

**ICANN
Transcription**

**New gTLD Subsequent Procedures PDP-Sub Group B Tuesday, 05 March 2019 at
17:00 UTC**

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Michelle DeSmyter: Good morning, good afternoon and good evening. Welcome to the New gTLD Subsequent Procedures Subgroup B call on Tuesday, the 5th of March, 2019. On the call today, we currently have Anne Aikman-Scalese, Cheryl Langdon-Orr, Christa Taylor, Drew Wilson, Jean Guillon, Jeff Neuman, Jessica Hooper, Phil Buckingham, Rubens Kuhl, Sarah Langstone, and Susan Payne. If anyone has joined on the audio bridge, would you please let yourself be known now?

Okay, hearing no names, we also do have apologies from Jim Prendergast and Justine Chew. From staff we have Julie Hedland, Steve Chan and myself, Michelle DeSmyter. As a reminder, if you would please remember to state your name so it appears clearly on the transcription. Thank you ever so much, and I will turn the meeting over to Rubens Kuhl. Please begin.

Rubens Kuhl: Thank you, Michelle. Thanks everyone, for attending, at least the ones that are not yet traveling to Kobe so who must worry about the time. We appreciate you being with us today. Today we look at 2.7.8, which in our initial report was the topic for name collision, which is the left tab in our Google doc.

We'll start with some general comments, one is people can see on line 4, which is the comment from ALAC about two generally wait on SSAC recommendations, which is something that the work track where this topic was discussed, work track 4, generally did, including some outreach and some effort. So that's the suggestion from ALAC. The SSAC actually commented and this was stated below. Their comment is most for the agreement with some informational content of the report, not with recommendations from the report, which is then spread out at all the lines in

our comments analysis too. But mostly saying that they have warned and people have been listening and the initial report has some different rights and then their opinion on that.

Then after the -- below the SSAC comment, there is a general comment from XYZ, a concern. And they mention that it was widely known that in the previous round name collisions were shamelessly (ph) used by certain industry powers, as in irrational fear-mongering (inaudible) tactics to create uncertainty and doubt about the new gTLD program. ICANN should not fall for this trap again and should not rely on any technical resource or data research or other information that comes from or is funded by parties with vested financial interest in the topic. So there is a concern also to be forwarded to the full work group in making deliberations regarding name collisions.

Just confirming that no comments on the chat and hands raised so far. Our next comment is actually one of the SSAC comments, on line 7, where SSAC provides an overview of the Name Collisions Analysis Project and suggests considerations for those evaluating dependencies between that process and the PDP.

Since SSAC issued that comment, that project went through a phase where it pretty much was developed internally within SSAC. And it's currently on hold. Whether it's on hold for a limited time or on hold forever or on hold for a long period of time, we don't know yet. That's something for ICANN org and the board to decide. But just to give people some context that currently it's unknown whether this effort is coming to fruition or not.

Another comment from SSAC is line 8. It's about how ICANN should deal with private names that are known to have collisions, how it should find out and how they should respond. This is more like an implementation guidance for name collision. So this is not either in criticism nor in addition to the report that went to a higher level of definition and not to own the ground definitions. But it's an interesting suggestion that the full working group can either take into the report or at least mention for whoever developed the implementation of this plan that it is a very interesting implementation guide.

And then we go to the first heading of our report, which is 2.7.8.c.1, which was a recommendation to include a mechanism to evaluate the risk of name collisions in the TLD evaluation process as of during the transition to delegation phase. This recommendation was supported by BRG, Valideus, IPC, and most of these supported without any further qualifications. But there is some agreement with some qualifications like the one from Neustar, where while they supported (inaudible), they asked some questions like, how would risk be measured, what level risk to determine which category a TLD falls into, and who would make such determination; and which are more open-ended questions for the people to consider.

Next we have comments from registries. And like most comments in this topic, registries were very divided and had at least one registry proposing one thing, and had at least one registry proposing a different thing and opposing that thing that the first one proposed. So we're looking at these as more closer to (inaudible) positions than to stakeholder group positions that at least one registry supports the idea for a mechanism to evaluate the risk of collision. But one of the registries said that the PDP working group, us, don't have enough data or expertise to recommend a mechanism.

And we also have in the line below, line 15, a recommendation from SSAC to wait for SSAC to complete its work before proceeding with the next round. Collisions have the potential for great user harm and proceedings to wait for SSAC to complete its work in the subjects to their recommendations, but as we know that's an uncertain aspect of the program at this point.

