

ICANN Transcription
New gTLD Subsequent Procedures Working Group
Monday, 06 March 2017 at 20:00 UTC

Note: The following is the output of transcribing from an audio recording of the New gTLD Subsequent Procedures Working Group call on the Monday, 06 March 2017 at 20:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance may be found at:

<https://community.icann.org/x/9JLRaw>

The audio is also available at:

<http://audio.icann.org/gnso/gnso-new-gtld-subsequent-06mar17-en.mp3>

Coordinator: The recordings are started.

Michelle DeSmyter : Great. Thank you very much Kevin. Well good morning, good afternoon and good evening to all. Welcome to the New gTLD Subsequent Procedures Working Group call on the 6th of March 2017. In the interest of time today there will no roll call since we have quite a few participants on line. Attendance will be taken via the Adobe Connect room so if you're only on the audio bridge today would you please let yourself be known now? Great, thank you.

And as a reminder to all participants please state your name before speaking for transcription purposes and also please keep your phone with all microphones on mute when not speaking to avoid any background noise. With this I will turn the call back over to Avri Doria.

Avri Doria: Thank you. This is Avri speaking. Thank you (unintelligible). Okay so this meeting is now beginning. The first thing is to go through the agenda. And the agenda is posted on the right in the box called Notes 5 for anybody. The agenda will first, then we'll go through the SOIs, check and see if anybody has an update, going to ask for Work Track updates but only updates, not reports.

So if a Work Track has nothing to add want to basically move through it because the next item, the community comment two continuing the first reading is the main purpose for this call with the call tomorrow being the second meeting so that we'll have a document to take with us to the meeting in Copenhagen and then any other business. Does anybody have any other business at this point that they'd like to see added to it?

Okay, I'm told I can barely be heard so I will work on my volume later. For now I'll hold the microphone in front of me. Okay so the agenda can go as written. And want to mention SOIs. Does anybody (unintelligible) interest updates that they need to make at the moment? I'll see no hands so I'll assume that there are none, just remind everybody that if material conditions of your ICANN related outside activities change you need to make a modification to your SOI.

Okay moving on to the Work Track updates, Work Track 1 do you have any updates that you need to make to the full meeting? I see (Krista) is typing. No update, okay. I see more typing. Okay, moving on to Work Track 2 either Michael or (Philip) is there an update? Yes Michael Flemming I see your hand.

Michael Flemming: Hi Avri. Can you hear me okay?

Avri Doria: Yes.

Michael Flemming: Okay good. So there is no update per se. I mean, we - we're continuing our meetings per the schedule. We recently - excuse me. We recently covered the - what did we cover? I believe we started on the - I'm sorry so - it's in my mind but our last meeting we looked at the closed generics. That's right, that's right, closed generics that and we will be continuing our weekly calls per the schedule without looking at CC2. And of course that's what today is for. So we hope to see everyone and in Copenhagen so thank you very much.

Avri Doria: Okay thank you. I see two things. I see that Kavouss is hearing distorted audio. I'm not sure what we can do about that. And also (Krista) did post a note in the chat right after I said there was no comment basically asking if everyone could review the updates and the questions remembering that we went through Odyssey CC2 for Work Track 1 at the last meeting. That would be great. Okay so Work Track 3, any updates to make? Yes Karen I see your hand please.

Karen Day: Hi Avri. This is Karen Day for the record. Work Track 3 has a meeting tomorrow at 1500 UTC. Robin Gross will be leading that meeting. I will not be available during that time but we will be continuing our work on the string related issues of confusion objections and similarity. And we'll be introducing the topic of community issues, community priority evaluation of community objections. So I would encourage everyone that is available at 1500 tomorrow to join in that conversation. Thanks.

Avri Doria: Okay thank you Karen. Okay. Work Track forum looking at the chat but see...

((Crosstalk))

Avri Doria: ...discussions over (caps) versus non-(caps). So Cheryl please.

Cheryl Langdon-Orr: Thanks Avri, Cheryl Langdon-Orr for the record. I hope you can hear me and it's not distorted. Work Track 4 holds its meeting about four hours ago in fact. And the topic of our conversation was indeed name collisions. And we managed to resolve one or two of our questions that towards recommendations that have tabled another two so we're still continuing our work on name collisions and we'll come back to those slightly more complicated matters to discuss. But our next meeting of course will be when we gather in Copenhagen. Thank you.

Avri Doria: Okay thank you very much. Okay Karen I see your hand's still up. Is that for further comment or a remainder? Thank you.

Okay so we've been through the Work Track uptakes. I thank you very much for the (unintelligible) with what you did those. And at this point I would like to turn the floor over to Jeff who will continue our march through the CC2 questions in this first reading. The floor is yours Jeff.

Jeff Neuman: Thank you Avri. This is Jeff Nueman. Hopefully my voice is okay. And at least you can hear me. I'll look at the chat and see if there's any problems with it. So, yes good.

So I've got some good news and bad news but it is (unintelligible) through question one the last time. And the good news is that question one was so much half the number of pages so our goal tonight will be to get the Number 2, Numbers 2, 3 and 4, the Work Track 2 through 4 the questions that relate to them. And then tomorrow we have our (topologist) who will remind everyone to basically do the second reading of these questions.

So then these are deep questions if you could to one's asking about verification on the questions we're trying not to develop answers to these questions but just to make sure that what - hear a little bit of an echo. We're

just trying to make sure that the questions are clear and that they will be fair enough for others to answer even if they're not as familiar with the subject matter.

Hey with that said let's start with Number 2.1 which deals with the base registry agreement. Again this all relates to work by Karen who's a leader in regulatory requirements. Question Number 2.1.1 - sorry, Karen's saying she can't understand me and the audio's very scratchy. I'm going to Adobe. If it's better I could try to dial in as well. Okay (Krista) says it's clearer there.

Avri Doria: Sometimes it doesn't.

Jeff Neuman: So should I...

Avri Doria: Yes, why don't you do a quick...

Jeff Neuman: Quick call in?

Avri Doria: ...then we'll have both set up. Yes, and then you'll have both set up.

Jeff Neuman: I think there'll be an echo though for that one. All right...

Avri Doria: Right, not if you only use one at a time.

Jeff Neuman: Okay give me a minute Avri if you want to start and I'll dial in.

Avri Doria: Okay, so, we're - we were just about to start with the registry agreement on Work Track 2. And the - there were questions related to that. So Question 2.1.1 and I'm not going to read them out. Was there any clarifications that can get to be made on Question 2.1.1?

Okay I hear none. I do want to point out that we have a numbering issue because I just noticed there is no 2.1.2. So we probably should either make

sure that we haven't lost our question or correct the numbering. So someone can check to make sure that we didn't actually lose the question. But hearing no questions on 2.1.1 and okay yes, Michael Flemming says of them have been deleted which I knew but we probably should adjust the numbering after this. And okay thank you.

Okay moving on to 2.1.3 where there were no clarification questions. And thank you all for not offering solutions to the question, 2.1.3. Was there any comments on that one? Restrictions pertaining to sunrise periods. Okay, I see no hands. I see no questions. And we'll move on to 2.4, 2.14 had some comments on the form on the document and such. So are there any issues to be brought in 2.14?

One of the issues we had was one comment that said, "I think this needs to have examples." And then for instance the mission and purpose of the TLD should be part of registry agreement and thus cannot change over time. And (Raymond) responded to that saying he did not think that was the intention of the question originally.

So are there any comments on that? Do we need examples in 2.1.4 or can it stand as it is? And is (Raymond) here to speak to his issue? Yes I do. So would you like to speak to the comment you put in?

I hear nothing. Oh, I see you typing. Okay, I will wait a second for typing. I don't know if Jeff is back yet. Oh, I see Jeff. I - oh, can't connect to the audio right now. Okay, that means you're not actually hearing or you just can't speak. You must be hearing otherwise you wouldn't have answered me. Stupid question. Okay you can type in the chat if you're fine with Michael Flemming's answer or whether you think we really do need to add examples to this one. And does anybody else have a viewpoint on this?

Okay. And it says he's fine with the answer at this point. So if there other comments on that we can leave that one as it is for now. Any other comments on 2.14? Jeff are you back?

Jeff Neuman: I am back.

Avri Doria: Okay.

Jeff Neuman: Is this better?

Avri Doria: No. Then we'll move to...

((Crosstalk))

Avri Doria: ...(unintelligible).

Jeff Neuman: Hello. I am back. Is that better?

Avri Doria: It's okay. I had a - people - yes, now it's not as scratchy but you sound like you're in an echo chamber.

Jeff Neuman: I can't win.

Avri Doria: Are you on a speakerphone or on a phone?

Jeff Neuman: I'm on a speakerphone.

Avri Doria: Yes. I hope you win. Okay, what do other people think? Are they fine with the sound of Jeff? Yes, he sounds like he's in a water bowl. Ken Stubbs says this is not good? Other - oh, no, it's (Alexander) had already commented.

