely not be allowed to be made. So for example, someone filed as a community but then they saw that no one else filed for that string. Should they be able to change it to a regular application? Maybe if we talk about some of the things we definitely or what we're afraid of seeing changes that might help us figure out the things that we should allow changes on.

Cheryl Langdon-Orr: Robin, Cheryl here. If you're speaking, we're not hearing you. I think you're muted.

Robin Gross: Okay, sorry about that. Can you hear me now?

Cheryl Langdon-Orr: Sure thing.

Robin Gross: Okay. Yes, so I think Jeff has got a helpful suggestion there that in terms of thinking about not only what should we allow for but what should we make sure we don't allow for, what kinds of changes could potentially cause problems down the line. And so perhaps starting from a more (unintelligible)

stance but then coming up with a list of exceptions to that, that are the kinds of things we want to present or discourage in this policy that would be helpful.

I see in the chart Christopher Wilkinson has suggested we limit gaming. That sounds like a pretty good goal for making sure we've got reasonable rules regarding application change requests. Also in the chat, Kavouss suggests that we need to have a list of allowable changes and another comment in that chat from Anne Aikman-Scalese, maybe change to a preapproved service as per Work Track 4 recommendation should be allowed. What is the relationship between this process and the existing ICANN change processes followed by registries today?

That's a good question for the group. If anybody has some thoughts on that, please do weigh in. I see we've got a hand up, two hands up. One from Jeff Neuman and then one from Maxim Alzoba. Please Jeff, go ahead.

Jeff Neuman: Actually, I was going to defer to Maxim first.

Maxim Alzoba:

Robin Gross: Okay, Maxim please go ahead.

Maxim Alzoba: Maxim Alzoba for the record. I think we need to be able to understand if the change is to fix something like when the operational procedures on ICANN side stuck, like for (unintelligible) last time it was one of the processes didn't work. We were at least eight cities applied for the special period, the special rules, and basically had answers from ICANN during the year asking for these and that. And in the end, they decided not to do it and the only applicant which decided to go through this process was .paris. No, so sorry, not .paris, (unintelligible).

So one of the things we need to be able to distinguish those applications which stuck because of not being able to be professed because of some

loopholes, maybe deadlocks in the implementation. And to differentiate those from the applications which changed in the attempt of some type of gaming. Thanks.

Robin Gross: Thank you very much and I note that in the chat, Rubens adds that and .madrid got a two-year penalty due to that. Okay, moving on, Jeff, were you prepared to go next?

Jeff Neuman: Yes, I was just going to -- it's Jeff Neuman -- I was just going to go over the types of changes that people generally made, which were or were not allowed. So I mean obviously, changing strings was not something that was allowed. Correcting errors.

So there was application I think, it might have even been the .africa where it was put on as DOT Africa instead of the period of the .africa. I think that was allowed. So changes to correct mistakes. There were changes in officers and board of directors that came about simply because of the passage of time.

But changing complete ownership of strings or applications was not allowed, as far as I know. Other changes that were allowed would be to change things like contact information, which includes addresses, phone numbers, changing the actual technical - changing out the technical provider. I'm not sure. I don't know if that was allowed. So those are just some types of changes and maybe that will help get the discussion going.

Robin Gross: Thank you very much, Jeff. I see next in the queue, we have Christa. Christa, please. I don't hear Christa. Do others hear Christa? Christa, it seems we're not hearing you. Sometimes when you mute and unmute your line it works. Okay, while we're waiting for Christa to get the audio back up, is there anyone else who wanted to weigh in on change requests and provide a little bit of guidance on how we can (unintelligible) this policy in the next round?

Anything on the need for public comment with respect to change requests and when we would want to be sure to open an issue up for public comment if we are to allow or perhaps not allow change requests? Okay. I see Jeff's got his hand up. Please Jeff, go ahead.

Jeff Neuman: Thanks, Robin. So ICANN implemented a rule of 30 days for comment no matter what it was. I think for certain things like changes of contact information, changes of - well, I'm a little torn on this one so I'd like to hear from others on changes of officers and directors, presuming they've gone through all the required checks. I'm not sure that's something that should be up for a public comment period.

