ICANN
Transcription
New gTLD Subsequent Procedures PDP-Sub Group A
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Unidentified Participant: Thank you. Good morning, good afternoon, good evening, everyone. Welcome to the New gTLD Subsequent Procedures PDP Subgroup A Call held on Thursday, the 31st of January, 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect Room. If you're only on the audio bridge at this time, would you please let yourself be known now? All right. Hearing no names, I would like to remind all to please state your name before speaking for transcription purposes, and please keep your phones and microphones on mute when not speaking to avoid background noise. With this, I will turn it over to Jeff Neuman. Please begin, Jeff.

Jeff Neuman: Thank you very much. Welcome, everyone. We have a lot to cover today, so we'll -- our focus will be on the discussion of the 2.2.6, Pre-Approval programs. I know it says Accreditation, but we'll talk about that in a minute. And then, the hope is that we'll spend today doing that. Next week will be the global public interest and applicant freedom of expression, and then hopefully we can finish off with the last few topics on -- in the call in two weeks. So, hopefully the goal is to be done with subgroup A in the next -- well, two weeks from -- to finish up two weeks from today, or, well, two weeks from now.

So, that's the plan. I'll ask, does anyone have any questions on the agenda? Nope, not seeing any. Any changes to the Statements of Interest? Okay. We have a lot to cover today, so I'm going to ask Julie to put up the accreditation stuff up on the Adobe. This is tab 2.2.6, and there should be a link. I think Julie put a link in there. Great. So, now that it's up there, we're going -- there's something like 80 comments or something like that, so we have 60 minutes, so we're hoping to get through all of these. I think there's a lot of common themes in these comments, so I don't think it's too burdensome to actually expect that we can get this done in this one call. But of course, if you have questions or anything else, please raise your hand, let me know, and we'll see if we can make things more clear, either by asking the people that made the comments or by preparing questions for the commenter.

So, this topic is on what we used to call accreditation programs, and it's still labeled accreditation programs. But as you can see from 2.2.6.c.1, there's the first question of using the term "Pre-Approval." Before we get to that, there was a comment that we didn't think necessarily neatly fit into any specific sub-question, and it was a comment from the GAC that just wanted to make sure that, when you're considering this pre-approval process, that there should be some attention paid to security threats, or potential security threats. So, that's their comment. We also think it could be related to 2.7.6 and 2.7.7, which is a different subgroup. So, we put it here because they mentioned pre-approval programs, but we think it's more appropriate in those other sections.

Okay, so the first question then asks about the terminology. And so, in the report, in the initial report, we had used the term "pre-approval," or recommended the use of the term "pre-approval" as opposed to accreditation because of the implications of that term, "accreditation." It seemed to meet general agreement from the BRG, the Brand Registry Group, Valideus, XYZ, Neustar, the Registry Stakeholder Group, and the registrars. In fact, I think everyone agreed with the terminology in all the comments even down the line. I think there are some concerns with some of the concepts, and we'll get to those.

So, I'm going to jump to the comments that start to express either some new ideas or concerns, and that first one is with the registrars, so on line 11. So, on line 11, the registrars are basically making the point that, as part of the pre-approval process, there should be consideration given to interoperability with registrars. So, just as the registrars have expressed a concern with -- in the switching of back-end providers currently, that they undergo some costs when it comes to those switches and moving a TLD from one back-end provider to another, and they would appreciate some standardization on those operational requirements.

I will note that there is a group that's trying to work on some of these. There's an ops group that does try to work on some of these standardizations, but that's just what I know from being a contracted party.

We turn to the NCSG, non-commercials. The non-commercials, again, think that pre-approval, that the program -- they support the program. They support the term. There is a new idea in there which says that -- to make sure that any pre-approval process is clear and transparent, and the checklist from which ICANN staff evaluates the RSP for pre-approval should be clear and results published along with the dates when the review took place. So, those are the key points from the -- they do go on to say -- actually, I do want to cover this -- that there should be a process for rejecting approved RSPs as well as pre-approving. So, if there is a process to pre-approve, there should be some way to undo that if there's some bad -- or if there's a failure to meet those requirements.