Jeff Neuman: All right, let me try this way. Now it's...

Avri Doria: Okay we got your point (Alexander). So go back to your previous.

Jeff Neuman: Go back to the previous? Is this better now?

Avri Doria: Kavouss has his hand up. Yes Kavouss?

Kavouss Arasteh: Yes, do you hear me please? Do you hear me?

Avri Doria: Yes I hear you just fine Kavouss.

Kavouss Arasteh: Thank you very much. Two one four there are a lot of questions but it's not every clearly drafted. They may be coherent but they may be separate from each other. The long sentences are could be difficult to properly understand. For it's a (then to say) application from a state. What do we mean by a state for a certain line from a state which portion of the application are expected be - what about we are expect to be or not be, be incorporate? So it's not very clear. It needs some refinement and I don't understand what they mean by a state. Thank you.

Avri Doria: Okay thank you. I think what they're saying is should the application state or say or indicate which portions of the application are expected to be incorporated into the signed registry agreement? So yes the absence of the to on the be might be confusing. And maybe the word state in its meaning as explain or stay is not the most common meeting of state for every leader. So I can understand.

So perhaps editing that sentence to say should the application form explain which portions of the application are expected to be incorporated into the signed registry agreement? So certainly, okay, making a look through this one if changes are made between application and executing the registry agreement how should it be handled if changes are made after executing?

How should we handle those questions all seem very straightforward and clear. Let me look at the last one. If the (unintelligible) like this were custom plated how could a balance (unintelligible) we properly consider an applicant attestations in their application versus allowing an applicant to make adjustments to their registry? That one possibly could use a little restructuring.

One of my rules of thumb is if I can read it without tripping and it's okay. If I trip then it may need some more punctuation or splitting. So but okay yes Kavouss your hand is still up...

Kavouss Arasteh: Yes.

Avri Doria: ...or is that new instantiation?

Kavouss Arasteh: No. First small editorial. In the last but one line there are two re (we we). So one of those should be deleted. We, we too many...

Avri Doria: Thank you.

Kavouss Arasteh: ...so we don't need two (we) (unintelligible) one of them. And then I don't understand what we mean by could the balance be a stock between the others state balance with, the balance would be established, balance would be revoked, the stock? What do you mean by a stock? Did we - did...

((Crosstalk))

Avri Doria: Okay.

Kavouss Arasteh: ...which community. The community to properly consider between the community. And what is our (department)? When we say between we need to have two boxes between various (organs) of communities, between various

constituency of community, between various entities of community. So then we sort of (unintelligible) this invention who are the two sites? Thank you.

Avri Doria: Thank you. Yes I think that you have demonstrated well some of the problems with what the sentence balance be struck is in the idiomatic speech and that is could a balance be found? And then it's also related two things, between one thing allowing the community to properly consider an applicant's attestations. And that's a difficult word perhaps in the applicant. And then on the other hand the balance of allowing an applicant to make adjustments to their registry. So those are the two things that are being balanced and that is the question.

So balance be struck is indeed idiomatic English that may or perhaps idiomatic one -- I don't know -- that could be difficult for people in that. So okay so this sentence is (Mark) speaking a little bit wordsmithing for clarity. And thank you very much for that. Michael Flemming?

Michael Flemming: Yes I just wanted to quickly comment. Basically I understand that these questions can be rather wordy sometimes. But did we group individually mainly because they related to each individual topic? This itself it deals strictly with, you know, incorporating the application into the registry agreement having those linked. And then it deals with the aspect of whether or not the some - whether or not the - some applicants did change registry - did change their application. But just to keep those together I think...

Woman: Yes.

Michael Flemming: ...some of the suggestions received here we could probably maybe have less words in there and make a big clearer cut. I think (Paul)'s already given some suggestions about how to do that so we'll take that back. Thank you.

Avri Doria: Okay thank you. Kavouss yes please?

Kavouss Arasteh: Yes another small editorial. We have 2.14. And that's going to become 2.3. Where is 2.2? Do we have 2.2 or we have to renumber? Thank you.

Avri Doria: I think that is another artifact of the editorials and the removal of certain questions. And we're going to do the numbering after. I think it makes sense to have left the numbers as they were before so that people who were writing comments did not get confused between that. But before we have the second reading I do believe that there needs to be a renumbering path. Thank you for pointing it out. Am I continuing then on this Jeff or are you ready to jump back in?

Jeff Neuman: This is Jeff. I can jump back in but I'm not sure if everybody will confirm my connection. I'll have to wait a see.

Avri Doria: So (unintelligible) is fine.

Jeff Neuman: Yes okay. Well I will continue unless I hear others that are (unintelligible). Okay, but all right thank you Avri for taking the (unintelligible) while my issues are worked out. Well 2.3 which we (unintelligible) will be 2.2 but for now we'll just call it 2.3 because that's what it does.

This is on reserve names. Is there any questions with respect to 2.3.1 and 2.3.2? What we're going to do is we're going to have links in the actual questions so we just need to remind ourselves to put links in there with the title of the section so that the question's a little bit more clearer. But we couldn't - because the sections are so long we couldn't - I didn't want to copy the entire sections in there. So Kavouss?

Kavouss Arasteh: Hello?

Jeff Neuman: Yes Kavouss please?

Kavouss Arasteh: Yes I'm very sorry, please forgive me but this telecommunication line is one of the best in the world. I hear you very, very badly. Please do not say that my line is not good. The line that we hear on the Adobe Connection is good but perhaps your line does have some distortion. I very hardly and barely understand the good points that you have made so I cannot follow that.

Having said that this is now to Avri. There is a need to check all these cross-references to previous section of application guidebook. I have no problem. It is not before me. But someone before the second reading may need to check these reference sections that totally correspond to what really meant. But once again I hear the last speaker with too much distortion. I apologize to say that but that is the case. Thank you.

Avri Doria: Thank you Kavouss. And yes one of the things Jeff had said was indeed that the URLs needed to be added and that the reference needed to be checked. Okay oh dear.

Jeff Neuman: So okay so I'm just jumping on. I'm hearing mixed comments but some people can hear me, some people can't. I'm not sure if it's either when I get on the phone people on Adobe can't hear me. But I - when I get on Adobe people on the phone can't hear well. I'm not sure.

Avri Doria: Yes. What happens is on the Adobe I can hear you fine but there is a slight distortion so I can understand how, you know, that connecting through Adobe Connect so therefore it's only distorted once. People listening on the phone may have a complexity of distortion. And when using a speakerphone it was really far too soft and the fishbowl.

So I guess since I'm clear I don't whether it's just simplest if I just continue forward with a little tear in my eye. And yes hearing from people the distortion over the phone is significant. So while those of us on Adobe Connect are able to understand I guess it's bad. And (Paul) has been humorous in his

response. I'm on the phone and it sounds like the Klingons are jamming Jeff's frequency.

So I guess I'll continuing talking through this while Jeff so I don't know whether you can use a phone with a headset and not a speakerphone or something else. But I understand the problem. I have tended to reboot whenever I've had these kinds of problems and sometimes it has helped.

Okay so should I continue? Okay, he's going to try cell. And I'll continue going through in the meantime. Oh so we're fine on 2.3.1 and 2.3.2. We move to 2.3.3 the special use domains which basically does have a note in it which says after a little discussion (Raymond Zilster) came up with a clearer question. I think this better addresses how the special domain issue needs to be considered in regards to reserve names. My question is is this that clearer question?

Jeff Neuman: (Unintelligible) the clearer questions.

Avri Doria: Well thank you. Yes Kavouss?

Kavouss Arasteh: Yes the stop (sense) is clearer but the very good question is a drafted is not clear. First of all it seems to me that there is some linguistic problems in fourth line or third line where it says when there is such a name is appropriate. What does it mean is appropriate? When reserving the name is appropriate what does it (mean)? Is sort of the (unintelligible) appropriate?

And then the message is not very clear. It's very difficult to understand what we meant by that. So first of all do we sound clear whether is in that line is a proper word or whether it is a (unintelligible) role here or you have to revert the sentence if the derivation is appropriate so the way the sentence is drafted is very complex. And a view of the whole question is not very clear. Thank you.

Avri Doria: Okay thank you Kavouss. Yes I tend to see the question as quite clear but I know the IETF procedures quite well. I think the question is basically saying that there is a 67 61 procedure in the IETF and they will reserve a name when it is appropriate according to their procedure that is so is appropriate is indeed direct usage as far as I understand. However I do agree with you when the - that last is that for special use by IETF and the procedure for doing so. That last clause might be dangling there. So this one too maybe. Ken?

Ken Stubbs: Can you hear me all right Avri?

Avri Doria: I can hear you all right.

