

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group call
Monday, 14 May 2018 at 22:00 UTC**

Note: 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: <https://audio.icann.org/gnso/gnso-new-gtld-subsequent-14may18-en.mp3> Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/WAwFBQ>

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Coordinator: The recording has started. You may begin.

Julie Bisland: Great. Thank you. Well good morning, good afternoon and good evening everyone. And welcome to the New gTLD Subsequent Procedures Working Group call on Monday, the 14th of May, 2018. In the interest of time, there will be no roll call. Attendance will be taken via the WebEx room. If you're only on the audio bridge would you please let yourself be known now? And I don't see anybody.

I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll turn it back over to you, Cheryl. Thank you.

Cheryl Langdon-Orr: Thanks very much, Julie. Cheryl Langdon-Orr for the record. And for those of you in WebEx, you'll see the agenda that was distributed a few days ago by staff, three days ago in addition to a couple of reminders on the screen, which we'll go over now. But regarding apologies, we are aware that we have a number of people traveling to Vancouver at the moment. There's certainly Jeff who has joined us albeit perhaps briefly. He's literally on the

flight that was held up from Chicago and so he may lose connection as he travels over international lines, but welcome, Jeff, we'll note you - if you disappear we'll note your partial apology.

But there are other people on the planes with him that we need to note in the apologies including Rubens, Phil Corwin and Keith Drazek. Jim is already listed but if there's anyone else who's on the plane, let us know in chat, Jeff and we'll add those to the apologies list because certainly above and beyond the call of duty for you to be on the line.

With that, I would like to remind everybody that whilst we're still forced to use this less than ideal tool, WebEx, you must ensure that when you are in chat mode and I'd encourage you to use chat mode at your leisure, do make sure you're sending to all participants, all participants is the only way that the panelists, yourself, and the rest of the 80 or so attendees that are currently on the call, will be able to see what you are chatting.

Please also mute your microphones. To do that in WebEx, as Julie said, it should be red, not gray; gray means the microphone is open, and if you're on a phone please use your mute abilities on your phone to do so so we minimize background noise.

With today because I'll be leading the call to the best of my limited abilities without Jeff, I will advance apologize for the fact that you will hear dogs barking and birds tweeting but that's just a morning in Australia where I live. Nothing I can do about that.

With that I also wanted to ask if there is anyone who wishes to make a change or update to their statement of interest. Not seeing anyone in chat or hearing anyone on audio, we'll assume that all of that is suitably up to date and we will now move onto asking if there's anybody who is unclear on our plans for the agenda today.

And I'm going to remind you all that as put out in the draft or proposed agenda by staff three days ago, and as you can see on the screen in the WebEx today, the purpose of what we are doing here, and Jeff and I have, we hope, made this clear at a number of meetings but we always reiterate it at the top of today's call, the purpose of what we are meeting and our plenary is that we are reviewing our documentation to ensure that what we had in our initial report, the preliminary outcomes and the current thinking of the work tracks is a true and reasonably accurate reflection of the deliberations and the agreed outcomes.

In other words, we are to quote the report, "The purpose of this review is to ensure that preliminary outcomes and deliberations are accurately captured and written in an understandable manner." So we're not, as we've said before, intending to reopen substantive discussion. You will of course have that opportunity in the upcoming public comment period to delve into that, but more importantly we can also delve into that in the post public comment period. So with a clear eye on the purpose of our exercise, we're also going to implement a couple of administration changes to this and all future calls.

We are aware that many people have deeply held views on a number of issues and we appreciate that. But what we do want to make sure is that as we go through this document that everyone has a good chance to make proposals and suggestions and make any interventions. So we do not have a timer ability in the WebEx that we are running. When we get back to Adobe we will run a three or two-minute timer. But what we're asking you today to do and in all future calls, is to please limit your initial interventions on any specific part of what we're doing down to two minutes, please.

If you go over the world isn't going to end but we will encourage you to stop shortly after two minutes. And please, if you're making a second intervention on the same matter, try and keep it to well under two minutes, preferably around the 60-90 second line. So with that hopefully we'll get through a lot of what we've got planned today which is to continue reviewing Section 1 in the

document. You've had a good follow through. We're going to be looking at Section 1.6 today I believe if memory serves. And we are going to - which is application queuing, we're then, hopefully if time is permitting, going to move onto some of the other sections, which were attached to your agenda. We're hoping to get into Section 1.10, which is contracting, and if time permits, 1.11.

I'll also draw your attention to link to the wiki where you can see all of the parts of the report and sections that we've covered. All those parts of the report have been released and sections we've covered. And I will also note that attached to your agenda was Section 1.5, 1.6, 1.10, 1.11 and that was in both Word and PDF format which hopefully means all of you are able to have had that reviewed and hopefully even opened in a second screen, because as you know, we are somewhat limited in this screen today. Is there anybody who wishes to make any comments about what we are doing today and how we're doing it? Not hearing anybody then let's get onto it.

You'll see on the screen in front of you we've now - it's can we just draw back? We seem to be in the middle of a section rather than at the beginning of our Section 1.6 or is that just what I'm seeing? I'm seeing a collection data on the number of users and domain names registered.

Steve Chan: Hi, Cheryl. This is Steve Chan from staff. I believe we're in the middle of Section 1.5. I can move to that section right now but I believe it is Page 14 and we'll be starting with applicant support.

Cheryl Langdon-Orr: Okay. Okay, so I thought we'd actually got through that but that was possibly wishful thinking on my part. All right, let's dive in and helps if the screen shows where we're up to, that does make (unintelligible). So if we're - if you're not looking at the screen you need to be in Page 14 apparently of the report and here we are now going to - can I ask which of the work track leaders is going to jump in here? We've got - have we got Robin on the call? I know we've got Karen on the call.

Christa Taylor: Hi, Cheryl. This is Christa. I'm here as well.

