

**ICANN Transcription
New gTLD Subsequent Procedures WG Call
Monday 09 May 2016 at 1600 UTC**

Note: The following is the output of transcribing from an audio recording of New gTLD Subsequent Procedures WG call on the Monday 09 May 2016 at 16:00 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.

The audio is also available at:

<http://audio.icann.org/gnso/gnso-new-gtld-subsequent-09may16-en.mp3>

Coordinator: (Unintelligible) participants, the recordings have started.

Michelle DeSmyter: Great, thanks (Marie). Good morning, good afternoon, good evening.
Welcome to the New gTLD Subsequent Procedures Working Group call on the 9th of May, 2016 at 1600 UTC.

In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room. So if you're only on the audio bridge, please let yourself be known now.

All right, thank you. I'd like to also remind you all to please state your name before speaking for transcription purposes and to also please keep your phones and microphones on mute when not speaking to avoid any background noise. Steve, you may begin.

Steve Coates: Thanks Michelle. This is Steve Coates. I'll be leading the call today. So let's start right into the agenda review. First up, agenda review. Second, roll call and statements of interest update. Three, review of action items. You'll see the link on the proposed agenda to the right of the chat room.

Number 4, subject discussion. We'll continue discussion on our topic on pros and cons starting with community engagement with Avri, which Avri will lead us in that discussion.

And Number 5, subject discussions to application submission limits, which Jeff Neuman will lead. And then finally any other business. Great Susan Payne, thank you.

Second on the proposed agenda is roll call. Anyone else who's just dialed in who needs to be included in the tally for today? Hearing none, I'm just going to remind everyone if they've made any employment changes or any changes to their constituency or participation at ICANN to please remember to update your statements of interest with the GNSO. Good.

Number 3, review of action items. (Julie) or Steve, are you able to put those up on the chat room by any chance?

Steve Chan: Hi Steve. This is Steve Chan from staff. I can work on that. I know that what I expected (unintelligible) last time was really just (unintelligible).

Steve Coates: Right.

Steve Chan: But it seemed to export correctly. It removed a couple of the columns from the end. One is the status and then also the date that's resolved. Still there, but as you can see, it's missing a couple columns.

Steve Coates: I am going to - I'll go through the main items through the hyperlink myself. So I'm going to go off chat and just look through the main open items. Are you at least enabled to scroll for the folks who can't visit the hyperlink directly? The answer may be no.

Steve Chan: Hey Steve, it should be in sync right now.

Steve Coates: Excellent. Thank you sir. So I'm only going to touch the open agenda items, action items available on the hyperlink. And I'm going to skip down the first couple and go right to Number 12 on the list. And that is the action item that's gone initially to the SO/ACs on the overarching issues.

I believe this is in part directly related to Item 16, which is also open. And Steve had just circulated I think about ten minutes ago our draft letter to the individual SO/ACs, (FGs) and (Cs) to provide their advice and statements from the 2012 round.

So please review that letter and let us know if you have any comments, questions, or concerns. Steve, do you have anything to add to that? Thank you for taking the lead on drafting that.

Steve Chan: Sure, just a couple quick comments. This is Steve Chan from staff again. Apologies first of all for sending it late, but the letter is pretty straightforward, so hopefully there aren't any objections to it. And I would propose maybe we try to seek comment from working group members by this Wednesday if there's no discussion on this call. Just a suggestion from staff.

If people feel like they need more time, that's fine. But just I think there's value in trying to get this out as soon as possible and to ensure it's seen separately from (CC1).

So my proposal from the staff side is hopefully we can seek comment by let's say Wednesday at the latest. And I would certainly welcome any input from the co-chairs if there's a difference of opinion. Thanks.

Steve Coates: Thanks Steve. This is Steve Coates. I agree with that approach, and I think some additional - once this letter goes out, some additional outreach to your various groups would probably be helpful.

And also note that while this isn't the appropriate time to participate in sort of new issues, I think the inevitable question will come up of where prior advice may not be - there may not be consensus in the various groups on prior advice, given that we're now in the middle of round one.

Steve Chan: Steve, Avri has her hand up.

Steve Coates: Avri please, thank you.