So is there any questions, comments so far? We have one comment from -- and I can tell you that (inaudible) had questions about the cost of the name collisions on this project. I'm not sure what Rubens means by on hold. So maybe we should ask Rubens if the ALAC comments relates to waiting for the NCAP to complete, but Justine could clarify.

We can ask Justine in Kobe in a few days. Because she wasn't able to attend this call. But by on hold, the only information we have is that it's on hold at this very moment. If it's on hold for a day and it will stop being hold tomorrow or if it's hold until 2030; we don't know. And that's all we know so far.

So seeing no further comments, let's go to 2.7.8.c.2. The recommendation was to use data-driven methodologies using trusted research-accessible data sources like Day in the Life of the Internet and Operational Research Data from Internet Namespace Logs, which is a databased maintained by JAS Advisors, nickname is ORDINAL. That recommendation was agreed to by the Brand Registry Group. Neustar agreed, but had some concerns, which is the same concerns they were mentioning before. And the Registry Stakeholder Group actually responded with questions, like what evaluation mechanism would be used and how would the mechanism be defined and measured, what methodology and quantity study was used to determine risk? And they added, due to the transparent nature of ICANN, this would require the use of data (inaudible) for us to know the research with data source (ph), which is basically what our recommendation to the report said.

Then we have the IPC, which suggested the following to the Name Collisions Analysis Project that was already mentioned, including its current status. And ALAC also suggesting to wait on SSAC recommendations. So let's see if anyone could -- has any other topic. I see a suggestion from in the chat that Steve seems to be taking this as an action item. So let's move to 2.7.8.c.3.

The recommendation is that efforts should be undertaken to create a "do not apply" list of strings that pose a substantial name collision risk, whereby application for such strings would not be allowed to be submitted. The Brand Registry Group agrees with this recommendation. ICANN org has also agreed with a qualifier that from a technical perspective, ICANN does not have any concern with this recommendation. There are some operational considerations that the PDP might want to (ph) go against. But they actually mention the fact that ICANN would run controlled interruption, which is a different topic that we'll see below and we can discuss that comment in there.

The Registrar Stakeholder Group agreed with the list, but mentioned that the list would need to actually manage (ph) additions and subtractions. Neustar also agreed with the same concerns that they expressed before, which are more general in nature. Then in the Registry Stakeholder Group, you had yet again one registry saying one thing and one say another. While at least one mentioned that it would be beneficial, at least one thinks that the PDP working group doesn't have enough data.

And we also repeat here the comments from IPC and ALAC, of deferring to SSAC Name Collision Analysis Project in the case of IPC. And ALAC, which is referred on SSAC recommendation, which is (inaudible) we are somewhat unsure whether it is specific to the Name Collision Analysis Project or recommendations in general. And that's something that we might get clarity further down the road.

Next we have 2.7.8.c.4. That recommendation is that a second list of TLDs should be created, if possible, of strings that may not pose as high of a name collision risk as the "do not apply" list, but for which there would be a strong presumption that a specific mitigation framework would be required. But before I go into that, let's see if we have any hands. We have one from Anne. Please go ahead, Anne.

Anne Aikman-Scalese: Hi, Rubens. Thanks. This is Anne Aikman-Scalese for the transcript. And Steve Chan had placed some fact in the chat, about the name collision comment from the ALAC. And he said that the ALAC comment was the process needs to wait for the SSAC to complete its work and to be subject to their recommendations. Next round should not proceed before that is in. And so I don't know that there's as much -- it may, in fact, not be terribly unclear as to what the ALAC means. Because I recall a meeting in which they commented that they thought that it should depend on the results of the Name Collision Analysis Project. But if there's not going to be a Name Collision Analysis Project, then I don't know if that means that ALAC might have some other further comment. But I don't -- we can certainly ask for clarification and I think Justine is the person who can clarify. But I had certainly understood from statements made by others in meetings that they were talking about Name Collision Analysis Project. So I guess if you think that needs further clarification, we will go to Justine to clarify.

And then I guess it depends on what the board is going to do or not do in relation to whether or not that goes forward. But it is my recollection that the board in fact passed the resolution related to that adopting recommendations in SAC 90. And I think that if they don't move forward with NCAP, they would need to reverse that resolution. Thanks.

Rubens Kuhl: Thanks, Anne. Just a general comment regarding board adoption of recommendations, we have a long history of recommendations that the board adopted and that meant something very different, where people thought. So we usually take board adoption as when it's implemented. Then we know what they meant by adopting that. But that applies to response to GAC advice, SLAC (ph) suggestions, SSAC suggestions; everything, not just this part.

