ICANN Transcription
GNSO New gTLD Subsequent Procedures Working Group
Thursday, 05 March 2020 at 20:00 UTC

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JULIE BISLAND: All right. Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on Thursday, 5 March 2020.

In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room. If you're only on the audio bridge, could you please let yourself be known now? All right, I would like to remind everyone to please state your name before speaking for the recording and please keep phones and microphones on mute when not speaking to avoid background noise. With this, I'll turn it back over to Jeff Neuman. You can begin, Jeff.

JEFF NEUMAN: Thank you very much. Welcome, everyone, to our Thursday meeting, the last meeting before our virtual remote meeting next week. For today we'll go through the two topics that are on the link there – TLD rollout and contractual compliance.

Then I just want to say before we do that, though, I'll first ask to see if there's any updates to any Statements of Interest so we can

just get that out of the way. Okay, I'm not seeing anyone. Jamie said he updated his Statement of Interest last week so you can find that on the wiki.

The other thing I wanted to say before we get started is that by the end of the day, L.A. Time, so California Time, you should be able to find all of the materials for next week's meetings. So each of the sections for the topics that we're talking about which include closed generics – I'm probably going to say this out of order – but closed generics, global public interest, GAC early warnings and advice, applicant support, and communities. Those are the five topics the way we're going to run those sessions. We haven't set a specific topic for each session. We're just going to go in the order that it is currently on the agenda, and that means that some topics will overlap between sessions and it also means that I can't say for certain during which session we will cover which topic. We're just pretty much going to go in order.

All of the sessions are working sessions but we will have of course people from the community as well as members from the GAC who are paying attention to this issue and have specifically scheduled around our meetings, so they will likely be in attendance and hopefully contributing to these discussions. The topics we selected were ones that they had previously indicated were topics of interest for them, and so that was the basis of the topics that we chose. Of course there could be additional ones that they want to discuss but the GAC has their own subsequent procedures sessions that are separate and they may cover those additional topics at those meetings. I know I'll be attending those. Whether they want me to participate or Cheryl participate or not, I

guess remains to be seen. There is an outreach session that will be held, I believe, it's before our first meeting, and so that one they did ask for us to participate. But the other sessions, we'll all play that by ear to see what they want to do.

So the order is up there on Zoom so you can see that that's the order we'll go in. Yeah, there we go. So we have three sessions – a session on Monday, Tuesday, and Thursday. The times are all indicated on the official schedule. Any questions before we get started on today's stuff? Okay, I'm not seeing any questions. The last thing I will state is that the closed generics section has been updated to reflect some of our more recent discussions and the proposals and e-mail exchanges. You'll see that there are some additional elements in there. Also for those five sections – and correct me if I'm wrong please, Emily, Steve, Julie – but we're posting those separate from the working document that we're currently using just so that everyone is on the same page with the materials. Although today we're going to be going through the standard working document that we've been going through for the topics on next week for the ICANN meeting, we're going to send out – there will be separate links to those sections. I think that's how we're still operating.

Julie says that they'll send a message with the agendas and time slots with links to the wiki and schedule [soon].

Okay, any questions before we go on? Okay, so with that, let's turn to the first topic for today, TLD rollout. Both of these topics are relatively short so hopefully we'll get through these in a relatively quick timeframe, but of course we're open for discussion so that's not meant to dissuade anyone from speaking up.

The first item – sorry, Maxim has got a question. "Is there a way to grant PDP members Zoom seats during the sessions of the PDP?" My understanding is that everyone that wants to get in will be able to get in and I don't think we're differentiating between the participants, but let me just stop and see if Julie, Steve, or Emily has any comments. Okay. Maxim, I'll – sorry, there's some background noise. Is that on my side? Okay, I'm not hearing anything. Anyone else want to jump in here about the Zoom? Does anyone have any updates? Maybe Julie?

JULIE HEDLUND: This is Julie Hedlund from staff. I can't raise my hand. I apologize. I'm not sure what Maxim is asking. Is he asking whether or not the Zoom room is open to everyone? Because as it stands, yes, the Zoom room is open to everyone. We're not differentiating among participants.

JEFF NEUMAN: Okay, thanks. I think the question I guess is also that Maxim has posted, is there a guarantee that working group members will be able to get in?