Ken Stubbs: We're running into a - some serious inefficiencies or resolve communication. A perfect example was the interaction you just had with Kavouss. You answered his comments as if everybody in the room understood what they were. So your comments referring back to him were essentially meaningless to many of us because we couldn't hear what he said originally.

I have only one suggestion to make and that is you should require on ICANN tech monitor this call the next time because we have somewhere between 30 and 50 people and it's creating an efficiency. It's certainly not your or Jeff's the way you're managing this that's causing this. It's purely technology but it's very, very frustrating. Thanks for hearing me out.

Avri Doria: Thank you. And I second your comment about it being very, very frustrating. Okay so I understood that while there may be issues with the wording on this one but there were no actual issues with the question itself. And so I think on these where there is a wording problem or a wordsmithing I think just to indicate the sections that are unclear and then those of us that will be doing wordsmithing between now and tomorrow can try to fix that.

And I do by the way second and ask the staff members who can whether it's (Steve), or (Julie) or (Michelle) to try and get someone to help us get clearer Adobe Connect sessions. So if I can move on we will mark this one as needing a wordsmith pass. One thing I recommend to every editor is if you can't read it out loud then it probably needs work. Okay, Yes Kavouss I see your hand.

Kavouss Arasteh: Yes the last portion of this we sort of flipped special use domain names be added to the applicant guide book sections on (reverse) name at the top level to prevent applicant (unintelligible) support. Could there be a section that doesn't believe that these specials should be added instead of should be added because should might have different application. Should sometimes is conditional. Should times sometimes is if so do - what do you mean by that?

Do you ask them the question and the question did it lie requesting a comment on that? If that is the case at the end you should add if yes please explain or please explore. Thank you.

Avri Doria: Okay thank you. I think do you think is a fine substitution for that confusing word should. Okay any other issues on this one? Okay and I see Jeff editing. Have you reconnected Jeff?

Jeff Neuman: I have reconnected. I'm not sure if this is any better. I'm not sure if it's any worse but this is what I generally use.

Avri Doria: It's better to me. How is it for the people on the phone? Could you hear Jeff clearly just then if a bit softly?

Jeff Neuman: Well I was told I was being too loud so...

((Crosstalk))

Avri Doria: And I got a check from Cheryl who was one of the people there was having problems. Now I hear that you're fuzzy but I hear that you're much better.

Jeff Neuman: (Gigi) says I'm fuzzy and other people are saying good. So I'm not sure what's going on with this whole system.

Avri Doria: You're the clearest you've been. You sound a lot better. Let's try and have you start with 2.3.5 again. And if it fails one more time I'll just take it the rest of the way through.

Jeff Neuman: Thank you. Sorry Avri. I did - it was my intention to...

Avri Doria: That's quite all right.

((Crosstalk))

Jeff Neuman: ...to do this. Okay so I'm trying to be a little bit quieter because I was told I was being too loud so I'll monitor. So 2.3.5 talks about the 100 names that a registry operator is allowed to reserve for operation of promotion of the top level domain and that you all - a registry operator's also able to reserve an unlimited amount of names which they can release through an ICANN accredited registrar. So there is a question in here, the question really is do you believe changes are needed to a registry operator's right to reserve domain names should be plural? And if yes what changes are needed and why? If not why not?

And we have a comment in here that says it is very confusing for a registrant when he is offered to order a domain name because a domain name is available to register at an accredited registrar to find out it cannot be registered for an unknown reason. This case is a common one with premium names. For this reason the sometimes huge list of reserved names should be made public. So it goes on so there's - that's change one dealing with solutions and change two that delays in validating TLDs have force new

gTLD project to end. So what I would say with these are they are more answers than they are changes to the questions.

So unless anyone believes otherwise or thinks that we should change the question or add questions I'm not going to revise the question to refer to this but encourage (John) to put it in his response. Kavouss you have your hand up?

Kavouss Arasteh: Yes. My question is that what was the basis of 100 names to be reserved and what is the basis that unlimited numbers be reserved and do they also contain for this service? (Unintelligible) are the ccTLDs are the second level? Does it concerns the geographical name so I am just speaking to our reputation when we say unlimited.

But why this such an unlimited number was put in the applicant guide book and what is the business of 100 and not 120 and well not 80? Where are these 100 come from? Thank you.

Jeff Neuman: Yes thanks Kavouss. Ken do you want to answer this question or do you have another question?

Kavouss Arasteh: No this is this question only for the time being yes.

Jeff Neuman: Okay. So for this question Kavouss the right came from the registry agreement and, you know, was not policy initially. It was something that was negotiated into one of the many drafts of the registry agreement which was eventually put into the Applicant Guidebook. I'd have to go back to see in what draft that came about. But Specification 5 is what has the language to allow 100 names for operational or promotional use. And there is no limit on reserving any other names subject to releasing them through an ICANN accredited registrar. And that's also in Specification 5.

Kavouss Arasteh: This means that this 100 unlimited could not be used by any other person or any other entity because they are reserved. In my opinion reserving something is (unintelligible) of the TLD. Why this possibility will be given to have unlimited number reserved that means depriving or preventing others to use those? Is it not a sort of the warehousing of the TLDs that the registries could have the touch reservations of unlimited (unintelligible) 1000 or 2000?

It depends on the wishes of the people and wishes or perhaps a question that would be do you believe that there's still these numbers 100 for the special case and unlimited for the general case need to be reviewed and to be determined to have some logic? So couldn't we amend the question to address this issue? Thank you.

Jeff Neuman: Yes thanks Kavouss. I think your response is really goes to the heart of an answer as opposed to a question. So I would think that, that would be something you might consider responding to this question. And perhaps maybe in Copenhagen a few of us could talk to you about why that's in there. But I think if we could probably spend an entire call talking about responses to this question because it's a pretty large topic.

Kavouss Arasteh: Thank you.

Jeff Neuman: Thanks Kavouss. Ken you had your hand up? Did you want to ask a question? No, okay. So then moving on to Number 2.3.6 quoting that an amendment to the registry agreement has been proposed. Do you believe that reserved names at the second level as proposed by the recent proposed amendment should be applied to policy? Now I'm reading through that question and I'm not sure I understand. So Michael Flemming do you – can I call on you to just explain this question because this one as I was reading it sounded a little confusing to me.

Michael Flemming: Sorry about that Jeff. This was written rather hastily in my - sorry hastily because I didn't have much time. But basically the - these (unintelligible)

proposed registry agreements are getting, are looking at reserving a few other names for technical reasons (unintelligible).

I think ICANN hyphen SLA hyphen monitoring is one of them where ICANN's - I think for ICANN's benefit for actually looking at the SLA monitoring. Not sure they haven't really paid a lot of attention but I caught that when we were going through the changes. So I think there are - there may be more than one of them but that was just kind of put in there as a last minute question.

Jeff Neuman: Okay. Kavouss?

Kavouss Arasteh: Yes would it be possible when you say that by the recent proposed amendment cross reference that amendment what amendment is that that the reserves that they're not very familiar what you're doing, they just could place the recent made amendment. Could you just reply? Thank you.

Jeff Neuman: So thanks Kavouss. So if I understand Michael Flemming's question is his question really relates to at one point about a year ago I guess ICANN had come to the registries and said that it wanted to use a second level domain so that it could monitor certain service levels within the registry particularly within the shared registration services. So I think if we reword the question I'm trying to think Michael Flemming what you want to ask here saying that should ICANN have a right to reserve additional...

Michael Flemming: No Jeff this is - basically it's to make to make to - basically you're putting in policy now what's going to be put in the agreement in just a few months technically. By the time the our - before our policy review ends or our PDP ends the registry agreement should - the registry agreement changes if approved of course will actually include some of these new reserved names. So I just wanted to make sure that we were able to include in policy what comes out in the new registry agreement. Does that make sense?

Jeff Neuman: Not entirely I but I might be the only one missing it. Avri do you understand or ICANN are you able to reword the question? So (Rubens) says put a...

Avri Doria: This is Avri.

Jeff Neuman: ...link to the proposed amendment.

Avri Doria: I think we should take this back and reword it for a second reading. I think we've gotten some indication and let's mark this one down for clarification rewording and add back in the second reading.

Michael Flemming: I think that's a great idea. I think it's a great idea.

Avri Doria: We have used 45 minutes so far and we're still on Page 12 so...

Jeff Neuman: Okay we'll move quicker. Here we go 2.4 deals with registrant protection. The first one is a question on the emergency back end - the emergency back end registry operator, the continued operations instrument, data escrow requirements and registry performance spec. They're required regardless of the type of top level domain.

And so the first question asks are there any types of registries that should be exempt from these requirements? If so why do you believe the above program still serve their intended purposes? And then he asks what changes if any might be needed to these programs if an RSP preapproval program were to be developed? Is there any questions on that one?

