

**ICANN Transcription
New gTLD Subsequent Procedures Working Group
Monday, 03 October 2016 at 2000 UTC**

Note: The following is the output of transcribing from an audio recording of New gTLD Subsequent Procedures Working Group call on the Monday, 03 October 2016 at 20:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance may be also found at:

https://community.icann.org/x/_we4Aw

The audio is also available at:

<http://audio.icann.org/gnso/gnso-new-gtld-subsequent-03oct16-en.mp3>

Coordinator: Excuse me, the recordings have started.

Michelle DeSmyter: Great, thanks, (Philip). Appreciate that. Good morning, good afternoon and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on the 3rd of October, 2016 at 20:00 UTC. In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room so if you're only on the audio bridge today please let yourself be known now.

Thank you. As a reminder, please state your name before speaking for transcription purposes. Also, keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll turn the call back over to Jeff Neuman.

Jeff Neuman: Thank you. This is Jeff Neuman. Welcome to the call on October – I guess it's 3rd – I'm looking at my – yes, October 3, 2016. And seems like we got

pretty good attendance today; about – almost 30 people. So we'll start with just the regular reviewing the agenda. So we'll do the statements of interest, obviously up – get an update from each of the work teams to see what's been going on the last couple weeks, an update on the GNSO Council call, the letter that we had sent and the response during the Council meeting last Thursday.

Then we'll turn it over to Avri to continue the discussion on the overarching issues and finally a little discussion on the work track coordination. So with that said, I'm still hearing a little bit of an echo so if everyone could please mute their phones that would be great. Is there anyone here that's got – that would like to add anything to the agenda for any other business?

Kavouss, yes, your hand is raised.

Kavouss Arasteh: Yes, good times. I don't want to add anything to the agenda, but I wanted to use this opportunity and perhaps we all together we express our sincere gratitude and appreciation to the CWG which has tirelessly devotedly and diligently and enthusiastically worked for months and months in particular during the last three months to finish all those business which required to put the transition into the place and in that sense at least many people, including Jonathan Robinson and Lise Fuhr, and other people they worked – they are really deserve a sincere appreciation for what they have done in – from the entire community.

But I want to take this opportunity at this meeting to also remind our self that this is the historic work they have done. They put a golden record on the activities how patiently, competently, tirelessly and diligently they have done. They listened to everybody pick up the things together and finish this job on time. So I hope the people would join me and trying one way or other to express at least the appreciation of this group. I will raise this point in the ICANN 57 formally. But I want just to use that opportunity to do this here. Thank you.

Jeff Neuman: Thanks, Kavouss. I want to echo that and I agree with everything you said. I put a checkmark for agree. I think the work that the whole community has done has been, as you said, historic and, you know, it is a – it's a monumental or it's monumental achievement.

Great. Thanks, Kavouss, for starting us off in such a positive way so that we can get onto doing the work that ICANN – that ICANN is here to do. So with that let me ask if there's any updates to statements of interest that anyone wants disclosed. Obviously you're supposed to disclose that via writing but is there anyone that would like to update their statement of interest?

Kavouss, your hand is still raised, I'm assuming it's still...

((Crosstalk))

Kavouss Arasteh: I'm sorry. That was old hand. I'm very sorry.

Jeff Neuman: No that's okay. I see in the notes it says Steve Coates has an updated SOI and it's posted at the link that was just put onto the right side of Adobe. Anyone else? Okay, now we'll go to an update from the work team leaders to see what's been going on the last few weeks. I can tell that you they've all been working very hard on their meetings and each of them, as you know, hold meetings every other week. And so I will go to Work Team Number 1 who has a meeting in a few hours after this call. So would that be – who's going to give the update for Work Team 1?

Sara Bockey: Hi, Jeff. This is Sara Bockey. I can do that.

Jeff Neuman: Great. Thanks, Sara.

Sara Bockey: Yes. This is Sara Bockey for the record. So we had our last meeting. We started discussing some – we had some more deliberations or discussions on

the accreditation round. We talked a little bit about the problems that we're trying to solve and what exactly we mean when we are looking at certifying a service provider, a third party to provide this service.

We'll probably touch on that a little bit more today but we're going to start focusing on the support for applicants from developing countries and touch on topics that came up during a survey from the CCT of those applicants or potential applicants to see what their pain points were and so that's what our topic today would be.

And that's about it. That's a quick overview.

Jeff Neuman: Okay thanks, Sara. I have an echo. Okay it's gone. Good. And just to note for the record as Kavouss just put in the chat that he referred to the CWG and not the CCWG but both worked hard so I think both obviously gets credit but there's still more work as Avri has put into the chat.

Okay, so on from Work Team 1 to Work Team 2. Is that going to be Phil or will that be Michael?

Michael Flemming: Hey, Jeff. Michael here. Can you hear me?

Jeff Neuman: Absolutely, great. Thank you.

Michael Flemming: I'm more than willing to give the update unless, Phil, you want to jump in? No response? Okay. Yes, so as far as what we've been doing this week, there's been really no update since of last – no, I'm sorry, there has been an update. So we have been – we've started off with the baseline Registry Agreement and a high level discussion.

We've had some interesting topics or interesting discussions in regards to that. Especially on the Working Track 2 mailing list, we've had some positive discussion and we're starting to look at the pros and cons of having a single

base agreement for – I'm sorry – versus category and agreement for each category perhaps.

In that sense, I believe, this week's meeting, which falls on Thursday 20 UTC, will be looking at the baseline Registry Agreement and having – continuing that high level discussion while looking at the pros and cons of the single, sorry, that single Registry Agreement versus the one for categories. Then we'll also be looking at adding a new topic to the Working Track 2. We're going to look – discussing the terms and conditions of applying for a TLD. We're going to be looking at the scope of – how that falls into our scope and what kind of questions we need to be asking.

And if we have time we'll try to get into the reserve names. I think we've already got a full plate on our – or a full schedule on our hands. So I'm not sure how much time we'll have but we're going to try to see if we can't just brush up on it a little bit. So that'll be all from us this week. Thank you.

Jeff Neuman: Thanks, Michael. That is a lot going on. And, you're right that I'm going to use this opportunity to push for using the mailing lists. I think we started to see some good emails on the base agreement for Work Track 2. And I think that'll certainly help us progress a lot more quickly through the work if we can get email discussion on each of the lists.

