

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group
Tuesday, 02 May 2017 at 03:00 UTC.**

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Coordinator: Recordings are started.

Michelle DeSmyter: Great. Thanks, (Kristine). Well good morning, good afternoon and good evening to all. Welcome to the New gTLD Subsequent Procedures Working Group call on the 2nd of May, 2017. In the interest of time today there will be no roll call, attendance will be taken via the Adobe Connect room so if you're only on the audio bridge could you please let yourself be known now? Hearing no names, I would also like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will turn the call back over to Jeff Neuman.

Jeff Neuman: Thanks, Michelle. And welcome, everyone, to this call at 0300 UTC time on May 2, 2017. For some of us it's still the end of May 1 and for others it's very early on May 2.

So we have an agenda that's up there right now so we'll go over the agenda, and then take statements of interest changes. I'm going to just do a very high level work track update just on the meetings that we have over the next week without full updates, and the primary purpose of this call really is to finalize – do our second reading and finalize the – our response to the Competition, Consumer Trust and Consumer Choice Review Team report, and then a quick update on drafting team.

And with that, does anyone have any other business they'd like to add or any other topics they want to add to the agenda at this point? Okay, seeing none and hopefully you all can hear me, I will issue a call out, is there any changes to statements of interest? Okay, seeing none and hearing no one from the phone, we can go on to the topic which is a – just a work track update.

So this week we have calls for Work Track 3 and Work Track 4. The – next week, just to remind everyone, we are not scheduling any calls so no calls from this group that's scheduled because of the GDD Summit that's going on next week so many people will be out of town attending that or following that remotely so no calls from this working group or any of the work tracks. Any questions on that?

Okay so we follow up the week after with a full working group call and then back to Tracks 1 and 2. You should have already received invitations for those meetings. If you have not please let staff, Emily, Julie or Steve know, and we can make sure the invites are sent out.

So with that, any questions? Okay, seeing none, if we could bring up the response, and all anticipating – already. So this is our second reading of the responses with the, most of you know, required to from our – the rules we set up initially for ourselves is to read through all of our responses twice. We've had a number of people come into the document and make – or actually a number of people have made comments and we've tried to incorporate all of

those in the document itself, for anyone that – if you feel like we have not addressed those issues you can let us know, but until then we're going to go through each of the places where comments were made.

I'm going to skip the sections that do not have any comments so if you do have any comments on any of the sections that I skip just feel free to raise your hand or interrupt so we can cover those sections. So my assumption is that for those with no comments there are no comments to be made.

So the first set of comments are on the high level feedback. These are changes that we made pursuant to the last call that we had on this so you'll see that we changed certain terms in there so that we're saying things like inconsistent as opposed to the other term that was in there right now, which I just lost. But we have also picked up a sentence that seemed to give the notion that we were being very differential to this group or unnecessarily differential to this group. So the changes you see right now is trying to take away that – the fact that we are necessarily reliant on the work of this group but certainly we'll incorporate the insights from this group into our work.

So are there any questions? I'm going now because it's kind of hard to see the comments. So, ICANN staff, I'm going to go to my copy of this and if there's anyone in the chat room or the comments just flag it for me so I make sure I get to it.

So one of the paragraphs that we added you'll see is that we talked about the timeframe. So members of the CCT-RT explained the high priority items targeted an 18-month timeframe, and Recommendations 33 through 36 have been assigned a high priority level. If data collection directives are targeted at the ICANN organization it may not be feasible from a timing perspective for ICANN to complete the data collection and share it with the working group for analysis and action before the working group concludes.

So we added that in response to – previously it was basically the same response for a number of those questions. And so we've put that concept into the high level overview so that it can be seen. Did I just get dropped? Can you all hear me?

Cheryl Langdon-Orr: I can on the phone line, Jeff, yes.

Jeff Neuman: I think I got dropped. Okay, great. Sorry, I couldn't hear anyone. Cool. Anne, sorry, thank you for raising your hand. Anne, please.

Anne Aikman-Scalese: Yes, thank you. It's Anne Aikman-Scalese for the transcript. I'm sorry, Jeff, I'm not quite sure where you are. I'm looking at red language in the middle of the page on the slide that we're showing here, and I don't know if you already got past that red language, or can I make a comment regarding the red language?