Avri Doria: Yes hi, this is Avri speaking. I just wanted to add to first of all agree with Steve Chan's recommendation to get comments in on the letter by Wednesday because I think it's really important that we get it out before the end of this week because we want to be able to have time to make sure we've got all these things before we send out the request for the first community comment.

So that's part of the reason of pushing this. So I'd like to try and see us push this note out by the end of the week. Thanks.

And yes, on Steve saying we have to make sure that this is collecting the old advice that was given on round one. It is not yet to be created advice. It's basically to collect all of those old issues. Thank you.

Steve Coates: Thank you Avri. I'm going to move down to Number 19 on that list – liaison to review for all rights protection mechanisms and all gTLDs/PDP working group. I believe we're still seeking a volunteer for the liaison for that. And then we'll also be looking for a liaison for the CCT. Susan Payne, I see your hand raised. Please.

Susan Payne: Yes, sorry. Actually on the letter just a quick comment. And it may be addressed in the letter. I haven't had time to read it closely but it didn't look as though it was.

In relation to GAC advice, I think given that that in particular has a special status if it's former GAC consensus advice, could we specifically identify or rather ask them when responding to identify if the advice that they're referring to was GAC consensus advice as opposed to, you know, something that may have come from, you know, that was not consensus advice or was a recommendation or something that came out of their working group or something of the like.

Steve Coates: That's a fair point. I think at this point we're still just focused on gathering that information. But I see your point about what that means by GAC advice. That response will make clear the status of the advice (referred to). Hear me?

Alan Greenberg: Whoever's talking your voice is very, very faint and sometimes gone completely.

Steve Coates: I'm so sorry. I will shout.

Susan Payne: Okay I can hear you.

Steve Coates: You can hear me now?

Man: Yes.

Steve Coates: All right so the last question was in essence what's GAC advice for this purpose. Am I restating the question Susan Payne along those lines?

Susan Payne: Yes. Perfect, just to be clear. And I think (Tom) put in the chat that he is intending that they would do that.

Steve Coates: Yes I think that's the only answer I have. If anyone else has anything else to chime in on that particular issue... Seeing nothing I'll move back to the agenda list.

Number 20 is timing of the calls. And as (Cheryl) noted in the chat earlier - am I loud enough? I'm shouting. As (Cheryl) noted earlier, everyone is sharing the pain. I think some of us are sharing more than others. And we're going to - Steve has been very good at preparing some studies and to where everyone is located geographically and what is the best time.

And I think that there is going to be no perfect answer but we're going to circle back shortly with better times. Jeff I see your hand raised.

Jeff Neuman: Yes sorry. This is Jeff Neuman. I think what we decided to do is we're going to add a third time in the rotation. So right now we meet at 1600 UTC, 2200 UTC and I think we're going to add a 1300 UTC. So I'll apologize to the people on the West Coast of the United States. But we're going to add that in.

So Steve Chan, can you just reiterate when that - so I think this week is 1600. Next week will be 2200. The following week will be 1300. And we're going to try that rotation a couple times and then that will enable us to evaluate by Helsinki. We'll be able to talk about those three times. Steve Chan can you correct me if I'm right or wrong on that one?

Steve Chan: Hi Jeff. This is Steve Chan from staff, and you got that right. So the specific day where we would have that 1300 UTC time for the very first time would be the 23rd of May.

I actually had one quick point on the letter actually if no one minds bringing that up real quick. Tom Dale had asked for a reasonable deadline, when we would expect that SO and AC feedback. And I believe for things like this we usually allow for something in the order of 35 days for outreach activities. So I guess my proposal would be 35 days. Thank you.

Steve Coates: And that would put us right about Helsinki if my math is correct. Steve do you still have your hand up or is that an old hand? Old hand.

All right moving on the agenda, Item 22, drafting team to develop constituency comment. I believe that constituency comment is still in process. Anyone have any comments to add to that particular agenda?

Seeing none, finally subject reviews PDP. And this is the item that we will be continuing on under Number 4. Avri are you ready to start community engagement? Oh, Steve's got his hand raised. Please Steve.

Steve Chan: Thanks Steve. This is Steve Chan again from staff. I just want to touch on a couple of other items in the action items list real quick before we move on. The first is on Item 17 about a Word version of the (AGV). I didn't actually put it in a Google doc but that's available. If you go to the action items list, there's a link to where that's stored on our Wiki. So I marked that one as complete.