Okay, Work Track 3, who's the lucky one? Is that Karen or Jian?

Karen Day: I think it's me. It's – I think 3:00, 4:00 am in China so I'll get to do this one.

Jeff Neuman: Thank you, Karen.

Karen Day: We had our third meeting last week. And we went through all of the subject areas that we were tasked with and we've agreed upon a proposed order of work. And we'll be starting out – we're starting out with objections and we had some good high level discussions about the various objections. We looked at

the statistics from the last application period. And started talking at a high level about limited public interest objections and legal rights objections.

This coming Tuesday, the 11th, we will have our next meeting and we're going to start our deep dive into limited public interest objections on that meeting looking at the actual cases and whether or not there were issues exposed that need to be addressed in policy. Did the Applicant Guidebook hit the mark and whatnot?

We'll do that for each of the types of objections and start just diving in. So if anybody has – especially anybody that's not already signed up for that work – our work track, if you had experience in the objection process, with any of the particular objections, we'd love to have your input as we're going through these.

That's it for me.

Jeff Neuman: Thanks, Karen. This is Jeff Neuman again. Work Track 4 is Cheryl Langdon-Orr and Rubens. Which one of you are the lucky ones?

Cheryl Langdon-Orr: Rubens. Rubens.

Rubens Kuhl: That would be me, Jeff, thank you. Rubens Kuhl for the transcript. Work Track 4 also had third meeting last week. We are mostly information discovery phase. We were looking to some interfaces with – we could try and get information from. One was our relationship to the universal acceptance steering group, a group which are trying not to duplicate their efforts. But since they are more outward-facing, they look most at relating to known ICANN parties, we would probably succeeding in this regard.

We also looking to get some information from qualifying questions from the 2012 round from ICANN staff. But it seems we will not get such information even though some of this information should be public in case of public

questions so it seems that ICANN is not – ICANN staff is not forthcoming with this information. But we need to proceed anyway.

We started developing some questions or some ICANN contractors which might answers or not about the process. We also started working on the community outreach questions, which will be more specific than the ones that the full working group already have sent to the different stakeholder group and constituencies and other advisory bodies from ICANN.

And we probably continue to work on those questions next week. Our next session will be at October 14 0300 UTC. And everyone is welcome to join that. Thank you, Jeff.

Jeff Neuman: Thanks, Rubens. Yes, and it would be great to have each one – each person that's on this full working group and others to join one of the subteams as there's a lot of work for everyone going around and everyone's doing their best and trying to make this go as quickly and efficiently as possible.

So with that said, we next are going to turn to the GNSO Council letter so the – as you recall several weeks ago the – about a month ago I guess the ICANN Board sent a letter to the GNSO Council asking whether – what the Council's thoughts were on the subsequent procedures and whether it was possible to have a – to do the policy work but also in parallel launch additional new top level domains. And if so, what were the gating items, what were the items that could – that we could – that could wait and what are the items that could – that we must solve for before starting a new round or window or whatever.

Many of the constituencies and stakeholder groups responded directly to the Council. The Council solicited feedback from the – this working group. And we submitted a letter back saying that we were unable to come to consensus in either way of whether we could do this in two tracks or whether we insisted that all the work be done.

The Council had a meeting last Thursday. Although it was a fairly big agenda item, they, from what I listened to, it did not sound like the Council really got to it until very late in our call. I think their call was extended by 30 minutes. And I believe the resolution of that topic was that there was going to be a small team that was going to compile each of the constituency statements along with the working group statements into one letter that would be sent to the Board.

The Council meets, I believe, in another week or two this month. And so I think it would be at that – I think the goal is – and I'll ask for any councilors to jump in. I think the goal is to come up with or finalize our letter and send it to the Board.

So is there – before I get to Carlos who has his hand raised, Carlos, did you want to address the Council call?

Carlos Raul Gutierrez: Yes, you did an excellent summary, Jeff. There is a small team. Staff prepared a very good summary of the main arguments, the main comments. You can read it. Steve Chan distributed it a day or two ago. And we will have this draft ready for the next call on October 13 and hope to have the letter out before the India meeting. Thank you very much.

Jeff Neuman: Okay thanks, Carlos. And, Steve, maybe if you could put a link in the chat to that summary. I'm sure people may be interested in seeing it. Kavouss.

Kavouss Arasteh: Do you hear me, please?

Jeff Neuman: Yes.

Kavouss Arasteh: Jeff, I wanted to ask yourself or Carlos, that you – if I understood it correctly – you said that the small group has been established to prepare a reply from the Council to the Board. Would it – that reply would reflect that at this stage

we have not reached any consensus of either way? Is that correct? Thank you.

Jeff Neuman: Thanks, Kavouss. My understanding is that the small group is really just going to be summarizing or not even summarizing, sorry, that's probably the wrong word, it is basically compiling each of the responses into one letter to send to the Board. So I don't believe that they're going to be interpreting anybody else's statements or making any recommendations based on that. I think it's literally synthesizing as Mary just said in the chat.

So I don't believe that they're going to be making any judgments or anything like that. So we'll – we'll make sure – I know that there are some people from this group that are on that small team that are also on the Council. So hopefully they will make sure that the letter does not – that it just reflects that a synthesis of the responses that the Council got back.

Okay, I'm seeing Carlos say exactly so is there anyone else that has any comments on that? Okay, then going back to the agenda, we are on Number – Item Number 5. And this is where I get to turn it over to Avri so we can continue on our discussion on the overarching issues and CC1 where we left off. So, Avri, are you there and able to take over?

Avri Doria: I am here. And I believe I'm able to take over.

Jeff Neuman: Thank you, Avri. Off to you.

Avri Doria: Okay. So if I've got it right, we are at 2c now, is that correct? Someone please correct me if that's not correct. Okay. So you've all got – I can't read that one. I'll read it on that. So if we're at 2c, and I see no one correcting me, so – and I will read it on the Excel file but everybody does have their own ability to move.

So 2c was dual categories identified by the PDP working group members belong in the list. The GAC had no comment at this time. The Registries had no. This list has a few mistakes. Different forms of legal bodies have not and should not be treated as a distinct category of TLDs. Similarly, ICANN did not distinguish in the 2012 round between not for profit TLDs. It is also possible that a TLD may fall into more than one of the proposed classifications.

