ICANN Transcription

GNSO New gTLD Subsequent Procedures PDP Working Group

Thursday, 10 December 2020 at 15:00 UTC

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JULIE BISLAND: Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on Thursday, the 10th of December, 2020.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room.

I would like to remind everyone to please state your name before speaking for the transcription and please keep your phones and microphones on mute when not speaking to avoid background noise. As a reminder, those who take part in ICANN multi-

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stakeholder process are to comply with the expected standards of behavior.

With this, I will turn it over to Jeff Neuman. You can begin, Jeff.

JEFF NEUMAN: Thank you, Julie. Welcome, everyone. It is our second-to-last call on the substantive matters. So we're making some good progress here.

Before we get started into the substance, let me just ask to see if there's any updates to any statements of interest.

Okay. I'm not seeing any. All right. So for today's agenda we will be going through three topics: the reserved names, geographic names, and different TLD types. Same format as the last several months, I guess, on all of this.

Also, please note that there are a number of things out for review, including the latest set of redlines, which I think were due by today—this call—if that's correct. Someone can correct me if I'm wrong. But there'll still be a couple e-mails going out. In fact, I sent one out a few hours ago, just on some thoughts on the discussion on PICs and registry voluntary commitments.

On administrative item that I do want to introduce now is that, if you bring up the workplan—I don't know if I can get … There you go. Awesome. You'll see what we have left here. So this is the 10th—yeah. I'm just looking—yeah. It's the 10th. So we're doing Topics 21.1 and 4. Then the next time we'll be conflicts of interest,

applicant freedom of expression, [and] Topic 33. Leadership had a meeting earlier today. We'll have one again tomorrow.

What it looks like, just to give a preview, is, obviously, there are some topics that we're still working through. I am glad to say that most of them are by now done. Yu will have seen final redlines on a lot of those, but there's still some updates being made. This workplan, we have always known, has been extremely tight. Thanks, Julie, for posting that. What we are noticing, which may seem a little obvious, is we're likely not going to be ready for a consensus call on the 17th. We're getting close. We're not quite there yet.

What our goal is to get all of the content frozen and start the consensus call somewhere around the 23rd, which means that we would end the consensus call very early in January. So all of the content will be completely done and locked. What we're discussing right now at the leadership level is to end the consensus call on Tuesday, January … I got to go to my calendar here. I want to say it might be the 4th or the 5th—whatever that Tuesday is. Let me just look and give it definite here. Thank you, Justine—the 5th. Then Cheryl and I will indicate levels of consensus on the 6th and ask that any challenges to that be in by Friday, the 8th and then, also on that date, have any minority reports.

You should by now have a pretty clear indication on every topic of where we are likely to come out on each of the areas, whether that's going to be full consensus or the general consensus or strong support. We don't know that yet because we haven't done the calls, but I think you can, as I said on the last call, start

preparing minority reports if you believe that whatever your position is going to be is not in the consensus or strong support, if that's what you want to produce a minority report on. So you won't actually find out the designations of consensus, full consensus, strong support, etc., until the 6th of January, but you can start working on that now so that you can turn it in on the 8th.

Cheryl is saying she'd like to have it in by the 6th. I think, because we're coming out with the designations on the 6th, I think having it in … Because you never know what could happen. Maybe your view you thought was a minority and it turns out not to be. You'll find that out on the 6th.

Our ultimate goal is to get everything to the council by 11th of January, which is the document deadline for the January council call. So, again, all of the content and material will be locked before ICANN goes on its break. That's the 23rd. So the only things we have left to do are to complete the consensus call, have any challenges, if there are any, to designated levels of support and minority reports, and then have everything as a package delivered to the council by the motion deadline.

Jim, that's why I'm saying the 8th of January—because you'll know the designation on the 6th. So I think you could pretty much, by now, figure out at least what it will likely be and prepare for that in case it takes you longer than two days to do the report. So you have several weeks now to start preparing.

So there you go. So that's a preview. Again, we're going to be locked in with all the content by the end of the year, and the only things outstanding are the consensus call, the designation of

levels of support, and minority reports. But everything else will be done. I hope I didn't go too quickly through that, but I wanted to just get that in as soon as we had that discussion at the leadership level.

The last thing—I see Jamie's hand—is that what we're likely to do with the consensus call is not do a call on every single recommendation and every single implementation guideline. We're going to do it by groupings of topics. So we'll have some more information on that very soon, hopefully by the call on the 14th, so you'll see how we're going to do it.

Okay. That was a lot of stuff. And, yes, Jim, we're going to send that in a separate e-mail. Like I said, we just had the discussion, so I haven't had a chance to write it down into an e-mail yet. But I wanted to, at least during this call, share those discussions with you all. But absolutely we're going to put that in an e-mail that'll go out tomorrow.

All right. Sorry, Jamie. Your hand is up, so go ahead.

JAMIE BAXTER: Thanks, Jeff. For those who are participating in our very first PDP, is there a quick synopsis you can share with us on how the consensus call actually operates? Thanks.