Cheryl Langdon-Orr: Fantastic, Christa, that's great. If we have any particular questions and clarification points I want to go back to the work track leads, that's all. Thanks. It would be nice if we could see (unintelligible) more easily but that's somewhat limited. Okay, right, so jumping into applicant support, and applicant support is of course something that a number of community within ICANN - communities within ICANN are very interested in.

On the screen you'll see what we are saying in Sections A and B, at Section A referring to the guidelines out of the initial report, which is implementation guideline B, which states the following: "Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants."

And the implementation guideline N, which states, "ICANN may put in place a fee reduction scheme for gTLD applicants from economies classified by the UN as least developed." So we then - no argument with that because that takes it as she is writ, but now let's look at what we're stating about how it was implemented in Section B.

We're looking at the 2012 round of the new gTLD program here. And we're stating the following: "The Applicant Support Program (ASP) was a community-driven initiative developed to promote access to the New gTLD Program. It asserted potential new gTLD - it assisted," my apologies for misreading that, "It assisted potential new applicants seeking both financial and non-financial support via the following mechanisms: Financial assistance in the form of new gTLD evaluation fee reduction; pro bono services; and the establishment of a funding mechanism for the program."

"The financial assistance component of the ASP allowed applicants that could meet the established criteria threshold to pay a reduced evaluation fee of USD \$47,000 instead of the full evaluation fee of \$185,000. And ICANN

agreed to set aside USD \$2,000,000 to seed the initial applicant support program.”

Is this a fair reasonable and accurate representation of what went on? We believe so but I'll take a queue if anyone feels otherwise. My dogs apparently disagree but I don't believe I need to listen to them. Christopher, over to you.

Christopher Wilkinson: I think it's most important, first of all, let me say that this thorough discussions of seven pages of the issue is really 10 years too late. We really should have been doing this in 2012 and not now, but that's where we are. Having worked for several years with the World Bank, I think there is scope in this area for joint financing and asking the IT promotional departments in several international financial institutions to come on board with supporting of these initiatives. I think the - I think ALAC has already made that point in a general sense elsewhere but at this point in time the cooperation with international financial institutions dealing with development funding should be encouraged.

And on a detail of somewhere in the middle of Page 17, there is a new concept under Point 3, gTLD purchases. I don't know who the gTLD purchasers are; I think that's a new word in this context and I think that point should be rephrased to - using more conventional language. Thank you, Cheryl. If I have any other points I'll intervene later, but this is one of the most important innovations in this whole process and better late than never, thank you.

Cheryl Langdon-Orr: Thanks, Christopher. And if you wouldn't mind putting some proposed text into chat, when we get to Page 17, we'll pick that up. And we can start looking at that as a discussion point when we get to that part of the text. With that, this is meant to be as a statement of fact, why have we just jumped to page whatever? Okay, so this takes - which we haven't completed but apparently we have now - hadn't gone through all of it but - oh, thank you. (Unintelligible) mean a statement of fact in this Section B, we went them into

some detail about how the applicants were required to demonstrate financial need, provide a public interest benefit and possess all the necessary management and financial capabilities.

“In addition, in the event that the applicant applied for assistance under the Applicant Support Program but was found to not qualify for the program, it was required to withdraw the application from consideration. Thus, there was no opportunity if an applicant failed to qualify for the program, to then attempt to raise the remainder of the funds to keep its application in current round of the Program. A five member Support Application Review Panel, SARP, was needed to perform evaluations. The panel was appointed by ICANN in 2011 and was intended to be representative of the ICANN Community.”

Now, with that, we have identified - this is a statement of fact section - we have identified what the work tracks did then discuss as an issue and that was the necessity under the 2012 round for the applicant - any applicant to the Applicant Support Program which failed to qualify for the program being required to withdraw. And if I - just before we move onto Section C to recognize a point Christopher had made, it is of course quite possible that suitably qualified applicants may, and indeed we should perhaps encourage, should look towards local economic development funders to even raise the required seed capital of \$47,000, which could be quite a challenge for some communities in some economies.

So now let's move to C which are the preliminary recommendations or implementation guidelines. And now we can jump to the next page, thanks for that. This is what the document currently states that the work track has established. One, “In the 2012 round, although anyone could apply, Applicants that operated in a developing economy were given priority in the Applicant Support Program. The Work Track generally agreed that applicant support should continue to be open to applicants regardless of their location so long as they meet the other criteria.” Any comments on that?

If not, we will move onto 2. So Vanda's brought something up in chat. "I have used the financial support and unhappily for a bank application they were not well informed on how banks operate for assistance, so we should ask the legal support to get situation solved. So the more important is the broader knowledge of the support." Vanda, in general terms, and I think the work track did discuss this in detail, there is a great need for a far better outreach and engagement and education about Applicant Support Program so that sounds like a real world example of why that's important.

Let's move onto to Item Number 2, which is "Geographic outreach areas should not only target the Global South, but also consider the "middle applicant" which are struggling regions that are further along in their development compared to underserved or underdeveloped regions." That's that end, we believe we've captured the deliberations of the work track accurately; does anyone wish to comment? Excellent. Any of you put anything in chat if you want to speak just say, CLO in front - CLO dash and I will read it out, I'll do my best to read out chat as we go regardless as long as it's relevant to the section we're going on.

And if you wish to make a comment to a point that we've gone past, in other words, if we are up to Number 7 on the page and you want to have some intervention on Number 2 on this page, just put Re 2, Page 15, and that will help us connect the dots when we do all the stuff later.

Number 3 then on this is, "The Applicants who do not meet the requirements of the ASP should be provided with a limited period of time, that does not reasonably day, "I'm sorry, "that does not unreasonably delay the program, to pay the additional application fee amount and transfer to the standard application process associated with their application."