Continuing to 2.7.8.c.4, the Brand Registry Group supported that creation of that, not say, medial-risk, but "be careful" list. ICANN org also had some agree with that. But they had a concern which is from a different part of the recommendation that we read when it comes. Neustar also mentioned their overarching comment of their questions and concerns regarding this. The Registry Stakeholder Group also repeated most of their questions. But for the specific item, they qualified other questions like how would notified risk be calculated. How do we know that measure for risk is the correct one? Not having analysis of the factors of how to (inaudible). How would we be certain that those mitigation frameworks even work? And how to be avoided shades of gray situation where anyone could put a name on the list. And they're also concerned with possible repercussions to reputation (ph) of the applicant. I believe they're more repetition of the string when delegated, and how should error, subjectivity and (inaudible) be handled?

And we have the same overarching comments from IPC and ALAC. IPC deferring to the Name Collision Project and ALAC deferring to some of the SSAC work and we assume we'll figure out which SSAC work is that.

We had some chat going on regarding SAC 90, which is probably an interesting discussion to follow. But let's move on to 2.7.8.c.5. The recommendation was to allow every application other than those on the "do not apply" list to file a name collision mitigation framework with their application.

Brand Registry Group supported. ICANN supported and their concern is regarding controlled interruption. We'll talk about it later. The Registry Stakeholder Group also had divisions and concerns. But mostly they were reemphasizing their criticism on having too many tiers in the risk classification. And IPC and ALAC repeated their overarching comments. But in case of IPC, there is an added divergence that is not only referring to Name Collision Analysis Project. They said that name collision risk and mitigation proposals should be evaluated by independent experts, not by applicants and ICANN staff. Just a comment, I believe the report suggested using a step panel

and their step panels were actually composed by independent experts, not by ICANN staff and while some of the members could be applicants, their operating procedures allow people to recuse themselves from evaluating things that they would have a vested interest on. And same comments from ALAC regarding SSAC.

Next we have 2.7.8.c.6; the recommendation that during the evaluation period a test should be developed to evaluate the name collision risk for every applied-for string, putting them into three baskets: high risk, aggravated risk, and low risk. And clear guidance should be provided to applicants in advance of what those risk criteria are.

The BRG supported those recommendations. And ICANN had some qualifications regarding controlled interruption. We will see them later. Neustar mentioned their overarching questions to the group, which also applied to this position. The Registry Stakeholder Group basically repeated their questions on how this is measured, how this is classified; but added two specific points that were not mentioned before. One was about can risk assessment be gained by issuing superfluous DNS requests? So this would impact how it could be measured. And it mentions that some who apply for a string might be totally new, but those would be assuming as not having any collision risk at all. IPC and ALAC basically mention their overarching comments.

Next we have 2.7.8.c.7, a recommendation that high risk strings would not be allowed to proceed, and would be eligible for some form of a refund. And again, we have support from Brand Registry, some agreement with one concern that we'll discuss later regarding ICANN org. And we had the Registry Stakeholder Group support for a full refund, except banking fees in that case. IPC had support for a refund, but they prefer that a screening should occur before the full fee phase. So this would make the evaluation process a bit different that only after that part of the evaluation being done is that a full evaluation fee would be paid. Then we have the same overall ALAC suggestion regarding defer to SSAC.

The next recommendation in the report was 2.7.8.c.8 that aggravated risk strings would require a non-standard mitigation framework to move forward in the process. The proposed framework would be evaluated by an RSTEP panel.

And we had agreement with this from the BRG, ICANN org. But we had some questions from the Registry Stakeholder Group and those questions were that why does the classification of aggravated risk require different (inaudible) mitigation framework? They mention they believe that mitigation framework should be robust enough to be applied to low-risk TLDs. And once it's in place RySG supports both the approach and the step of making the assessment.

IPC mentioned that this should be deferred to the Name Collision Project and the inclusion risk and (inaudible) proposed should be evaluated by independent experts, not by applicants and ICANN staff, which I would just say that deferring to NCAP is actually divergence. But saying that name collision risk and mitigation proposals should be evaluated by independent experts is actually agreement with the final report because that's how the RSTEP panel operates. So I believe we could change this, but there is still a divergence which is referring to NCAP that needs to be recorded. And ALAC had the same comments regarding waiting for SSAC.