JEFF NEUMAN: Yeah. Sure. It's documented in the working group guidelines, which is part of the GNSO operating procedures. I think I'm getting the names correct there. Essentially, there are—actually, I think

it's also in our charter as well—there are several … What we will do is issue a call out to each working group member. So this is going to be a little bit different than what you may have seen with the EPDP Phase 1 and 2 because those were asking for the views of stakeholder groups, constituencies, advisory committees, etc. That's not the way that this working group works because we are a working group of individual members.

So everyone will be asked to indicate their support or non-support for batches, as I think Cheryl said, of topics, and then Cheryl and I will look at that and determine which level, according to the working group guidelines, that meets. So full consensus would mean a unanimous everyone-in-the-group-says "Yes, I support," or there's no opposition. Obviously, there's no requirement that everyone within a working group indicate their support of non-support, so what we do is measure it by the working group members that actually do indicate their support or non-support. So, if that's only 50% of the signed-up members of the working group, then it's out of that 50%. There's no quorum or anything like that.

So full consensus would be the easiest one. That's pretty much everybody that indicates their position is in support. Then you have consensus. Some call it rough consensus. Thank you, Julie, for posting the link to then guidelines—

JAMIE BAXTER: Sorry, Jeff. So to [interrupt you].

JEFF NEUMAN: No, no. Go ahead.

JAMIE BAXTER: Sorry. What I was actually trying to get it as how is the consensus call operating? Are we doing it on an actual call, or you sending out e-mails? Sorry.

JEFF NEUMAN: That's okay. It's all done on the list so that we can have documented evidence of what the views are. So let's say we start the consensus call on the 23rd of December. We will ask you to respond to the different batches with that you support or do not support. Then you'll do that for each batch—everyone will do that for each batch—and then Cheryl and I will take a look at those. This is not as straightforward as voting, meaning every person gets one vote and therefore, if 50 people from the registries vote but only one from the IPC, that's something that Cheryl and I have to take into consideration when we are looking at levels of consensus. So there's a bunch of factors that we will be using our best efforts to try and measure, not looking at the quantity of votes in support but rather a bunch of a different factors within there. So, if you do that on the list—and you have to do that on the list—then it will be transparent to the working group—what your view is.

Jim has got his hand up. Cheryl, if I'm missing anything, please do jump in. Jim, go ahead with your question, or—sorry—let me ask Cheryl if she wants to add anything. Then I'll go to you, Jim.

CHERYL LANGDON-ORR: I was trying to put things into chat, just also mentioning that we'll be working under the newly-published-in-the-last (I guess it's only twelve months) consensus playbook. So that's another reference.

I was trying to have a quick readthrough of the PDP 3.0 guidelines, etc., but if memory serves, decision-making and definitions of consensus are somewhere around in Section 3—3.6 or .7 in memory.

So, no, I don't have anything extra, and if I do, I'll pop it into chat. Over to you, Jim.

JEFF NEUMAN: Yeah, 3.6. Thanks, Cheryl. And thank you, Justine, for posting the section number. Jim, go ahead.

JIM PRENDERGAST: Thanks, Jeff. What I'm really interested to see—I'm sure I'm not the only person—is how you're going to group topics. I'm sure you've already started discussing that. I think that's critical to the consensus calls and designations. I think those should be communicated as far as in advance for the call for consensus as possible. What I'm really getting at is you could package twelve non-commercial items and have no problem, but if you stick a closed-generics or a private auction or a contention resolution or one of the other more controversial topics in with anything else, then it's going to affect it. So I'd like to see how you're going to do that well ahead of time.

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JEFF NEUMAN:	Thanks, Jim. It's almost like you were part of our discussions with the leadership group. Yes, our goal is to, for any items that we believe we will have contention—meaning some support, some non-support … We will likely do those individually. So you can count on the fact that the closed generic one would be on its own [and] that the auction one will likely be on its own. But things, like you were saying, that are not as controversial may be grouped in together.

Then one thing that we'll ask for when we do group things together is, if for some reason we read the group wrong initially, like thinking that stuff we packaged together would all likely be supported, then what we'll ask you to do is to indicate specifically whether it's one or more of the parts of the batch that you do not support, or the other way around. So, at that point, we'll ask you to break it out if there's one or more of those subjects in that batch so that we know specifically which of the sections you don't support.

But we thought doing it like … First of all, we ruled out doing each recommendation and implementation guidelines because I think there's a few hundred of them when you put it all together. So doing a few hundred of those would just not be feasible and probably not necessary. But doing it as one whole report also didn't make sense either because we know there's going to be at least a couple areas where there'll be some divergence—well, no, I shouldn't say "divergence" because that's an actual defined term in the guidebook—where we know there'll be a split in the support and non-support.

Okay. And, yes, Kurt, that's what we're trying to do. Okay. I know that took a few minutes out, but I did want to discuss this with the group once we got to a point in our discussions where we were ready to convey that. Yes, this will go out in an e-mail shortly as well.

Okay. Any other questions before we jump into reserved names?