Line 21 about the CCTRT and the (CDT) working Group leadership coordination calls, those are actually scheduled on a recurring basis approximately every three weeks or so. So that one's also complete. So I just want to note that a couple other items are actually complete. Thanks.

Steve Coates: Thank you Steve. I'm going to turn it over to Avri for Agenda Item 4, subject discussion on community engagement.

Avri Doria: Thank you. This is Avri. And yes, it's always good to include the completed action items for me here, so thanks Steve for doing that.

Okay so this next topic is community engagement. And as they had done before, Steve prepared – I guess it was Steve – prepared an excerpt from the final issues report on that subject. So I'd like to start off by asking him to give us a quick talk-through of this particular issue. Thanks Steve.

Steve Chan: Thank you Avri. This is Steve Chan again from staff. So this particular subject, it's 4.2.4, community engagement. And as far as we determine on

the staff side, it didn't seem to be related to any policy recommendations. But at least from our perspective we connected it to predictability in a way.

So we thought it kind of went hand in hand with the predictability subject, as in - so if you enhance community engagement, you're likely to run into less issues down the road where perhaps a constituency didn't realize what was happening in the process. So by increasing the community engagement, you also increase your predictability conceivably.

So the couple of items that the discussion group had identified as specific examples of where additional community engagement may have helped were related to GAC advice. So where in the applicant guidebook it was actually described to be in regards to a single application. But in the GAC staging communicate it ended up being in regards to groupings of application types or sectors.

So to some in the discussion group it appeared there was a disconnect between what was expected from the applicant guidebook and what was actually delivered in the GAC communicate.

The other example that came up was related to name collisions, which was in fact actually identified by the security and stability advisory committee or the SSAC in 2010, which was actually well before the program launch in 2012.

So the concepts to name collision was brought up by the community but it wasn't actually integrated into the new gTLD program. And it was really only in March of 2013 where there was another SSAC advisory and the topic of name collisions was actually addressed more head on.

So these two examples, community engagement may not be completely avoided. It may not completely remove the chance for post-launch issues, but it provides a better chance of them being avoided. It's a good goal for the working group to seek to re-engagement as much as they possibly can.

So the discussion group did not anticipate this subject requiring policy development necessarily. And so the final issue report noted that there are a number of things now in place that perhaps didn't exist to the degree it does now that are expected to encourage community engagement.

And so those would include outreach, the SO and ACs, and the stakeholder groups and the constituencies. That's actually dictated by the GNSO PDP manual. And that's actually where (CC1) is coming from.

There's also liaison between the groups now – GNSO to the GACs; ALAC (introduced) GCNSO) to the GNSO. And of course the PDP process is open and transparent, so really anyone can participate.

So there's things in place, and so while the discussion group didn't anticipate the need for policy development necessarily, the working group may want to seek ways to enhance meeting engagement to ensure the final outcome is more predictable and doesn't end up in hopefully changes after policy adoption and implementation by staff.

So I'll actually hand it over to Avri and this topic may not be conducive to pros and cons but I don't think we have a whole lot of people arguing against community engagement being a good thing. But back to you Avri for you to lead the discussion.

Avri Doria: Thank you. This is Avri again. First of all in terms of including this in the (CC1) that we're working on, I do think it's a section but it may actually be as, you know, part of an earlier part where we talk about what the working group is doing and ask perhaps is this enough, is there anything we're overlooking.

I would like to mention, you know, things to think about in terms of the SSAC coming out in 2010. That is true. But that was after the policy decisions of 2007 and even after the board approval of the policy contingent on

implementation. So something could have been done before (AGB) but certainly not before the policy recommendation.

Now these days that would not be as much in our mission because we do have the expedited PDP process that has been created since then which allows a topic that had not been discussed in the PDP but was obviously within scope of the PDP to basically get back into PD mode much more quickly.

There's also the implementation review team at the time that's able to help and identify issues if they're not quite as big and glaring perhaps as collision or RPM or what have you and just notice when there is need. So there are in addition - so I think that this part that we put in the (CC1) – the constituency comments, the first part – should include a discussion of all of that.