And this is one of the pivotal recommendations at this stage or proposed points at current thinking at this stage in the work track to meet what was considered an identified issue of the applicants who failed to meet the criteria,

the staff did not believe qualified that they had to withdraw totally. This is to remediate that particular action. Is the belief of this group now that we have appropriately captured that current thinking? If you want to comment on that, please do so now. Christopher, over to you. You might be muted, Christopher.

Christopher Wilkinson: Sorry, there's a lot of procedure to get unmuted on this screen. I think this is a completely valid and desirable improvement. I don't know how many applications will actually benefit from it but I think from our point of view of setting up the rules it was quite - it is quite reasonable that an applicant who does not succeed in applicant support should be allowed to maintain the application if the - if they can afford it. I just think it's a matter of fairness, it's not - I don't think it's a big deal for many of the likely applicants. That's my personal guess. Thank you. Sorry for the delay on getting online, the latency on the - on WebEx is well known. You push a button it takes a - several seconds if not a minute for it to respond. Thank you.

Cheryl Langdon-Orr: That's all right, Christopher, understood, it's one of the many frustrations we have with the current tool we have. Just to remind you though, we're not actually looking for support or otherwise to the substantiation of these or the importance of these points of current thinking. We are keen to note, however, if we have captured them accurately and if they are in a clear unambiguous and readable manner so if there's anything additional in the text you think should be said then please, let us know.

Jamie, over to you.

Jamie Baxter: ...applicants, I think that the language we should be careful with the language at the end of that sentence because it sort of insinuates that if you don't meet applicant standard - Applicant Support Program standards that you're transitioned to a standard application, when actually you may be a community application. So I don't think it's intended but maybe there just needs to be some clarity with the language there.

Cheryl Langdon-Orr: Good point, Jamie. If we can find an appropriate alternate for the word “standard” that could be misinterpreted. That’s an excellent catch; that’s something that staff will now note and we’ll rush to the source and I’m quite sure one of them has got that highlighted already to find an alternate term that won’t be confusing with what is a classification term otherwise in the applications. Thanks very much for that. Perfect catch.

Good, let’s move onto then Number 4, “ICANN should improve the awareness of the ASP by engaging with other ICANN communities and other suitable partners that include, but not limited to, focus on technology and communication industries in underserved regions while improving awareness through extensive promotional activities.”

Those of us who were deeply involved with the Applicant Support Program, its development and its launch for this round were saddened by what seemed to be too little too late and not necessarily in the right areas in the outreach and engagement, so that’s what this section is supposed to be addressing. Is there any comments on that language? Is it clear? Is it unambiguous? Does it cover everything? It would seem so. Excellent.

Let’s move onto 5. “ICANN should employ a multifaceted approach based on pre-application support, including longer lead times to create awareness, encouraging participation of insightful experts who understand relevant regional issues and potential ramifications on the related business plans, along with the tools and expertise on how to evaluate the business case, such as developing a market for a TLD.”

There is a lot in this part. We really believe we’ve captured the intent and current thinking of the work track but is this clear and unambiguous language? Does it say what we mean? Open for any comments. Very important part. Question from Javier, “Is there a definition of global south? And does the term encompass underdeveloped regions or (unintelligible)

countries?” that’s an excellent question. We may need to specify in the footnote the - (unintelligible) and middle applicant is indeed also that concept of middle applicant under 2, Javier, it’s specifically designed to have picked up on the underdeveloped regions, territories of more developed than under the classification of underdeveloped or underserved regions.

We hope that that middle applicant comment back in - proposal back in Section 2 here on this page is going to pick that up but indeed, the specificity of the definition of global south is an important issue, not one I’m sure (unintelligible) answer but we hope we’ve picked up the middle applicants which is I think able to compensate for shortfall in the definition, Javier. That’s a little bit of a slide away from your question but it’s the best I can do.

In the next page then, and if you do have any concerns with the text in Point 5 because it is a complicated section, please do put it into chat with reference to Point 5. Let’s move onto 6 which states, “Support should continue to extend beyond simply financial. ICANN’s approach should include mentorship on the management, operational and technical aspects of running a registry such as existing registries/registrars within the region to develop in-house expertise to help ensure a viable business for the long-term.”

Again, (two) important issues, there’s more than just getting the application in; it’s successful TLD applicant also has sustainability and viability beyond their business plan going into actual implementation and so this section 6 is attempting to make some proposals regarding that. With that is there anyone who wishes to make any comment on that? Excellent.

Let’s move to 7, “Additionally, financial support should go beyond the application fee, such as including application writing fees, attorney fees, and ICANN annual maintenance fees.” There’s some - some would consider radical thoughts proposed here. But is the current thinking of the work track, we believe it is perfectly clear the way it’s written. Christopher, over to you.

Christopher Wilkinson: Yes, Christopher Wilkinson again for the record. I think the text is generally okay. I have the feeling as an ex-professional in this field that there's a certain amount of reinventing of the wheel going on here. Obviously 6, 7, 8, must be included. And I just want to recall to the participants on this call that this - these details are nothing new. I think one could have subsumed this whole text into a general expression of respecting standard professional practice and the appropriate association of technical assistance with the financial support and objectives.

We can leave the text as it is as long as that's understood that nobody's inventing anything here. And if you don't support 6, 7 and 8, you're well on the way to arrest me for failure, so it's good to say to - to say this because it's true but it's nothing new. This ought to have been standard practice for the past 10 years. Thank you.

Cheryl Langdon-Orr: Thanks, Christopher. Of course we are codifying things that were not included specifically as part of the Applicant Guidebook and of course the Applicant Support Program was indeed a community driven and cross community managed and run program developed by cross community working group well after the Applicant Guidebook was - I forget which iteration finally made the presses but when it was finally published. So it is important for us to codify good things as well as note any shortfalls and make some proposals to mitigate any of those.

So let's also now look now at the last two, which again should be, as Christopher said, almost pro forma and that is "ICANN should evaluate additional funding partners, including through multilateral and bilateral organizations, to help support the Applicant Support Program." And I'm going to bundle with Number 9, which is, "ICANN should consider whether additional funding is required for the next round opening of the Applicant Support Program."