JULIE HEDLUND: There is no guarantee but I don't think we're going to run into a problem of a limit for the Zoom room based on what we're expecting as far as participation.

JEFF NEUMAN:	Okay. Thanks. Kristine says, "So there is no seat at the table as in a real room." Right. Everyone is going to be in the same Zoom room. There shouldn't be any problems with limits but just make sure you try to log in a little bit early.

Let's jump to the materials. Steve is saying the capacity is 300 people. So we should be okay. I don't think we'll have more than 300 that'll attend but if we start getting close to the limit, we'll figure something out to make sure that the people that need to get in get in.

Great, let's get started then on the topic. This first topic deals with TLD rollout. Really, what this issue deals with is when a registry is required to go through certain steps of the application – actually, more like the delegation, contract signing processes and what's required. So the first affirmation is that the working group affirms Implementation Guideline I from 2007, which states: "An applicant granted a TLD string must use it within a fixed timeframe which will be specified in the application process."

That was what the principle was from Implementation Guideline I from 2007-2008. Then we also affirm here that "The working group supports maintaining the timeframes set forth in the" – it probably should say current Applicant Guidebook – or "2012 Applicant Guidebook and the base Registry Agreement; namely (1) that successful applicants continue to have nine months following the date of being notified that it successfully completed its evaluation process to enter into a Registry Agreement, and (2) that registry operators must complete all testing procedures for delegation of the TLD into the root zone within 12 months of the Effective Date of the Registry Agreement. In addition, extensions

to those timeframes should continue to be available according to the same terms and conditions as they were allowed during the 2012 round."

What you'll notice from here – and we'll talk about this a little bit in the deliberations – is that even though there were several discussions on different ideas from the working group of what constitutes "use," it didn't seem like we got any sort of agreement that anything other than what is currently required should be required. Let me see if there's any questions on that one or comments. Okay, I'm not seeing any hands raised.

Okay, I'll go on to the next one then which is related to – well, it's partially related to this delegation process, but as you'll see from the comment, it may actually belong in another section because it is more broad than just this rollout section and that the recommendation there is that "ICANN should establish metrics and service level requirements for each phase of the application process including during the review, evaluation, contracting and transition to delegation stages. ICANN should report on a monthly basis on its performance with respect to these key performance indicators."

As noted in the comments from Julie, it really is broader than just the TLD rollout. This just happens to be where we discussed the issue. So if we agree that this is a recommendation we should have, we may put it in some other section. I'm not sure which section at this point, but we'll find another home for it where it deals with overarching goals and issues.

Alexander states, "If an application is specifying a Sunrise period, it should be forced to execute such rollout phase." Yeah. Alexander, we took note of that proposal. You've certainly mentioned it before and there have been others that have weighed in on that specific proposal. But to be honest, at this point we didn't see as the leadership team any agreement that that concept should apply. So when you look at the rationale, you should find, if I remember it correctly, there should be a discussion in Rationale 1 of the time for launch and what actually is considered launch and the concerns that were expressed. But at this point, we didn't feel like we got any kind of agreement on redefining the use requirement. I'll stop it here and just see if there are any other comments.

Okay, then let's look at the rationale real quick so that we make sure that everything is representing this. In the first affirmation, you'll see discussion about the term what it means to use. There's reference there to all of the timeframes and that we acknowledge that there have been extensions in the previous round and that in some circumstances, it caused delay. Even though we understand that there were delays in the past, we're stating here that we believe that maintaining the existing rules strike the right balance. We're just hoping that I guess the rules are really adhered to so that we make very much more predictable process.

Then the second rationale for the recommendation that's in there just talks about predictability being a factor and that we understand that some registries are in better position to launch more quickly than others, and we also recognize that some entities take much longer in doing things like executing an

agreement and require much more thorough diligence process on their own before signing. So we believe that giving ICANN discretion to extend timeframes is the right thing to do here.

Then finally on – not finally but with respect to new ideas that have come up, this I think talks about, Alexander, your concerns about squatting and warehousing and about your proposal for Sunrise registration. But as we said at this point, we just did not believe that we have any sort of group agreement that that should apply here.

To read Maxim's comment, "This is also geos (geographic TLDs) are dependent on cities and those have long approval cycles." You're right, absolutely. There's always extenuating circumstances for governmental organizations, even private. So ICANN should have the discretion to make sure that it's able to work within these applicants' schedules as well.