I'm probably going to pronounce this completely wrong. LEMARIT -- it's probably got a much nicer-sounding name than what I'm saying -- their point is that they're not so concerned with the term at this point. They think that the term can be defined when the scope is figured out a little bit more.

Looking at Google and MarkMonitor, Google cautioned -- so they agree with the pre-approval process, and I think both of these comments, Google and MarkMonitor, seem to have some concern about giving preference to incumbents as opposed to the new players. And so, they -- in their own way, Google says as a note of caution, developing parameters of the pre-approval program, there should -- we should avoid processes and structures that show undue preference to incumbent RSPs versus prospective ones. And

the program should be equally available to incumbents and to the new RSPs provided that they meet the objective criteria established for the program. Similarly, MarkMonitor basically talks about -- or has a concern that they don't want this program to serve as a barrier of entry to new market entrants, that the effort here develop the program could override efficiency gains, and so there's a caution about this program.

The ICANN Org, they have some concerns, so I guess there's not really a -- it's not really a concern. I think they want us to confirm that the only difference between a pre-approval of an RSP and a regular approval of an RSP during the process is the actual timing, and so they want us to confirm that. And I think that's something we can -- that was the intent certainly from the language that was drafted. So, I think that we should confirm that in the final report. And then, there's a note of concern or -- not necessarily a concern, but something to think about. Further on down, we'll get to talking about E3 and E4. They talk about periodic reassessments of RSPs, and so ICANN just wants to -- essentially with this comment wants us to think about how we can force those reassessments if there's no contract between the RSP and ICANN. The only way that they believe this can be done, then, is through the registry agreement with the actual registry operator so that, essentially, the registry agreement would have a statement in there saying that they have to use an accredited RSP, or one that's approved, and if it's got to be reassessed, those requirements need to be in a registry agreement. We can and we will talk about these in the full group. I'm not sure that's the only way this can be done, but certainly that's -- we definitely -- the concept of making sure that the requirements are enforceable is something we need to keep in mind.

And Christopher Wilkinson is kind of the only comment here that could be classified as some divergence, that the accreditation of -- he says it's rather odd that the work track determined that the accreditation of RSPs was not required whereas, to the best of my knowledge, ICANN does accredit service providers albeit they are rather less critical function than the RSP. Again, I think this is really just in terms of terminology. I'm not sure there's necessarily divergence, but that's Christopher's comment. Any questions on this section before I jump to c.2? And Jim is suggesting sending a clarifying e-mail to Christopher. I think we can do that. Okay. Any other questions?

Okay. So, now that we've changed the term, let's try to keep calling it a RSP pre-approval. I'm sure we'll all slip at some occasions, but do our best to use that terminology. This one talks about -- this question or -- sorry, this comment or recommendation from the report talks about timing before the opening of the application period, so how far in advance should this pre-approval program take, or take place. And the recommendation of the report was at least three months prior to opening up the application round. That seemed to get agreement from the Brand Registry Group, Neustar, Valideus, and Valideus actually has some other timeframes in their comment, and also has a comment in there of what should go into the evaluation itself, which I think is part of another question, but making sure that the five critical registry functions and the commonly -- common services that are usually listed in exhibit A, like searchable WHOIS and IDNs, et cetera, are part of the pre-approval process.

Jumping to line 22, this is agreement in part, a new idea in part, and a divergence in part. So, this is from the Non-Commercial Stakeholder Group, line 22. The NCSG does -- the agreement is that the concept of having the pre-approval process prior -- completed prior to the start of the round makes sense, but they believe that three months is way too short. And so, that's the divergence. They say no to three months. Their idea is really that it

should be -- ICANN should be completed with the process at least a year before the rollout of the application round. So, that's from the Non-Commercial Stakeholder Group.

The Business Constituency thinks that three months is probably a bit too short as well, so I'd put -- I guess I would classify that as divergence/new idea. They believe that it should be at least six months in advance of the next round of new gTLDs so that due consideration can be given to one of those. And then, ICANN Org also is suggesting that it should be more than three months. They basically say that, in order to allow prospective applicants sufficient time, we might want to consider making the program available earlier so that there would be a number of pre-approved RSPs ready three months prior to opening the application window. So, that's a little bit different, or a little bit of a new idea to the three months, but still semi- in line with the three months.