Okay. Seeing none I'll jump to the next one which I know we have to renumber so we'll take note of renumbering it to 2.4.2. But in the working group discussion it became clear that the (Ebre) funding model requires review and potential modification. The current COI model is one that has proven to be difficult to implement for many registries, ICANN's and even financial institutions. Are there other mechanisms of funding (Ebre) providers

other than letters of credit and/or other continuing operation instrument? Any questions or comments on that one?

Okay, great, 2.4.4 well we'll fix the numbering again. The ICANN staff in its Program Implementation Review Report identified a number of challenges in performing background screening particularly because there were many different types of entities to screen.

An example is top 20 exchanges to newly formed entities with no operating history. And because information is not readily available in some jurisdictions do you think that the criteria requirements and/or the extent to which background screenings are carried out require any modifications? Should there be any additional criteria added to future background screening?

For example would the previous breach by the registry operator and/or any of its affiliates of a registry, should say registry operator - I'm sorry or any of its affiliates of a registry agreement or a registrar accreditation agreement be grounds for ICANN to reject a subsequent application for a TLD by the same entity and/or its affiliates? I know that's a mouthful but hopefully can understand the gist of that question. It's saying that are there any reason for ICANN to deny a future application by an entity or its - or by that entity's affiliate if that entity breached a previous agreement with ICANN. Ken do you have a question?

Ken Stubbs: Yes. That opens up a can of worms there because they're going to have to get into significant definitions of what constitutes a breach? Do we - is that are all breaches material breaches -- something along that line. So I'm not really sure where I'm comfortable with the way it's currently worded right now. I think it's something that would be best surfaced with either compliance or with the people who determine what constitutes breaches because I'll be honest with you I don't know whether the legal compliance side versus the technical compliance side is in affect the same department in ICANN anymore. Thanks.

Jeff Neuman: Thanks Ken. Kavouss?

Kavouss Arasteh: Yes (unintelligible) okay the fourth line of this part of we say information is not really available, which information? And then it says that in some jurisdiction. What do we mean by in some jurisdiction?

How many jurisdictions we are saying that in some jurisdiction this is information available, in some other jurisdiction this information is - or not available? What are these different type of jurisdictions that we say in some of them the information is available in some of them the information is not available? And what are those information which are available or are not available? Is it about (unintelligible) information? It is what information?
Thank you.

Jeff Neuman: Thanks Kavouss. I think that refers to and someone from ICANN staff can jump in but the jurisdiction there means that in some countries it was easier for ICANN staff to find the background screening information on entities or people then it was in other countries. And so the question here is or it's alluding to the fact it was not always possible to do background screening if the entity applying for a TLD was in a jurisdiction or country that did not provide that kind of operating history or background. So I think that's what this question is getting at.

Kavouss Arasteh: So could you add the country in some countries jurisdiction or is the jurisdiction of some countries? Is it possible to add that?

Jeff Neuman: Yes. I think Avri - this is Jeff. I think that makes sense that we could add it. I don't see any reason why we couldn't change jurisdiction to country. But unless someone knows something I don't and wants to jump in I think that's fine.

Okay and to just respond to Ken. I think Ken again I think your comment is good I just think it's more of an answer to the question. So it's something that you should put in, you know, or you'd want to put in an answer talking about the difficulties of affiliates and what is a breach and all of that. But I think this issue is something that in our – it's in the report. So I think we do need to ask the question.

There's some comments in the chat that say that jurisdiction could also mean individual states in like in the US within countries. But I think just to respond to (Rubens) and Michael Flemming I think that even though states have different rules I think it's pretty uniform in terms of the background information that ICANN...

Man: Hello.

Jeff Neuman: ...is able to get. But let's take that back and see if we can maybe reword it as Michael Flemming suggests to provide the flexibility. Okay, jumping on to 2.6 which actually should now be 2.5 this is the fun topic of closed generics which we have just started in Work Track 2.

And 2.6.1 refers to well it says in the 2012 round operation of a TLD where the string was considered in closed generic could not be closed to only the registry operator and/or its affiliates. Originating from GAC advice on the subject this rule was promulgated by ICANN new gTLD program committee of the ICANN Board but was never adopted as a policy by the GNSO. This rule was subject to public comment and input from the community. Should this rule be enforced for subsequent application windows why or why not? Any questions on that one?

Okay not seeing anyone 2.6.2 do you have suggestions on how to define generic in the context of new gTLDs? It is currently defined as and I will note that you need to insert provision from the agreement so that it's in there are any modifications needed to the definition? If so what changes? If the

exclusion of closed generic TLDs is to be maintained are there any circumstances in which an exemption to the rule should be granted? Any questions on that one? Okay not seeing any questions - oh no Kavouss?

Kavouss Arasteh: Yes. My question is why you raise this question? Do you have a doubt about the definition of the generic supplemental domain that you want to redefine the?

Jeff Neuman: No. Sorry that was - yes Kavouss sorry about that. That's - I drafted the question but I did not have the definition right in front of me. So there was a note to myself to insert that definition and I just did not get around to it. So I will certainly do that for the second reading. It will be the provision that's contained in Specification 11 of the registry agreement.

Kavouss Arasteh: I assume the question is not clear. The first part they say that do you want to define generic and continuously that saying that is currently defined out. So do you want that where you just believe it definitely sometimes it was generic? Do you want to see whether this definition to be revised? Is that the question? So how we should just decide that currently for generic gTLDs there is a definition and then do you want that this definition be retained or modified and if yes why and how? Is it the question? Thank you.

Jeff Neuman: Yes Kavouss. I see what you're saying because it seems like the first question this thing as the second. So I think we could put that in the reword. I think we can eliminate the first sentence of 2.6.2 or the first yes the first question. And then just say that currently the term generic is defined as and then have the question follow that.

Kavouss Arasteh: Yes, thank you.

Jeff Neuman: I think that might make it more clear.

Kavouss Arasteh: Yes. That makes sense. Thank you.

Jeff Neuman: Okay anything else on generic closed generics? All right moving ahead to 2.7 according to Section 3 this is for the Applicant Terms and Conditions. This is Module 6 of the Applicant Guidebook. It talks –okay so according to Section 3 of the Applicant Terms and Conditions ICANN retains the right to determine not to proceed with any and all applications or delegate any TLD in the root zone. Do you think that ICANN should be limited in their discretion to be confinement of policy the Applicant Guidebook and the security and the stability of the Internet when determining whether or not an application should proceed? If yes please explain? Anyone have any questions or comments on this one?

Avri Doria: This is Avri. I don't know why they only have to explain if yes? I think it's a please explain would be sufficient there.

Jeff Neuman: Thanks Avri. I agree with that. Paul yes.

Paul McGrady: I think the question - Paul McGrady for the record. I think the question begs itself as if somehow the status quo is it can, you know, that ICANN can violate policy because of this paragraph and do we want them to stop violating policy? You know, I think a reasonable position could be that this paragraph doesn't allow them to do that and we're not seeking a change in the status quo. In other words the question is loaded. And I'd like for us to look back at it and see if we can make it more neutral. Thanks.

Jeff Neuman: Okay. Paul is that something you can - well I'll go to Michael Flemming but maybe he's got a comment on that. But maybe Paul if you could think of a way we can do that greatly appreciate it because it is loaded and you're right we should make it more neutral.

Michael Flemming: Paul I think the question itself if you look at the - sorry Michael Flemming (unintelligible) here for the record.

Jeff Neuman: Okay.

Michael Flemming: The section of the Applicant Terms and Conditions itself is very clear in the fact that it pretty much gives ICANN pure arbitrary discretion when deciding whether or not applicant proceeds. It doesn't give the assumption that ICANN is subject to policy. Of course I believe they are but at the same time ICANN also has the ability to make changes to the Applicant Guidebook. So in that sense I think that this question itself is talking about whether or not we should (permit) ICANN to at least to be more so defined to be - I'm sorry more so confined to the policy to have it stated exclusively rather than in the ICANN per domain to making such a decision.

Paul McGrady: This is Paul. Could I respond to that?

Jeff Neuman: Yes please.

Paul McGrady: So I mean I think that's one interpretation of this paragraph but it's adrift from the rest of the guidebook which says the guidebook will be in a final form and only extraordinary changes will be made. There are all kinds of other things in the guidebook making reference to policy and how policy, you know, by the GNSO Council applies in this context.

I understand that that's what's being proposed is one reading of this paragraph. But I don't think that either under simple methods of contractual language construction that any court would look at, nor in the text of the guidebook, nor in the way that the community operates that this was ever meant to be a blank check for ICANN the corporation to violate policy when it implements it's 0 the new gTLD program. So I think we have a fundamental disagreement on that point. I still think the question could be unloaded and asked more neutrally. And I'm happy to help work on that. But I don't necessarily want to buy the fiction that this was a blank check because I don't think that it is. Thanks.