And basically I think describing what we're doing and asking if there's more that we should be doing is a question I would suggest we put in there.

But I'd also like to ask the group now whether anyone does have any notion of things that perhaps would belong in a final report that relate to that, for example something calling out the implementation review team, something calling out the use of expediting or specifically mentioning the use of expedited PDP for anything that isn't answered in the scope.

So indeed there may be some further, you know, post-PDP policy considerations that we'll want to add into a process consideration that we'll want to add into the ultimate report.

But I'd like to ask – I have to move the (unintelligible) in front of the hand. Oh I can't move it. Who can move the box, the notes box, so it's not in front of hands? Thank you. So I can see hands.

So basically I'd like to know if there's anyone that would like to add something to this. It will tell us what we're missing in terms of directly related to the policy process. Or is this otherwise - have we covered it? And we just need to write it and get it reviewed. Anybody? Is no one wanting to add to it? Okay, thank you. I see Jeff.

Jeff Neuman: Thanks, this is Jeff Neuman. I guess just to try to stir some discussion and/or controversy or whatever. So obviously it's a good thing. We all think it's a good thing for the community to become engaged. But is there a time in the process where we say okay the guidebook or whatever it's called is the RFP; it's out; people have applied?

Is there a time where we say no more? We shut it down for that particular - I'll call it, let's say it is a round - for that particular set of applications, that application window. And then community engagement would only affect the next subsequent window.

So I think one of the issues we face is to the extent we get more and more community engagement, especially after the policy process has ended, how do we prevent delays and other issues that we have in this last go-around?

So I guess my question is, is there a point in which we need to stop community engagement until a subsequent, a better opportunity to address? Again, throwing that out there as just a discussion point.

Avri Doria: This is Avri. I actually put myself in the queue rights for after you even though it was going to come back to me anyway. And I think that's because I wanted to - I think that there's no way for us to say no, never because we cannot predict exigent circumstances and all those exogenous factors that, you know, might hit something.

But I think that's part of what we tried to express in an expedited PDP possibility of saying that if something does come up, that it can't just be

decided by the board or by the staff in terms of how to handle it. But it's something that needs to be important enough that needs to come back to a policy process.

And hopefully that becomes sort of a barrier and such. But I think it would be very difficult in a PDP to say after a year there are no more, but we could try. Jeff I see your hand up again.

Jeff Neuman: Yes, thanks. So I agree with that notion, although could we put some sort of verb like it really has to - I hear what you're saying on the expedited PDP that's kind of built in.

But, you know, is there something we could - any advice we can issue to the board to say look, unless it rises to this standard - whatever this is, and I'm not, you know, smart enough to say what that standard is at this point - unless it rises to that standard, this really should just stay as is in the process and continue to finish because I think we have a number of things.

And even now to date there are a number of people that are taking advantage of all the processes in place, and we're years into it, and there's still delay after delay with certain applications and certain things that are going on. So I'm just thinking is there some sort of burden or something standard we should establish?

Otherwise we could just be encouraging community engagement for new issues or even rehashing old issues in perpetuity.

Avri Doria: Okay, thanks. I think that can be added as a question in the write-up asking whether that is an issue that, you know, that there are recommendations on and that we should take up later in our process of adding such a recommendation and such a set of criteria for new issues and length of time.

So certainly, you know, we should add that to the list of discussion length and see what people say. Any other comments on that issue? Any other comments on this issue in general? I see none. So we'll come back to this in the second read fashion at the next meeting, but I guess I'll call this issue closed for this meeting and pass it back to Steve. Thank you.

Steve Coates: Thank you Avri. Moving on to Agenda Number 5, subject discussion on the application submission limit. I will pass it back on to Jeff. Thank you for leading that topic.

Jeff Neuman: Okay, thanks. And then I will - yes, okay good, Steve or (Julie) is putting on the - what's in the final issue report. But this issue essentially is whether there should be any limits on the number of applications for TLDs or ultimately number of TLDs a party can have. So Steve you want to start with a quick explanation and then – from my issue report – and then I'll take it from there? Steve Chan that is.