The Registry Stakeholder Group is -- states that they don't consider it appropriate to specify an arbitrary period of time. That could become a constraint to opening any future application windows. So, for clarity, under no circumstances should this be a prerequisite to the opening of the next application window. So, this is a little bit of a -- well, it's concern, and the concern is that they don't want to see this program delay the opening up of the next round. So, they support the program, and they would like as much time as possible, but certainly this program should not -- so if there are any delays, it should not delay the launch of the full round of new gTLDs.

Line 26, this is a pretty extensive comment from, again -- and if someone's got a better pronunciation than I have, please go ahead and state it -- from LEMARIT. They do not necessarily support the RSP pre-approval process. Okay. They -- "We believe that the idea for such pre-approval programs to avoid unnecessary duplications and reduce time and costs for both applicants and ICANN." They suggest not to solve this through a pre-approval program, but allowing the applicants just more than one application to apply in one workstream with or without pre-approval. Technical evaluation fees should not be per single application but the whole bundle." So, that's there. They would -- well, they support the concept of having more efficiencies. They would do it in a little bit different manner. And then, to make -- they also include the concept of pre-delegation testing in here. The part that they express concern is a little bit lower in the comments, where it says, "The pre-approval program can have unforeseen consequences on the development of the procedures above, and (2), all the RSPs in the market should compete on equal terms, and the same rules and conditions should be applicable to all of them." They don't see any reason for the program if the applications can be bundled and some of the processes are being modified. And if there is a pre-approval process, they believe four months is the appropriate time. So, that's at the end of the comment.

Okay. Anne, you have your hand raised. Please.

Anne Aikman-Scalese: Yes, thanks, Jeff, it's Anne. And is just the question this idea of a pre-approval process? And I don't think I've ever been involved in any discussion on it, but is it something that actually honestly could be put in place to occur within ICANN at any time? I mean, as a registry services provider, is it somehow tied to the requirements for the next round? Or is it something that, unlike the controversial idea of ongoing, totally open application, first-come, first-serve, is RSP qualification something that ICANN could be doing that was constant rather than in a sandwiched window?

Jeff Neuman: So, this is Jeff. I mean, I think the answer to that depends on what we require as far as reassessments or periodic assessments and how it proceeds on an ongoing basis. So, I

think that's some of the things that this working group is going to address. So, if it is on an ongoing basis and they've got to get reassessed every -- whatever it is, then it's going to have to be available, and certainly would have to be available prior to each round. So, I think that that's a good question, and it's probably one that we'll know better once we get through all the different sub-parts.

And I see Steve is typing. There's people typing. Donna's typing. Okay, lots of people typing. I will go on to the next -- actually that was the end of c.2, so let me just give it a second. All right, we're now on line 27, which asks the question, or states, "The RSP pre-approval process should have the technical requirements equal to the Technical and Operational Capabilities Evaluation," and that's capitalized, "As established in section 2.7.7 on Applicant Reviews, technical, operational, financial and registry services, but will also consider the RSP's overall breadth of registry operator support. So, this has got a lot of differing types of comments, so I think we're going to have to go through each one to make sure we understand. Other than Neustar, which just says it supports the recommendations, the Brand Registry Group states that they support the recommendation, but also states that the criteria must be set at the appropriate levels, which may differ across the different registry models and administered in a manner which does not introduce risks to the security and stability or create a barrier to new entrants or competition.

For example, an RSP that has exceeded the emergency thresholds on the EBERO was -- sorry, not so sure I read that right -- For example, any RSP that has exceeded the emergency thresholds and the EBERO was initiated should be disqualified from any RSP program and be required to undergo full evaluation. All right. Does anyone have any questions? I mean -- and I know Martin's on here. Martin, if the -- I guess the question I would have on that is if the -- there's going to be no difference in terms of -- or at least the thinking from the initial report was that the RSP pre-approval would be identical to the criteria that is set if an RSP didn't want to get pre-approved but wanted to come in through the regular process. So, with that last sentence, "Required to undergo full evaluation," so if any RSP has exceeded the emergency threshold and the EBERO was initiated, they should be disqualified from the program. Can you clarify that a little bit?