For example, at least one of the current geo TLDs also is not for profit. We do not believe that regulated and highly regulated TLDs should be treated as a separate category of TLD from the application process as these categories were solely derived from GAC advice and not self-designation by the applicant.

Okay, so I'd like to give anybody from the Registries first chance to – oh so I should have covered 2b first. Okay well I'll cover 2c and then I'll go back to B since I've already read 2c.

And I don't want to have to read it again. Also 2b is not bad. I'll go back to it. Well actually that one's on the additional categories missing from the list. Oh dear I think (unintelligible). I see. And the GAC had – let's do these two together, how about that?

So because basically we're talking about the list and we're talking about which of these categories should or should not be in that list. So the GAC said that the list appeared to be a good basis for further analysis of the concept. The 2007 GAC principles on new gTLDs already included a series of specific types or characteristics of TLDs. Terms with national, cultural, geographic and religious significance, country territory or place names or descriptions, IGO names and acronyms, etcetera.

And subsequent GAC advice, such as the 2013 Durban communiqué, has put emphasis on certain types of TLDs, generic, geographic names, community-based, sensitive strings, highly regulated sectors. Which may well

deserve a differentiated treatment. On this one the Registries and IPC had no comment at this time.

And on just the last comment on this 2b/2c group, on IPC comments, we had there is no reason to narrow the list. Having this list does not necessarily mean that each type of TLD will have its own special process.

So between the two questions here, one, is it the right set? We have an answer that, yes, sort of. And is it the right set? We also have the answer, no, not really. So I guess between these two we've got to figure out what the right set is. Now the IPC brings up a good question here in terms of well, by defining these types are we therefore also accepting that they will have different processes and such?

Or, that that's not necessary. My assumption had been that if we defined a type then there was something that might end up being distinctive about it when it came to process, otherwise why type it?

So given that, taking these two together, first of all I'd like to see if anybody from GAC, IPC or Registries would like to comment further on their remarks? And then I'd like to get into some discussion on how do we handle this? And exactly what do we mean when we're setting up one of these types? Are we indeed only setting up types for which we think there will be special process? So I'm looking for input.

I see no input. Personally I don't know what to do because we have a list, some think is good, some not. Okay, thank you. I've got Jeff and then I've got Donna.

Jeff Neuman: I'll actually defer to Donna because I was actually going to read her comment and then expand on it, but so I will let Donna go first.

Donna Austin: Thanks, Jeff. Donna Austin. So, Avri, I think, you know, what you pulled out from the IPC comments is probably critical here. So what do we mean by categories? What's the consequence of defining categories? How do we move forward if we define categories? So if we look at, you know, what was defined in the Guidebook, I think we had three. We had community, geographic and generic, I guess.

And then moving to the implementation phase we ended up with a brand category courtesy of Specification 13 of the Registry Agreement. Now, I think there's an outstanding issue there with the brands in that a brand actually hasn't been defined in terms of policy so is that something that this group needs to do moving forward to ensure that – or not – ensure might be the wrong word, but to understand whether those Specification 13 still holds? Because I think that's an important consideration.

You know, one of the other things that I think is important in the discussions that we have is that we already have, you know, 1500 registry operators or applicants that have been through an initial process. And what kind of disparity are we creating if we have additional categories that we bring into the mix? So I think that's a question that we should understand as well.

You know, the GAC has made reference to terms with national cultural, geographic, religious significance. I think if we went back to the geographic names discussion, for the 2012 round a lot of that – the GAC principles from 2007 had language that is similar to what they've noted here. And there was a lot of discussion around that that actually resulted in country and territory names being put aside for the first – for the 2012 round.

A narrow definition of geographic for the – ended up in the Guidebook. And I think there's, you know, correspondence between the Board and the GAC on this issue. So a question for me is how much of conversations from the 2012 round do we actually reopen again? You know, is there real value in doing so?

So I think this is – the categories is a very complicated discussion to have because we need to understand what the consequences are. And I'm not sure – I'm a little bit like you, Avri, I'm not sure where to start on this because I think this is the single most complicated issue that we need to discuss and try to find a way forward. Thanks.

Avri Doria: Thank you. Jeff.

Jeff Neuman: Thanks. This is Jeff Neuman. Yes, I sort of agree with Donna but I think I differ in a little – as well in the sense that it definitely is complicated. But I think if we all accept the fact that there are categories even if we don't understand the significance of those at this point, it gives us sort of a checklist to go through when we do something or when we review something in one of the work tracks or as a full group so that we can ask ourselves okay, does this thing that we're doing, whatever it is, apply the same to generic? Geographic? Brand? Etcetera as we move through, community?

And if yes, that's fine that's great, so it applies to all of them. If there unique – if there are any unique differences or things that we need to consider, it's at that point that we can, you know, figure out if there's any consequence. I think that's important. There are categories, they're not going away, at least the existing ones.

And I don't believe that the fact that we have 1500 now should dissuade us if we feel that there are any important policy ones to differentiate. So for example, if we did come up with a brand agreement, and that is something that the group decides – I'm not presupposing the conclusion – but if that were one of the things, then obviously one discussion topic would be how or should we make the recommendation that existing brands transition to the new agreement?

So I do agree that that should be a consideration. But I don't think that just, in our minds, say, well, 1500 are launched. If there is an issue that's identified, if there is a problem, and evidence of a problem, then we should solve it even though it may be different than what we did in the last round. Thanks.

Avri Doria: Thank you. Donna, your hand is up – I guess it's a new hand, right? Please.

Donna Austin: Yeah, it is, Avri. Thanks. Donna Austin. I'm just trying to work out how to respond to Jeff. So I think, you know, one of the questions for me is what's the benefit if we identify – because I'm assuming where this will lead is that we identify additional categories. And then once we've – and the challenge will be how do we define those categories?

Maybe, as a starting point, there was a lot of discussion around categories as I recall in the 2012 round. So maybe it's worthwhile, you know, reviewing some of that discussion to understand whether there were any categories identified through that process that have actually risen to the surface through the 2012 process and see, you know, what if there's any information that is still relevant that we can use with that. So maybe that's a starting point.