Michael Flemming: Just to let me - Jeff just let me respond quickly. And Jeff I'm sorry and Paul and I agree with that in a sense. But reading it as it is I think that interpretation can be achieved coming to that interpretation that it is kind of a (unintelligible) can be made. I think can we - should – can we go through the rest of the Applicant Terms and Conditions?

I think that those sections of the Applicant Terms and Conditions these three sections work very strongly together in a lot of the recent, you know, legal battles that ICANN has been – and with a certain number of applicants but that - the changes to the Applicant Guidebook also was addressed here in the Applicant Terms and Conditions. So I think rewording these to have – be a little bit more neutral is a great idea. But I think we need to take all three of them together and try to look at how those changes should be made.

Jeff Neuman: Okay. Let's...

Avri Doria: Just doing a line check. And we're more than an hour into the meeting. Thank you.

Jeff Neuman: Let me – let's move on. We got Paul's comments. And I've noted it. So we will try to make it more neutral. Two point seven point two goes on and asks about the covenant not to sue. And it says that an applicant for - according to Section 6 and applicant forgoes any right to sue ICANN once an application is submitted for any reason however the new gTLD program does not currently provide an appeals mechanism for ICANN decisions other than through the accountability mechanisms and none of which go through the substance of the ICANN decision.

Do you think that the new gTLD program should be required to include an appeals mechanism for applicants to challenge the decisions of the ICANN staff, ICANN Board and any – and/or any entities delegated decision making authority over the assignment, contracting and delegation of new gTLDs before including a covenant not to sue in the Applicant Terms and Conditions.

If yes please explain. That's a word – a mouthful as well. Paul did you end up – is that an old hand or a new one?

Paul McGrady: It's a new one.

Jeff Neuman: Okay, Kavouss please.

Kavouss Arasteh: Yes I think this is very critical (unintelligible), critical in the sense that we should be very careful about the words until the use. When you (unintelligible) you say that any side can sue ICANN once an application is submitted. You mean the application submitted to be processed or once everything is processed and the gTLD or (unintelligible) was delegated or the contract is made.

Do you mean that the first instance when the application is submitted by an applicant, you want to sue the ICANN? And that is not a good way to do that because nothing has been yet been in ICANN.

So when we sue the ICANN, then ICANN decide on the market and delegate the issue and then in that case we have - they may sue the ICANN. This is one clarification. But this is not my question.

My question is that when you say in addition or other than those (unintelligible) in the accountability, do you mean that a parallel operation or additional operation than what is currently used in the accountability for any action to sue the ICANN? And why it is needed because in decision (unintelligible) develop the same one, we have not considered such a thing other than reconsideration and then if it is not yet reconsidered or these objectives to be reconsidered then we go and escalate the situation and may go to (IIRT).

So could you kindly (unintelligible) submitted and put then why we need such additional measure than accountability. Are we completely with

accountability mechanism and why it is needed. (Unintelligible) please get accountability mechanism is not sufficient to do that and why it is not sufficient because you have deliberately profess and limited everything to that channel and not to have additional channels, thank you.

Jeff Neuman: Thanks Kavouss. I think the point of this question is that the accountability mechanism should not go to substance of the decision made by ICANN but really just a review of whether the decision violates the bylaws which again does not go to whether ICANN staff or board or the evaluators were right in the decision that they made. So that's what this question is asking.

So we'll take your question under advisement and look and see if we can make that a little bit more clear. Paul McGrady your hand's been up, but I have a feeling it might just be an old one.

Paul McGrady: Yes it's - sorry, this is Paul. It's stuck and I'm away from my computer so I can't lower it, so please ignore it, other than to say that the fact that you just said that whether or not ICANN violated its bylaws in rejecting an application could be reviewed goes back to my prior point that there is a universe of things out there that makes the paragraph about rejecting applications not (at their rep) that lives in a vacuum.

Jeff Neuman: Okay thanks Paul. All right moving on to 2.7.3, according to Section 14 of the terms and conditions, ICANN has the ability to make changes to the guidebook. With the last round behind us, part of the task of this working group is to foresee predictability in future rounds.

With this in mind, this provides new considerations of the necessity to make changes to the applicant guidebook once a subsequent procedure has been initiated.

Do you think ICANN should be limited in their ability to make changes to the applicant guidebook once the application procedure has already been initiated? If yes, please explain. Kavouss.

Kavouss Arasteh: Yes, I'm sorry I was not convinced of the 272 because what you mentioned is correct but we should not devise something that contradicts or inconsistent with the CCWG Accountability versus contained in the bylaw and whatever will be added to that. So perhaps we should add anything that you want in additional measure but you say that consistent with the bylaw.

So we would not create something that not to be coherent to what if we have done that. So this should be quite clear, a detailed measure, yes, to clarify, to participate, but consistent with the bylaw but not something which negates or ignores or not observe the bylaw. Thank you.

Jeff Neuman: Okay thanks Kavouss. I've put in a note for us to go and somewhere insert that in. Sorry, I'm just typing that so we remember it. Okay, any questions on 2.7.3?

Okay, 2.7.4, do you believe that any significant changes are needed in the terms and conditions to the applicant guidebook? If so, what are those changes and what is the basis or rationale for needing to do so?

I think I'll use my prerogative to make a comment here and probably delete the word significant because that is subject to interpretation and I think the question is do you believe that any changes are needed? So I'm going to suggest that we take out the word significant.

Okay, any comments or questions on that one? And Avri if there are things in the chat I'm missing, can you just keep an eye out? I know that there is a conversation going on.

Avri Doria: Yes I am keeping an eye out. I just haven't seen...

Jeff Neuman: I see that (Chris) has just said that there might be an overlap between 2.7.3 and 1.3.1 so if we can look at that and if there is overlap just move it into one section. So I'll just put a note there.

All right, moving on to 2.8, this deals with registrar non-discrimination and registry/registrar separation. These are difficult areas because we have not yet gotten to them. So really what we say here is the working group has not yet addressed the issues of registrar non-discrimination or registry/registrar separation, also known as vertical integration.

Now that we have several years of operations of vertically integrated registries and registrars, what issues if any have you noticed with vertically integrated registries? Any questions or comments on that one? Okay that seems pretty clear.

2.8.2, Specification 13 grants an exception to the registry code of conduct and specifically from the vertical integration restrictions. Are there any other circumstances where exemptions to the code of conduct should be granted? Okay Michael Flemming you have a question?

Michael Flemming: Never mind, I take that back.

Jeff Neuman: Okay no question from Michael Flemming. 2.8.3...

Michael Flemming: Actually yes I do have a question, sorry.

Jeff Neuman: Okay.

Michael Flemming: I read it a few different times but to me it seems that this implies that the only possibility to have an exemption to a registry code of conduct is Specification 13. I know that's not specifically - I know that that's not the only exception of course.

But perhaps we could have more clarification there to know that there are other exceptions as well from registry code of conduct.

Jeff Neuman: Okay. I understand your question so let's just drop a comment in there that says that - because yes - so we'll add the other ones in there. Sorry, that's me typing. And I know you can all hear that. Okay Michael Flemming I understand.

All right, next one is 2.8.3. Some have argued that although we allow registries to serve as both as a registry and as a registrar, the rules contained within Section 2.9 of the registry agreement and in the code of conduct prohibit the integrated registry/registrar from achieving the economic efficiencies of such integration by not allowing a registry to discriminate in favor of its own registrar.

Do those arguments have merit? If yes, what can be done to address those issues? If not, please explain. Any questions on that one? I'll just give a second for people to type. Okay, not seeing any...

Avri Doria: Okay (Phil)'s typing.

Jeff Neuman: I'm sorry, Avri did you have a comment?

Avri Doria: I just see that (Phil) is typing, that's all.

Jeff Neuman: Okay. Well I'll go on to the next one. If we have to come back, we'll come back.

Avri Doria: He stopped typing so... Right, he stopped typing; go ahead, sorry. Kavouss got his hand up in time.

Jeff Neuman: Kavouss, thanks.

Kavouss Arasteh: The last part of this after the fourth line I have no problem. Do these arguments have merit? But then we continue to say that if yes they have merit, what can be done to address those issues?

What issues do we address? Non-discrimination against – in favor of the (unintelligible) we address? I mean, the text is not quite clear what can be done to address those issues. What issues – discriminations? What do you mean by address? Do we enforce that? Do we mean to enhance that?

But we need to address that because address is a general word. It's already been addressed that we should not have any discrimination in favor (unintelligible). But do you want to enforce that? Do you want to further enhance that? The difference (unintelligible) I have no (unintelligible) with this portion. What can be done to address those issues?

Jeff Neuman: Okay so Kavouss I think - thanks for the question - I think we - the question is, or the argument which is the premise of the question is that the 2.9 of the registry agreement – although there was a decision to have vertical integration -- many have argued that the efficiencies of vertical integration are not able to be achieved because of the code of conduct and some other requirements in the agreement.