Martin Sutton:	Hi, Jeff, yes, sure. I think that was, as it suggests anyway, it was lifted from the actual CC2 (ph) response, so it was just reiterating what we had put in there. What I would say is the main point is the earlier part of that comment. Let me just try and read it. It's too small in here -- which is more about nothing to introduce new risks for security and stability, and not to be a barrier for new entrants or competition, which is similar to some previous comments that we heard earlier.

In terms of that last bit, I think that was just trying to give an example of where you -- they may have to loop back and go through a further review if they fail any of the existing thresholds, the EBERO -- if the EBERO's been instigated. So, my sense now, looking at this in the context of it all, is to really weigh in on the first part of it rather than that last part of the sentence.

Jeff Neuman:	Okay. Thanks, Martin. It may also -- CC2, I think we had some questions on grandfathering, and I think this might be related if -- I'm just looking back -- that might be related to the grandfathering of existing providers. And I think the example in looking back was that, if there was an existing provider and grandfather -- if there was an existing -- if existing providers were grandfathered, which is not a given, but if it was, then if there was a registry -- existing registry that exceeded the threshold, it shouldn't

automatically be grandfathered. It should undergo a full review like everybody else. So, I have a feeling that's what it related to.

Martin Sutton: You're probably right, but again, that was really referencing back to the previous comments that were put in. So, I think that was just lifted from the CC2 response.

Jeff Neuman: Yes, okay. Thanks, Martin. I think that makes sense. Donna points out it's the registry operator rather than the RSP that breaches EBERO, so same qualifier would be required. Okay. Valideus agrees with the pre-approval process having the same technical requirements as basically outlined for everyone else in the evaluation, that the main purpose is really just to move the timing to be earlier. They're agnostic on asking about RSP scalability but want to make sure that all applicants and responsibilities are treated equally.

Jumping to line 31, this is from NCSG. They agree that the criteria should be the same as whether you're pre-approved or not. They do not agree that the approval process should include the overall breadth of registry operator support. And then, they state that there should be a single process for the pre-approval of all back-end registry providers. Perhaps there could be an expedited review or re-approval to take into account complaints that may have been received and shared publicly by the new gTLD registries who use these back-end RSP services.

The stakeholder group, Registry Stakeholder Group, states that the design of the technical component of the application is adequate and a good starting point for RSP approval -- for an RSP pre-approval process, cautions that scaling is very difficult to assess, but there's work underway. They say it's reasonable to conclude that the design -- okay, this is what we just said -- that the design is the same criteria is good. And -- but here they talk -- could be elaborate a little bit more on the difficulty of measuring scale, but there are discussions with GDD staff on this issue in dealing with the change of back-end providers. And so, that -- if there is anything that comes out of that group, then they recommend deferring to some of those findings.

Okay. Business Constituency asks whether this -- would this impact a large company that decided to provide their own technical and operational services in-house? We agree that third-party service providers should be vetted, but we would want to ensure that a large company that has never provided technical services for a registry would be allowed to apply and provide their own RSP. I think we can answer that, at least according to the text of the initial report, was yes, it was intended as a voluntary program that you can be pre-approved. So, I think we'll answer that concern in the final report.

Okay. Moving on to ICANN Org, I think this is the same. There's a concern of the -- with the terminology, breadth of registry operator support, what that means, and does it include things that are existing TLDs or just the new ones that they support. So, I think they're also making the point that scale, looking at a registry operator's ability to scale is difficult. But they also state that the working group might want to consider including registry-level RST (ph) and registry services as part of the RSP pre-approval process. Additionally, to encourage innovation, the PDP working group might want to consider providing RSPs with the flexibility to be pre-approved for the registry functions of their choosing. So, my question, RST. Steve, are you familiar with the RST abbreviation?

Steve Chan: Hey, Jeff, yes, this is Steve. Actually, I am. It's Registry Systems Testing.