Jeff Neuman: Yes, please. I think everyone's got control over the document. So I was going through the section on high level feedback and, yes, please, make any comments.

Anne Aikman-Scalese: Yes, it was just a really minor comment, Jeff, regarding the word...

((Crosstalk))

Jeff Neuman: Sorry, Anne, are you...

Anne Aikman-Scalese: Can you hear me? Can you hear me?

Jeff Neuman: Yes, I can hear you.

Anne Aikman-Scalese: Okay. It was a very minor comment...

((Crosstalk))

Jeff Neuman: Anne, I can hear you. Can you hear me?

Anne Aikman-Scalese: Yes. We seem to be sort of talking over each other. But this was a really minor comment regarding the word "insight" which doesn't read quite right to me. It says, "What may provide additional clarity is to incorporate insight into the report about procedural elements." I don't know if that's insight into the report or if it's – if it's more, you know, assumptions about procedural elements or if it's conclusions or insight doesn't – just doesn't seem, you know, like what we're really talking about.

Incorporate procedural elements into the report may be even better, I don't know, it just doesn't strike me as insight. I was just curious about the use of that word.

Jeff Neuman: Yes, thanks. Steve has mentioned in the comments, what about changing that word to detail?

Anne Aikman-Scalese: Yes, I like that. I like that, yes.

Jeff Neuman: Okay thanks, Anne. We'll make that change. It seems like we have a big lag time between when I'm being heard and when you're responding so I'm not sure what that is. I'm hoping it's not lag time for everyone, but let me just – I should dial out instead.

((Crosstalk))

Jeff Neuman: Steve, your hand's raised...

((Crosstalk))

Anne Aikman-Scalese: I'm sorry, Jeff. I'm on a dial-out. I don't know if I want to try it again or what? Should I hang up?

Jeff Neuman: Okay thanks. Michelle, can you work with Anne on that?

Michelle DeSmyter: Yes.

Jeff Neuman: No, you're still on.

Michelle DeSmyter: Yes.

Jeff Neuman: Thanks, Michelle. All right, Steve, you have your hand raised.

Steve Chan: Thanks, Jeff. This is Steve Chan from staff. I had just a – well I guess a question or a suggestion maybe in that as we go through this document we generally have the document unsynced but today it might be helpful to keep it synced. I was just curious if there are people on the call that think it might be better to make sure that we're all on the same section together. Thanks.

Jeff Neuman: Sure, Steve. We can – why don't we try it synced and – or actually why don't we leave it unsynced the way it is, I'll try to be clearer in where I am so – but if that doesn't work then we'll try it your way. I know people like to scroll through and get some context and read before it or after it so I will try to be (unintelligible) and if I'm not let me know if I should be somewhere else.

That said, I think we are now on Recommendation Number 10. If you're not speaking if you could just remember to mute your phones. So in Recommendation 10 this seemed to (unintelligible) no? Okay. So Recommendation 10 this one seemed to generate a bunch of comments because it wasn't very clear from our discussion what our – what we were responding to and so I went back and just made sure I read the (unintelligible) which is around Page 55, 56 of the CCT Review Team report.

And oh apparently I'm cutting out, so let me see if I could dial in. If you give me one second, Steve, can you just take over the beginning of the high level – I'm sorry of Recommendation 10 and I will dial in.

Steve Chan: Sure. Thanks, Jeff. This is Steve Chan from staff. So the issues that were identified were around the clarity related to the issue of cost. So you can see the new wording here. Part of it was to note that one thing they did not seem to highlight is – or I guess what they – the question of this working group was why the focus was on a small number of brands registering a large number of domains.

And I think the working group was also curious to that extent whether or not that might be taken as a positive sign that the majority of brand owners are therefore not currently registering many of their names defensively or whether or not that was considered. So those two points were attempted to be captured in this updated language. So are there any thoughts, concerns about the language that's here now?

Anne, please go ahead.