I think – and I also – something also struck me that I wonder whether we need to have the category discussion before you can have a substantive conversation about the agreements. So I think that's part of the Workstream 3 that's going on because I think the two are – are certainly seriously connected. So I wonder if we should have the category discussion before there's any kind of consideration on whether there should be differentiated agreements. Thanks.

Avri Doria: Thank you. I put myself in the queue, talk a little bit on the – this is Avri speaking – talk a little bit on the 2012. Part of the reasoning at that time was that there were many possible categories but that we would see which would emerge. I don't actually remember if there was ever a list of possible ones.

There was certainly geographic and (unintelligible) and in fact geographic wasn't necessarily laid out as a separate category in 2012.

It was there were standard and there were community, but then there were special rules that got applied to geographic in the creation of the application guidebook. At the beginning, in terms of the policy at that point, geographic hadn't quite emerged. We had made an initial decision that there would be no special reserve name list and then those things, that it would be an objection basis and then various lists of names started to originate with between the – you know, between the Board and the GAC.

And so that was a category that emerged. That was probably the first emerging category. The brands was definitely, I would say, the second emergent category. So when I take a look at it, as I see us having at least those four that we need to deal with. Whether at the end they end up having special conditions or not, remains to be seen. But those four did emerge as categories.

Then if we look further at some of the issues that came up, the closed generic ended up another talk about category and that it was an issue-based category. So perhaps that's another one of the emergents. So what I think I'm tending towards what Jeff was speaking of is certainly look at the categories that emerged in practice in the 2012 round. And that would probably also include those highly regulated names because we did end up treating them differently.

Then the question, as Jeff was saying, is as we're walking through this, look at that set of categories that we define or set of possible categories, let's call it, so that they're not – we are committed to there being a category of highly regulated names or we are committed to there being a category of closed generics, but looking at those possible categories as we proceed through and look at ought there be a different treatment on this issue, for them; ought to be a different treatment on that issue for them.

And proceed before getting to the point where we say that shouldn't exist as a category. I do believe that any of the categories that emerged from geographical on out, because 2007 (unintelligible) only had two, standard and community, that we really have to take all of them within a policy context. So I do believe they all do need to be talked through and we can't just assume that because it emerged in the last one it gets to remain as it was defined in that emergent.

So that was basically, you know, my two cents that I wanted to add personally to this discussion that basically it's almost a point of starting out with a (max) list, the list of ones people think emerged. Not adding new ones at this point. If they didn't emerge in that round then it's purely speculation. But if they did emerge, either because it was a problem or because we created special handling or special contracts, then they do exist (unintelligible) and we need to subject them to policy discussion.

Yes, Jeff.

Jeff Neuman: Yes, thanks. Agree with that. The other thing I want to add is that there is still GAC advice on – I'm not sure what to call it – I think they called it sensitive strings or there were different categories of sensitive strings. But in the end what happened was that certain TLDs had to agree to additional PICs, public interest commitments. Nobody from a policy perspective has addressed those PICs as to whether that was the appropriate way to handle that category or even whether needing such a category was something that we should have done or should do in the future.

So I do think we need to address that as well. I'm not sure it deserves to be its own quote, category, but it is something that we need to address in each of the work tracks to the extent that it impacted the outcome. We know that certain registries either had to convince the governments that they could run those registries, or alternatively, had to put in some extra PICs that ICANN

mandated to, you know, either agree to licensing or other types of requirements.

So that is something that we need to discuss even if we don't call it a separate category. We need – we need the GAC and to the Board to get back to them on what we think from a policy perspective. Thanks.

Avri Doria: Thank you. Steve Chan, I see your hand.

Steve Chan: Thanks, Avri. This is Steve from staff. And I actually just wanted to read a comment that Jorge Cancio put into the chat because his audio is not very good and he requested that it be read for him.

So his comment reads, perhaps we should look at the different elements of category (name). One, a specific purpose; two, a set of specific requirements for the applicant; three, specific procedures to go through; four, special conditions in the Registry Agreement, et cetera. Thanks.

Avri Doria: Thank you. That actually seems like a very good matrix to start thinking about as we sort of go through things. Tom, I see your hand. Please.

Tom Dale: Thank you, Avri. Tom Dale from the GAC Secretariat for the record. Just to add to Jeff's comment on public interest commitments, some of you may recall that ALAC, with some support from the GAC, had requested of the Board a separate consideration of the operation of the PICs and the Board had indicated that they believe that the PICs – that an evaluation of the PICs were part of the work being done by both this PDP and the CCT review team.

So and that advisory – ALAC was supported in one of the GAC communiques. So I guess I'm just making the point that out there there are a number of people who are of the view that this group is considering the PICs and indeed that's what Jeff is proposing. So I think that would be a logical part of the work. Thank you.

Avri Doria: Thank you. Yes, and while that is begin discussed I think PICs has to be on the agenda for some point because there are also those that are very unhappy with the imposition of PICs and some people have written of PICs as being forced on people as opposed to being voluntarily taken up. I'm not sure to what degree, but that there basically is a segment of the community that is against the notion of PICs.

And then the other item we have on PICs to discuss when we come through it is to what degree are PICs enforceable? And how is kind of enforcement done? And that then leads us into the question of can that enforcement of PICs be done without running into the problem of dealing with content?

So we really do have a whole set of issues that will need to be discussed under the title of PICs. But I think PICs is somehow separate from the categories themselves, trying to get back to for – I mean, to be in C here in terms of how do we pick our initial set of – how do we pick our initial set of categories? And then I really liked the suggestion that came up of then also then trying to figure out what are the attributes and within that basically building a matrix of if you have such a category it is special in this way, it gets processing in this way, etcetera.

So but what I do want to come out of this discussion with is sort of an accepted starter kit of categories that we're going to work against. Yes, Jeff.

Jeff Neuman: Yes, thanks, Avri. This is Jeff Neuman. Agree with what you just said. Just wanted to point out that PICs will be considered by, I believe, both Work Track 2 and Work Track 3. Two from the agreement perspective and enforcement, and three from I believe, the dispute resolution policy and those. But the relationship – the reason I brought it up is because it's for us to consider whether there is this other category of sensitive strings which the GAC believes that there are.