Jeff Neuman: Okay, so this is basically stating -- oh, go on.

Steve Chan: Sorry, I was just going to further clarify because I didn't hear you come in right way. So, I think it's pretty much akin (ph) -- it's the renamed pre-delegation testing.

Jeff Neuman: Thank you, okay, so PDT and RST. It's like -- I think this really defers to the discussion that's going on in that appropriate section in group C, is it, or -- no, group B. Group B. That's, I think, Rubens' group if I'm not mistaken. Okay.

Moving then to comment from the -- man, I wish someone gets on this and tells me how to pronounce this right, because I'm just going to keep saying it wrong, so LEMARIT, LEMARIT, IT, LEMAR-IT, anyone? Katrin is typing. Hopefully someone could -- Lee-mar-eet, Lee-mar-eet. Okay, there we go. Thank you. Thank you. Thanks for helping. I'll probably forget that by the time we get to the next one, but thanks.

So, LEMARIT has -- states here that the level of registry operator support is relative to the type of managed TLDs and should not be included as criteria for pre-approval. As we mentioned above, the same rules and conditions should be applicable to all the RSPs. So, they are -- so they agree with using the technical criteria, the same technical criteria, but the disagreement is on that -- those last few words on the breadth of registry operator support. So, that also goes to kind of the scalability. So, I think that there's -- okay, so it's not divergence from the whole comment, just from that part of it. Legal Marketing IT. Thank you, Katrin. Now that makes sense. Now I can remember it. There we go.

Okay, 2.2.6.c.4. This is on the voluntary notion of the program. So, this says -- the recommendation was the pre-approval process should be voluntary, and the existence of the process does not preclude an applicant from providing its own registry services or from providing registry services to other new gTLD registry operators. They would just have to go through the normal process during the application period. So, I think this also gets to the answer to the -- sorry, to the Business Constituency from one of the lines -- the comments above.

Okay. So, the first -- I think everyone was pretty much supportive of the voluntary nature of this, so that would include Neustar, Brand Registry Group, LEMARIT, and Valideus. ICANN Org states that they might want to have some flexibility to specify if they want to perform a service offered by the pre-approved RSP in a modified manner to encourage innovation. The NCSG -- now, I'm not sure why, but the NCSG thinks that this is not -- that this statement is contradictory and we should make it clearer. I think because we don't say the second part. We don't say they can then apply during the regular process. Maybe that's why the NCSG found it contradictory, because it -- if you just read this sentence out of context, it says it's voluntary, and it doesn't preclude anyone from providing registry services. That is a little bit contradictory if you read that outside its own context. But when you read that in the context of the next part, which -- or with previous parts which talk about you still have to go through the evaluation, I don't think it's contradictory. But let's try to clarify that with the NCSG if we can.

The Business Constituency states that this should be mandatory for all RSPs. Specific criteria pertaining to providing registry services should be established and a mechanism in place to audit and track the criteria. So, this is interesting, because the comment before -- so in line -- if you take the comment that's made by the Business Constituency in line 33, where they have a concern that this process may prevent someone from providing their own services or from applying later on, and then you compare that with the line 43

where they're now saying it should be mandatory, I think this requires some sort of clarification of the Business Constituency. Not sure they fully understood, and therefore I'm not sure it's -- I think -- it'd be great to have someone from the BC on here. But it almost seems to -- maybe right, we should get the clarification. It almost seems to me that, because the BC may be assuming that if you don't go through the pre-approval process, you could still -- there won't be -- I think they're assuming that, if you don't go through pre-approval, there is no process, and therefore it won't be tested at all. That would be -- to me, seems like the only reason why they would diverge, but let's get clarification on that. My hunch is, if they understood what we are saying, they probably would agree, judging from their previous comments, but I don't want to state that definitively. So, we'll ask.

Okay. The RSP pre-approval process should be funded -- or self-funded, so -- sorry, the RSP pre-approval process should be funded by those seeking pre-approval on a cost recovery basis. The RRG, Business Constituency, Valideus and Neustar agree, but Neustar does add the concern that more detail is required to understand the costs. So, while the notion of cost recovery sounds like the right -- sorry, sounds like the right concept, they're kind of reserving their right until they see the -- understand the costs.