I've got a comment from Anne here. The question is, "Should geographic outreach include outreach to indigenous tribes on various continents?" I would - my gut reaction, Anne, to you is indeed it should specifically because it's under no other circumstance of what we're recommending from the middle applicants, in other words, struggling regions or communities that may be within countries that are more developed than those classified on the UN criteria as underserved or underdeveloped. And so yes, I think we may find that - well if it's not one of the questions, Anne, yes we can certainly add that.

Let's get to that now. Let's go now then to - sorry, Jamie, I missed your hand. My apologies, Jamie, over to you.

Jamie Baxter: No problem, Cheryl, no problem. Jamie Baxter for the record. Just for clarity, in going back to Number 7 here, were community priority evaluation fees discussed as part of this? And if they were, and they were intended to be included here, can they be specifically called out so that it's very clear to any community applicant who is applying for applicant support that it would be something that could be considered? So it's kind of a question and then a request I guess, thanks.

Cheryl Langdon-Orr: I don't know if they were considered. Steve, staff, can anyone help me?

Christa Taylor: It's Christa, can I speak?

Cheryl Langdon-Orr: Go, go, Christa. Yay, come and save me.

Christa Taylor: Sure. Jamie, I'm not really sure off the top of my head and I did reply to that but we did discuss a whole bunch of related aspects right down to say auction values and how that also might come into play. But I'm not really sure how you would tie it in exactly. You're looking for - because they're a community they would get a second or a double priority or you're looking for a - your reduction in fees and support beyond financial?

Jamie Baxter: Yes, Jamie again to intervene. I think the question is if an applicant is going to apply for applicant support at the onset of their application, and they happen to be a community applicant I guess it - for predictability and transparency, it would be good to know that if they were successful in the Applicant Support Program, would the community priority evaluation fees be on the table as something that they could get support for? Certainly it's not a small amount of money, and so I wanted to just call it out specifically because I think that would be an important thing for a community applicant to know if they were taking the route of the Applicant Support Program to fund their effort. Hopefully that clarifies the question a little better. Thanks.

Cheryl Langdon-Orr: Thanks, Jamie. Before I go onto the list which includes I think Christopher, that's a new hand as well, Christa, I think that's a very useful clarification that Jamie's made here but I would also point out from chat if I can roll back, Jeff's response while he's flying over, before he crosses international lines, in chat was, "I think we should generally refer to all fees and then look to the community to provide comment on which fees." Prior to that he'd gone on and listed a number of the different fees that would - could perhaps apply here.

Steve, did you want to read into the record, rather than have me do so, your comment out of chat?

Steve Chan: Sure. Thanks, Cheryl. This is Steve Chan from staff. Just a more direct response is I don't believe that the community based application connection to applicant support was discussed. And so to that extent, you know, the purpose of this call is to talk about discussions that took place in the preliminary conclusions that were reached. So from that perspective it wasn't discussed then it's probably more appropriate to ensure that that discussion takes place either as - in the form of - or after public comment is received and then subsequent deliberations take place. And I see a comment from Jeff, but just one opinion I guess, thanks.

Cheryl Langdon-Orr: Sure. So the comment from Jeff that Steve referred to was back to Steve on this point there that while not specifically referred to some members of the group may have assumed all were included. And so under those circumstances there's no reason why we can't tease that out as a question. Christa, did you want to respond to that before I go to Christopher?

Christa Taylor: Sorry, it's Christa. No I think it's - I'm good so far and we wrote back to Steve if we didn't discuss it we didn't discuss it so I think that's perfect. Thanks.

Cheryl Langdon-Orr: Okay, so you might then put your hand down. Christopher, over to you.

Christopher Wilkinson: Thank you again, Cheryl. Sorry to bother you all again. This is Christopher Wilkinson for the record. Two points, one is specifically on point 7, Robert McNamara's Rules told me in my early career that you only deal with principles; you never deal with intermediaries. Attorney fees, I don't quite see where attorney fees fit in here. Insofar as somebody employees an attorney to write the application, that's part of application writing fees. I would suggest delete the words "attorney fees" it's an open invitation to inflation of the costs of some of these applications. That's my only substantive point on these paragraphs.

I have to introduce, as I have done in writing in earlier submissions to the lists, a highly political point of some of these applications will come from what have called disputed sovereignty regions. I don't know what the answer to this is, we have a Board which under GAC which is highly political, but I can promise you that sooner or later there will be contested applications including contested applications for applicant support from parts of geographies where who is in charge is internationally and locally contested and not agreed.

Somehow or other ICANN has to be protected against serious presence in territorial and related disputes at the local level. You only have to read and apply a certain amount of imagination to the international news reports to understand what I'm talking about. So I don't ask for a text, but I think

everybody who's involved with this has to recognize that that is a hazard for ICANN and for this whole process. Thank you.

Cheryl Langdon-Orr: Thanks, Christopher. And of course one of the advantages of having the cross community based evaluation team, the SARP, is that that is expected to do its evaluation in a accountable and transparent manner using the established criterion. And I'm thinking that a lot of the concerns you were alluding to would be either nonstarters or de-inflated because it - things with either an application for support would either meet or not the established criteria and of course the SARP could have its own outcomes reasonably questions and challenged if it could be shown that that was not the case in the way it - the way it treated its evaluations.

So with that I would alert that a few people are coming to leave our call early, those of you who do have to drop off towards the top of the hour, even though this is a 90-minute call, we appreciate you having joined us so far. But yes, we do realize it's always going to be contentious here.