Alexander says here that his concern was not so much warehousing but blocking others from getting the TLD.

What we do say is, if you scroll down a little bit more, the second to the last paragraph that's on the screen now, this is talking about those that oppose the position to add more use requirements. We iterated that there's no agreement and they basically stated that a Sunrise period is not and should not be considered a proxy for using a TLD. So they did not want to see precedent that stating that if the Registry Agreement stated something like, "Additional use requirements," it did not want that to have any kind of binding nature. So there were many that disagreed with that proposal.

Okay, on the dependencies, I think this section we listed the security and stability sections that may relate to this topic. Christopher, please.

CHRISTOPHER WILKINSON: Hi, good evening. Thank you for giving the floor, Jeff. Sorry for joining a few minutes late. Just to comment to what I've just heard, in terms of priorities, could we have a provision that priorities given to entities that have not applied before, priorities given to new entrants that are not already represented as owners of registries following the 2012 round?

JEFF NEUMAN: Thanks, Christopher. We discussed that in the topic of application queuing. The group came out and did not seem to support providing any type of priorities for any category of TLDs other than the community-based TLDs that have gone through that community part of the evaluation. So at this point, it does not seem like there is support for that kind of proposal.

CHRISTOPHER WILKINSON: But, Jeff, I do not accept that concept of the group. As far as I can see, the group is predominantly – a subject like this is reflective of the position, so the existing incumbent. I've said over and over again that the incumbents shall not provide the terms and conditions for new entrants. This is very, very wrong. I think a lot of people on the call in your so-called group should have abstained of interested party. Thank you.

JEFF NEUMAN: Thanks, Christopher. I'm noting that we have – Maxim states, "It will just lead to the creation of new legal bodies."

Paul McGrady does not support.

There's a question, "@Christopher, how this would be policed if we somehow gave priority to those that have not previously been given or applied for and received a TLD?"

CHRISTOPHER WILKINSON: No. Coming from Amazon, that's rich. I'm afraid, Kristine, I think above all, you should abstain from this debate. It's a massively interested party. Thank you.

JEFF NEUMAN: Christopher, the way our policy development process works, first of all, is we shouldn't really attack other people on the call. But second of all, everyone is an interested party in one way or the other. So I don't believe that there's anyone in this group that doesn't have some sort of interest that they are either representing or that they are acting on behalf of, and I don't think it's fair to say that everyone that supported the notion of how we queue applications is somehow connected to an incumbent. I don't think that's fair. We can't have a process of those that did things in the past can't weigh in for the future because that would apply to every single subject, right? So if you ever helped out in filing an objection or if you've ever filed public comments on a TLD application, if you ever defended someone where you draw the

line. So if there are others on this call – and there's 40 people on this call – if there are those that disagree with the notion of that what we state here in these sections, please speak up. But at this point, I'm not seeing that.

Let me just go back to some of the comments here. Annebeth – oh, actually before that we have Maxim states that, "We should not to invent single member veto idea."

Annebeth states, "It is very easy to go around a rule like this." I guess this was talking about the proposal. "We have experience from that national domains."

Kathy says, "Christopher makes a good point."

Maxim states, "There is no forced abstention."

Paul brings up, yeah, we should be careful not to attack anyone in this group. Everyone is participating here in good faith and is trying to do the right thing for the next process.

Donna states, "The multistakeholder model encourages participation by everyone."

Kathy is stating, "And one that has been shared many times – concern about the Global South and new participants."

Okay, I'm not going to get into some of the other comments because I don't want this to turn into … It's getting off topic. Let's get back to the topic about the use requirements. This discussion is not, by the way, about priority because that was what we talked

about a week or two ago with the queuing system, so I think we're past that part at this point.

Maxim talks about a lack of definition of Global South. We'll get into all of that, not on this call. But all of the definitions of Global South and that topic is certainly involved when we talk about applicant support. That is one of the topics we have for the ICANN meeting. So we will not go on a tangent during this call on a topic but it will be addressed.

Okay, back to the substance of this. Are there any other questions or comments on TLD rollout?

UNIDENTIFIED MALE: You have some hands up.

JEFF NEUMAN: Yeah, I'm going. Sorry. Christopher, is that an old hand or new one?

CHRISTOPHER WILKINSON: For what it's worth, it's an old hand. I'll give you a new one later if we need it. Thanks.