Anne Aikman-Scalese: Yes, thanks, Steve. It's Anne for the transcript. I'm trying to figure out when we say here in the redline was brand owners are not currently registering many of their names defensively, are we speaking about sunrise or are we speaking about at all? And how would we know – are we speaking of a registration of the domain names or are we speaking of validation in the Trademark Clearinghouse or what – what is actually meant by the red language?

Steve Chan: Thanks, Anne. This is Steve again from staff. Hopefully you can hear, I'm getting some indication that my audio is not good, hopefully you can hear me a little bit better now. I'm holding the phone right to my face. If I recall, some of the statistics that – I believe it was Jordyn Buchanan has shared about this issue. I believe they said something to the effect of an average of three

names have been registered by brand owners. I don't know if that statistic is exactly correct.

But I think the point is that the element that they're focusing on is a small number of brand owners are choosing to register a lot of domains. And so I think part of what we want to focus on is why that might be the case.

Anne Aikman-Scalese: Sorry, just a quick follow up, Steve. And this is Anne again. Your use of the word “register” relates to rights protection mechanisms or relates to defensive registrations period outside of rights protection mechanisms? Because it seems to be – when you use the Number 3, are you speaking of in the – because that’s not a believable number for me at all in relation to defensive domain name registrations in the whole, you know, domain name registration world. That number isn’t anywhere near believable to me.

When you're talking about 3 it sounds to me like you're maybe talking about in the context of RPMs and sunrise and the Trademark Clearinghouse? If so, this red language should be modified to state that you're talking about, you know, Trademark Clearinghouse supported registrations or whatever they are to say the brand owners aren't registering domain names defensively – that's just a way counter to what's actually going on.

If we're talking about rights protection mechanisms, maybe yes.

Jeff Neuman: All right, Anne, this is Jeff. I'll just jump in. Hopefully you can guys can hear me better.

Anne Aikman-Scalese: Thanks, Jeff.

Jeff Neuman: So what this section says in the report is that – or essentially what they did is the CCT-RT got a certain sample size of trademark owners from the Trademark Clearinghouse, and they measured the – they took a sample group of those trademark owners and which domains or new TLDs that they

actually registered in not necessarily in sunrise or in a rights protection mechanism but just as of the date that they checked the new TLDs.

And what they found is that in general there were not as many defensive registrations in the TLDs themselves, in the new TLDs, that they thought that they would find. So they did not make any conclusions on that other than to say that they did find in their sample size 4% of the trademarks were – or trademark owners registered in over 100 of the new gTLDs.

So what this recommendation says essentially is without defining what are costs, which we bring up later in this comment, it said that our working group may want to consider how to reduce the costs, again, no explanation of what that means, to reduce the costs for this small percentage of trademarks that were registered in at least 100 TLDs. And in fact one of them, they found was registered in 406 new gTLDs.

So that's their recommendation is to consider ways in which costs for those 4% essentially could be reduced. And the – so I'm not sure why the sentence was added in about this seems to indicate that the majority of brand owners are not currently registering many of their brands defensively. I'm not sure that's what they're saying.

But I'm not sure that that's necessarily appropriate for our response back because we're not trying to comment substantively on it. But one thing that I put in into a comment, unfortunately it's labeled "anonymous" I'm not sure why comment was labeled anonymous, but I tried to make it clear with the reference to Jeff N.

I'm not sure why – whether they think this is a real problem, whether they think that, you know, what do they mean by significant costs? There seems to be an assumption that because there are a few trademark owners that register in hundreds of TLDs that that's a problem we need to solve but I'm

not necessarily convinced yet that why they've necessarily found that to be a problem.

So, you know, one of the things we can ask for clarification is, you know, why does that seem like a problem from the program standpoint as opposed to a problem that, you know, maybe this 4% of trademark owners are ones that have to be in every TLD because that's their strategy, there may be nothing we can do or should do about that. But they really kind of jump to a conclusion that costs need to be reduced based on a small sample size.

Anne, please.

Anne Aikman-Scalese: Yes, thanks Jeff. I don't know where the red language came from. I know that – and maybe somebody is trying to say well, hey, can we reduce costs for this? But for example, you talk about there are hundreds of new gTLDs, hey, not all of those are relevant to any particular brand. I mean, you know, when we start talking about, you know, percentage of registrations, I just – this red language is pretty misleading. And I agree with you, that it's an inference that it's really not part of our comment on the – I think it either, you know, it just doesn't make sense to me.