Comment from LEMARIT is they agree, but the fee should be reasonably low to not limit competition. I see Anne's got a comment. Let me just see if I can get through. Anne, I'll come to your comment in a second because I think we're on the last comment from the registries, which state that, absent an understanding of how much it will cost -- absent an understanding of how much it will cost to establish this process, cost recovery by the RSPs may make pre-approval concept unworkable and too expensive to participate. The cost to ICANN of pre-delegation testing in 2012 round was significant, and the cost was recovered as a portion of the application fee. While the 2012 round anticipated a large number of potential RSPs, the reality was that only 12 or so emerged.

Okay. Comment from Anne that says there has to be an approval process that applies during the round itself. My guess is that applications that have pre-approved RSPs will go through more quickly and can launch more quickly. Anne, I think we should save that comment for the substantive discussion. I think from the report -- the initial report, what the initial report said is that if you're pre-approved, you did not have to go through any other technical testing or evaluation in the regular application unless there was something new that you were putting in an application. So, I think that was the point. I don't want to debate this subject now, because that's more related to the substance of it as opposed to the comments, but I think just to clarify that that was what was in the initial report.

Okay. Moving on to e.1, starting on line 51, "Should the pre-approval process take into consideration the number and type of TLDs that an RSP intends to support? Why or why not?" This I think is very much related to the previous question on the breadth of support, which was above. So, as you can imagine, like from that question, we have a wide range of different opinions here. So, the Brand Registry Group just re-quotes its -- the same comment as above, and then also has in there, as a single RSP grows in terms of the number of registries it supports and/or the result of significant growth within those registries, these aggregate changes should also trigger a re-assessment because it may contain additional risks, particularly as a single point of failure. The registrars agree that it should take into consideration the number of TLDs or RSP supports, and testing needs to be emphasized. The use requirements must be addressed.

Neustar talks -- again says the pre-approval process be -- in submitting to the pre-approval process, the RSP should be in a position to provide information about their systems specifications. That would speak to capacity and redundancy. And in fact, that was asked about in the technical questions. So, if they remain the same, that is true. The ability of an RSP to scale is difficult to assess in any preliminary pre-approval process, so it may be more appropriate to retest the RSP in the event that it reaches some threshold level related to the number of TLDs or domains under management on an annual basis. Valideus is ambivalent on this point but stresses the equal treatment of RSPs and applicants. The Registry Stakeholder Group opposes a pre-approval process, taking into consideration the number and type of TLDs. Because the pre-approval process should be limited in scope, it's only an indication that an RSP can support the five core functions for a single TLD. It's not designed to ascertain if the RSP is fit for purpose, i.e. can RSP support the specific business requirements for a TLD that are being applied for. Such qualities are not tested or ascertained by the pre-approval process. So, there's definitely a difference of opinion with the registries and some other groups. And LEMARIT is actually similar opinion as the Registry Stakeholder Group.

Any questions, thoughts? Okay. Moving on to the next one, so this is "If so," meaning if you -- if ICANN does take into consideration the number of TLDs and domains under management, then what if the number of applications submitted during the TLD application round exceed that number? So, let's say -- a hypothetical is if a registry is approved for or up to 100 TLDs and they get 105, what happens? Does that apply for it (ph)? And so, let's see. BRG just restates its opinion from 2.2.6.e.1. Neustar, if at -- during -- at the conclusion of an application process prior to commencing evaluation, the RSP could be asked to confirm its ability to support the number of applications. So, I guess in this case, if there were 105, then ICANN would need to either re-assess or rely on self-certification. The Registry Stakeholder Group, they were opposed, and LEMARIT were opposed to any scalability being tested anyway, so it's not a surprise that they are divergent here by saying that it's a business issue between the RSP and the registry operator and should not be evaluated here.