Steve Chan: Sure. Thanks Jeff. This is Steve Chan from staff again. If you scroll through this excerpt you can see it's pretty short, as was the last one. So starting from the beginning staff didn't see any linkage to any recommendations that would limit the number of applications from a single applicant. And as such there was no such limit in the 2012 round. So there was no policy and there was nothing of that nature within the 2012 round.

In terms of issues raised by the discussion group, they noted that allowing unlimited applications from any applicant can make it more difficult for applicants with limited funding to compete. So interestingly, it allows for more competition for valuable strings.

So while the new gTLD program is intended to promote competition, and in some cases perhaps it can be problematic when there's so much competition that certain applicants are less able to compete for that string. And so that's perhaps also impacted by the resolution of – or the method of last resort for

resolving string attention which was auctions. So again it's benefitting applicants potentially with the deepest pockets.

So the discussion group noted that when contemplating the prospect of application limits, there are some things that should be taken into (unintelligible). Some could be related to fairness. Someone brought up the possibility of anti-trust implications for ICANN and restricting competition for scarce resource.

Another question that was raised is what is a really reasonable limit for - of applications from a single applicant. And then another concern related to the actual implementation of this potential method is that a number of companies when applying in 2012 (round), there was the use of shell companies and consultants.

So there's a question of whether it's even feasible to restrict applications from a quote/unquote "single applicant."

The discussion group also suggested that limits could possibly be introduced after applications are submitted. For instance, after string contention sets are established, applicants would have to prioritize which strings they wanted to compete for.

So application submission limits were looked at two ways. One was when applying and then perhaps after string contention is determined. And then you'd have to make your priority call. That was it in terms of issues raised by the discussion group.

But as I said there's no existing policy recommendations related to this topic. So if the working group were to seek to develop limits in some form, then new policy development would likely be warranted. And with that, I guess that's a pretty short topic, so I'll hand it back over to Jeff. Thanks.

Jeff Neuman: Sure, thanks Steve. And just a little bit more in the way of background, I did some kind of calculations I guess it was two weeks ago. So these numbers may be a little bit out of date, but initially Donuts, they were the top applicant. They applied for 307 strings. They currently have I believe about 195 around top GLDs that have launched as registries.

There are still some applications that are remaining. It's only six or seven of them. The second highest applicant was Google which applied for 101. They pretty quickly dropped down to 98 after withdrawing 3. They currently have 46 registries or 45, 46 registries.

Amazon was number three with 76 applications. They have somewhere around 50 registries that have - they have contracts for or that are delegated. The fourth one is Famous Four media that had 60 applications. They have 17 registries at this point and Uniregistry is fifth with - they had 54 applications and around 23 registries at this point.

So that's similar at least in my informal research. As far as the top five applications there were some. Rightside had 39 initial - or sorry, Rightside had 29 applications but has since inherited some registries.

You had Minds + Machines had 37 applications, have somewhere around 20, mid-20s in terms of registries. (Unintelligible) with a bunch of registries, Verisign, Lifestyle Domain Holdings. So that pretty much rounds out sort of the top ten.

So at the time that, you know, Donuts had submitted 307 applications there was some discussion about whether too many - whether there should be limits. But obviously you couldn't go back in the middle of a round and say - or after the application to say you applied too much.

So the question I have is should there be - or we have - should there be application limits? If so, how do you measure that? How do you enforce that?

Are there ways around that? Or is this something that, you know, is not really enforceable? Would love to hear some thoughts, some pros and cons.

Maybe we start with that way as to, you know, what are the pros of having limits on applications? Can anyone think of any pros of why we should have limits? Okay Susan Payne, (team).

Susan Payne: Yes I suppose a pro might be that you would – if you were dealing in rounds of course – you would get through the rounds more quickly. You know, I don't think anyone expected that there would be the numbers who'd applied for this type of round and so, you know, all of (unintelligible) that the applicants have to go through have been slower and risk, you know, there's been a great requirement for staff on ICANN side.

They perhaps haven't been able to deal with things so quickly or things have got held up. So I think if you have limits of numbers, you potentially would be speedier.

Jeff Neuman: So just to clarify, you're talking about overall limits for the number of applications or limits per applicant?