Jeff Neuman: Yes, Anne, this is Jeff again. I kind of agree with the fact that we should delete that language. I believe it was Greg that made the comment, so we might just want to go back as an action to go back to Greg and see if this is what he meant. But my recommendation would be to take that – oh Greg's here, sorry, Greg, I didn't see you. Please, Greg, thank you.

Greg Shatan: Thanks. Sorry, I joined a little late. But I do have a sense of what we're talking about here. And I think the red language has nothing to do with what I was trying to say. It seemed to – that the recommendation asserted that there were a small number of brands registering a large number of domains, in other words, that by and large this was somehow being monopolized by a few brands that were registering in each and many domains or registering in

many domains across many new TLDs which seemed to me to be based on absolutely no facts that I'm aware of.

So I think the language that's kind of in gold, you know, is more – makes somewhat more sense. It really just asks why it makes a specific reference and how this fits into the analysis. I mean, I think it says that there are a small number of trademark strings – I see what it says now in the margin but that doesn't mean that it's limited to a small number of brands that are registering in a large number, there are also a large number of brands that are registering in a medium or small number of domains. So I'm not quite sure where this is going.

And I think the overall issue of reducing defensive registrations doesn't have anything necessarily to do with how many brands – how many domains a particular brand is registering. It just seems to be, I mean, I suppose at the end, you know, it's prohibitive for any company to register more than it wants to, you know, solely because it believes it needs to be protect its interest, not because it wants to own domains.

It just – it seems to be an odd phrasing and I'm not quite sure, you know, what kind of value judgments are behind it. It just maybe its heart is in the right place, at least from where I come from. But it's just hard to kind of figure out why anything – why should be even asking anything other than whether the costs relating to defensive registrations can be reduced without making any characterizations as to who the registrant or the – are and, you know, how many each one is registering. So I think this is an issue across the board. Thanks. I don't know if that helped.

Jeff Neuman: Yes, thanks Greg. I think if we take out that – the red language in the – in that section, we kind of make the gold language a little bit more clear. I think that might address the situation. But I agree with you as well as to – I think what they're doing, and again they didn't do a good job documenting this in the report. But it seems to me that they were taking some of the statements that

were made prior to the opening up of the round that trademark owners were going to spend billions of dollars in defensive registrations and trying to address that in some way in this section. But they didn't do such a thorough job on that.

I think from our perspective, from our group, you know, since it's asking us to consider whether or consider ways in which the costs of these could be reduced is to just get clarity from them on exactly what they're recommending, why they're recommending it and which costs are they specifically referring to. It occurred to me that they're not even looking at what those costs are, they just looked at the number of registrations and then assumed, quite logically, that with a high number of registrations would come higher costs. But they didn't, you know, they weren't very detailed in this.

So this is one section I think that if it's okay if Greg and Anne have expressed an interest in this one, perhaps if we try to work on this one offline and then send it to the full group to see what we'd be happy with this section? And if anybody else as well but I just figured since Greg had contributed to it.

Okay Anne is typing. So we'll proceed on that plan and send around some revised language for Recommendation Number 10.

Okay the next one is – oh, sorry I'm looking at the wrong document here. The next one is Recommendation 14. This was really a comment from us or question from us to say it would be helpful if the CCT-RT would clarify the reference of – to its bylaws, 1.1C. Anne, you had made a comment on the mailing list, if you look at the new language, does this address your comment or would you like to see something else in there?

Anne Aikman-Scalese: Yes, thanks Jeff. It's Anne. I think it's a bit narrow to be talking only about 1.1C given that 1.1C has a huge carve out for 1.1A. And it sort of – if we only mention 1.1C, it's as if we don't even, you know, know what 1.1A says. So the more I think about this issue the more complicated it gets in

terms of the recommendation because when you talk about whether the string reflects the content and in particular in relation to either trademarks or even geographic names, you get into some very thorny issues.