Okay, moving on to e.3, line 63, "Should the RSPs that are pre-approved be required to be periodically reassessed? How would that work if so?" So, the BRG, the NCSG, the registrars, do believe that there should be some sort of reassessment. The registrars also believe that it should be tied -- the reassessment should be tied to the type characteristics of gTLDs being offered to ensure technical requirements of the TLD are being met. The NCSG -- did not mean to skip that -- talks about making sure that they have regular reviews. This cataloging of I guess complaints against RSPs, investigations into RSPs and results, and the process for rejecting previously approved RSPs, so that's just a rehashing of the earlier comments.

The ICANN Org again talks about, if there's going to be a reassessment, there needs to be a contractual or some sort of tie to the RSP requiring that reassessment testing or evaluation, and currently that's really only under the registry agreement. So, whether that's the same, going forward, or whether there's a different arrangement, ICANN would like us to address that. Valideus does not think that there's a need for periodic reassessment. That's not been required in 2012, and therefore, because of a lack of contractual relationship, ongoing technical competence should be monitored through contractual SLAs with each registry operator as opposed to reassessment. But, if there is a reassessment process, Valideus says it should be extended to RSPs that have not been pre-approved, or registry operators utilizing those RSPs. So, if someone went through

the regular process to get approved, they should go through the same reassessment that everybody else goes through, I think is Valideus' point.

The Business Constituency talks about ongoing audits should be conducted, and issues discovered should be measured and tracked. Neustar is against the notion of reassessment, kind of like Valideus talks about the SLAs and contractual requirements. And so, because monitoring will be continued in future rounds, there's no need to do reassessments since they'll have that data anyway. And there's no evidence to suggest that existing RSPs currently supporting gTLDs have had any critical failures or EBERO events. Registry Stakeholder Group talks about preapproval being valid for a period of time or unless a breach occurs. And then, it has kind of a suggestion of what a breach would be. And registries state that pre-approval should automatically renew if an RSP had been successfully operating all of its TLDs in -- they say GA, which is General Availability, for at least the last three years without any breach. The -- LEMARIT talks about that pre-approval should be at least a period of time, like four years. Reassessment can be requested if -- again, here they're talking about if there's any kind of failures, SLA failures or other reasons for concerns. That's when you can reassess as opposed to just having an automatic reassessment process.

Okay, any questions on e.3? Okay, e.4. "If there is a reassessment process, should RSP applicants that do not take part in a pre-approval program," meaning that they go through the regular process, "should they go through a reassessment?" Then I guess, if someone said no, they shouldn't go through reassessment, then the question is, well, why would that not be inconsistent. Everyone I think points to their previous comments, so Valideus points to its previous comment. The Registry Stakeholder Group agrees that all RSPs should be treated the same. Business Constituency talks about auditing registries and their service provider as opposed to reassessment. ICANN Org I think again talks about the registry agreements relationship, so that's the same comment. And LEMARIT again talks about reassessment doesn't make sense because you have service levels and other things that's measuring whether these RSPs are meeting the criteria.

Okay. And I think these are the last two questions, e.5 on line 79. This talks about really essentially the notion of grandfathering. "Should existing RSPs be automatically deemed pre-approved? Why or why not? If not automatically pre-approved, should they have a different process for seeking pre-approval? If that -- if they do have a different process, what would that be? Any exceptions? For example, should a history of failing to meet certain service levels be considered when seeking pre-approval?"

The BC says yes, existing RSPs should be deemed pre-approved. XYZ also agrees with that. The registrars state that it's important to take into consideration and address characteristics of individual new gTLDs being offered by an RSP. Testing needs to be emphasized. The use requirements must be addressed, and standardization between back ends is needed. So, doesn't address the concept completely, but just wants to make sure that I guess unique characteristics are taken into consideration.

The Registry Stakeholder Group talks about existing RSPs should be subject to the reassessment process, so maybe it's not a pre-approval, but if there's a reassessment process, then that's what the existing RSPs should go through, unless they've had some sort of breach and they define that in the same way that they did in their last comment. ICANN Org basically is saying that if there's any changes or new requirements in this round, then you would have to test the existing RSPs because of those new requirements. Valideus does not support grandfathering. You could streamline their review, but

grandfathering is not -- they don't support that. All RSPs, existing or new, should be required to go through a new process. It may be that legacy operators can go through the testing at a discounted rate, but not -- no support for automatic grandfathering.