If you agree with that, then the question is well can we do anything about it and what would ease the burden of - or what would allow a registry to achieve those efficiencies I guess is the question. So we could take that back and kind of see if we can make it a little bit more clear.

Kavouss Arasteh: Yes thank you very much for this. My trouble is that this (unintelligible) adjective these. These refers to what? That is my question, thank you. When you see “these issues,” which issues we address?

Jeff Neuman: Okay, thank you Kavouss. I understand the question and I put a note in the draft so we can address that.

Okay, 2.10. We're getting there. 2.10 is on TLD rollout. The applicant guidebook basically says that applicants have to complete their contracting process in nine months and the delegation process in 12 months.

But the requirements only means that the contract needs to be executed and Nic.tld be delegated. Are these time frames reasonable? Is there still a need to have these requirements? Please explain. Any questions on that one?

Avri Doria: If there are not, I do have some comments on a previous one once this one's done.

Jeff Neuman: Sorry, Avri. You're a little quiet, at least to me.

Avri Doria: Okay, so sorry. I don't have a comment on this one. There were comments in the chat. One (Phil) had a comment about 2.8.1 that the wording is not correct in his opinion. And then Kristina had a comment on the one we just discussed with Kavouss of replacing the word "issues" with "claimed inefficiencies."

And then while I'm reading, Susan Payne just said, "I think that on 2.8.3, we should also ask what safeguards are required."

Jeff Neuman: Okay, thanks. And I see those are being added to the notes so we can remember to add them to the text. Any other questions or comments? We are up to 2.11 at this point.

Okay, 2.11, contractual compliance. Noting that the role of contractual compliance is to enforce the registry agreement and any changes to that role are beyond the scope of this PDP, the working group is not anticipating policy development related to this topic.

The working group expects that any new contractual requirements would be made enforceable by inclusion in the base agreement. Do you agree with this approach? Any questions or comments on that?

Okay, moving on – 2.12, global public interest. This is a tough area to ask about, but 2.12.1, the final issues. The final issue report suggested that in considering the public interest the working groups think about concerns raised in GAC advise on safeguards, the integration of public interest commitment, and other questions around contractual commitments.

And so we ask questions here. It says, “Have PICs served their intended purpose? If not, what other mechanism should be employed to serve the public interest? Please explain and provide supporting documentation to the extent possible.

And then I will note in the draft there is a comment from Jorge Cancio that states, “I feel these questions should look for factual inputs. What facts can respondents present on the functioning of the PIC in serving the purpose? In addition, I think the CCT was also working on similar data which should be taken into account.”

So I think we could - I think by asking for supporting documentation we're asking for facts, and I think the note on CCT is with respect to all of our work, that we will be taking that into account. So let's see when we go back for the second reading if we can - we need to address or change any part of that question.

Kristina has a comment saying, “Can we ask ICANN for facts, namely the outcome of any PIC DRP proceedings?” I think that's a good question Kristina and it actually raises a good issue about whether we could have ICANN answer some of these questions.

Doesn't necessarily just have to go the community. If there are questions we think ICANN staff could answer, perhaps we should be thinking about asking ICANN staff to help us with this too, to respond.

Okay, the last question, do you believe the public interest is adequately defined in the sphere of ICANN? Is there a specific definition that the working group might be able to leverage in establishing or adjusting protections?
Kavouss.

Kavouss Arasteh: Hello. This is a – in my opinion – an issue which is difficult. The question is very, very difficult. You talk several hours and hours to see what is the public interest. It could not reach any agreement.

The only thing that if you want to refer to that maybe - I don't know if we get something but that is difficult but I don't want to delete this question but at least if you say that public interest as it referred to in article of incorporation and in the bylaw because over there, there are specific areas to which the public interest is referred to. We don't want to have a general definition of public interest because (unintelligible) to come to any (unintelligible) definition, and I don't think that this question is (unintelligible) to any improved situation feedback.

But I have no problem if you refer that public interest as referred to in articles of incorporation and in the bylaw. I don't know whether (unintelligible) value relative to that understanding but not the general definition of public interest because it's quite difficult to have that. We tried many, many hours and we did not succeed. Thank you.

Jeff Neuman: Thanks Kavouss. I think, yes, with the new reference in the article, I'm not sure we need to ask this question. So I think we'll take that back, take your comments and perhaps even delete this question because it is pretty broad and there is now a reference in the articles.

All right, we've made it to Work Track 3, and I'm convinced it was 35 minutes. Work Track 3 and 4, these questions should be much more - I think these questions are pretty straightforward so let's see if we can get through these.

3.1, deal with objections. Do you think that the policy recommendations – and there's recommendations that are linked – require any modification? So these are the recommendations contained within the final report of the GNSO, which serve as a basis for most of the recommendations – or sorry, serve as a basis of most of the objections. Any questions on that one?

Okay, 3.1.2, do you believe that those recommendations – again referring to the ones in 3.1.1 – were implemented effectively and in the spirit of the original policy recommendation?

3.1.3 – and if you have a comment, just a question, just raise your hand. I'll get to you. I know I'm kind of going fairly quickly. Do you believe there were any issues with standing requirements as defined in the applicant guidebook or as carried out by the providers? Okay, no comments, questions.

3.1.4, do you believe there is evidence of decisions that were inconsistent with other similar objections, the original policy recommendations, and/or the applicant guidebook? Kavouss.

Kavouss Arasteh: Yes, when you say "evidence of decision," which decision, decision made my whom? This is what I put in my note. Have you referred to this decision earlier? Then you can say decision referred to part of the issue above. Or which decision you say that?

As carried out, okay is evident of decisions. Which decisions? Made by whom or where it has been referenced or where has been contained? So just clarifications.

Jeff Neuman: Okay, thanks Kavouss, and I put a note in to basically it's decisions made by objection dispute panels.

Kavouss Arasteh: Okay, thank you.

Jeff Neuman: Okay, 3.1.5, are you aware of any instances where any party or parties attempted to quote "game" the objection procedures in the 2012 round? If so, please provide examples and any evidence you may have available. We've heard that term "game" so many times in our discussions, so now we're asking for specific examples and evidence. Kavouss is that a new hand, sorry?

Kavouss Arasteh: It's just a general question. Some of the questions you have clearly mentioned (unintelligible). In some other questions you have not add that one. Would it be possible to add editorially whenever you have not asked (EPS) or (EPO) please explore, plus add that because not let them know.

Some will say yes. We should say why. If it says no, we should explore. So you add that one, (EPS) or not, please explore. This (unintelligible), not in (unintelligible).

Jeff Neuman: Okay thanks Kavouss. I put that in this question and we'll go through the document and make sure it's in there, in others.

3.1.6, do you believe that the use of an independent objector is warranted in future rounds? We should probably change that "in future application windows." If not, then why? If yes, then would you propose any restrictions or modifications be placed on the IO in future rounds? Again we'll change rounds to consistent terminology. Questions on that one?

Okay, 3.1.7, do you believe that parties to disputes should be able to choose between one- and three-member panels and should the costs of objections

reflect that choice? Is clearer guidance needed in regards to consolidation of objections?

I might actually propose changing that to two different questions. So it would be a 3.1.7 and a new 3.1.8 because I think they are pretty different. Kavouss, new hand or...?

Kavouss Arasteh: Yes. I don't recall exactly but I think we have addressed this issue in Section 4 or maybe Chapter 4 of the bylaw on the number of the - and if there are people opting for more number or more people who should pay for the costs.

I'm not sure but we have to check whether this has not been addressed. So we don't want to double (unintelligible) addressing the bylaws. Just a check point, that's all. No problem with the - (unintelligible) is valid, but I wonder where this has been already addressed or not in (unintelligible). Thank you.

Jeff Neuman: Okay, thanks Kavouss. We'll take a look and see if this has already been asked or pointed out.

3.1.8, which will now be 9 since we split the earlier one, many community members have highlighted the high cost of objections. Do you believe that the cost of objections created a negative impact on their usage? If so, do you have suggestions for improving this?

And if - I'm sorry, are there issues beyond cost that might impact access by various parties to objections? Any questions on that one?

Okay, 3.2, new gTLD applicant freedom of expression. 3.2.1, noting that the 2007 final report on new gTLDs tried to balance the rights of applicants - example, Principle G - and the vice holders - that's Recommendation 3 - do you believe that the program was successful in doing so?

If not, do you have examples of where either an applicant's freedom of expression or a person or entity's legal rights were infringed? Comments, questions on that one?

Okay, 3.3, community applications and community priority evaluations. As indicated in the implementation guidance of the 2007 final report, the claim by an applicant to support a community was intended to be taken on trust unless the applied-for TLD is in contentions with one or more TLDs or is the respondent in an objection.

As a result, the claim to support our community is only evaluated in community priority evaluations and community objections. Do you believe that the implementation and delivery of CPE was true to the policy recommendations and implementation guidance provided by the GNSO?