JEFF NEUMAN: Okay, thanks. Alan then Kathy. Sorry about that, guys. I was at the bottom of the list as opposed to the top where the hands are raised. So, I apologize. Alan, please go ahead.

ALAN GREENBERG: Thank you very much. First of all, yes, everyone on this call is here for some reason and has an interest. That's very different than having an interest in being an applicant in the next round, so let's not confuse the issue and say everyone here is basically looking to have new gTLDs. That's not the case. And that is what you implied before, at least it sounded that way.

I am very sympathetic with what Christopher says, and I could phrase it in different ways. I think the reality at this point is we are not going to get consensus to change it and to do that. There's no way for all sorts of reasons that we're going to. Therefore, I would suggest we not spend a lot of time doing it. But let's recognize that there are more than a few people who believe that a remedy like that would be something that would be appreciated. Thank you.

JEFF NEUMAN: Thanks, Alan. Let me go to Kathy. Kathy is next, please.

KATHY KLEIMAN: Great. Thanks, Jeff. Just briefly to follow up into a plus one to Alan and to Christopher. Is there a way to note this conversation in the materials that will be going out to the public so that this documented concern is right here where everyone can see it? Otherwise, a whole bunch of private and public voices will be raising it. It's really important that this be represented and shared. So, how do we document it so people know where we've been? Thanks.

JEFF NEUMAN: Kathy, yes. That is already documented in the subject we covered a week or two ago on application queuing. It's certainly in there and of course at the end of the day, everyone is free to file a minority report. When we take a consensus call, we'll know which positions are the ones that do have consensus and which do not, but there's always a place for minority reports. As far as the topics that we're going to discuss at ICANN67, priority of applications is not one of the ones that's on the agenda. So it's not one that would go in any materials that go out for this ICANN meeting. The Global South discussion is – and you'll see the materials later on today or by close of business L.A. Time – but in this section that we did talk about priority and application queuing, that discussion is already in there.

Anne raises a question on what about IDNs and priority? That is again also in the application queuing section, I believe. Maybe Steve or Emily or Julie can correct me. In there when we publish the draft final recommendations, that could very well be a question that we want to ask because we've had no agreement from the group that giving priority again to IDNs is the way we should go. But remember, these are draft final recommendations and we are soliciting and will be soliciting feedback on this.

Anne asks if this is an issue for discussion with the GAC or not. At this point, it's not one of the five topics that have been identified. The GAC does have several of their own sessions and they could of course bring that up, but at this point that is not one of the areas that met their top concerns. So the topics we picked were ones that either they previously indicated they had substantial interest

in or concerns with or GAC advice on. That's how we went ahead picking the topics.

Okay. Any other questions? Maxim asks about compliance. That's good timing because that is, I believe, the next section that we're going over. If we scroll down, this is Section 2.12.3 on Contractual Compliance. The first one is an affirmation of Recommendation 17 from the 2007 policy, which states: "A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination."

Pretty straightforward. It was one that was previously implemented. We're just affirming that again. The only recommendation we have with respect to this topic is that "ICANN's Contractual Compliance Department should publish more detailed data on the activities of the department and the nature of the complaints handled; provided however, that ICANN should not publish specific information about any compliance action against a registry operator unless the alleged violation amounts to a clear breach of contract. To date, ICANN Compliance provided…" I think that maybe should be "provides" but "summary statistics on the number of cases opened, generalized type of case, and whether and how long it takes to close the case. More information must be published on the context of the compliance action and whether it was closed due to action taken by the registry operator, or whether it was closed due to a finding that the registry operator was in compliance from the beginning."

ICANN does publish a lot of data if you wanted to review the data that's out there. They have dashboard and they certainly do make

a number of things known. But what's missing, really, is the context of those complaints or how they were handled. So what you'll see, for example, is – although this example I'm going to give is from the registrars but same type of thing happens with registries where they'll say there were a hundred complaints about WHOIS accuracy. Then they'll say that out of those 100 complaints, 70 items are closed. It doesn't necessarily say anything other than that. Things can be closed for a whole bunch of reasons. They can be closed because ICANN was wrong. It actually was in compliance. The data was actually correct. It could close because the registrar has fixed the issue or it could close because there is a fixed plan of how to address the issue and that's been agreed upon. You can't really tell any of that statistics that they opposed. All you see is this many tickets opened, this many tickets closed, but there's not necessarily a natural tie between them or any understanding as to why they were closed. Does that make sense?