Susan Payne: Well I suppose it's really an overall limit. But I guess flowing from that, you know, if you're going to set an overall limit, you probably would also want to limit the numbers per applicant because otherwise you could - you know, you could get some unfairness.

Jeff Neuman: Okay. And any ideas on how you would do that, like what kind of methodology you could use in order to create those limits? Susan Payne can you...?

Susan Payne: I give it - so I got to put my hand down.

Jeff Neuman: Okay. So there's really two questions here then – limits on overall applications and limits per applicant. So let's address both of those. So why don't we separate it out? Susan Payne's comment was on the limit of overall applications. Alan, you're next.

Alan Greenberg: Thank you. Are you still looking for pros or are you opening the conversation?

Jeff Neuman: I'm right now opening it up to whoever wants to...

Alan Greenberg: Okay.

Jeff Neuman: ...give a comment.

Alan Greenberg: Given that the whole concept of new gTLDs started off after the very first rounds in the early 2000s, this round that we have now partially completed started off with the premise of let the open markets, let the free market reign. And, you know, the market will do the right things.

We certainly backed down on that on a number of areas where various restrictions were put in. I find it rather hard – as pleasing as it might be on a personal level with regard to some companies – I find it rather hard to justify how we could put a limit on that, on the number of applications.

And I find it hard to comprehend how we could actually enforce that, given the multiple ways that companies and organizations could handle their applications. Thank you.

Jeff Neuman: Thanks Alan. Let me pose another question as I wait for other hands to come up. I mean, could you put a limit on the number of applications for a specific window but then carry over anything above and beyond to the next window to maybe make it faster processing time? Is that another way to do limits? Anyone have any thoughts? All right I'm going to chat now. Oh, okay, Samantha Demetriou and then (Greg).

Samantha Demetriou: Hi Jeff, thanks. This is Samantha Demetriou for the transcript. I think that the suggestion of having excess applications roll over creates additional complexities in terms of where do you draw the line and how do you determine who gets in the first round versus who gets rolled over? So I'll just throw that out there as a potential point of complexity.

And then as another potential pro of having limits – and I will caveat this by saying that this isn't necessarily what I believe – but I could see the argument being made that if the idea is to foster additional competition and diversity in the space, then allowing unlimited applications potentially to an individual organization potentially creates the ability for monopolies like highly funded organizations to really corner the marketplace and choke out smaller applications, or smaller applicants I should say.

So again, not saying that's what I believe, but I could see it as a potential pro of limiting it. That said, I don't know how you would go about limiting individual applicants.

Jeff Neuman: All right, some good points. Thanks Samantha Demetriou. We'll go on to Greg.

Greg Shatan: It's Greg Shatan for the record. I'm also concerned about the idea of the rollover suggestion you just put forward. While it's an interesting one for discussion, but I think it adds to the possibilities of gaming, hoarding and speculating and the idea that you could kind of lock up a potential, you know, kind of get an application in line.

Of course, then, you know, it becomes a public - it'll become publicly known, which is a whole other issue with the black box reveal process we had in the most recent round. Then somebody else could at least come in and would they compete on an equal basis in the rollover round or would there somehow be an advantage?

I think overall, you know, that it's an interesting idea for discussion but not one I would want to pursue. I think limits overall to the extent this is again supposed to be about, you know, bringing innovation to market and not creating new speculative real estate makes some sense.

But in terms of trying to foster competition, the limits would have to be really low, which I think, you know, don't make sense and it's probably not the right tool. For instance, in the automotive industry, three out of the four domains that are sensibly could be thought of are owned by the same company, and the fourth is being used as a quasi-closed generic.

So it doesn't take a lot of domains to corner a market. So again I think limits are not the tool to use there. It becomes kind of a value judgment about what we're trying to do here with creating, you know, open numbers of new gTLDs with, you know, limits tend to raise I think more concerns than they resolve. Thanks.

Jeff Neuman: Okay thanks Greg. And by the way just when I come up with these kind of discussion points and questions it's really just to get discussion. It's not necessarily that I subscribe to them or believe them. So I'm just trying to get - - and I'm glad as accomplice to discussion part. So I will continue to throw out some controversial subjects just because I think it helps with discussion.