Regarding the removal of the term - I was going to say "lawyer fees," no it's "attorney fees" I would ask staff to just highlight that and we'll get back to Christa as well and see whether or not that is open for misinterpretation. It may be that we could footnote that - that particular part in 7 because there was a question in chat on exactly what is included in ICANN annual maintenance fees and that could be dealt with by a few examples in a footnote and we could indeed expand writing fees to pick up what I believe is attorney fees there, but I'm quite sure that in some places there would be quite reasonable and valid expenses in the preparation of such a supported application. Thanks, Christa, she's noted both of them, she's terrific.

Greg, your hand up in chat, over to you.

Greg Shatan: Thank you. I have no other place to raise my hand. Greg Shatan for the record. Attorney - the work of attorneys in assisting clients who have been

applicants, goes well beyond the mere writing of the application. One of the things that we want to do for the applicants in this program is to put them on as best as possible an equal footing with other applicants, level the playing field.

If we start questioning the types of counsel and advice that they get especially based on the idea that somehow we're all voracious sharks that are just looking to eat everybody else's money, I actually haven't done that yet, but in any case, I could go into a whole list of things that I and colleagues of mine have assisted with whether it's objections, whether it is navigating the entire process, whether it is choosing the string, whether it is dealing with contention sets, whether it is dealing with various types of correspondence and with not just the application writing but the responses.

So for instance when a client who is a sovereign wealth fund is told that they have to open their books to ICANN or withdraw their application, when the only people that have seen those books are, you know, sworn to secrecy, but they can certainly prove that they have the necessary funds but ICANN doesn't want proof, they have only the they acquire - there's many, many things here. So I think we should avoid characterizing professions as having, you know, one or the other characteristics. If there's something here that requires the help of an attorney or that can be done, and is going to be done appropriately, it should be funded. So let's just not be silly about this. Thank you.

Cheryl Langdon-Orr: Thanks, Greg. And I'm taking what you said is in absolute keeping with what the intention of the work track was out of their deliberations. And yet I do also see that it's a - everyone declaring themselves as un-voracious, well I'm happy to be voracious at times so that's all right. I'll balance that out. I think what one - the concern is to ensure that such additional financial support is bona fide irrelevant to application - both the application and the maintenance associated with it.

So we might just see whether there is a better sentence structure there to make that clear, that this is not a carte blanche but that it is certainly seen that there is a significant perhaps number of additional opportunities for financial support to be given to the Applicant Support Program people, or communities or whatever they are.

So are we able to - sorry, I keep looking down at the chat and finding myself giggling with all of the voracity claims that are going on. With that we'll highlight 7 and see if it's as clear as it should be because what it needs to do is reflect the deliberations of the work track.

With that, let's now note that whenever we see "none" or "no" as we do under this Section D to follow on this page - bottom of Page 15, we are going to make sure that we have a sentence as opposed to just a single word that we've already established early on so it'll probably say something none that - none obvious at this time or something along those lines.

So let's move onto E, what specific questions is the PDP working group seeking feedback on? Here we are. First of all, "The Work Track generally agreed that that the ASP should be open to applicants regardless of their location. How will eligibility criteria need to be adjusted to accommodate any change in scope of the program?" And that goes - that question then will feed into some of the discussions that also happened in our chat earlier today.

The next question is, "Metrics: What does success look like? Is it the sheer number of applications and/or those approved?" In other words those that meet the criteria. "Or a comparison of the number that considered applying?" And if we can flip over the page - "versus the number approved."

So here we are asking - if we can go to Page 16 now - from our public comment input, how we should be measuring the success of the Applicant Support Program. So we continue on by saying an example, "Is it those that

developed its business plan, establish financial sustainability, secured its sources of funds, ensured accuracy of information?”

We also ask, “What are the realistic expectations for the Applicant Support Program in developing regions where there may be critical domain name industry infrastructure absent or where operating a registry may simply not be a priority for the potential applicants.” There are - many of us will have worked in areas in countries where the response to some of our suggestions of how certain things would be useful to them have been given an answer, well, we prefer to have clean water and feed our people first. And that’s a valid point so. That’s question. Is that question clear and unambiguous? We believe so but let us know. We look forward to the feedback on that coming from the public comment period.

The next question is the following: “If there are more applicants than funds, what evaluation criteria should be used to determine how to disperse the funds? Should we disperse the available funds for applicant support by region, some sort of number of points earned in the evaluation process, by the type of application, the types of communities represented, or other?” It is possible that we may with a better advertised and understood Applicant Support Program get more applicants for our Applicant Support Program that even are pass the evaluation than we have funds for, so this is an important question. Is that clear enough?

Okay, Christopher, your line is open I believe. So next - the next question we’re asking - yes, Christopher, go ahead.

Christopher Wilkinson: Just to say that this is - I wouldn’t say this is open ended but last time around \$2 million compared with the surplus of \$100 million was not very edifying. You won't be able to answer this question until you know what the scale of applications are. I would address the question not in terms of a cutoff at a budgetary level but as a phasing question. If there’s too many applications they have to be phased over two budgetary periods for example,

but since we have so few applications in the past and so small of budgets for their support, I think past experience gives us very little guidance as to what should come about. But I think it's too early to answer these questions. I will also try and mute my mic yet again, we'll see if it works.

Cheryl Langdon-Orr: Thanks, Christopher. It is a challenge, I know. Okay, so again, the reason we're asking this is if we have a better and we hope we do have a better advertised and understood Applicant Support Program, there is of course the hypothetical possibility that unlike the very poor number that we got interested in the Applicant Support Program last time, with the appalling number that I think it was single digit, one, that actually passed the evaluation process, that indeed the - it is possible that the funds secured for applicant support regardless of the size of those funds, may be less than the number of applicant support aspirants.

And so we are seeking from the community some guidance here in this question to see how we should divine what criteria is going to be given a higher importance or a greater markings scale. So if we can ask that question more clearly, if you can think of a better way of asking that question, let us know either on list or in chat, that would be appreciated. But at this stage let's move on.