Let me scroll down to see if there's anyone on the queue. Okay, let's go to the rationale then. More specifically, the second paragraph.

DONNA AUSTIN: Jeff, I'm sorry.

JEFF NEUMAN: Go ahead, Donna. Then Steve I see as well. Go ahead, Donna.

DONNA AUSTIN:	Thanks, Jeff. Donna of Neustar. Just on the recommendation, I'm concerned when we have a recommendation that says we should publish more detail data without being specific about what that data is. My understanding is that Compliance has improved the reporting that they're doing. I think if we're going to have a recommendation like this, we need to be specific about the data that we want to see, rather than saying more. Is there some way that we can try to be explicit in what we want, what detailed data we want? Otherwise, if this recommendation is something that comes up for implementation in two years' time and Compliance has already revamped their reporting then this recommendation may be meaningless. So can we be explicit about what we want, what data we want published?
JEFF NEUMAN:	Thanks, Donna. There's no statement in there and I know that it doesn't really go far enough, so let's just address that other statement and then we'll go from there. So there's a statement that basically says, "More information must be published on the context of the compliance action and whether it was closed due to action taken by the registry operator, or whether it was closed due to a finding that the registry operator was in compliance from the beginning." That statement was meant as an effort to try to give some sort of guide. I think we can probably come up with other generalized ways to stay in it. I think it's going to be difficult to be very specific because I think part might depend on what the compliance activity is and what the action or the potential ramifications of those actions are.

So what else can we say to be more specific? I guess I'll turn it around and say other than asking for the context of the compliance action and more details about why and how it was closed, what else could we put in there? I don't know, Donna, if you want to respond to that or if I should go to Steve first and then come back to you?

DONNA AUSTIN: Thanks, Jeff. Just to note that there seems to be support – let's try to be as specific as we can in this – let's take out the word "more" because it assumes that it's currently not meeting expectations but I think that's at least a starting point. But I do think we need to try to be specific here. Because otherwise, once we get to implementation, it will be as Justine said, it's going to be subject to interpretation, so let's try to be specific.

JEFF NEUMAN: Okay. Let me go to Steve because he has his hand raised and then Maxim has got his hand raised as well. Steve, please.

STEVE CHAN: Thanks, Jeff. This is Steve from staff. I guess I just want to draw attention to the comment that's from staff on the side. It goes somewhat towards what Donna is saying that more specificity might make sense. I preface this by saying that we're not experts on the reporting that contractual compliance does. But I think this is also in the context of it not being clear of what exactly the additional information is needed. Because if you look at the reporting now, it does provide some of the context per at least

what the complaint is about, but then also the resolution in the sense that it required some corrective measures on the part of the registry or registrar, or if the registry or registrar was able to demonstrate compliance. So I'm not sure if that is the context and additional detail that [inaudible] because some of that already exist. If that is not then it might make sense to make it more clear [inaudible]. I hear background noise.

JEFF NEUMAN: Sorry about that. There might be because I forgot to hit mute. So that might be my fault for the background noise. I apologize.

Let me go to Maxim and then there's some comments in the chat.

MAXIM ALZOBA: I hope you hear me. There is one thing left. Large amount of cases might be dismissed because of just lack of grounds for the case in the first place. Maybe it's the wrong question, misunderstanding of policies. In the process of the case, it was understood by compliance and registry after exchange of like opinions and information that basically there were no grounds for opening the case. Because the current reading says that basically only two options are there. Thanks.

JEFF NEUMAN: There's definitely could be more detail stated in there or different scenarios. I know that if you look at the dashboard, you could certainly see many more numbers and you can see things that Steve said in terms of the very summary level of registry

demonstrated compliance. Maxim is also right that if there were a number of cases where ICANN closed cases but didn't indicate, as Maxim said, that it was actually ICANN's fault, it was their mistake so you don't get to see that.