Seeing no hands, let's move to 2.7.8.c.9. Low risk strings would start controlled interruption as soon as such finding is reached, recommended to be done by ICANN org for a minimum period of 90 days, but likely more considering the typical timeline for evaluation, contracting, and delegation.

BRG supported the recommendation. ICANN also supported, but this is exactly the topic where the qualification, the concern that ICANN had has to be discussed. They seem to be somewhat at

unease with the fact that ICANN org needs to be on the record as registrant for the TLDs. And they think that might generate confusion. That's something for the full work group to decide. But this is something that probably could be addressed. But that's something for consideration by the full working group to say, hey, this is something that might generate some perception problem, how to deal with that problem.

Neustar suggested that registry operators should comment on controlled interruption as soon as possible. So I think this is one of a full divergence, not a split agreement divergence. I think Neustar is regarded fully divergent with the initial report, because they do not support that ICANN would carry out controlled interruption. And they also didn't support that a period of controlled interruption should necessarily exceed 90 days. So they feel very divergent from what is in the report.

The Registry Stakeholder Group mentioned that under ICANN bylaws section 2.2, it's not clear why ICANN staff are an appropriate operator of controlled interruption, something for the full work group to consider. Although my reading of bylaw section 2.2 gives ICANN some latitude regarding security, which is also why ICANN can make either transitions. ICANN may even suspend operation of a TLD if it poses a life-threatening risk. So it's quite possible that people will read these bylaws in different angles. And we had a comment from ALAC, who also waits for SSAC recommendation.

Steve mentioned that the mark in 65 from (inaudible), there's a new idea. He asked if we have concerns with that. I don't. I don't know if you would call it new idea or a concern, which is actually something different, something that ICANN org is stating that it should be considered as a potential hazard to be dealt with. So however it was classified, I do think both work.

Next we have 2.7.8.c.10. If controlled interruption for a specific label is found to cause disruption, ICANN org could decide to disable controlled interruption for that label while the disruption is fixed, provided that the minimum controlled interruption period still applies to that string.

Brand Registry Group supported that recommendation. The Registry Stakeholder Group supported the recommendation and mentioned why. This is actually the rationale for this proposal. And ALAC mentioned wait for SSAC recommendation. So at least on this recommendation, possibly I wonder if we can call it unanimous support.

Next we have 2.7.8.e.1. It was an open-ended question. Incidentally, if there is a dependence between the findings of the working group and the Name Collision Analysis Project, how should the PDP working group and Name Collision Analysis working party collaborate in order to move forward? Or should the PDP working group defer all name collision recommendations to that project?

ICANN board commented that there may be opportunity to combine work. Neustar supported the current name collision mitigation framework. The United States Postal Service suggested deferring to the Name Collision Analysis Project and mentioned that (inaudible) proposals should be evaluated by an independent third party.

And we had the Registry Stakeholder Group actually some registries proposed some things and some others, and while some registries recognized the value of NCAP work, some members mentioned that the PDP should be the ones saying and deciding how this would be handled and others referring to the Name Collision Analysis Process to finish its work. And there is also suggestion for some liaison capacity between those groups. Then we also had ALAC recommendations to wait from SSAC.

Next we have 2.7.8.e.2. In the event that the Name Collision Analysis Project work is not completed prior to the next application round, should the default be the same name collision mitigation framework that's in place today be applied to those TLDs approved for next the round?

The Registry Stakeholder Group said, yes. Neustar also supported the including mitigation framework. And again, we have some registries with divergent positions. At least one registry mentioned that ICANN should at least release the studies so the communities can see for themselves if those frameworks can be applied. If they can do that, they should do a study on the figures of the previous controlled interruption framework. And the other viewpoint that foremost should be mentioned and without those baseline measurements assessing the risk of any framework is not possible. So very different viewpoints from different registries, and we had ALAC mention waiting on SSAC.

We had some discussion in the chat regarding the board resolution, but this is more tailored for continuing the chat. We can go to 2.7.8.e.3

The work track generally agreed to keep the controlled interruption period at 90 days, due to lack of consensus in changing it. Some evidence indicated a 60-day period would be enough. Though no evidence was provided to require a longer period, some members of the work track argued for longer, 120 days. So the question was, what deadline should be for controlled interruption?

Registry Stakeholder Group supported 90 days. Neustar supported 90 days. Registries mentioned that this should be defined by GNSO policy, not to be deferred to other parties. And ALAC mentioned to wait for SSAC recommendations.