Okay. Then let's get to it. Let's go to Topic 21. A couple things on this one. Remember, reserved named deal with both the reservations at the top level, as well as reservations at the second level. So, for some of these comments, as we were reading them—at least the leadership team—we had to go back and think, "Okay, is this comment really for the second level, or is this comment meant for the top level."

So, in general, you'll see a lot of support for the reserved name section. So, certainly, registries and ccTLD registries and the ccNSO Council, the BC, INTA, and a number of others supported it as written. A couple additional support. Maybe it wasn't ideal but they supported it, like the ALAC and Swiss government. So what we'll go over now are just the additional comments.

Tom Barrett had put in a comment saying that there should be defined process for an applicant to request a reserved string be unreserved. So we were going back and forth—I don't think Tom is on this call—and we weren't sure whether Tom's comment related to the top level or the second level. I assumed that it meant the reservation at the second level because I think it's a much bigger issue to talk about un-reserving a top-level designation. So, within Work Track 3, we did have some

discussion about that but ultimately did not produce any recommendations on how to … sorry. Other than the two- and three-characters, there's been a bunch of work on that, which we referred to, but there still hasn't been any kind of resolution to … Okay, let's say the registries have to, at the second level, reserve an IGO acronym, and that IGO wants it. This is still a topic—at least I believe—that the registries are trying to get ICANN's attention to focus them on doing that because I think there's actually been some requests from IGOs to actually get their name or get the IGO designation within that TLD. So we know that that work is going on. But this working group did not make any recommendations on that.

So Article 19. We've discussed their comments, and we're noting that when we also noted in the leadership comment section when obviously there have been separate PDPs on IGOs and others that address some of the reservations that are within the guidebook as well. We note a couple of the other opinions that are in Lines 12 and 13 in the spreadsheet, or 3 and 4 if you're looking in Column A.

If we can scroll down—yeah. And sorry. I'm also trying to look at chat to see if there's any hands up, and I don't see any. Okay. So Anthony Lee, who has really had some really good comments throughout this whole comment process, brings up some good comments here. We note those. I think some of them are … We just note them because we've had a number of these discussions. But other than that, I don't think that there's anything that we need to discuss from that.

The Internet Architecture Board also commented. In fact, this was probably the bulk of their comment. A couple things. They are appreciative of the fact that we reference the RFC 6761 and our affirmation. They do want us to consider whether we wanted to affirm SSAC or SAC113, which came out recently, that creates a private-use TLD. It's a private-use TLD proposal. That proposal is either still out for comment—or maybe comments were due—but it's still in the process of being analyzed by … I guess it would still be the SSAC. I don't think it has been formally submitted to the Board yet. But, at the end of the day, I don't think this working group is in a position to either support or not support what's in SAC113. We will certainly make reference to it within the rationale section, saying that we understand it's out there and we understand that this is still undergoing review, but we're not really in a position to support or not support.

So I just want to make sure that you all feel the same way. So does anyone disagree with that assessment?

Okay. The World Intellectual Property Organization talks about ensuring any two-character domain name registrations at the second level, I guess, be undertaken in a manner that minimizes potential confusion with the ccTLDs. Then they talk about third-level registrations and the UDRP.

Again, I think this is, while certainly an interesting comment, one of those that does get referred to the RPM PDP Phase 2. I guess, since that charter is not fully developed, it would probably get referred to the council to consider or the drafting team of the charter to consider whether this topic would go in there. But it's not for us to address.

Let me just stop there and see if there's any disagreement with that.

Okay. I'm going to skip down to the ICANN Org comment. So ICANN Org asked if we had considered including some sort of guidance to them on how we could go about releasing, let's say, a .ietf which is reserved to that organization. There were certain reserved names, like geographic ones, where there were conversations that took place, but ultimately, at the end of the day, both within Work Track 5 and also within Work Track 2 when we discussed this issue, we, at this point, punted that issue and said that that could be the subject—a very narrow subject—for a separate policy development effort on the real narrow issue of how to release top-level strings to entities for which they may have been reserved.

I say it's narrow. It's not without complications because technically they were ineligible for delegation. It doesn't necessarily mean they were reserved for a particular entity itself. So that separate effort would have to analyze that particular issue. But that's not one where either Work Track 5 … where geographic or, let's say, three-letter strings that correspond or that match a three-letter ISO designation … There were certainly discussions initially within that work track of whether to create a process for releasing those to the country where that ISO code matched and there was, I would say, an affirmative decision not to go down that path within Work Track 5. Similarly, there as an affirmative decision not to go down that path within Work Track 2 for the other reserved names.

Donna, go ahead.

DONNA AUSTIN: Thanks, Jeff. I kind of have some sympathy for this, understanding the challenges we had in the release of two characters and also the issues we had around IGOs that are still under temporary reservation. Maybe this is something that we could just put aside as a placeholder to think about.