And if so, that's when you go through the matrix that you were talking about, you know, is it treated differently coming in in terms of application processing? Is it different in terms of contract, etcetera? So one way or another we need to decide if it's a category and how it's treated if it is.

Avri Doria: Okay thanks. Yes, I think what I was getting at is at this point we kind of have proto-categories that we have a set of things that may end being categories and I guess I'm suggesting that we work with them as if they might end categories and not cut the list at this point. But that goes against the Registry point so I'll open the floor up again to Donna who has her hand up.

Donna Austin: Thanks, Avri. Donna Austin. So this is potentially a naïve question, if we take a look at the PICs in terms of enforceability, and we decide that they're not enforceable, what's the consequence on those registries that already have PICs within their Registry Agreement? I'm just...

Jeff Neuman: Avri, can I...

((Crosstalk))

Avri Doria: That's a good subject for the subteam. Yes, Jeff.

Jeff Neuman: Yes, just two – I think, Avri, what, Avri, you meant, when you said enforceability, I think you were talking about who can enforce it, not necessarily whether it's enforceable. So I don't want to put words in your mouth but I remember the discussions that took place. Obviously, ICANN can enforce it through a contract. But the question is can there be a third party action and is that appropriate for a certain third party actions against enforcing those PICs?

And then there was also the question of well what about PICs that were time-based in terms of, you know, expiring within a year or two? That question, so I don't – thank you, Donna, for the question because it sounded like that, but I

don't think that's what we're talking about, whether it's enforceable at all. I think it's more about who and how.

Avri Doria: Yes. This is Avri. I have my hand up again. It – yes, it's how can it be enforced? It's how is it dealt with? But there is also the question as we do have the new bylaws that have a prohibition on anything to deal with content. We'll have to deal with the issue of if a PIC is content-related then what is the situation with that? How does that all work?

It may work fine. It's in a contract. It's in a contract that perhaps trumps the bylaws, but perhaps it doesn't. And so I believe that that's an issue that has to be on the shelf there in terms of that, and that may have an effect on existing enforcement of existing PICs, that (unintelligible). The point is PICs never went through a policy process; it will be going through it here. So it's got lots of issues especially in context of the new bylaws. Although the existing PICs, I think were grandfathered in in these bylaws. So that will end up a different issue.

Okay, so now the proposal was sort of that we take the existing list and we keep it as a – as a list of possibles. Now it might also be good to mark the list and sort of indicate the ones where the Registry Stakeholder Group indicated a doubt about it. So basically we have a list of possibles but some of them have already been questioned. And so that we don't lose the content of them having been questioned, but we also don't take them out of the list of possible things to consider as an approach.

But there were also a couple where I felt that Registry Stakeholder Group was arguing a contradiction or adding or arguing that we were adding new ones. For example, the nonprofit. Now that was never an issue that I was aware of in the current application. Yes, there were some nonprofits and so on, but I don't remember that ever being an emerging issue from that. So I'm questioning whether the ones we've added that didn't emerge belong in the list of possibles.

And Kavouss, you have your hand up. Please.

Kavouss Arasteh: Yes, I have listened carefully to the discussions and I've requested to (constantly) after this 50 minutes to – not 50 – 40 minutes so your hands up. going th m have already th keep it as a - as which oard.one. s icants to see waht (unintelligible) to make some of the need or devise of category. We maintain some categories, we totally ignore categories and so on so forth. But can you make a – some (unintelligible) next item because the time is limited. Thank you.

Avri Doria: Okay thank you. Somebody's got a – yes, tone on. Actually I wasn't worried about spending too much time talking about this on this meeting because it really is a critical discussion. But what I believe we've got at the moment, and so I didn't want to move on until anybody that had anything to add to it had added. That we basically – we put together a set of possible categories in the questionnaire.

Some of those have clearly emerged already. And that's the four of – the two that were already there, standard and community, geographic and brand are four that definitely emerged during the thing. There's also two other ones that emerged which was the sensitive strings and the highly regulated. Those are two that emerged but didn't emerge – well actually they did. They go the PICs and they got certain regulations. So that gives us four – that gives us six that we are saying emerged in the 2012 round.

Now we also added another bunch in our questionnaire – let me see, I'm looking for it. You know, actually there was a seventh. There was the closed generics, that one also. So there were seven that emerged because they are either an issue, they were a problem or they had special treatment, special contracts. So we have those seven.

And I'm, first of all, suggesting that those seven are in our ongoing set of possibles and we'll see at the end whether they really all need to exist after we've gone through that matrix – that was discussed. Do they have provisions? Do they have special application requirements, et cetera?

Then we had a couple others. We had those special ones for IGO, you know, a category. We had the notion of validated. We've seen with some registries especially within the communities that they somehow validated participants in it. But that may just be the heuristics of community and not necessarily a type of its own. The not for profit TLD, - gTLD, that was something that didn't emerge in 2012 but was added in our blue sky discussions.

Right, we talked about the highly regulated or sensitive, the exclusive use registries or closed generics, that was one that did emerge. And the TLD with applicant self-validated restrictions that enforce the eligibility dispute resolution, for example, may need those. So do we have more than seven possibles going forward?

And that's – and I guess that's what I'm trying to look for is what's our first step? I think I can clearly see a set of seven. But I'm not sure about not for profit. I'm not sure about validated. I'm not sure about IGO as special types. And I'm wondering do we go with seven or do we go with 10 as our candidate set that we will come back to later? And so I'm looking for opinions on that.

Also if you think seven is too many, say that. And then we'll move on. But we're not going to get away from categories because the next question relates to them as well. So do we go with a set of seven or a set of 10? Anybody got an opinion? Yes, we will be hearing from the CCT review team about PICs. Thank you, Tom.

Any thoughts on what if an applicant fits into more than one category? I think that that's one of the things that we'll need to look at I think later once we've looked at the attributes. If they fit in more than one category but it's got the

same kind of attributes, you know, is it a union of attributes or is it an intersection of attributes? You know, but I do think that that's a subsequent discussion or does one pick which set of rules they're responding to? I'm not sure. But that seems a subsequent discussion that will come out of one of the subteams. But should be tagged.

And then Kristina – oh you guys should speak. We've got Rubens, depends if such classifications gets any kind of clarity like community TLDs but doesn't translate into different agreement or different contention sets, a resolution that's definitely not to be looked at.