I was thinking about this, you know, in the car. I mean, dotApple, what's the connotation to consumers? So I do understand why we'd want to, you know, ask this sort of question I guess. But I think the question is a bit rhetorical because I think it's almost not like we're asking a question, it's like we're saying where do you get off thinking you can make, you know, this kind of recommendation when actually that's a content regulation?

And I don't think that's really the right way to pose a true question. The true question is whether this recommendation fits within 1.1A, which is ICANN's mission, which is the big carve out of 1.1C. And so I really feel that if you're going to ask it as a question it has to say, you know, consistent with 1.1A as provided in Section 1.1C or something like that if you really, you know, if you need to mention 1.1C because you think it's a content regulation, it's not clear unless you also mention 1.1A which is the huge carve out in 1.1C.

Jeff Neuman: Thanks, Anne. And not sure who made this comment initially. But would it just be – if we just took out the C and just said is it consistent with Section 1.1 of the ICANN Bylaws, would that be more helpful or would that be too broad? I'm not as familiar with the new bylaws as probably many of you are.

Anne Aikman-Scalese: I think that's fine. I think that's absolutely fine, yes.

Jeff Neuman: Okay. Does any – Cheryl Langdon-Orr agrees with that. So anyone disagree with that recommendation to just strike out the C and keep it as Section 1.1? Okay, good. That's the – let's do that then.

Recommendation 33, and I'm jumping back to my own document here, this was one that talked about data for the trustworthiness of gTLDs and so it was basically on collecting data from – and comparing them to – comparing TLDs

with restrictions to gTLDs that do not have restrictions. And so our comment really is to understand which parts of this recommendation are aimed at which audience, so there were some recommendations that were for ICANN staff and some for the PDP and future CCT work.

And we took out a large chunk with the timeframe stuff because it was moved to the beginning in the high level overview. So Emily notes on the record I guess this was for the past one that it was Kristine Rosette that asked about the addition in Recommendation 14. So perhaps if we can, Emily, offline, can we make sure that we include – that we send a note to Kristina and just say this is what we're changing it to and see if she's okay with that.

Okay, Emily is going to do that. Sorry, back to Recommendation 33. So we've really just for Recommendation 33 took out a bunch that we just moved up, really the only change on that one.

The next one – I'm going to just go ahead because I don't see any comments, Recommendation 34 pretty much the same thing up until the – so we crossed out a big section and then added – or actually there is a comment from Kristina Rosette, which basically says, "Members of the working group noted that it is unclear how the PDP could implement this recommendation given that the working group is only chartered to look at policy for the next round of new gTLDs after which its work will conclude. It will be helpful for the CCT Review Team to clarify how they would expect a PDP working group to address this recommendation." Kristina says that maybe this should go as part of the overarching high level comments as well.

Anyone have any thoughts on that? Okay, so if we did that for – I'm just looking at 33, does that make sense if we put that comment in for 33 as well? Or actually include that in the high level, sorry, include that in the high level overview. Emily, Steve, thoughts on that? I haven't really considered that one but if it does apply to many others it might make sense to add that to the high level overview.

Okay, we'll take a look at that and we'll look – if it's only in these two we might just keep it here but if it's with – if it's true for the other ones or for some other ones we might put that in the high level overview.

Okay, Recommendation 35, I think this one we just eliminated most of it because it's in the high level overview and all we say here is just a reference to that section to understand what's aimed in – what's aimed at which group.

The next comments I see, sorry I'm just trying to jump back and forth, are on Section 38 is it? Let me just see. Double check that. Yes, Recommendation 38. On Recommendation 38 we added – sorry, this recommendation refers to a – it's stating the goals of voluntary PICs up – because it was hard for the CCT Review Team to evaluate the PICs and what their impact is on trustworthiness when the goals for those PICs were never stated up front.

And so what we say – our comment is, the wording appears to presume that PICs will be available early enough so the GAC and other people can comment on them. To the extent that this recommendation is included in the final report it'll be helpful to understand if the CCT Review Team anticipates that PICs can be modified from how they are presented at the time of application or if new PICs can be added as a result of comments or GAC advice, GAC early warnings received. If not, please provide additional details about what the CCT Review Team is expecting in terms of policy.