But, with the two characters, there is language in the registry agreement that allows for the registry operator to work out some arrangement with ICANN to release two-characters. Now, I know it went through a lot of hoops, and that was largely because of GAC opposition to allowing for two-letters at the second level. But I just wonder if the language around the reservation—like something like IETF … whether there is language that does give ICANN Org the discretion to release. If not, then maybe one way to address this is to provide for that language in the registry agreement. Just a thought.

I don't want to hold anything up, but I do have some sympathy for this, given what we had to go through for two-characters. Thanks.

JEFF NEUMAN: Thanks, Donna. I certainly do have sympathy with that. I think, when the issue started to be discussed, there were some differing views on whether there was some sort of right. IEFT is probably a little bit different than the two-characters or three-characters, but they're all lumped in, at this point, together. Is it really that names are being reserved for a particular entity, or is it really that names are being reserved to prevent some sort of confusion with that

entity? I think that's one of those issues that needs to get addressed by a separate policy effort. Certainly, we don't go into that level of detail. I think it is, to the extent that there are organizations that are interested at the top level, they need to likely convince the GNSO or others to start some sort of effort on that. I think the way the work tracks approached this one was, "Let's just figure out whether these reservations make sense or not and move forward. Then, if someone wants those, that'll be dealt with through a separate process."

Sorry. It's a long answer to what seemingly is an, at first blush, easy question, but it turns out there's a lot of complications in there.

Taylor is saying in the chat, "Doesn't Topic 4—TLD types"—right, that's Topic 4—"go down this route by presupposing IGOs and governments as a pre-defined applicant type?"

Well, Topic 4—we'll get into that—does talk about IGOs being an applicant type. It's not an actual string type. So, when we say we treat IGOs and governments a little bit differently, it's not for a reserved string but rather any string that they apply for, like how the New York city government applied for .nyc, which was not a reserved term and actually technically did not even fall within the literal definition of "city" because it was an acronym. But that applicant type was a government, so the government got that government treatment because of the type of entity it was, not because of the string that it shows. I know that's a semantic difference, but I think it's important.

Any other questions?

Okay. The SSAC gave us their comments on the call. They, among other parts of the discussion, did note the SAC113. I always say "SSAC" because that's the organization, but it actually is SAC113. That's the private-use TLD.

So we do not have a recommendation or implementation guidance on two-character letter/digit combinations. We did have something in the initial report that recommended it or that was leaning towards recommending it. We got a number of comments back that said, "Look, there are some issues with that. There's potential confusion with ccTLDs," especially with characters where, like, a 1 looks like an L—so .n1 looks like .nl, and a 0 looks like an O. So the work at that point for the draft final report, ultimately, this working group did not choose to make a recommendation allowing the two-character letter/digit combinations. But we did discuss in the rationale section or the new issue section or deliberation section this issue, but we don't recommend one way or the other, so I'm not sure why the SSAC thought it was important to tell us it shouldn't be allowed because we don't recommend that it should. So we just note that.

All right. Any other questions on the reserved names topic?

Okay. Not hearing any. Let's then jump to the geographic names at the top level, which, as you all know, went through its own initial and final, and then Work Track 5 submitted that to the full working group. We as the full working group adopted it in full without any changes and put that out in the draft final report.

I will say that many of the comments were rehashing some of the arguments that were not adopted by Work Track 5, but there was

some focus that we do want to just see if the working group wants to do something on, which is the notifications of geographic applications. So a number of groups, including the ALAC, the Swiss government, and I think even the GAC in their comments did talk about wanting some sort of notification if there was an application submitted on geographic names at the top level. Work Track 5 discussed it. Ultimately, at the end of the day, they did not recommend that that notification be formalized.

But something that the leadership did discuss is potentially, if the working group wanted to entertain something, that there could be a sort of compromise in the sense that there are several areas within the draft final report and ultimately within the final report that does talk about mechanisms to search applications to notify users that opt in to get different types of notifications, like where changes to applications are made or public comments are filed regarding a particular application. These are in topics … hold on— the systems topics, which I can't remember the number of, and maybe even in the public comment topic.

So one of the things that we were just brainstorming—you all can let us know if you think you're just done with it and don't want to address it anymore; thanks, Justine, for the number systems—is potentially—and not just limiting it to geographic names—having some sort of implementation guidance that would allow third parties to get notified of different types of applications that are submitted. Obviously, this would be at or after reveal day, but essentially it would be for applicants that, let's say, indicate that they are a community or applicants that self-indicate that they are a geographic application or indicate that they are an application

for what we're now calling Category 1 strings. Potentially, we could have implementation guidance that in general would urge ICANN to develop a mechanism whereby third parties could be notified of different types of applications if they so desire to be notified.

Now, what this wouldn't do, obviously, is, if there was an application submitted where perhaps a government thinks the string things is geographic but the applicant didn't, it's not going to notify that government that there was a geographic application because the applicant didn't identify it as such. Nor would it identify an application for a Category 1 string unless the applicant identified it as such.

We also noticed that ICANN's system already, if you go into it and search the new gTLD applications, does have functionality within the current system to filer our certain types of applications.