Other elements that we're asking about are did the Applicant Support Program provide the right tools to potential program participants? How can we best ensure the availability of local consulting resources? How can we improve the learning curve - what ideas are there beyond mentorship? How do we penalize applicants who may try to game the system? Remember, the criteria was so limiting last time because of fear of gaming the system. Are there any considerations related to string contention resolution and auctions to take into account? Should there be a dedicated round for applicants from developing countries? That's a question we hope stimulates a good response from the community.

Have we got the - I mean, many people may just give a yes or no answer to some of those. We think the work track has covered all of the other elements in this list but if any of you who are involved in the work track feel we've missed one of the important elements let us know now or on the list and indeed if anyone who wasn't part of the work track or on part of the work track doesn't feel that we have clear and unambiguous in our language of these questions then also let us know now.

Let's move to the final part which is what should the source of funding be for the Applicant Support Program? Should those funds be considered an extra component of the application fee? Should ICANN use a portion of any excess fees it generates through this next round of new gTLDs to fund subsequent application support periods? And a process - correct the first time.

So with that, I think what we might do is perhaps from a stylistic point of view, I'd like to see those three questions broken up into bullet points as has happened in the above - some of the above sub bullet points, I mean, because I think people will want to answer them clearly. The - Martin has suggested that if not what is missing to expand on the question of if they had the right tools for the program, yes, I think that'll be a good addition, Martin, if Christa and staff take a note on that and again, I think if we split those up just the way I was reading them it seems that it could be the sub points.

So with that let's move on and just cover through the deliberations. I don't think we need to go word by word; you've had all of this with you for some time and I would like to try and move through this section a little bit more quickly. But in the section of F it covers exactly where one got the various criteria, the reports from AM Consulting about new gTLDs and the global south, the CC2 responses, and of course the final report of the joint AC/SO New gTLD Applicant Support Working Group itself. In addition, it also used, as a resource, the CCT-RT draft report.

With respect to the various community consultations responses, which were gone over in great detail, we've outlined them here. If we have not captured them accurately then please do let us know. We do note for example in this second to last paragraph on Page 16, that the work track noted that there was need for additional support for IDNs including more technical resources and so if the applicants also met the other ASP criteria that would be perhaps a requirement for additional financial support specific for that IDN support in terms of technical components that will be required there.

If we can now then move to Page 17, please, thank you. It goes on to talk about various suggestions that people made in the group. And if anyone has an issue on that, I know Christopher, now you had your - a problem with one of the terms here on Page 17, if you want to put that in the chat now we'll - ask if you had any specific language that would be - this would be a good time for you to bring that back to our attention.

And I think what I'll do is I'll move down to one of the important - the key pieces which starts with the following sentence beginning - let me count the paragraphs down. Oh dear, if only we had line numbers it would help. So one, two - the third paragraph on Page 17, starting at, "The work track discussed the need to obtain information and/or data to better understand why usage was limited, which can be used in the development of any future solutions."

"Concerning the dissemination" - the next paragraph. "Concerning the dissemination of information regarding applicant support to end users, potential applicants felt they didn't have complete or the right kind of information. It has been noted that there was no outreach for the New gTLD Program in developing countries in general, not just for the Applicant Support Program. The Work Track discussion included identifying the following opportunities." This is where things are becoming quite specific.

“The need for diversified outreach, such as thorough, “sorry, “such as through in-person events, webinars, and sector-specific conferences, possibly with the support of regional staff from the Global Stakeholder Engagement team; in addition, the use of traditional media and online press; and that communications must be frequent and simple to understand.” So these are very specific points that the work track deliberated over.

“The Work Track considered that areas that needed to be addressed first and that they were - they were the areas that needed to be addressed first,” sorry, I’m obviously needing coffee here, “and that there is a lack of clarity concerning applicant support needs and priorities.” Then we’ve got the need to - thank you, Christopher where you talk gTLD purchases. Other than the requirement of - that Christopher raised for us to perhaps clarify what specifically is meant by gTLD purchases in this text or perhaps avoid the term and use some other term if that works better, is there any other comments any people who would like to raise a concern with what is on the Page 17 before I take you to the very last paragraph - the last two paragraphs?

Thanks, Christa, she’s made an update already to potential applicants, fantastic.

The last two paragraphs on Page 17 is that in addition, “In addition, the Work Track noted that applicants may lack experience in seeking support and evaluations should be conducted with that understanding.” In other words we need to have a high degree of empathy and flexibility associated the process whilst not having scarified the requirements for clear and predictable processes that are unambiguous and that would pass the scrutiny of accountability and transparency.

“The Work Track suggested that a business case must be made to firstly, internal management; second, the public; and third, the gTLD applicants.” Noting that “purchasers” Christopher’s now already made those changes so thanks for writing that, Christopher, that’s (unintelligible). “This could include

providing possible business models that may be emulated along with case studies,” in other words, examples or templates that people may be able to use to assist them in making their applicant support application.

Next page, Page 18, and I note we have a little less than 20 minutes on the call. “In addition, the Work Track suggested that ICANN may put in place a fee reduction scheme for gTLD applicants from economies classified by the UN as least developed.” That’s a block approach as opposed to an application approach.

“The Work Track recommended that applicant support should be open to applicants regardless of their location. Disadvantaged communities exist within wealthy countries and should not be excluded due to their location. However, eligibility criteria will need to be adjusted to accommodate any change in scope of the program. The Work Track has not yet reached agreement on specific changes required in that regard.” So that’s work to yet progress to.

“The Work Track notes that the penalty from the 2012 round, where failure in the evaluation meant exclusion for the relevant application, seems overly harsh. And recognizing that some elements may be needed to prevent abuse of the program, there is some support for allowing applicants who do not qualify the opportunity to raise the additional funds and transfer to the,” and we recognize “standard” is a problematic term here, we’ll pick that up as we did earlier in the text, “application process” to the regular application process is one possibility but whatever the thesaurus choice is it will be applied to in this paragraph as well.