Okay, so, yes, that will be another question that we will have is whether there is any priority in any of the subsequent procedures. So that's something that could happen. We've talked at times in the blue sky of possible, you know, procedures or application windows that were specific to a kind. You know, we could also talk about whether we were going to maintain the 2012 priority for one specific type. So those are all questions that come later.

But the basic question I'm looking at at the moment is do we keep the set of 10 and work with that and then review this later to see which ones we want to strike from that. And is that something that the Registry folks could live with since they made a specific point about it being a problematic list?

Do I see any objection to living with a list of 10 and then coming back to it after we've done our deeper dive? Okay, seeing no objection to that, I'll move on. And we'll be back here. So we've got a certain amount of agreement to starting out with a set of 10 and, you know, I believe have named them. I believe they come out of the list that we had.

Okay, so if that's it for 2b and C, let's look at 2d. Two D was if categories are recognized, and I believe that at least provisionally we have recognized categories, in what areas of the application evaluation, contention resolution,

or contracting process would the introduction of categories have likely impact?

Now one of the answers that came out in the discussion we just had is, you know, let's build a matrix with each of the column of application (unintelligible) contention, resolution and contract. And basically build a matrix of the 10 against the – what was it, one, two, three, four attributes. But let me read the comments.

From the GAC, the appropriate treatment of different types of TLD applications may require different tracks for the applications and/or different procedures, rules and criteria for their handling. This need is highlighted for instance by the unforeseen consequences for community applicants of recourse by competing applicants to other accountability mechanisms; and the specific challenges faced by some community applicants in auctions when in competition with commercial applicants. These issues should be further explored based also on the data soon to be gathered.

Now part of that issue – that specific issue is going to start being discussed in one of the subteams real soon. Let me read all of the comments and then we'll go to discussion and clarification.

From the Registry Stakeholder Group, the impact of a category depends on the nature of the category, how it is identified, and any benefits or special procedures made available to those applicants. By way of example, contention resolution was relevant for community applicants that successfully completed the community priority evaluation, CPE, but is less relevant for other TLD types. We don't believe that it is useful to link TLD types to application phases in this manner, nor to excessively fixate on application categories in general.

And then the IPC comments, we believe that financial review would be affected since open, unrestricted TLDs, for example, would have more impact

on consumers who build businesses on them than completely closed TLDs such as dotBrands. More generally, a number of aspects of the application requirements and the base registry contract were of little practical relevance to, or even were unduly onerous for a dotBrand application and would merit review, which may well lead to the elimination or streamlining of these processes. The original process was largely one size fits all, other than the community process. More attention to fitting the process if specific types is encouraged.

So this very much – I think all three of these in a sense feed into that matrix approach that we talked about. Where we have the categories, we have the issue columns, or we have the treatment columns; is it an application issue? Is it an evaluation issue? Is it a contention issue? Is it a contracting process issue?

And looking at each of these types building that matrix as we go through and not trying to figure it out up front but just to raise the alertness. I don't see any of the comments as going against that kind of approach but I'll open the floor to see if I've got it completely wrong or anybody wants to either clarify what was in the comments or ask questions, add other comments, et cetera. Please, Kristina.

Kristina Rosette: Hi. Kristina Rosette, Amazon Registry. I put this in the chat. But just to kick off a discussion for those who might not be following the chat. The concern that I have is that I am very worried about where we're going to go and how long it's going to take us to get there if we start focusing on categories without first defining the boundaries of each category in a way that's clear, predictable and certain for applicants as well as, you know, everything else that was in those original GNSO policy recommendations.

So and it sounds like we might really be heading in the direction of taking these very broadly-named, broadly-interpreted categories for lack of a better word, and using them to move forward. And I just have some real concerns

about where we're going to end up and how much confusion we could ultimately be creating unless we're prepared to, from the outset, say what the category is and more importantly what the category is not.

Avri Doria: Thank you. So that would involve a definition process first on taking these 10 categories and actually trying to define what they are as part of that exercise which does not seem unreasonable. And Karen asks, "Wouldn't Step 1 of the matrix by necessity be the definition?" which I think is a good point.

There was also a Berry Cobb answer, "The group may wish to consider assigning meta-tags to strings as opposed to calling them categories. As Kristina points out it may be difficult to properly define a category and even more difficult to assign a string to one category especially since it could be assigned to more than one, for example, a generic string might also be a sensitive string or perhaps a closed TLD," seems quite reasonable. This aligns with the framework of building a matrix.

Berry, I wonder if you could explain more, I mean, I understand meta-tags and I understand categories, I'm not sure how you're suggesting we proceed. Is it basically instead of categories for each of the rows you're basically saying there's a meta-tag that may or may not be community, may or may not be geographical, but is sort of parallel with one of those? Or if you could explain it perhaps a little bit better. So attributes is another word that Rubens gives. Yes, Berry, please. Thank you.

Berry Cobb: Thank you, Avri. This is Berry Cobb for the record. Yes, exactly to your point, you know, I've been tracking – I've created my own categories for gTLDs as an example. And without a doubt, you know, there's a large group of them that apply to several of these different types of categories or groups.

And so, you know, I kind of envision, as you've been using the term matrix by each type as we're kind of discussing, you know, whether it's a community, whether it's just a plain generic, whether it's a brand, of the 10 that you've

assigned essentially they become columns and then you have rows of strings that are essentially kind of applied-for and String 1 would be just a standard generic and that's the only outcome.

String Number 2 might be a brand and that's the only check for that because likely it's probably exclusive use. String Number 3, for example, could be a sensitive generic that perhaps might be closed. So, you know, again that kind of – that creates a third outcome. And building that type of matrix in will kind of give you an end result of how many different types of things that would be considered in either the Applicant Guidebook or the Registry Agreement itself.

But, you know, I think the use of the word categories in and of itself is almost a difficult way to start because it is almost impossible to create or pigeonhole certain strings into just one group or category. But what you said was where I was thinking.

Avri Doria: Okay. Thank you. Yes, I guess when it comes down to one of the confusion – or the ambiguities we've had is that I have no problem, for example, imagining something being in several categories, but we also do have an understanding that seems to exist that a thing exists in only one category. So I think the meta-tag notion or such may be better.