So from my own perspective I'll offer a comment that I am not sure if we should be asking the CCT Review Teams questions about what it thinks the policy should be. So I'm a little uncomfortable with this whole part of the – the second part of the comment about whether it could be modified or whether, you know, the set of processes.

I think their main point is that, you know, before – when PICs are made there should be some understanding of why they're being made so that it could be

evaluated at some later time. So I'm curious what others think about this. I'm not very comfortable with putting anything in this section or in any document going back to the CCT Review Team that's asking it to provide what it's expecting in terms of policy.

Robin said I agree. Jim said that's a good point. Okay, so that's my recommendation, it doesn't seem like anyone disagrees, but we will make sure we send that out to the full group to see if there's some agreement.

Oh sorry, Anne, you have your hand up. Great, thanks. Anne, please.

Anne Aikman-Scalese: Sorry. It's Anne again. I agree with you about the speculation on policy and that that's, you know, not necessarily appropriate here. But I'm not sure why we say that the wording appears to presume that the PICs will be available early enough so the GAC and other people can comment on them because an applicant remains an applicant until the TLD is awarded. So as we know, you know, in the first round a lot of PICs came in after GAC advice and this seems to be a comment about when you submit a PIC state your goals.

And I think in the last call, both Jon Nevett and I were pointing out that applicants should be allowed to submit PICs to meet, you know, GAC advice or – and that was why this red language came in. I think what I question here in our draft comment is the assumption that we're saying that this recommendation assumes that PICs will be available early enough so the GAC and other people can comment on them.

I don't think the recommendation necessarily has to do with the timing of everything, it's just stating that whenever you submit a PIC state the goals of the voluntary PIC.

Jeff Neuman: Yes, thanks Anne. And I agree with you. I think the timing is much more related to the next recommendation, 39, so my thoughts on this one would be

to just delete that entire paragraph that's in gold and then purple, but then we could talk about Recommendation 39 to see if – because that talks about when PICs are submitted and it really just makes the point that, you know, when PICs are submitted they should be sufficient opportunity for others to comment on it.

And so I think if we took it out of here and then talked about it more in terms of Recommendation 39 that might help. But, Greg, your hand is raised, so please.

Greg Shatan: Thanks. I'm generally in agreement with what you're saying. It even seems that the comment on Recommendation 36 or 38, rather, is misplaced and should have come after 39 because 38 only speaks about stating the goals so that their effectiveness can be evaluated after – essentially after they've been in place for a while. This kind of goes to the whole emphasis on data and metrics and, you know, being able to actually – and measurability generally and try and understand what the heck is going on even more generally.

And the blue and purple – or the gold and purple language, you know, seems to be completely orthogonal, it's almost like it's nonresponsive to 38 and should probably just be ported over to the end of 39 where it should be.
Thanks.

Jeff Neuman: Okay, thanks Greg. So let's do that. Let's talk about Recommendation 39. So in Recommendation 38 we're just going to take out that new part, of course I think it was Alan that raised the question so let's make sure we point it out to Alan that we're going to move – well let's see what we're going to do with Recommendation 39 and see if it's appropriate there.

So Recommendation 39, as Greg was saying, talks about all voluntary PICs should be submitted during application process such that there is sufficient opportunity for Government Advisory Committee review and time to meet the

deadlines for community and limited public interest objections. So on this one, the comments we have that were changed is basically change, you know, asking the CCT-RT to reword the recommendation because it's assuming that PICs – Public Interest Commitments – are the terminology and things we'll use going forward which we have not yet addressed that as to whether it will be.

So it's changing the wording to "All voluntary commitments made by an applicant should be submitted during the application process such that there is sufficient opportunity for community review and time to meet the deadlines for community and limited public interest objections."

So if we added that other paragraph would that make sense? So the other paragraph from 38 would then say, "The wording appears to presume that PICs will be available early enough so the GAC and other people can comment on them. To the extent that this recommendation is included in the final report it'll be helpful to understand if the CCT Review Team anticipates that PICs can be modified," and so on.

Again, I would also point out that even by adding it to the other section we shouldn't ask them their view on the policy but perhaps state as a, you know, one thing we're considering is whether there should be a – I'm trying to think of how to word this on the fly – but basically, you know, one thing the working group is considering is whether PICs – or is whether commitments can be modified at the time of application or as a result of GAC advice. How would this fit within your recommendation? Perhaps something like that, would that make sense?