I want to go back to the chat from the subject. I see (Curt) says well once you form an opinion on this issue it's outdated. This discussion should have been prefaced by a brief illustration of statistics – how many flags or how many...

(Curt) are there specific - I don't know if that was older before I mentioned some of the application numbers. But if you could let us know what data would be helpful. There's many ways we could slice and dice it but particularly what data you'd find helpful in this. Trying to jump down here.

(Vanda) says no limit in her opinion. Avri says if we put a limit we're going to create several applicants to get around the limits. (Donna) says any limit seems to me anti-competitive. (Robin) right, we need to create a new and different legal entity. (Donna) says the application fee could impact the numbers.

(Danny) (Unintelligible) demonstrating the usage of a gTLD within specified time frame or in just having a landing page. Christa Taylor reduces the pros, reducing the risk - or having limits, reducing the risk of gaming. And Christa Taylor says its con is reducing competition.

There's a lot of comments in here. I don't know if I should continue to read all of them. And see if there's any - some new ones that - Amr says I'm concerned that limits to the number of applications or time to apply, they favor those who are closely following the process as opposed to others who may require outreach.

I think that's a good point that we haven't talked about yet. And then (Robin) agrees: "I don't think limits are a good idea." Avri says that's a pro. Where possible might be that limits might keep the application speed down.

Amr says, "Also I wonder if setting any sort of limits will affect how and when applicant support is implemented, assuming any form of applicant support is actually implemented. Steve Coats says, "I see fees as being a more complicated issue where higher fees create separate benefits and drawbacks."

Christa says that a con could be stifling competition, which is an affirmation of commitments principle. Laura Hutchison says (plus one) to Samantha Demetriou on limits having complexity and uncertainty. There are some agreements on gaming.

Amr says, "I think I was confused on what was being suggested as limiting the number. Are we talking about limiting the number of applications per applicant or the total number of applications?"

And the answer Amr I think is - well both I think is what we can be talking about. I think it got brought up in two different ways.

So let's see. Avri says, "The same caveat about just threw out idea applies to the things I..." Oh, sorry. That was on the questions. (Martin) says...

Avri Doria: Tripped over my typos, sorry.

Jeff Neuman: That's okay. Martin says, "If the application fee – Martin Sutton – is reduced, which is likely based on surplus throughout the (unintelligible) then multiple applications are much more likely from a single applicant.

Greg said, "Jeff, understood you were just putting that out for discussion."
Amr says, "Fair enough, thanks."

And then (Curt): "So we all know the top five or so. We should look at the long tail too. How many applied for one, two or three? What were the auction results? Who was the general victor? Then we could actually confirm that the round did encourage wider involvement in the DNS and the application process followed economic rules that operated pre-market. So these would be good results that would support an open, unlimited round."

So (Curt) I think some of those are (good stats). We can pull that together. And then the different companies have pulled different things together. So perhaps we can pull that for the next call. I have some of that data and I know others do.

Tom Dale said, "I agree with (Curt). Should not the starting point of any policy discussion be whether specific problems have been identified? Problem with

data for the current round with regard to who applied for how many.” So we can get that data.

I think that’s important but I’m not sure - but we’ll try to get that data for the next discussion. But we do know the top ten applicants. We know how many they applied for and how many they have now. So we’re just trying to get an understanding of what issues are out there.

But let me throw it back out there. Have there been any problems that people have noticed because of the number of applications that were submitted in total or the number of applications that were submitted by one applicant? I’ll throw that out for discussion. Some people may be writing. Give a second for people to do the chat. All right, it says lots of people are typing but I’m not seeing anything.

Avri Doria: They could be hearing more voices. This is Avri.

Jeff Neuman: Anybody want to jump in the queue? All right, Susan Payne thanks for breaking the silence.

Susan Payne: Okay well I guess I do think that there have been some problems with the total number of applicants, which theoretically might have been helped by having a limit. This is not to say that I can’t also see all of the causes. Don’t get me wrong.

But I think in terms of things like the timing, you know, just the lack of expectation that there would be that many. You know, it has led to this whole process of taking a lot longer than anyone ever anticipated so that, you know, there was a time scale for how long it would take ICANN - you know, how long evaluation would take and how long it would take before everyone has got the delegation and so on. And all of those steps were missed.