So this would be, again, something that would be an, if we so desired, implementation guidance. It wouldn't be a recommendation. And it would be not just limited to geographic, but it would be any type—we'll get to types of TLDs when we go to Topic 4—where an applicant has self-designated.

So I want to throw that out there. I see Paul's hand, go ahead, Paul. You may have put it in the chat because I see Donna already says she agrees with you.

PAUL MCGRADY: Thanks. Yeah, a couple ideas in the chat, which is, one, we've already talked about this. In Work Track 5, we talked about it for a

long time. I don't think it's something we should re-talk about with 45 minutes left on a call where we still have more to talk about. It always begs the question of "notified by who?" and, whoever that "who" is, how they decide what should be notified, and what happens if they don't get it right in someone's opinion.

I also view this as the biggest non-issue ever because most every government in the world can afford to look at the strings that are applied for on reveal day, read through them quickly, and see if there's something in there that might bother them. Everybody else in the world is reading through those on reveal day and making the same conclusions. It doesn't make any sense to me whatsoever to build this giant system designed to create notice if that notice can be read but a list can't be read.

So, respectfully, very much so to all those who've asked for this yet again, even though it was already asked for and not put into Work Track 4, I just think we don't want unravel Work Track 5 by pulling at its threads. Thanks.

JEFF NEUMAN: Thanks, Paul. Obviously, I know you mentioned that it's a non-issue. I just want to make the point that there are some groups here that did raise this as comments. So I know what you meant. You did not mean that in any kind of pejorative sense, I know. I just want to make that point there were comments on it, so obviously there's some groups that do think that this is an issue.

If the problem is calling it a notification, what we're really talking about is sort of an opt-in system that you want to receive updates

from. Let's call it an update system. I know Work Track 5 discussed it, and that's why I'm asking whether we want to discuss it. I was trying to make it a little bit broader to not just be a government thing but be for any type of application that anyone opts into. Again, we don't have to call it "notice," because that sounds much more official than it is. But it's just an update. "I want to get an e-mail that contains all of the applications after reveal day that have indicates themselves that they are a geographic or a community or another type of application."

So I understand your points, Paul, so let me just … And I know Marc agrees with you. And Donna. So let me just—sorry. Is there anyone that wants to get into the queue and express a different or the same viewpoint?

I think the other points, while you're thinking about that, is there was a specific ask that the governments get a tool like the one they have for the second level. So, when leadership was discussing this … This we know was discussed by Work Track 5. At the end of the day, if that's what governments want, there's no reason why they can't just ask ICANN staff to build them a tool just like they have. But it's not something that we as a policy group need to recommend. That's something the governments can take up separately with their GAC support team if that's what they want and ICANN is willing to do that. But it's not something that we need to recommend being built.

So, yeah, you're right, Paul, that this could be the same thing. I just thought that, if we wanted to be responsive, it was a possibility. But, if nobody want to do that or if there's not enough support within the group to explore that, I'm fine with that as well.

Justine, go ahead.

JUSTINE CHEW: Thanks, Jeff. I'm a little bit concerned that people who might support this idea are not on the call. So, are we just looking at those who are on the call who are not in favor? Is that fair? I don't know. I'm just posing the question. Thanks.

JEFF NEUMAN: We're looking at the people on the call as a discussion item, but if there are others on the list that want to express their views in support of doing something, then certainly they can do that. So I'm only saying on the call—sorry. It's a little late. I only said, "Is there anyone on the call that wants to discuss it further?" because we're on a call right now.

Okay. So all of that is fine. I just wanted to bring it up. I kind of figured this is how it might end up but, again, thought we would just discuss it anyway.

Okay. There are a number of other comments in here, but I don't think we need to go through those because they're all rehashing or reiterating proposals that were made.

The one that jumped out at me a little bit, not because of the proposal itself—this may just be a personal thing; it just stood out and I was thinking about—is the DotBERLIN comment on language and translation, and not necessarily for the support or non-objection letter. But DotBERLIN had filed this comment, and the first thing that I had thought of—I'd love some thoughts on

this—was that, if there was an application for SAO-TOME and another application for SAO with the tilde and the accent, those would get called out as being similar and either in the same contention set or, if it was one to an existing string, not allowed. And I was looking for whether they're variants of each other, and I couldn't find that.

Anyway, it's not necessarily to get us talking but more of a curiosity thing. DotBERLIN is saying, what happens in that case? Do you require the letter of support or non-objection for both of those, or do you only require it for the one that is the exact official ASCII match?

Anyway, that's one of those that I think also could go to the IDN group to talk about … Again, not the letter of support or non-objection part of it but the notion of equivalence and variants.

Okay. Sorry. There's some other discussions. Let me get back to the chat. Oh, okay. There's just some discussion of not rehashing what Work Track went to. Yeah, I agree with that. Again, on the last topic, I made it broader than Work Track 5 for a reason, but, again, if that's not something the group is interested in, then we don't have to pursue it further.

Okay. So, Heather, you're +1-ing Paul. "Can it be mentioned in the final report as a new point that entered discussion at this late stage." Sorry, Heather. Which point is this now?