So just to repeat, is basically adding a sentence to Recommendation 39 basically saying the working group is considering a process to respond or, sorry, let me just restate that. The working group is considering a process to modify commitments made at the time of application, how would this fit within the CCT-RT recommendation?

I'm just reading the notes. So Anne says that would be good. Anybody else have any thoughts on that? I know it's late for some, for others it's early. Okay, sounds like there's no objection so we'll – oh sorry. Someone want to speak?

Anne Aikman-Scalese: Yes, it's Anne. I have my hand up.

Jeff Neuman: Please, Anne, go ahead.

Anne Aikman-Scalese: I thought your first reformulation was better than the second one. You had – you had some language you read out to change it and that sounded good and that's why I put agree in the chat or in the Adobe. But then you changed it what staff wrote down is different and is not as good from your second formulation about modifying applications at the time of consideration. I mean, I would tend to stick with the language that we had but just talk about it in terms of what SubPro is considering whether PICs can be modified from the way they're presented at the time of the application or if new PICs can be added as a result of comments or GAC advice, GAC early warnings received, period.

Jeff Neuman: Okay, thanks, Anne. Because I couldn't remember what I said first so – but, yes, we'll listen to this part of the recording and make sure that it's worded the way that it was – I initially stated. So staff is doing fantastic job trying to capture everything with the quick notes but, you know, we'll listen to this part again and make sure we get it right.

Greg.

Greg Shatan: Thanks. Greg Shatan for the record again. And so this comment may reflect the lateness of the hour. But I just have to say how much I dislike the term "voluntary" whether it's in front of commitments or PICs, I don't know if we

want to address that in this comment. But I think that if we're going to say, you know, don't call them PICs, we can also say don't call them voluntary.

I mean, I think they are perhaps registry-specific maybe a better – or applicant specific may be a better term because they're not voluntary once they're commitments, they may be non-uniform but it's not that the other ones are involuntary unless we want to get into the issue of whether the Registry Agreement is a contract of adhesion or not and I hope we don't want to get into that since especially now.

But voluntary makes it sound like it can be – you can take it or leave it. The fact is that once you volunteer to make it a commitment it's no longer voluntary. And I would just love us to get away from the term "voluntary."
Thank you.

Jeff Neuman: Thanks, Greg. And I think I may have put the language in. And the only intent of putting the word "voluntary" in there was just to make it different than the other commitments that are made in the agreement which are part of every agreement. So perhaps your registry-specific or some other term, I agree with you that once the commitments are made that, you know, if they're incorporated to the agreement that they're no longer, quote, voluntary. So we can make a note to look at that word.

But again, it was just some way to try to distinguish between those commitments made initially by the registry as opposed to commitments that are forced upon them by ICANN or the application process. Does that make sense, Greg?

((Crosstalk))

Greg Shatan: Yes, just briefly, it's not your nomenclature, this was used obviously during the whole first round and it's just stuck in my craw every time I hear it, because it makes it sound like you can walk away from it at any time just like

all of us so-called volunteers from ICANN are at least – theoretically can walk away from it at any time because what we do is voluntary. We have no commitment, we have no contract, it's voluntary.

The fact is once you've signed up to it it's mandatory and the issue of whether things are forced on registries that's a whole different kettle of fish. I don't want to get on either side of that question especially at midnight. But I just think that we – if we could find it – if we're exploring calling – exploring whether PICs are PICs or something whether, you know, let's also at least acknowledge that we're not going to call them voluntary whether as well because continuing to dig the hole of using them as voluntary is something I'd just like to stop. Thanks.

Jeff Neuman: Okay. Thanks, Greg. We'll take a look at this and see if there's something else we can – or a different way to word it. But I think the concept is – I think you're okay with the concept that we're pursuing, it's just terminology that we can improve. And I have to also say that I am definitely loving the chat that's going on. So for those of you that – it's quite entertaining.

Okay, going on to Recommendation 43, we have added – this is – sorry – this is a section that states essentially that we need to establish clear measurable goals for the global south and also define the global south.