What was really interesting is that if there were, I believe, that if someone made a change to a private portion or non-public portion of their application, then ICANN still put it out for public comment but put it out in a redacted way. So it's not as if anyone could really comment on it. So it seemed like they were caught by process because they had to have a public comment period, but nobody ever knew what to comment not because it was redacted like the original part that they were changing was redacted.

If I'm misremembering that, maybe someone can correct me but I believe that's what happened.

Robin Gross: Thanks very much, Jeff. I see we've got a comment from Kurt in the chat where he says, one, we should take into account the fact that we know which changes were allowed but we don't have access to the change requests that were rejected and that might affect thinking.

Two, since we cannot anticipate all the types of change requests that might be submitted, does it make sense that we use criteria, as ICANN did, rather than try to enumerate the different types of changes. Maybe we could evaluate and possibly amend the criteria.

Okay. Is Christa back on the line yet? Okay, I don't hear her yet so let's move on in the queue until she can get the audio straightened out. Next in the queue is Kavouss. Kavouss, please go ahead.

Kavouss Arasteh: Yes, I think we are just on the point that we make (unintelligible) changes and then we decide that whether these changes are allowed or not allowed. But at least for the time being, I don't know (unintelligible) more or less a complete list of changes, which are the changes that we face.

Some of them are (unintelligible) address (unintelligible) but there are others. Once you have this list then we could decide which of these changes does not trigger any problems and so (unintelligible) not only here for the use of the gTLD. There are other areas outside that also you have the same problem.

My personal experience in the use of this (unintelligible) always positioned in the (unintelligible) are changes that does not trigger any problem for anybody they are allowed, change of operator, change of the address, (unintelligible) the telephone number or many things. But some other changes trigger the problems. So we have to make this list. Thank you.

Robin Gross: Thank you very much, Kavouss. I see we've got some comments in the chat. Jeff Neuman says at the end of the day, I think it will have to be criteria but having a good idea of the types of things that we want and don't want to allow will help the criteria. And Rubens Kuhl comments that some rejected change requests ended up in requests for reconsideration and/or mention in IRPs. So we can find out about some although not all of them.

Christa Taylor comments, in the chat, coming from the perspective of CQ questions may assist in what might be allowable changes. Additionally, one change could be for when applicants submit an application for a subsidiary without realizing the need for financial statements. Allowing the applicant to change to the parent company might be worthy of consideration.

Okay. Does anybody else have anything that they would like to contribute as feedback on application change requests? I see Steve has his hand up. Please Steve, go ahead.

Steve Chan: Thanks, Robin. This is Steve from staff. And I didn't necessarily have feedback on the topic but rather just to point out, and I dropped a comment in the Adobe connect chat. But I just wanted to draw attention to that. So within the new gTLD program implementation review report, there is both a description of the topic. There's some background on the topic as well as some statistics.

And so that's - I'm speaking specifically about this particular topic, application change request, but the same applies for other things that we'll be talking about. So auctions - mechanism of last resort, a number of things are included in that section as well. So while I did plug in chat, I guess I just wanted to also get on record that it's probably a good read for the folks on this call to go through as well to get some information about how the process operated, statistics for changes that were allowed, types of changes that took place. The thing earlier that Jeff mentioned about the point at which some change request didn't require public comment related around the confidential changes as well changes that are just normal to everyday business.

So again just wanted to plug that document. I'll drop a link again just so you can see that. Thanks.

Robin Gross: Thanks very much, Steve. Okay, so this is sort of last chance for anyone to weigh in on application change requests. Okay, I don't see any more hands or hear any more or see any more comments in the chat. So I will turn the meeting back over to Jeff and Cheryl.

Jeff Neuman: Okay. Thanks, Robin. Christa still has her hand raised. I'm assuming she put what she needed to in chat. Okay, cool. Thank you everyone. And

great. So I will ask to see if there are any other - is there any other business that anyone wants to go over?

Okay. Well, it seems like we've covered all that we need to cover. I'll do a last check, Steve or Julie, anything that we need to cover? Okay. Not seeing - great. Well, I will give everyone back 13 minutes. Thank you everyone. We have our next call in two weeks. So please look out for that for the meeting invite and then we'll go over two other subjects. So thank you very much.

Michelle DeSmyter: Thank you so much. meeting has been adjourned. Operator, please stop the recording and disconnect all remaining lines. Have a great day everyone.

END