HEATHER FORREST: Sorry, Jeff. Now, Paul just made a comment. It would have been an interesting question two years ago, meaning when Work Track

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5 was live. I do think it's important point, and I don't think that it's fair that we just say we're going to chuck it. Obviously, that's not what we're doing by using raising it today. But, to the extent that we can capture it as we made a final call for comments and there were no surprises, except this one point that could be interesting to look at in a future round, can we do something like that, Jeff? Thanks.

JEFF NEUMAN: Thanks, Heather. I think we certainly could do that. I think the other thing that I was thinking about is not necessarily the substance o the letter of support or non-objection, but it's more of a variant issue for the IDN group to ensure … It's a doctrine of equivalence that is referred to in one of the RFCs—the IDNA RFC—but generally the doctrine of equivalence refers to lower- and uppercase letters. So this is a little bit different on that. Again, I'm not talking about the letter of support or non-objection to the substance. It's just, how are applications treated when they are ASCII [and] they looked the same in ASCII but they have different IDN characters. So it's more for the IDN Group and not the substance of a letter of support/non-objection thing.

And, yes, Justine, that was what I was thinking. Sorry. For those maybe not following the chat, Justine said, "Could the substance fall under the scope of the EPDP on IDN variants?" Justine, that's what I was thinking—to put this issue out to them. If they want to take it up, great. If not, that's there choice as well. Let's say the IDN Group does work on it in their EPDP, and let's say they extend this doctrine of equivalence to cover the situation where there's a transposition of accented and diacritic characters. If that

gets through and that's adopted prior to the next round, then, if one of the versions would require the letter of support or non-objection, the equivalence doctrine would say the other one would as well. So I hope that makes sense.

Okay. So we'll take note of that as an action item to get this issue as one of the several issues we have to the IDN variant EPDP group that's working on their charter right now. Cool.

Any other thoughts on that before we … Let's scroll down a little bit. I want to make sure we've covered all the other comments in here. Keep going down because there's a lot … You can read these. Well, I should say I'm sure you've already know all of these, so you know that they're just reiterations of other points.

Okay. This one was interesting, too. So, if you look at Line 19—I say "interesting" because no one has filed a comment like this, not that we have to take it up—an individual had filed a comment that said, "You know, in the future, it's possible for an application to come in for a city that doesn't have the traditional registry/registrant model, where an individual uses a domain name, but rather it's more like an Internet-of-Things-type proposal. By the way, I come back to this type of thing in Topic 4, so we'll revisit this issue and you'll understand why when we talk about Topic 4. But they said, "What if someone applies for a city TLD but doesn't want to use it in its traditional sense?" Obviously, the reduction and waiving of charges is not something we tackled and not something we're going to tackle. So [we're] putting that part aside.

But, for the application itself, if they have something that they're doing differently, then they would have to submit that though the RCEP process if it's after the contract is signed. But, if it's during the application phase when they propose this, it would go through the technical evaluation. That's how this either would get approved or not approved.

Just keep that in the back of your mind because we'll get back to it in Topic 4. I just thought it was interesting.

Can we scroll down here? I think that might be the last one that we should go over, but let's scroll down again. ICANN Org notes that reserved names, including geographic names and their translations, will have variant labels according to the root zone label generation rules. Following the recommendation on technical utilization of the root zone (LGR) by the Root Zone Study Group, the PDP Working Group is requested to clarify if these variant labels will also be reserved. At this point, we've stated the policy of what needs to be reserved. Our policy is that the exact match be reserved. I think the IDN EPDP will have to address whether that also includes the variant labels as well.

Yeah, this is another gift in the gift basket for the IDN Group.

ICANN also asks whether we have guidance for them on what relevant governments or public authorities might mean. While I do recall some conversations within Work Track 5, I think that this is specifically something that Work Track 5 did not seek to address for a number of reasons. Therefore, we do not address those either.

All right. Are there any last questions on this topic?

Okay. Let's then move to the last topic for today, which is the TLD types. So there was a—thanks, Steve, for the link. The vast majority of commenters and groups certainly supported this as written. The GeoTLD Group thought it wasn't ideal but were willing to support. Then there were a couple that didn't provide any comments. At the end of the day, the things I think that I just want to cover here are … So NABP pointed out—that's the National Association of Boards of Pharmacy—that the … First, they say that, if someone applies for a string that they self-identity as a Category-1-type string, then there would be different application questions. So that's just something that seems … If we, in fact, do we recommend (and the Board adopts) this Category-1-type as a new category, then of course they'll ask a question on it.

But the real point of NABP's comment, I think, is the end of it, which is, what if someone doesn't identify as this type of application, but it's later discovered that they really should have identified themselves as a Category 1 safeguard? Then would that have to go through some sort of change request process and another public comment period?