It then goes onto talk about some of the specific math in terms of, you know, \$47,000 was 25% of \$185,000. And by the way, as part of the process that the cross community went in this, it really was just, you know, finding a figure; there was no particular basis for which that 25% was chosen, it was a figure that was reduced enough to be what we hoped was manageable; it was high

enough to mean that the applicant could perhaps show the ability to raise at least that much funds because there was concern that if you couldn't raise at least that much funds how could you sustain a TLD if you were successful in getting it? But there was no art in the forming of that figure but we outline that that's what it is.

We do need to note that the work track considered that if the fee reduction applies in the future, whether or not there should be a minimum application fee to applicants who are awarded support. With this it then goes on to make some specific suggestions about improving promotional efforts. And with that, that's something that the report - the post Applicant Support Program reports spent a lot of time on as well.

I'm wondering is there anyone who wishes to raise any points on any of that proposed language. Or can we move to Page 19? Looks to me like we can move to Page 19, yay.

"Collecting data on the number of users of domain names registered in regional TLDs, keeping in mind that there are other barriers for registrants in developing countries to access domain names, such as inability to access online payment services, and a lack of local registrars. Therefore, the work track noted that volume may not indicate interest or disinterest."

Excuse me. Another point was "Identifying the number of domain names registered in "regional" new gTLDs and comparing against the number of Internet users in such regions; and then comparing with same numbers for Internet users and 'regional' new gTLDs in developed regions such Europe and North America." And we expect we will get some comments back on those two points as well.

It then goes on through this page to give the rationale for utilizing partners to maximize outreach. One of the recommendations was that this would be important in the future Applicant Support Program. The work track suggested

that ICANN should do the following, and that is partner with organizations in potential regions before taking actions on its own. That ICANN should leverage developmental entities, agencies and incubators, which was Christopher was saying at the very beginning of our discussion today. That ICANN should leverage initiatives funded by multilateral agencies, again, something Christopher and others have mentioned. And that ICANN should leverage the work of the USAG to promote universal acceptance.

Is there any comments on that? We believe we've captured everything that the work track deliberated over. Obviously there are specific cases and examples here.

Then we move onto the section about support beyond reduced application fees. "The Work Track agreed that there should be support, beyond reduced application fees, for aspects of the program such as objections, string contention resolution, post-delegation operations, and other operational expenses such as backyard," backyard, do hope not, "backend technology, data escrow, marketing and sales. This support could be offered to groups who are considering whether to apply and could include providing the following: Support during the entire application process; including facilitating introductions and engagement with Registry Service Providers willing to support discounted services for ASP participants; it could include mentorship opportunities, including knowledgeable technical mentors; and it could include tools to evaluate the viability of business ideas with potential Applicant Support Program applicants."

Any comments on that? Not seeing any. Let's move to the expanded section on understanding obstacles and providing assistance accordingly. Here the work track noted that the "competency rules should not be relaxed, support might include capacity building, similar to ICANN's training in DNSSEC deployment, to build competency in the region. In addition, the Work Track noted that support could include guidance concerning the aspects of running a registry service, including costs, such as: Application processing and

relevant consultants; attorney fees; ongoing registry maintenance.” Obviously the term “relevant” there and relevant to running registry services, is critical.

“In addition, the Work Track agreed that support could include advice on how to develop a TLD and how to develop a particular market for a TLD. For example, the Work track suggested that TLDs linked to identity may have a higher chance of not competing with others and thus may have a higher likelihood of succeed,” of succeed? I think it should be “likelihood to succeed in a community or region.” I suspect that “of” should be “to.”

“Questions the Work Track considered including what are the biggest issues in a region and how can a TLD help overcome the obstacles. For example, the Work Track noted that where basic infrastructure and reliable access continues to be a challenge, the ICANN community may have to accept that the existing,” and we need to go over the page now. If we can move to Page 20 so people can continue scrolling? Thank you. “The existing availability of TLDs including ccTLDs and existing gTLDs, may be sufficient in certain regions.” In other words, that the demand may not be there yet.

“Instead, resources may be more effectively utilized in critical local Internet infrastructure. However, the Work Track noted that pooling resources may help. For example, a shared backend operator at a regional level might be used by many applicants seeking support.” Any comments on that? I think it’s with the exception of changing an “of” to a “to” well written and easily understood.

Greg suggested “likelihood of succeeding.” We’ll note that, Greg, thank you very much. And in the absence of any other comments I would like to move onto Part G, which is a simple no noting that all the “no’s” and “nones” as I said earlier, will be reviewed to see if they need to be replaced by a fuller sentence.

Okay, we have now got - let me look - some what is it 10 or so minutes left which I would like to think we can get through Section 1.5.5 in. It's not, I hope, a highly contentious area, but I would also like to give my voice a rest and I wondered whether Christa, are you in a position to read us through part of this or Steve or someone? Just basically I just want to have a quick drink while we - if I can get someone to start off 1.5.5 that would be great.

Christa Taylor: Hi, it's Christa.

Steve Chan: Hi, Cheryl.

Christa Taylor: Oh go ahead, Steve.

Steve Chan: I was actually going to just note, this is Steve Chan from staff, I was going to note that this is a Work Track 2 section so I'm not going to put Christa on the spot here.

Cheryl Langdon-Orr: Do we have - sorry, I've lost my voice again. Who's attending from...

((Crosstalk))

Cheryl Langdon-Orr: Nobody?

Steve Chan: I don't believe so.

Cheryl Langdon-Orr: No. So I will go to any of the leaders or you, Steve.

Steve Chan: Yes, happy to do so.

Cheryl Langdon-Orr: All right.