Though I do fear that we now have two matrices being talked about. One of them is the matrix of tags or categories against the phase of the application or the kind of treatment and the other one is a string in the application time picking, you know, basically being defined as having meta-tags and then that mapping to the attribute. So it actually looks like it works out but it's – but it is getting a little complex.

Anyone else want to comment on this? Or do we have a general way of proceeding with this? We do need to come up with some definitions. We need to come up with basically – we've got whether it's columns or rows,

we've got 10 categories slash meta-tags. We've got mapping in a matrix against treatment and phases of the process. And we start building that table and then we come back to it later. Yes, Steve.

Steve Chan: Thanks, Avri. This is Steve from staff. And I was – volunteer staff to start developing the definitional matrix. I had seen it as two steps as you did just now so the meta-tags that Berry is discussing seems more like I guess the implementation of those – of those definitions. But as I said, staff will start working on trying to define the categories or, sorry, the groupings themselves in that matrix. I hope that made sense.

Avri Doria: Okay, thank you. I think that's a wonderful offer. Kavouss, please. Kavouss, I do not hear you. Are you on mute? Kavouss, you have your hand up. I don't want to cut you off but I do not hear you. Does anyone else hear Kavouss? Does anybody else hear me?

Rubens Kuhl: We hear you, Avri. I don't hear...

Avri Doria: Okay thank you. I was going towards complete (unintelligible) and wondering if I was alone. So, Kavouss, we do not hear you. And I do not want to skip over you without giving you a chance to speak. But none of us hear you. Please, can you type in the chat if you're hearing me?

In the meantime, in the meantime so I think we've got a way to start on this which is we have the two categories, let's call them that for now, they may become meta-tags at an implementation stage. Those two are very similar contexts that staff will take a first crack at defining them and then we'll come back and discuss those definitions probably on our next pass through.

And then we'll also build out the matrix and make sure that we've got the right aspects to add another word to the conversation, in the – of the application process. So is this an application concern? Is this a contention concern? Is

this a contract concern? Et cetera. And make sure that we define what those particular issues may or may not be. Is it a PIC concern, for example?

And then we'll come back to this again in a slightly more structured way with pictures. I see several hands. Kavouss, your hand is still up. I still do not hear you. And I do not see a comment from you. Okay, both hands disappeared. I was going to call on Donna next but then her name disappeared. Does anybody object to that process for handling here 2c – 2b, 2c and 2d?

So we've got an approach for dealing with this. We've come up with tentative – okay. With a tentative way to start working through this very complex issue. And I'll go on to 2e now if there's no hand or no comment. Yes, and just – there was Carlos likes the tags idea and makes new gTLD searchable. Right, there may be multiple combinations, multiple tags. Yes. And then Donna says clear. And Jorge, yes to what, to multiple tags. Oh that was from Kavouss.

I think it's – Kavouss, the answer to that question is yes to the possibility of a single application being multiply meta-tagged. But I think that's getting one or two steps ahead of our self. It's first coming up with the categories, coming up with the aspects in which the category is relevant, and then next looking at how we handle that in the next step. So hopefully that answers. But the multiple tagging ends up a real possibility that we'll look at as we move forward. Okay.

Should I move on to 2e? Okay. So 2e was, if different categories are defined, should all types be offered in each application window? Is it acceptable for an application window to open for only one or a limited subset of categories of gTLD? Or as we've gone only open to categories that meet certain meta-tags if we end up going that way?

So that comment had no comment at that stage. Registry was, this is another area where there were differences of opinion within the Registry Stakeholder Group. In case of the 'window/rounds' model. All kinds of approved

categories should be offered at the same time to avoid unnecessary gaming when companies try to manipulate their applications in another format only because the window is open, and to grant equal access to the possibility of application processing. Though this should not lead to longer time between the application windows in case where window model is going to be used.

In case of the continuous application process, the application windows should not exist, as the subsequent procedures should allow a rolling application period as is the case for second-level domain names. We also discourage the introduction of restrictions on which applicants can participate in future application processes in general. We would discourage windows that gave priority to one category of applicants over another.

Then there is an alternate view. It could prove more flexible and possibly more practical to manage operationally, if windows opened up for specific categories. For instance, using the three main categories identified in the last round, commercial, brands and geos, there could be an application window assigned to each category during a year. This could simplify the post application processes, particularly the objection process, GAC early warning, contention sets and the contracting process, as well as spread the demand on resources, both within GDD and the community. This approach could also work as an interim measure prior to establishing a continuous application process.

Okay, it's interesting that in these three categories, I would just point out that in the last round commercial brands and geos, I thought it was community – it was standard community and geos and then the other sort of emerged. But I guess that's just a perspective way of looking at it.

Any – oh no, I have one more to read, so sorry. Oh, IPC comments. We note that this question reverts to the old approach of each application window as opposed to the more inclusive ongoing mechanism found earlier in the document.

Whilst not specifically advocating at this stage for a special early entry for dotBrands, very few of the dotBrand applications were subject to the challenging issues encountered in the 2012 round which this PDP might be expected to seek to review and revise, for example string contention, singular/plural, GAC advice, RPMs issues etcetera. If the required policy work to create a streamlined process for dotBrands were to be completed whilst other aspects of the PDP working group's work remained ongoing there may be no good reasons to hold up those dotBrand applications which are uncontroversial.

So we've got a span of views from – no, everything should be able to go through either in stream of process or windowed process equally at the same time and with the implication of removing any contention set prioritization notion. To the idea of indeed having something that does come first.

So I'd like to open up the floor first of all to clarifications on the comments that have been put in, questions or discussions. And we have essentially 10 more minutes but how much time do we need for the last item on the – okay, Jeff, I see your hand.

Jeff Neuman: Yes, thanks. This has been discussed at least in other fora about the brand-only round. And I think we – I don't know if we can touch it in 10 minutes. But I do think there are views that on both sides that we should hear out. I'm hoping that there are people that are willing to speak up as to either being in favor or not in favor or at least on the pros and cons of having that – having a brand-only round or whatever-only round.

I think it's important that we air those discussions and – because I know it's going to be one of those questions that we're asked in the future. I'm not saying we need to resolve it right now but it would be good to at least lay out the pros and cons of doing that or the benefits and detriments to doing something like that.