Our thinking on this—at least leadership—was that this is analogous to the way that geographic strings we handled in the last round. So there were a couple strings where it was not self-identified by the applicant that they were applying for a geographic string but which a panel had found it to be a geographic string. Therefore, ICANN changed the … within their system to categorize the application as a geographic string. There was not a requirement   … Well, there was a requirement then as a

geographic string to get then a letter of support or non-objection if it was a city name. So that did have to go through a change process where they had to then get that letter and, if they got it, that letter was published. If they didn't get it, then obviously the TLD would fail the geographic evaluation.

So I think this would be … If we were to take an analogous situation, if an applicant didn't identify themselves as having a Category-1-type string but it's later found by a panel that it is a Category-1-type string, then the only real ramification there is that the contract that the applicant signs to become a registry operator would have the commitments that Category 1 TLDs have. So it's not that it would need to go through a whole new change process or a new application or anything like that. It would just be given the new contractual provisions.

Does that make sense to everyone? So, in other words, there's nothing that we need to do address this comment. Sorry. Long way of saying that.

All right. Then, if we … Yeah, the other—the GeoTLD Internet Governance Project. Our opinions [are] noted. WIPO is another one that has an opinion that's noted. The Article 19, again, is another one that we note but don't really need to get into.

ICANN Org has a couple different comments. I'll go the easier one first, which is the … They make a good point, if you look at Number 2 in the leadership column, which is to be consistent with the terminology that we use. When I say "be consistent," I mean be consistent with the way that these terms are used in other contexts. So, instead of saying "an IDN variant" or a "variant TLD,"

we change it to … Where is it? Sorry. I'm trying to find the exact term, but I think it's "variant TLD," which I think is what they want us to do it.

CHERYL LANGDON-ORR: Yes, "variant TLD."

JEFF NEUMAN: Yeah. Thanks, Cheryl. So, like some of the other terminology changes, we note it. Unless anyone objects, we'll just adopt that in the final report.

There was a table that was associated with the types of TLDs that ICANN thought was good, so we'll take that/note that. If anyone wants to see it, it's in there.

There was a question as to why we had the geographic names as both an application type and a string type. So there's an explanation in #3 if you want to read that, but it doesn't require us to do anything. But it's noted here so that ICANN can see that there is a difference.

Sorry. Can you scroll down in this version, Steve or whoever has got the … Are we frozen here?

STEVE CHAN: Sorry. I had paused the share for a second.

JEFF NEUMAN:	Oh, you paused the share? Okay. All right. I thought you fell asleep, Steve.
STEVE CHAN:	That's the last one.
JEFF NEUMAN:	Oh, that is the last one?
STEVE CHAN:	[inaudible] [further in the Org] comment, but that's the last comment.
JEFF NEUMAN:	Where was the—because I said we would get back to … Oh, right. It is in the Org comment. So, in the Org comment, there's a mention of … So I'll go back a step. We state that, under exceptional circumstances, ICANN may want to consider adding an additional type of TLD. And we say it shouldn't be granted easily. I forgot the exact language, and I'm not quoting it precisely. But we do envision or envisage the possibility of having additional types, and ICANN has asked us if we can provide any guidance as to when those exceptional circumstances would come into play. The leadership team discussed this and said, "Well, the fact that they're exceptional circumstances and the fact that we don't know what we don't know makes it a little bit difficult for us to provide guidance on what exactly would be an exceptional circumstance."

EN

But, I, in thinking of this, thought of the example of, "Okay, well what if there are applications for TLDs that don't have the traditional registry/registrant model?" I know brands are sort of like that, but I'm talking about ones that don't have an actual legal or natural person being the registrant. But let's say it's a device, like an Internet-of-Things type, where every device gets a domain name. You don't have registrants in the traditional sense.

So we can see, in theory, there may be parts of the contract that don't make any sense for that type of TLD, or there may be questions in the application that don't necessarily make sense or some other part that, maybe down the line, we do want to crate a new type of TLD [for] because, at the end of the day, we're trying to encourage innovation and different models. So, while we can't offer too much help on what an exceptional circumstance is, we do have it in there because we do foresee different types of applications coming forward where we think, "You know what? This is something we should not try to pigeonhole into an existing TLD type." We are going to have to think about.

So this would be the type of thing that would, we think, go through the predictability framework. If there are one or more applicants that believe that a part of the evaluation or a part of the program doesn't and shouldn't apply to them and this is something that ICANN staff, Board, or council believe is important enough to go through the predictability framework, well, then it should. So we have built-in mechanisms to try to deal with that.

Paul, go ahead.

PAUL MCGRADY: Thanks. Jeff, I totally understand what you're saying when you're saying, essentially, if [we knew] the circumstances, we would have put them in here. Importantly, I think many of on this call are for innovation and change. That's been reflected in the work that they've done on the working group call. So I do think ICANN Org being responsive to innovation and change is important, and I think that's why we put in this exceptional-circumstances test. A lot of what drove this is just what I viewed was fairly irrational resistance to recognize dot-brands, even though they had been talked about all along leading up to the applicant period in the last round, so much so that we actually had to go get Cherine to help us deal with the staff at the time to get them to sit down at the table and get serious about it.