And some of them were missed for other reasons of course, but a lot of it was due to the fact that, you know, it took many more months longer than anyone thought it would. Even just review all of the applications and put them through initial evaluation for example.

You know, there are (knock-on) impacts to something taking an applicant a lot longer than they expected it to. You know, if you were expecting you'd be going live by the end of, you know, 2012, mid-2013 and you haven't actually gone live until 2016, that has lots of (knock-on) implications. So I do think - yes, I think that has been an impact of the number of applicants.

Jeff Neuman: Thanks Susan Payne. Does anybody else have any other comments on the total number of applications either overall or by applicants? And I'm looking at the chat saying it is much more cost effective to apply for multiple applications. That's by Phil Buckingham.

And (Vanda) says, "I agree with Phil here." And then (Vanda) supports Susan Payne's arguments.

So assuming that - let's pretend that we have limits. What would be the basis of - how would we create these limits? Does anyone have any idea of how we would create the limits or, you know, what criteria we could use to create limits? Are the limits set out in advance?

Okay, not seeing anyone, let me go back to the chat. (Robin) says, "I don't think there should be a penalty for applying for multiple applications." (Donna) says, "(Unintelligible) I agree with Susan Payne. I think there were some significant events that slowed things down - plural versus singular, name collision." (Vanda) says time I believe for applications. Okay I'll jump to Alan.

Alan Greenberg: Thank you. Just one other thing to consider as we're having this discussion. I think (Donna) or someone said, you know, higher application fees could limit the number of applications.

One of the principles last time is there should be a cost recovery process. And the first round was supposed to cover the development costs of the program, which we have been told it did. So the costs this time are going to be significantly lower. And that's something to keep in mind as we try to analyze the - you know, how many there will be and whether they'll be grouped or not.

So I have no clue how much lower because I don't know how much the 185 was covering development costs. But it's something to factor in. Thank you.

Jeff Neuman: Thanks Alan. I think at some point we'll get an accounting of how much the 185, you know, how much of that was good budgeting or too conservative or cautious on contingency fees and stuff like that. So at some point we should be getting that. And I know ICANN periodically publishes reports.

But again the question has come up as so what is the problem that we're trying to fix? (Laura) says it. Tom Dale said it as well. So we have from Susan Payne that one of the problems was having too many applications overall or it definitely slowed things down a considerable amount.

Are there any other problems caused by too many applications? Just from a policy perspective. There are others looking at how many TLDs could be added to the root from the technical perspective, security and stability. But from a policy perspective, are there any other problems with too many applications?

I see (team) people post on the costs which are a whole separate issue. (Vanda) says time was the limit the last round. I guess that means having 90 days to apply was a limit in and of itself.

Steve Coates just posted a whole bunch of figures of the process. Anybody else have any comments? So obviously this is just the first reading of this issue. We should continue discussion on e-mail.

And again I'd like to stick with the limits as opposed to the pricing. I think pricing does come up in a later track, and we'll have to get some more figures that was posted, just some data on it. So we definitely need some more of the data as an action item from who applied, how many, auction results, things like that, at least to date. So we have that as an action item.

But again, I know the community has posed this question in the - as one that we need to address so we should be able to thoroughly describe the pros and the cons and then put this out as a question for the community to weigh in on so that we can evaluate it.

Any other questions or comments on the subject? See there's still some chat. The drafting group noted that reducing the number of applications from applicants could conceivably reduce demand for (scarce) resource.

Okay. All right, I think with that, Steve Coates I'm going to turn it back over to you for any other business.

Steve Coates: And that's it. Can I have a call for any other business? Seeing no hands and no one in chat, I don't think we anticipated ending this early. Seeing none, I'm going to call for the end of the meeting. I think we can go home early. Thank you all for joining us.

Jeff Neuman: Thanks everyone.

Woman: Go home? Three a.m.

Woman: (Unintelligible)

Steve Coates: Three a.m. isn't very early indeed.

Woman: A half hour sleep.

Woman: Yes that sleep thing. Yeah, right. I'll try that some time Avri. Bye everyone.

Man: Good night (Cheryl).

Man: Bye.

Woman: Bye-bye.

Woman: Thank you. Today's meeting has been adjourned.

END