So at the end of the comments we added a sentence that basically says it would be helpful for the CCT Review Team to clarify if it is – if it's recommending that applications from the global south, as ultimately defined, should be subject to a different application evaluation – to different – let me say that again – whether applications from the global south should be subject to different application evaluation standards in order to meet any clear measurable goals for number of delegated strings set by the working group.

Now I'm not sure where this one came from. I'm trying to remember who made this one. But again, this almost seems to be asking the CCT Review

Team for policy advice. And personally I'm a little bit uncomfortable with that. But I may just be misreading it. I think all they're saying is that the CCT Review Team had a tough time evaluating the programs that were put into place to assist the global south because there was no goal that was – or there were no goals that were put in place to measure it against.

But here if we add this last sentence we're basically saying CCT Review Team, do you think there should be a different evaluation standard? And I'm not sure – I think that's more of a decision or recommendation that we should be making as opposed to the CCT-RT. Any thoughts on that one?

This was recommended by Kristina. I'm not sure – no, she's not on the phone right now. So perhaps I will – perhaps let's just highlight this section and if we could just reflect my comments and then point it out to everyone to see if they're good with that. Okay everyone's talkative this meeting.

Forty-six, the only change we made from the last one was to – in the last paragraph it says "It'd be useful for CCT-RT to clarify its recommendation. If this recommendation pertains only to the cost of applying for a new gTLD additional post-application fees such as objection related fees are also applied to operating costs." So it's just a clarification of their – that's a clarification of their recommendation. Any questions, comments on that one?

All right, seeing none, jumping to the next one which is Recommendation 47. I don't think there were any changes; 48 there were no changes; 49 there were no changes other than punctuation. And 50, there are no changes. Did I miss anything, ICANN staff, did I skip anything that I should not have skipped?

Okay, Steve and Emily are typing. Okay, so I think we've covered it all. What I would propose is that we put out these notes and the final – or I'll put quote, final response out for – as soon as we can, hopefully by tomorrow and then leave it out until I would say next – so tomorrow's May 2 or 3, depending on

where you are, so why don't we put it out then and then give a week so to May 10 for really final comments. And then send it in after the 10th if that makes sense for everyone.

Seeing checkmarks from Cheryl Langdon-Orr. Great, so thank you, that's what we will do. And then I know we have a few more checkmarks, that's great. We technically have 90 minutes scheduled for this so we technically have another half hour. But that said, I just want to make sure that everyone has seen the drafting team – the calls for drafting team participation or who's on those drafting teams. And to actually make sure that they are contributing because these are some important overarching issues that we need to make some progress on.

I know I've made it my own personal commitment to go in there to those documents and provide my own comments, so please take a look at those. ICANN staff if you could post those links again with the notes that go out, not necessarily now but those are the drafting teams on, you know, what model we should use, whether it's completely first come first serve, whether it's a rounds, like we had for 2012, or whether there's some hybrid in between, which is what we discussed as potentially recommending which would be some predictable application windows, but without a long period in between for, you know, endless reviews and – or I should say endless reviews and so that's it's predicable time periods for new applications to come in.

And Steve has just posted the wiki pages. So thank you, Steve. Is there anything else, Steve, I should cover on the drafting teams? Steve says, "Each team has a page with their own Google Doc and there's also a page for membership." So please remember to sign up as well as to contribute.

Okay, is there any other business that anyone would like to add? Okay, hearing none, just a reminder that next week there will be no meetings, there will be no work team meetings so there's no work team meetings of 1 and 2 until the following week, none next week, so please do not get confused and

show up for a call because many of us will be at the GDD so I wish everyone safe – that's going safe travels to that or have fun in remote participation.

And I just personally I want to thank everyone for showing up at this late hour for some or early hour for others, really appreciate it and I definitely appreciate all the work that everyone is doing including the rest of the leadership team who put so much time and effort into all of this. So thank you, everyone, and I will talk to many of you on Work Track 3 call a little later on on May 2, that's tomorrow for some people and later today for a lot of us.

Thank you very much.

Michelle DeSmyter: Great, thank you. This meeting has been adjourned. Operator, please stop all recordings and disconnect all remaining lines.

END