So I don't think the provision was included in order to give ICANN Org some exhaustive criteria or list or scenarios but rather just to signal, "Hey, guys. It's going to be okay to be open-minded if you find that an applicant has a new, really innovative and interesting idea. You don't have to try to cram it down into one of the two or three known boxes. It can be an outside-the-box idea that gets looked at, and that's okay."

So I don't know that there's anything else for us to do with this, but maybe we can find some way to ensure ICANN Org that this is just essentially our way of saying, "Stay open-minded." Thanks.

JEFF NEUMAN: Thanks, Paul. I agree 100% with your comments, and I think, again, the other thing is that ICANN Org doesn't have to go with alone. In other words, they do have other resources that we're

building in for future changes. So, if they want guidance in the future when someone asks, or a group of applicants ask, well, then there's a framework that we've given ICANN if it so chooses to work through, so it doesn't have to wait for ICANN Org and the ICANN Board to take two or three years to think about it, mull it over, and figure out what process to follow. But it could immediately, once it recognizes that there might be something there there, refer out through the framework.

The GNSO could tackle it if it chooses to do so, and, ultimately, at the end of the day, move on this … I know saying that the GNSO moves quickly is kind of ironic, but certainly, Paul, I think it too, what, two years just to get the Board to sit down and even have a process discussion of how to move forward, whereas, if we had a predictability framework, at least it wouldn't take that long to start addressing the issue. A narrowly crafted, even if the GNSO wanted to take it up, charter could go fairly quickly through an EPDP, in theory. Or even GNSO guidance, or whatever it wanted to do.

All right. So that's TLD types. Anyone else have anything on different TLD types?

Mr. McGrady, go ahead.

PAUL MCGRADY: Thanks. Jeff, just that you said you were going to talk about special treatment for governments or something as a TLD type in this section. Did I get that guidance understood? It's late.

JEFF NEUMAN: Yeah.

PAUL MCGRADY: So I just didn't want that dangling participle out there dangling. Thanks.

JEFF NEUMAN: No. I was going to talk about a different … The smart city was just a comment, and that's why I brought up the Internet of Things example in what we were just talking about. No, nothing as monumental as a new thing like … no. So we covered it.

PAUL MCGRADY: Perfect. Thanks, Jeff. All right.

JEFF NEUMAN: I was just saying that people could keep in mind that example when we get to this comment from ICANN Org on exceptional circumstances.

All right. Anything else?

All right. Let's jump to the work plan while someone types in when the … Yes, Justine, that was the comment. So our next meeting is on the 14th, which is Monday. These will be our last scheduled topics. We're going to still have a call on the 17th—not a call consensus call but a working group call. That should be on everyone's calendar already, so it's not anything new.

We'll update the workplan with … What I think we'll cover on that call is any last remaining items that need to get closed out. There's going to be redlines coming out, and there may be a couple more topical e-mails that come out. I can't recall, actually, I think—actually, no, there won't, because I think, from the last two calls, those were fairly simple changes. So they'll be all reflected in redlines. So look out for the next redline version. That will cover everything up through today's discussion. Then, shortly after our Monday discussion, we'll come out with, if any our needed, a redline from that discussion. Then we will finalize the materials.

So any questions on that?

So we'll update this at the same link. So everyone should have a link to this document/the workplan already. We will make updates within the next 24 hours so that it reflects the new timeline.

Justine, go ahead.

CHERYL LANGDON-ORR: Justine's hand is up.

JEFF NEUMAN: Yeah. Go ahead.

JUSTINE CHEW: Thanks, Jeff and Cheryl. Just a question. The small team on the auctions and private resolutions are still meeting, so is that going to come back to this particular workplan at some point in time?

JEFF NEUMAN:	That's good question. There's a, from what I understand [from] Paul, Donna, and others form that small team, call on Friday. The answer to that question is, I don't know. If they do come up with something, then, yes, of course it will come back to the full group. If not, then we're going to have to decide as the full group if we just keep everything the way it was in the draft final report with maybe a couple of the tweaks that we went through where there were some clarification things as we were going through that topic. But we'll have to wait and see.
	Cheryl said it better. "The outcome of that call may or may not produce something."
	So, Paul, we're counting on you, man.
	And Paul doesn't have a response. All right—
PAUL MCGRADY:	I was looking for a way to put a smiley face in the chat, but it eluded me at this late hour.
JEFF NEUMAN:	For those of you that may have seen the movie "Airplane" many, many years ago, there's a funny line in that [set] of movies where everyone goes to the pilot and says, "We're all counting on you basically not to crash the plane." But, anyway, there you go.
	So any last questions or comments?

Great. Well, thank you, everyone, for all of your work. We are getting to the end. I believe the Monday—yeah. 15—oh, no. That's the call on Friday. What's the time? Monday, December 14th, 2020, at 15:00 UTC. All right. Thanks, everyone. Let's stay in touch on e-mail. Thanks, everyone.

CHERYL LANGDON-ORR: Thanks, everyone. Bye for now.

[END OF TRANSCRIPTION]