Avri Doria: Okay thank you. Yes, and in fact it's not the only variety that I've heard. I've also heard discussion of around only for developing economies, around only for IDNs. So there have been several proposals that people have floated at various times on specific one-type only rounds or windows or what have you. And, yes, I'm sure that we can't satisfy that one in 10 minutes.

Jeff, how much time do you need for the final item?

Jeff Neuman: Not – just a couple minutes, I think. It's not huge. But it's probably a good question to leave off on and start on the list. It sounds like people are either getting tired or not willing to communicate at least orally. But it's probably something we may give time for people to send via email. So it's probably start in the email with that chain. Although Donna has got her hand so let's do another three, four minutes on this and then go to the next item.

Avri Doria: Okay thank you. Donna, please.

Donna Austin: Yes, thanks, Avri. Donna Austin. I guess this is another area where the categories and definitions that Kristina was alluding to are really important because, you know, we need to understand what the categories are before we can have really a substantive conversation about, you know, whether we can move forward with a brand-only round or geos or whatever. So I think, you know, it's all interrelated.

My concern about moving forward with a specific category round that there might be a perception that while we've, you know, got rid of some of the demand so we're in no hurry to, you know, open up for any other categories or generic rounds. So there would have to be a balance or a commitment that if there was going to be, you know, a specifically-targeted application process that there would be a commitment that the rest would – the rest would follow or there would be an open round in short order thereafter.

So that's my concern is that, you know, some will see kicking off even if it is a specific targeted category that that will (unintelligible) some of the demand and then there'll be no real pressing need to move in any hurry to opening up a more generic round. So that would be my – one of the cons as I would see it. Thanks.

Avri Doria: Okay thank you. Yes, and in fact – and one of the comments in the Registry Agreement also pointed out another thing that may be a concern is if we have a specific type everyone – or many may twist their application into that type just to fit into that round.

But, it does feed into the question that the Board asked of, you know, is there anything that could go sooner. So I think, though, what I heard you recommend, which seems like a good idea is to come back to this discussion after we finish the exercise that we discussed to B, C and D in terms of the definition of the categories and the matrix and such as that.

If that (unintelligible)...

Donna Austin: Yes, Avri...

((Crosstalk))

Avri Doria: ...seems a reasonable approach that we'll put this...

Donna Austin: Yes.

Avri Doria: ...this conversation on the table and come back to it after we've had a more in depth conversation. Yes, go ahead, please.

((Crosstalk))

Jeff Neuman: I think Donna had already said what she was going to.

Avri Doria: I heard a couple words out of your mouth, Donna.

Donna Austin: Yes, sorry, Avri. I...

Avri Doria: Oh okay. Okay...

((Crosstalk))

Avri Doria: ...in which case...

Jeff Neuman: All right, I'll take it from here. This is Jeff. Donna is typing. She said she agreed with that...

Avri Doria: Okay, thank you Jeff.

Jeff Neuman: Okay this is Jeff Neuman. I just also want to make sure that the comments from Rubens and Martin – I'm just going back – and Jorge just make it into the notes on the side. I think they're actually really good comments. And I know due to time that we just can't get to them. But let's make sure we capture them and then start an email chain on this.

So the (unintelligible) the last topic or the last one on the agenda is on coordination of the work tracks. So going through the work tracks over the last couple meetings it seems like there are topics that may be contained within or at least potentially have overlap with each other. So there may be some issues. I think we already discovered that there may be one (unintelligible) issues that overlap within Work Tracks 2 and 3 on certain issues.

It's not really to say that we should do anything about it right this second, but just that the work track leaders will be paying attention to the issues as they

come up. We'll be discussing them and figuring out ways to coordinate those discussions so that we're not doing double the work on those overlap areas.

And then a number of – the second thing that I just wanted to mention again, not for resolution right now, is that some of the work tracks are considering potentially doing external questions as sort of a CC2 or a community comment 2. And that if we do that the goal is really not to do four separate individual constituency requests for comments or community requests for comments, but to the extent we can, try to coordinate them so that people aren't asked to do four different surveys at the same time or around the same time.

So again it's just something to keep an eye on. The work track leaders are keeping an eye on this and to the extent that they come up we may bring them up on future calls. So I don't know, is there any – anyone want – any of the work track leaders or Avri want to add something on this?

Okay sounds pretty quiet. So that's pretty much it. I'm going to ask is there any – anybody else have any other business? Okay, the next call then – we'll give you back a minute or two – is going to be in two weeks' time on the 17th and going to make sure that we discuss what's going on in Hyderabad and just a reminder that we have a session on the Thursday, November 3 in the afternoon, I believe it starts at 2:00 pm, although that may be subject to change but it's definitely the afternoon session.

So hopefully even those that aren't able to go there in person can participate in remotely. And I'm going to ask to see if staff could send around just maybe a poll as to see who's going to be there in person. Susan Payne asks if the work tracks also have their own separate sessions. At this point, no, we're just planning on having the one marathon session on that Thursday. We may choose to break topics out by work track but the plan is for everyone to be together so that we can get input from others that are there.

So I'm looking at Kristina's comment which is to staff, does the morning's announcement about the damaged equipment on the ship affect the ability to participate remotely? So that's a good question. And I will leave it to staff to come back with an answer unless they have one now? I'm not sure that they do.

Okay. Oh yes, Steve.

Steve Chan: Thanks, Jeff. This is Steve. I was going to say I'm not necessarily equipped to answer that, but from what I understand the intention is to make sure that there's not a discernible difference to participants. So you should be able to participate just as you would before. But it's definitely going to take some effort on the part of the ICANN meetings team and IT groups to scramble and make sure that happens. Thanks.

Jeff Neuman: Thanks, Steve. That's – it's kind of unfortunate with the – what happened, but I guess these things do happen. So anyway is there anyone else with any questions? Mary just responded saying from what they hear it should not affect remote – it seems that remote participation should not be affected. Okay great.

Well there is a Work Track 1 call in I guess from my watch in about 5.5 hours so for those of you on Work Track 1, I look forward to speaking with you in a few hours. Thank you.

Cheryl Langdon-Orr: Bye, everybody.

((Crosstalk))

Michelle DeSmyter: Thank you. Today's meeting has been adjourned. Operator, please stop the recordings and disconnect all remaining lines. Thank you very much.

END