So the language came from, whichever was the Work Track that was looking at … or the concept came from the Work Track that was looking at it. If you do look at the dashboard and the Compliance reports, you'll be able to see – there's lots of stats but there's nothing necessarily behind them. I'm just randomly clicking on their dashboard. You can't see that because I'm not connected. But you'll see summary information. You won't see any context about the complaint, why it was filed, whether anything was done about it. Maxim says there's been ICANN self-generated cases and then there were lack of grounds. So I just think that that's important data when you're looking at … Sorry, the Work Track that was talking about this issue talked about getting more data on compliance, and that's how this whole subject came up.

Steve is saying, "I would just add that I have the link to the most recent dashboard." If you want to pull that up, Dennis – if someone could pull that up, maybe we'll take a quick look at it. Okay, so you've now clicked somewhere inside of it. If you go back just to show people how you got there. Okay. So there's the dashboard. What you'll see is a pie chart with generalized topics. Then if you scroll down, you'll see that pie chart essentially in number form. So those are the types of complaints. This is registrars but it's something similar with registries. Then they have their first notice sent and timeframes, and then there are additional matters. So, very, very general. If you'll look below you'll see was

it a new TLD or a legacy gTLD? Although that distinction I'm assuming will go away at some point. Then if you scroll down, you'll see transfer complaints but that's uniquely a registrar issue. Then scroll down a little bit more. Thanks. There you'll basically see very summarily you'll say – look, if you look at abuse complaints, there's 34 where the domain was suspended or reasonable response. There's one where the registrar demonstrated compliance. Again, it's interesting because that's not necessarily saying that ICANN Compliance was wrong, it just says that the registry demonstrated compliance. And that could be because the registry was out of compliance and now it's in compliance, or it could be because it was never out of compliance. Then there were three where the registrar responded to the abuse report. This is a little bit different than registries because it doesn't necessarily involve these types of things. But the reason these all came up was that when you look at these stats, it doesn't give you context to make recommendations of how to improve things. You can't really tell by looking at this.

Susan states that "We need to identify what it is that we want to be included in the Compliance reports – whether or not already there. Because probably there is more data now than when we initially looked at this, but we also don't want to lose data that's currently shared because we don't specify it as a requirement." So there's some agreement on that.

We can go back and look for more specific types of data. I think the statement that's currently in the report should serve as guidance, making sure that anyone that reads this can understand

the context of both the issue and how it's resolved, I think is really the governing concept.

Maxim states that lots of confidential information might be a reason for lack of details. That could be, Maxim. We just don't know.

Okay, if we go back into the text … One of the other reasons why we put this in there, if you look at the second paragraph of the deliberations also stems from the generalized notion in the CCT Review Team report about understanding – I guess it sort of fell in the abuse category but it was saying that there just wasn't enough data out there to understand the context of complaints, how they're resolved, domain abuse, all of that. There's just not a level of data that's there to support either knowing whether this program is successful or not, or whether registries are abiding by their contracts or not.

Christa states that "So we're asking for information and insights to be provided based on the data?" Absolutely. A data provided for data's sake is not helpful at all. If all you see is a number of – X number of cases were closed within a month, it just doesn't help you improve the program.

Then if we go to Part C for the new issues, let's scroll down a little bit there. Yup. Okay, these were some new issues that were raised that we discussed but that we don't think we've come to a place where we can have recommendations or agreements. So these include the notion of arbitrary and abusive pricing for premium domains targeting trademarks. The second topic is the use of reserved names to circumvent Sunrise. The third one being

operating launch programs that differed materially from what was approved by ICANN. I think it all just point going back through the record, all we could say for sure is that we can acknowledge the concerns that were raised but also state that we don't have any agreement on these and, therefore, we didn't include it in the report.

Christopher, please.

CHRISTOPHER WILKINSON: Thank you, Jeff. I'm trying to be a bit less controversial on this specific point, but arbitrary and abusive pricing for premium domains targeting trademarks and geographical names. What I foresee is that geographical top-level domains will have a significant market in premium second level domains, and I think this should not be abusively priced. I would just say targeting trademarks and geographical names. Thank you.

JEFF NEUMAN: Thank you, Christopher. We did discuss that as it states in the document. I just think there was not agreement as to how you would determine what an abusive price would be. One could argue – and they have in the group that was thinking about this – that this was a market-driven pricing.