Steve Chan: So for, again this is Steve Chan from staff. So we'll be moving onto Section 1.5.5, terms and conditions. As you can see from section A, there is no

relevant policy recommendations or implementation guidance that would directly relate to the terms and conditions. And certainly in Section B, how was it implemented in the 2012 round of the program, there was a section on the terms and conditions that were captured in the Applicant Guidebook. It was actually Module 5. And so the terms and conditions in its entirety were actually part of the online system or TAS, TLD Application System, as a clickwrap element of using that system.

The - actually just a little bit more background on this section, the terms and conditions weren't actually identified specifically in the issue report but it was a distinct challenge point that working group members identified.

In terms of what is being recommended, it was limited to three sections of I believe there were 14 of the terms and conditions. Section 3 states that ICANN may deny any new gTLD applicant for any reason at its sole discretion. And it also allows ICANN to reject any application based on applicable law. The work track suggested some improvements to this language to make it more unambiguous about how applicants - applications could be rejected.

So if an application is rejected and needs to be on the basis of specific law or ICANN Bylaws and ICANN would need to cite those specific reasons for rejecting the application which is these two bullets under Section 2 on the page we're looking at. So is there any comments on this first recommendation on Section 3 of the terms and conditions? Seeing none we'll move to section - or sorry, Page 21, which has the second recommendation for this section.

The next one that the work track had input on was Section 6 of the terms and conditions which currently gives ICANN a broad disclaimer of representations and warranties but it also contains a covenant by which the applicant will not sue ICANN for any breach of the terms and conditions. So the work track was uncomfortable with the wide breadth that this allowed the wide protections

that this provided ICANN. And so their comfort level was increased by the establishment of some challenge mechanisms in the process which is actually handled by I believe Work Track 3 related to the accountability mechanisms or which also covered challenge mechanisms related to objections, procedural challenges and other elements.

And I note that Christopher has his hand up. Please go ahead.

Cheryl Langdon-Orr: Go ahead, Christopher.

Christopher Wilkinson: Christopher Wilkinson, apologies, Steve, for the delay, the usual latency of the mute button. I just wanted to put in a caveat not to tie ICANN down to too restrictive conditions. I have two examples. One is the jurisdiction of registration of incorporation of a registry. In 2012 a certain number of registries deliberately registered and incorporated in tax havens. Meanwhile we have the OECD and the G8 and the G20 and other international entities and some governments are severely concerned by the long-term fiscal consequences of the use of tax havens.

There's also the practical consideration that insofar as several registries were incorporated in a tax haven in Europe which is under specific dispute between two member states of the European Union. I don't think that's stable and I think that if ICANN does not conform to the consensus position of the international financial institutions to discourage the use of tax havens, ICANN will come to regret it. So I don't think that the clauses here about explicit reference to the bylaws is sufficient. ICANN must have a sufficient margin for political appreciation of what is sensible and what is sustainable and above all what is not wrong.

I've also already commented on the disputed sovereignty business. But I think this business of - and as some of you know, I'm of course more concerned with the geographical names than the general problem. If registry applications start to propose to incorporate themselves in for geographical

names in third country tax havens, I can promise you politically the balloon will go up.

Cheryl Langdon-Orr: Thanks, Christopher.

Christopher Wilkinson: So somehow you need to - somehow you need to accommodate - deal with this problem in this text. Thank you, Cheryl.

Cheryl Langdon-Orr: Thanks, Christopher. Okay, with the eye on the time with only a couple of minutes left in our scheduled call time, we appear to have had reasonable agreement or no disagreement that as we've written in the recommendation for Section 3, there doesn't seem to be much in the way of suggested changes to that text. If you can pop now back to top of Section 21 - Page 21 - where Section 6 is discussed, we do have - that's the point where we are at the moment.

Rather than still belabor under the rest of this section, which I think is fairly boilerplate in terms of being a good representation of what the work track has said, I'm going to ask that as a homework task for you all on the list, you take from the top of Page 21 you all review and comment to the list if you believe there is either a misquote, a misrepresentation of the deliberations and/or recommendations or current thinking of the work track or if you believe there is better language that would make it more simple and clearer to read for the rest of the section on Pages 21 through 22 and I think it ends up on 23 does it, Steve, can you just confirm that for me?

Steve Chan: Cheryl, thanks, this is Steve. Confirmed it's 23 pages.

Cheryl Langdon-Orr: Great. So that's homework. And we will start with the next section as our topic for primary discussion at our next call. With that I would like to ask now if there is any other business before staff confirm the call time and date next week. Not hearing any other business. If we can just have in the chat and for the audio record confirmation of next week's call and time please?

Okay, total silence, that sounds like - no we are having a call next week, fear not, people. I can look up the calendar if you want. It would be nice, however, Julie, save me, if I could have the date and time in UTC of the call next week please in chat. And I'll read it out if need be. Obviously I give up at this point in time...

((Crosstalk))

Cheryl Langdon-Orr: ...you will be sent an invitation.

Julie Bisland: The call is scheduled...

((Crosstalk))

Cheryl Langdon-Orr: Right, you'll be sent an invitation, people. Yes, go on. Go on, Julie.

Julie Bisland: Sorry, I'm very sorry. It looks like we have a - we'll have a call next Monday the 21st but I'm unsure of the time exactly. I was hoping Julie Hedlund or Steve might chime in.

Cheryl Langdon-Orr: I was hoping absolutely anybody would chime in, I can assure you. Talk about drowning me, people, anyway, you will be getting your invitation. It isn't in my calendar or I would be able to tell you. But you will be getting the usual iCal invitation and you do know where we'll be starting off in our agenda for next week's call. That does mean of course that you've all got all the materials for 1.6, 1.10 and 1.11 which is what we hoped to get through at next week's call on Monday at what looks like 1500 UTC.

Thank you very much one and all and sorry for the extra minute of the call.
Bye for now.

Julie Bisland: Thanks, Cheryl. All right, everyone, today's meeting has been adjourned. Thank you so much for joining. Operator, (Sean), can you please stop the recordings? Thank you. Everyone have a good rest of your day.

END