If not, do you have suggested improvements to either the policy or implementation guidance or implementation? Any questions on that one?

Okay, 3.3.2.

Avri Doria: Alexander.

Jeff Neuman: Yes Kavouss.

Avri Doria: Yes Alexander has typed in a comment and Kavouss has his hand up. Alexander's comment, "Like stated before, it seems there were problems with the CPE so GAC several times called for an appeal mechanism to investigate potential inconsistencies." That seems like an answer though, not a comment on the question. Perhaps I'm wrong. And Kavouss has his hand up.

Kavouss Arasteh: Yes, my question was (unintelligible) true. (Unintelligible) positive because the issue was true, but whether it was (unintelligible) or not, so just a clarification, what do you mean by truth? (Unintelligible)

Jeff Neuman: Okay, I'm just looking for that – truth. Okay. All right, we will look for that in there.

Okay, 3.3.2, there is a general sentiment amongst many in the community that the CPE process did not provide consistency and predictability in the 2012 round. Do you believe this was the case, and if so, do you have examples or evidence of these issues? Questions, comments on that one?

Okay, 3.3.3, CPE was one instance in the new gTLD program where there was an element of a comparative evaluation that as such there were inherently winners and losers created. Do you believe there is a need for community priority or a similar mechanism in subsequent procedures?

Do you believe that it can be designed in such a fashion as to produce results that are predictable, consistent, and acceptable to all parties to CPE? The GNSO policy recommendations left the issue of a method for resolving contentions for community claimed names to board and the implementation.

Do you believe that a priority evaluation is the right way to handle name contention with community applicants? Should different options be explored? If so, which options should be explored and why? Kavouss.

Kavouss Arasteh: Yes, I have no question on that but I have a lot of sympathy with you (unintelligible) divide one hour 36 minutes that you are speaking. Perhaps if Avri – I apologize to her – to take some minutes to read the text and allow you to breathe, because you are talking and that makes you really tired. I have a lot of sympathy for you. Thank you.

Jeff Neuman: Thanks Kavouss. I'll continue through Section 3 and then if Avri wants to do 4, I will certainly let her jump in, but it's up to Avri.

Avri Doria: As I did the last one and I'm scheduled to do tomorrow's, I will jump in any time I need to Jeff. You just tell me when you need me to jump in.

Jeff Neuman: Okay, thanks Avri. Okay, where were we? Oh, 3.3.5, for the rights of communities. For example, freedom of expression, freedom of association, freedom of religion and principle of non-discrimination.

So the question is were the rights of communities infringed by the new gTLD program? A difficult question I know. All right, besides CPE, are there other aspects of a new gTLD program related to community that should be considered in a more holistic fashion?

All right, 3.4 – we're getting there -- string similarities.

Avri Doria: There was one comment on 3.3.5. On 3.3.5, (Heather) asks whether we should ask for specific examples.

Jeff Neuman: I agree with that and I have put some words in there. So yes, I think we should.

Okay, 3.4, string similarities. There was a perception that consistency and predictability of a string similarity evaluation needs to be improved. Do you have examples or evidence of - and the word "issues" is here so we might have to reword that.

If so, do you have suggested changes to the policy recommendations or implementation that may lead to improvement? For instance, should the standard of string confusion that the evaluation panel used be updated or refined in any way?

So I'm going to put a comment in here. I think – and I'll ask (Karen) and (Robin) if they're both still on – perhaps we could include as either a subquestion or another question since we do have a proposal on the table, perhaps we might want to put that proposal out for comments in some way.

So I'll leave that for (Karen) and (Robin) to think about and I'll follow up with you both after this call to see if that's something we can include in this.

Okay, 3.4.2, should the approach for string similarity and gTLDs be harmonized with how they are handled in ccTLDs? So that's a question.
Kavouss, yes.

Kavouss Arasteh: Yes it was incorrect but the word "with" in (unintelligible) sounds a little bit awkward. Harmonized with - either harmonized with something or we delete it and harmonize and then how we handle it because written within the two (unintelligible) the essence of the both sentence. So we don't know - so why we need this "with." (Unintelligible) harmonize and (unintelligible) unless we harmonize with and then separate it by comma and then (unintelligible).
Thank you.

Jeff Neuman: Thanks Kavouss. I think the question is basically saying should the string similarities approach taken with gTLDs be the same as the approach taken for ccTLDs. Or I don't know if I said that backwards, but should the approaches be the same I think is the question maybe (unintelligible). So we have that note. Okay 3.4.3, the (unintelligible).

Kristina Rosette: Um Jeff it's Kristina. Can I get in the queue on that last question?

Jeff Neuman: Yes please.

Kristina Rosette: Okay and with apologies because I (unintelligible) Adobe. I have no earthly idea how the issue of string confusion and string similarity is handled in the ccTLDs.

So at last we're - I mean, so I think - first I think the question needs to be clear that what we're talking about is treating the issue the same whether it's a gTLD or a ccTLD, if that is in fact what we're saying.

And then if to the extent that we want people to take into account how it's being handled in ccTLDs, we may have to tell them because I don't know how many people actually would know off the top of their respective heads.

Jeff Neuman: Thank you. Thanks (Kristina). I put in a note that we should at the very minimum have a link to the process that ccTLDs use. It actually came out fairly recently, the recommendations on how that should be handled. So I put in the notes that we should provide a link to the ccTLD process at a very minimum.

Kristina Rosette: Thank you.

Jeff Neuman: Thanks Kristina. And if anyone else is just on the phone, just jump in if you have a question because all I can see is the Adobe chat room.

Okay, 3.4.3, the working group and wider community have noted issues specifically related to singulars and plurals of the same word. Do you have suggestions on how to develop guidance on singles and plurals that would lead to predictable outcomes? Would providing for more predictability of outcomes unfairly prejudice the rights of applicants or others? Kavouss.

Kavouss Arasteh: Yes, no problem with the question but I suggest that (unintelligible) have raised concerns because it's more than noted. Seems that we have serious difficulties within hotels (unintelligible) so that we should (unintelligible) noted with concerns or serious concerns. Thank you.

Jeff Neuman: Okay, thanks Kavouss. I've put in some language so now it says instead of "noted issues," it now says, "have raised concerns."

Okay, 3 point - no, I'm just going to read (Heather)'s comment that it was Kristina Rosette that raised the comments on 3.4.2. I think in the notes it might say (Heather). Or, I'm sorry, I think it says Susan. So it should be Kristina.

Avri Doria: Susan also made the point in the chat though.

Jeff Neuman: Ah, okay, thank you Avri. Okay there's some discussion going on in the link on the ccTLD fast track process. So we'll put those in the notes and make sure to update the questions, to have a link to that process.

Okay, 3.4.4, do you believe that there should be some sort of mechanism to allow for a change of applied-for TLDs when it is determined to be in contention with one or more strings? If so, do you have suggestions on a workable mechanism?

Okay, 3.4.5, do you feel that the contention resolution mechanisms from the 2012 round – i.e. CPE and the last resort auctions – met the needs of the programs in a sufficient manner? And then we'll have a "please explain" as well.

Avri Doria: And we haven't spoken about, you know, putting a top on some of this and just saying any place where you have examples, please use them as sort of one of the blanket statements. That's one of the suggestions that they've come through. And you've got Paul McGrady with his hand up.

Jeff Neuman: Okay Paul please.

Paul McGrady: Thanks Jeff. Thanks Avri. Do we mean here in 3.4.5 the needs of the community or the needs of ICANN the corporation? I don't know that a program can have needs. Thanks.

Jeff Neuman: Okay thanks Paul. I agree with that. I'm just trying to...

Avri Doria: We also have a comment from... Alexander.

Jeff Neuman: I'm sorry, a comment? Alexander, yes.

Avri Doria: Schubert was asking whether we should add a question should private auctions be prohibited or do they create harm, speculations, etcetera? I think that that question is already sort of implied by saying did they meet the needs of the program in a sufficient manner. But Alexander does ask that question.

Jeff Neuman: Yes let's just put a note in. I think we could ask a question that's not – the way Alexander asks it is a little bit - it's not neutral. Let's put it that way, so maybe we can ask or just note that there are many contention resolution sets – or contention sets were resolved through the use of private auctions and then figure out a kind of neutral question to ask whether that's appropriate or not or let's figure out a way to ask that question.

Avri Doria: Yes.

Jeff Neuman: Okay, 3.5, accountability mechanisms. 3.5.1, do you believe that the existing accountability mechanisms – requests for reconsideration, independent review, and the ombudsman...

So the question is do you believe that the existing accountability mechanisms are adequate avenues to address issues encountered in the new gTLD program?

For this one, I'll just put in a note we need to make sure we're not overlapping with the question in Section 2 in Work Track 2. So let's make sure we don't ask the same questions twice or if we're trying to get at a different angle here, let's make sure this only goes to that unique angle. Kavouss.