CHRISTOPHER WILKINSON: Wait a minute. If you reference this with respect to trademarks then presumably somebody knows what is abusive pricing. I'm not representing anybody or anything in this, I'm

speaking in a personal capacity, but my personal view is that the registry is offering a vanilla public service to the market for domain names and there should not be discriminatory pricing at all. The rent for a good name should accrue to the registrant, not to the registrar or the registry. In any case, logically, if you've already got this in for targeting trademarks, I think it's a trivial addition to add geographical names because it's quite clearly a significant potential market. Thank you.

JEFF NEUMAN: Okay. Thanks, Christopher. There's a bunch of comments in the chat but I'll go with Maxim and Greg first, and then cover whatever was missed. Maxim, please.

MAXIM ALZOBA: First of all, as I understand, if we need opinion of geos, it would be nice to request from geoTLDs, and they could be found easily. But I haven't seen support of this idea that they're afraid that it's going to be somehow abused.

Second thing, I remind you we are trying to make ICANN regulated prices. It's going to be seen quite badly by anti [inaudible] communities all over the world because effectively it's two-tiered distribution with coordinated prices from single source and it's not safe for ICANN. Thanks.

JEFF NEUMAN: Thanks, Maxim. We go to Greg.

GREG SHATAN: Thanks. I'm not particularly happy seeing these topics here in the junkyard, but I think to put a better point on this and to get away from the idea of an abusive price, I think that what we were really talking about was a pattern of arbitrary and abusive pricing on the part of a given registrar and not one price for one domain and it would be silly to do but also a very small problem, but I think what we saw were essentially broad targeting of trying to take the price. I think we're not trying to regulate this pricing per se. What we're trying to regulate here is that activity, and I don't think anything that has been suggested comes anything close to vertical price fixing at least under US law. And laws on that are fairly well harmonized. I'm not going to give a legal opinion on the fly, but nonetheless, it's really that pattern of abusive behavior essentially as a policy. That's the problem.

JEFF NEUMAN: Thanks, Greg. One of the reasons why it's in this area – I wouldn't call it a junkyard – but it's here because we did ask for evidence of the pattern that you're talking about during the initial report. We also asked for more information from INTA about its survey and I don't recall seeing – I'm trying to remember back – but we didn't get a whole bunch of actual concrete evidence or information of what would be this pattern of discriminatory pricing. So without that evidence, it was difficult to move this into any sort of recommendation.

Greg, your hand is up. I'm not sure if it's old or new. You might want to get in the queue again.

GREG SHATAN: I was just going to say that I thought we had anecdotal evidence but maybe the evidence got talked about but not properly submitted, so I think we can look for it, look to that issue again. Thanks.

JEFF NEUMAN: Yeah, sure. There was a survey that INTA did. But it wasn't very specific. It didn't provide the evidence behind some of the results. I'm trying to be careful here because I'm not faulting INTA. I think they did not necessarily get permission to disclose all of the specific details. I don't know how that whole approval thing works. But certainly when the discussion came up, there wasn't much the way of evidence that was published.

Okay, any questions/comments? Just going to the chat before we wrap up. The chat states that "Reopening of PDP is not a good idea." That's Maxim.

Christa Taylor states, "Perhaps a few extra words on B might help clarify, '...believes that by providing additional information and insights gathered from the data on the activities.'"

Christopher states, "@Susan, but there should have been recommendations. Not even against premium pricing for trademarks?"

Anyone have anything else they want to bring up on this topic?

EN

Okay, so just then a reminder – we can end a little bit early – is that the materials will be published by the end of today for the topics that we'll talk about at ICANN. The first session is on Monday. All time is in UTC. This is important because on Sunday the Eastern Time of the United States will move ahead but Cancún stays the same. So if you live on the Eastern Coast of the United States or anywhere else that is changing due to Daylight Savings Time, please note that while Cancún is currently on the Eastern Time zone as of Sunday, it will be on I guess what's equivalent to the Central US Time zone, if I'm remembering that right.

GREG SHATAN: Chicago.

JEFF NEUMAN: Chicago, yes, as Greg was saying. Okay, other than that, I think we've covered everything. I don't think it's still called the Sears Tower, right? But to many of us, it will always be called the Sears Tower.

All right, thanks, everyone. Oh last announcement – sorry – is that there should be – I think they went around already – invites for meetings for the week after ICANN. So you should have those on your schedule. All right, thanks, everyone.

JULIE BISLAND: Thanks, Jeff. Thanks, everyone.

EN

[END OF TRANSCRIPTION]