Line 86, the SSAC does not support grandfathering, and I think this is their main comment in this section, that they must have a fresh evaluation with each new round. It's not onerous. It represents good due diligence, especially if there's differing requirements. So, they say back-end providers may provide templated answers, so those answers will sometimes be customized per application depending upon technical business plans provided in individual applications. Therefore, not enough to check off technical providers' generic capabilities. The problem is identifying whether an application departs from a provider's template and which application questions need specific evaluation. This problem can arise in several circumstances, such as when an application proposes a new registry services, where there is a PIC (ph) obligation or there's a variant technical implementation use in the TLD. So, I guess what the SSAC's saying here is that, yes, you can pre-approve registries, but you need to ask in each application whether they're just going to provide the normal templated services or if there's going to be something new. And if there's something new, either because of a new PIC, a new technical implementation, a -- something that needs evaluation, that that needs to be in each application, going forward.

Neustar does not agree with grandfathering. They support just keeping the current monitoring -- well, wait, hold on a second. Let me make sure I get that right. They support continuing the current monitoring process. There's no evidence to suggest that existing RSPs have had critical failures. So, actually, I would not label theirs as divergent. I think there's -- they agree with the grandfathering concept, unless I'm misinterpreting. Doesn't that seem like -- and I know Donna left, so -- but it seems like this comment agrees with grandfathering. It doesn't like reassessments because they believe that SLAs are being measured, so you know how they're performing. So, I think that's actually -- we'll get Donna to confirm, but I think that's actually agreement with the grandfathering. LEMARIT does not agree with grandfathering, and neither does Google. They want to make sure that everyone is treated equally and that everyone has to undergo the same process. So, we'll confirm the Neustar one.

And then, the last question was kind of -- What is the appropriate amount of time to allow someone to submit an application so it could be added to the list of approved registrars? Obviously, this assumes that there is an RSP pre-approval program. The BC just emphatically states six months. It doesn't really -- I don't think it's got a rationale. It just states six months. And Valideus states that it's important that new gTLD applicants have predictability and clear information in advance of the application window. Therefore, we think that any RSP pre-approval process should have at least a 30-day application window with all pre-approvals being completed by no later than 30 days prior to the opening of the gTLD application window. However, in order to obtain a more accurate estimate of the time necessary to pre-approve an RSP, ICANN should be asked to provide a guide based on benchmarks from the 2012 round evaluations. So, I think that makes sense. Again, for the record, Valideus is the company I work for, but I did not take part in the writing of Valideus' comments and kept myself separate from that process.

Okay, that was a lot to cover in an hour. For the most part, the comments seemed pretty clear, with a couple clarifications that we have noted. And I think we can draw some conclusions from this, while not full consensus on any of these concepts, I do think that

there's a good level of support for pre-application -- a pre-approval program. And I think there are some ways we can put all this together and summarize to the full working group.

So, for the next call, we will be talking about the global public interest, the applicant freedom of expression. And I think on the last call, because there's not a huge amount for those last three topics, two, three, four - universal acceptance, applicant guidebook and communications, I think we can probably cover off in that last call, or in two weeks from now. When is the next call? That's a great question. So, let's get that posted on there, someone can post the timing of the next call. Thursday, February 7th at 1500 UTC. So, we're going to try to get through all of -- well, at least the first two parts of 2.3, and looking at systems, there's a question. So, I think we can get through the rest of it in the -- not the next call, but the call after that, because seems like there's mostly agreement with all of those, so there's not a huge amount to review on systems and communications and applicant guidebook.

So, anyway, thank you, everyone. That takes us to the top of the hour. And great progress, as Cheryl says. We'll talk to you all next week. Thank you, everyone.

Cheryl Langdon-Orr: And thanks, Jeff. That was huge. Bye for now.

Jeff Neuman: Bye.

Unidentified Participant: Thanks, everyone. Thank you, Jeff. Everyone can disconnect your lines. This meeting's adjourned, and have a good rest of your day.