Not seeing any more hands, let's go to 2.7.8.e.4. During the first two years following delegation of a new gTLD string, registry operators were required to implement a readiness program, ensuring that certain actions be taken within a couple of hours in the event a collision was found if that presented a substantial risk to life, if it was like pressing. The two-year readiness for possible collisions was kept in the initial report as determined in the 2012 framework. But some in the work track felt that the service level meaning the response time was too demanding. And so the question was, what would be a reasonable response time?

The Registry Stakeholder Group suggested deferring that question to SSAC. And ALAC mentioned wait for SSAC recommendations.

Next we have 2.7.8.e.5. If ICANN were initially required to initially delegate strings to its own controlled interruption platform and then later delegate the TLD to the registries, would that unreasonably increase the changes to the root zone?

Neustar answered that they don't support controlled interruption being performed by ICANN. They suggest for it to be followed by the registry operator. The Registries had a divergence of opinion. At least one registry mentioned that while this would be -- at least include the change to the root zone by a factor of 2, concerns around (inaudible) rate of changes in root zone by controlled interruption should be framed and addressed by qualified parties, such as the (inaudible) Security Advisory Committee or the Security and Stability Advisory Committee. Furthermore, it's unclear why controlled interruption should be considered an appropriate operation as an ICANN staff task based on the bylaws. And the other viewpoint from the registries was that ICANN has latitude to operate controlled interruption if determined by policy, doing it themselves or through a contractor that happens (inaudible), and to other operational concerns such as root zone stability and scalability, as the recent decision on the root zone key rollover also has shown. Advisory bodies such as SSAC, LSAC and the root zone evolution committee are very useful for ICANN decision making in those matters, but ultimately the responsibility is ICANN org, including acting,

having (inaudible) or liabilities. And we also had the overarching comment from ALAC regarding waiting on SSAC recommendations.

Next we have 2.7.8.e.6. What threat vectors for name collisions in legacy gTLDs should the working group consider and what mitigation controls, if any, can be used to address such threats? This is actually one of the few topics that the charter in our working group asks to look into all gTLDs. We had very different views from registries. One that said that legacy gTLDs do not face the same threat vectors for collision as new gTLDs, because internet grew around them, and name collisions were necessarily avoided. New gTLDs face name collisions based on existing strings that didn't anticipate the new gTLDs. Therefore, there's no overlap that would be useful.

And the other viewpoint that largely depends on users themselves locating the legacy gTLDs, make those issues much more of a problem than collisions in new user namespaces. This is also the document opinion of the same contractor that worked with ICANN to create the name collision framework, meaning JAS Advisors in their presentation, in the first ICANN DNS forum. Then we also had the overarching comment from ALAC of deferring to SSAC.

Moving on, we have 2.7.8.e.7 regarding the "do not apply" and "exercise care" lists. How should technical standards for these categories be established? Should experts other than those involved in the Name Collision Analysis Project be consulted?

We had a comment from the (inaudible) group which was about the strings from the 2012 round, which is out of PDP scope. The comment is there documented, but is not something that the working group can consider, because it's not in our charter. The Registry Stakeholder Group also had a different viewpoint among its membership. One was that authoritative groups that have the technical and analytical prowess plus the (inaudible) should be consulted, SSAC, et cetera. And the other viewpoint is that such consultations have already occurred and those opinions are already factored into the initial report of the PDP working group. And the ALAC as always, mentions wait on SSAC recommendation.

Seeing no other comments, let's go to 2.7.8.e.8. As applicants are preliminarily recommended above to be allowed to propose new collision mitigation plans, who should be evaluating the mitigation frameworks put forth by applicants? Should RSTEP be utilized as preliminarily recommended above or some other mechanism?

Yet again, among registries there were different viewpoints. One was for that ICANN organizations like SSAC and (inaudible), RSAC, and other registries criticizing that frame that the commented organizations do not have resources, capabilities and methods to be involved operationally in the evaluation process. And we had also a comment from ALAC on waiting on SSAC recommendations.

And this was it for 2008 name collisions, and we are done. Any questions, comments? Let's give people some time to think. And thank you, (inaudible).

So seeing no other comments, we can get back some minutes of our lives. It's been a nice work this last session of Subgroup B, going through our teams. But it seems we are done. And you were the last group to finish, but it seems we had the heavy workload on our hands. But we at least ended up ending before the next physical ICANN meeting.

So I give you back to Michelle to end the call. Thank you all. For those of you who will be in Kobe, safe travels. See you there. Bye-bye.

Michelle DeSmyer:

Thank you, Rubens. The meeting has been adjourned.