Kavouss Arasteh: My question is that why we raise this question. This was certainly discussed at the CCWG. We have the process of reconsideration. We have ombudsman. We have independent review comments. And now you want to do something that appeal (unintelligible) support, appeal (approach).

And since you are asking whether it was sufficient or it is sufficient or not because it seems that you put the bylaw to the second public comment. Is it necessary to plant some doubt on something that has gone through the true public comments and one final (form) and approved by the community, approved by ICANN, approved by NTIA, and now that you are implemented and you suddenly believe that this process is not sufficient?

Are we not - we're raising some question of redoing the whole thing because this process is contained in Section 4 or Chapter 4 of the (unintelligible) bylaw. It took considerable amount of time under very - under that (unintelligible). So why then do they discuss it?

Jeff Neuman: Kavouss, thank you.

Kavouss Arasteh: (Unintelligible)

Jeff Neuman: Yes thanks Kavouss. This is Jeff. So I think it's not asking whether there should be existing - or there should be additional accountability mechanisms. I think this is really asking whether there should be something other than just being able to go to the accountability mechanisms should there be an appeals mechanism.

For example if an applicant did not like a decision by the string similarity panels, should there be a specific right of appeal that is not an accountability mechanism but it's something else where an independent party could hear the appeal and make a decision on the substance.

So I think that's what these questions are trying to ask. And I think if we harmonize them with the ones that are asked in Work Track 2, I think we'll be covered.

So we're not - and maybe we could be more clear we're not asking for additional accountability mechanisms or whether those accountability mechanisms are good. We're just asking whether there should be appeals or anything else.

Kavouss Arasteh: Yes that is good. If you refer to additional examples, that's okay. Okay that's good. Thank you.

Jeff Neuman: All right any other questions with 3.5?

Avri Doria: Okay this is Avri.

Jeff Neuman: Avri I think we should not for Work Track 4, these questions have been out here for a long time. So I think we could go through these very quickly hopefully, but if you want to take it, that would be great.

Avri Doria: (Unintelligible). Three pages in eight minutes, I'm willing to try but... Okay. I will go through them but I will not read them as he has been doing since that takes time. I will go back to the approach I've been using of just indicating the question and asking if there are questions.

Does anybody object to my doing it that way? We will go beyond the time a little. I notice some people have already dropped off. But I'll give it a try.

Okay, Work Track 4 – 4.1, international domain names – IDNs. 4.1.1 has to do with one-character IDNs. Any comments on the question?

Seeing none, 4.1.2, general (unintelligible) on flight issues regarding policy works, regarding IDNs. Questions?

Seeing none, 4.1.3, envisioning policy and process for variant TLDs. We had a talk on that. Question related to that – any comments on that question?

Okay, 4.1.4, it was a question on should the process be coordinated or harmonized with ccTLD? I know it's not highlight. Any comments on that one?

Okay, the next one has to do with universal acceptance, and that's getting all these names to actually work on the Internet and its equipment. Do you see any issues that weren't policy development is the question. Any comments on that question? No?

Okay, moving on to 4.3. 4.3 has to do with application evaluation, technical evaluation.

4.3.1.1 has to do with technical capability demonstrated application time or some other time. Questions on the question? No.

4.3.1.2. has to do with technical evaluations should be per application or per technical infrastructure of an applicant. Okay, no question on the question.

4.3.1.2.1. has to do with a (unintelligible) if consolidated, should be aggregate requirements be taken into account. And that's if you're doing many, should the scale of your operations be questioned? Any questions on the question? No?

Going forward, Financial Evaluation, 4.3.2. It's a bit talking about necessity for financial stability.

4.3.2.1, having financial safeguards in place. Should detailed financial information be gathered?

4.3.2.2. I see no hands. Please stop me if I'm moving too fast at some point.

4.3.3.2 has to do with financial capability demonstrated in less detail.

Questions on the question?

4.3.2.3, in prior rounds, detailed business plans (unintelligible). Question about that, if they were used or should be continued? And how should changes in the plan be dealt with? Questions on the question? No.

4.3.2.4, for brands in geographic applications supported by governments, is their business model necessary? If not, what sort of information? Question on the question?

On 4.3.2.5, has to do with ICANN's direct mission and scope of promoting or marketing gTLD expansion. Thus is it within its mission to evaluate details of preparer's business models if financial capabilities are sufficient? Question on the question? And I see (Chris Taylor) (unintelligible) on the line break between 4.3.2.5/6. Thank you. Any questions on or to 4.3.2.5? I see no questions.

4.3.2.6, financial capabilities should be demonstrated application time or demonstrated just before contract? Any questions on the question? No?

4.3.2.7, should evaluations be done per application or per registry family? Any questions on the question? I see none.

4.3.2.8, given international nature and its outreach to less developed areas, is one-size-fits-all financial appropriate? Questions on the question? Nope.

General questions, 4.3.1.1. What suggestions do people have for improving the application evaluation process? An open question. I hope people give us good ideas.

4.4, name collision. That was a discussion they just recently had. What general guidance for name space collisions did the community consider? Again an open question. Questions on the question?

4.4.2, were there non-applied strings that would fall into high-risk categories that you could suggest should not be allowed? So it's asking for people to guess at what possible collisions may occur in the future. Questions on the question?

On 4.4.3, based on data first round, controlled interruption period question. Are there questions on the question? Should it be reduced in the future?

4.4.4, should measures be suggested (unintelligible) that TLDs have already ended or will end their emergency readiness after two years? Are measures needed for gTLDs delegated prior to the 2012 round? And sort of an open question. Are there any questions on the question?

Okay, 4.5, security and stability. Considering - 4.5.1, considering that's different from the 2012 rounds, we now have top level label generation pools (unintelligible) languages, does the (per label) security and security of use still make sense?

And 4.5.2, considering that the (unintelligible) list, CPA, our study and comments to that study, do you have any comments regarding root zone scaling? Any questions on that question?

And then there's miscellaneous questions, and there are four of these. The topics above and corresponding questions are all related to the scope of work as determined in this working group charter. Do you feel that all topics must be fully resolved before any subsequent new gTLD procedures can take place?

If not, do you believe that there's a critical path? This is basically a question that stems out from the various hurry up and get this done questions that we've been getting from the board and others, so (with) and then 2, any questions on that question?

Two, many in the community have noted the length of time from the close of application submission period to informal projections to the beginning of subsequent new gTLD procedures. Do you have any suggestions on how to contract that time either now or in the event of future rounds of the (unintelligible)?

I would suggest we change the word contract so that people don't confuse it with the legal contract. And basically I just (unintelligible) small word change. Any questions on that question?

Three, do you feel that there are additional (unintelligible) subjects the working group should be considering? Any questions on that question?

And four, the final question here I believe, is do you have any suggestions for data points, analysis, studies that might benefit the work of this PDP in any other work area? You might want to suggest that that suggestions that aren't already covered in the previous question. Any questions on that one?

I realize I did a very quick forced march through this, not something I necessarily would have recommended. I do recommend that if in the next couple hours, people do have some clarifying questions on this that they put them on the e-mail list or on the document that will go before tomorrow's meeting be doing a fair amount of editing. So anything to say before I end the meeting, any other business?

Okay, I thank you all for your patience. Tomorrow's meeting at the same time as today's. And it's scheduled for another two hours where we'll go through

the changes and just make sure the ways things have been changed are okay.

I recommend that we do that meeting very much as we've done this one so that - as this last piece basically stopping on a question, pausing, asking there are questions but not necessarily reading them all. Yes Kavouss, I see your hand.

Kavouss Arasteh: Yes, thank you very much. I think you and Jeff are tired and maybe some other people, but why we need to have this specific meeting today and tomorrow? Do we have a deadline for the ICANN 58 in Copenhagen or we don't have a deadline? Because we are very busy to prepare ourselves for that meeting. There are considerable amount of documents to address. Thank you.

Avri Doria: Okay, thank you. We have a three-hour session that's basically going to once again talk through these questions and focus on some of the particular issues. So we wanted to make sure with two readings that we had basically gone through that process before publishing that for the meeting.

So we're really just trying to end - we had discussion on it, about trying to move our work forward and basically do our best to have reviewed all the questions before opening them up to the wider community.

We're still not going to start the - the CCT review until after the meeting so that there will be time to touch up anything, but that was the reason, so that we've got something that we're fairly confident of going into the Copenhagen discussions. Hopefully that answers the question.

Kavouss Arasteh: Yes, thank you.

Avri Doria: We are now five minutes over. Okay we're now five minutes over, so seeing no other hands, seeing no other questions, I thank you all for your patience and for your participation, and I'll see you tomorrow. Thanks.

Man: Thank you.

Woman: Thanks Avri. Thanks Jeff. Bye.

Avri Doria: Bye-bye.

END