ICANN
Transcription
New gTLD Subsequent Procedures PDP - Sub Group C
Thursday, 06 December 2018 at 15:00 UTC

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page http://gnso.icann.org/en/group-activities/calendar

Operator: The recording has started.

Julie Bisland: Thank you. Good morning, good afternoon, good evening, everyone. Welcome to the new gTLD Subsequent Procedures PDP Sup Group C Call held on Thursday, the 6th of December, 2018. In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect Room. If you are only on the audio bridge, could you please let yourself be known now? Hearing no names, I just want to remind everyone to please state your name before speaking for recording purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. And with this, I will turn it back over to Michael Flemming. Please begin.

Michael Flemming: Thank you for the introduction and welcome, everyone, to another episode of Sub Group C, reviewing the comments where we left off last week and objections. Before we get into the fun for today, I'd like to kindly ask if there are any updates to any statements of interest. You are welcome to voice them or to type them into the chat. Hearing none, let's go ahead and get started. Can we have the PDF document uploaded please? Thank you. And again, this, I think I don't need to repeat this, but just for namesake I will, the objective here is to go over the comments and to kind of clarify and look at some of the aspects, make sure that they're good to pass over to the full working group. But our job is not to sit there, is not to go into the meat of these comments and whether or not we personally agree or disagree, but merely for clarification purposes if you will.

Staff has done an excellent job going through all the comments and pulling out the ones that are in agreement and status that are against and those that have clarifying questions or suggestions/new ideas. And we've grouped these as well together to make it as efficient as possible. We'll

be going through these as quickly as possible as well because we have a lot on our plates and so little time to do it. Let's go ahead and get started then. We left off last week with objections I think on 2.1.8.b -- I'm sorry, 2.8. -- 2.8.1.d.2 and this week we will start with 2.8.1.d.3. Okay. Let's go ahead and get started. I will go through these by the question, read out the full question. For those that are in agreement, I will most likely not read out the full statement unless it has something that needs to be highlighted specifically. When I stop at the category of comments, I will open it up for questions and then when we get to those comments that have different ideas and maybe are against the recommendation or the option I guess, then we will comment those one by one. All right. So then. The page that you see now in front of you is still in the c section, so we're looking at going into the d section. So bear with me as I move my scroll tool here. Scroll is working a lot better than it did last week. All right.

Okay. Let's -- oops, the scroll has stopped working, wonderful. Okay, now it's working. All right. 2.8.1.d.3: Individual governments should not be allowed to use the GAC Advice mechanism absent full consensus support by the GAC. The objecting government should instead file a string objection utilizing the existing ICANN procedures (Community Objections/String Confusion Objections/Legal Rights Objections/Limited Public Interest Objections). So, for those that are agreeing, we have the ALAC supporting for the intent of this option. BRG supports this option. INTA also supports this option, strongly supports this recommendation. The RySG, Registry Stakeholder Group supports this recommendation. MarkMonitor supports GAC advice requiring full GAC support, they cite law, limited to specific string, and should be able to resolve objections through PICs, RSEPs and Supports quick look or similar. So let's move onto the next one, the IPC has support for this recommendation and we have completed the agreement here, the agreement section, and we'll look at the GAC comments in a moment. I'd just like to ask if there is any questions, opinions or opinions about the material itself, not personal specifically. Or other matters of clarification about this. Hearing none, I'll go ahead and jump into the GAC comment which is the same as we saw last week which is merely a comment that was applied to all these subsections that deal with the GAC stating that the GAC does welcome the opportunity to discuss options to increase transparency and fairness of these arrangements, but the GAC does not support that the PDP should make recommendations on GAC activities which are carried out in accordance with the Bylaws and GAC's internal procedures. So divergence, but agreement in some aspects. Would anyone like to discuss this at this point? I hear none, so I feel comfortable to move onto the next section since we already have a vibe for how to handle this at this point.

So 2.8.1.d.4: The application process should define a specific time period during which GAC Early Warnings can be issued and require that the government(s) issuing such warning(s) include both a written rationale/basis and specific action requested of the applicant. The

applicant should have an opportunity to engage in direct dialogue in response to such warning and amend the application during a specified time period. Another option might be the inclusion of Public Interest Comments (PICs) to address any outstanding concerns about the application. So, those that are in agreement, we have the ALAC, we have the Council of Europe that part of a larger transparency they support this option. We have the Brand Registry Group that supports this. We have Neustar that supports this. We have the Registry Stakeholder Group that supports this. We have the IPC that supports this. We have INTA that supports this with /what is categorized as a new idea and I will read the new idea. As with any GAC interaction, INTA also suggests requiring any early warning notice nominate and provide contact details for any authorized GAC contact who is knowledgeable about the grounds for the potential objection and authorized to discuss solutions and settle the Early Warning notice. So it is a support but also with a suggestion to have a liaison appointed for such comments for such early warning raised. And then we have the -- oh, we have a hand raised. Please go ahead, and please state your name for the record. Thank you.

Malgorzata Pek: Hello, Malgorzata Pek for Council of Europe. I have the remark of a general nature, so not specifically connected to 2.8.1.d.4, but more of general nature. So basically, in our position, Council of Europe position to the (inaudible) we provided a set of considerations, observations and most of them have cross cutting character, so the notes refer to specific issue point, specific observation in the report, in the initial report. And it seems like this general nature comment has been slightly lost. So I would like to use this opportunity to ask the subgroup to consider adding this general comment at the end of the table, possibly as a general comment. I noted it at the end of the table under category other comments, but I would like to request to reconsider giving these general comments a little bit more prominence and possibly request the whole working group to consider this proposal. So with this comment not directly in detail referred to that of a specific point, but since I couldn't take part in the last meeting of the subgroup, I am using this opportunity to raise this issue. Thank you.

Michael Flemming: Thank you for that comment. And I do want to say that we are very open to making sure that we highlight those aspects. This initial grouping that we did, we understand that it didn't perhaps capture the full picture, the full aspect of what was written. It was done for efficiency purposes. General comments, as Cheryl has stated, general comments are not the purview of this group. What we can do is we can pull those, if there is something that needs to be highlighted, we can pull that to the end if it does appear to be different. But we do have a lot of comments being raised in the chat here as well as I think Jim has his hand up also to voice on this. But I do want to say that we're not against that, but we'd also like to welcome further input to see what specifically we should be raising to the full working group for clarity purposes. So let me pass this to Jim and I think maybe Emily or Cheryl might want to voice what they are typing in the chat. So, Jim, go ahead.

Jim Prendergast: Thanks a lot, Michael. Jim Prendergast for the record. Just so I better understand what the ask was, is it as simple as instead of cutting from the larger comment on transparency and only including Roman Numerals VIII and IX? Was the representative from the Council of Europe asking that the entire comment on transparency just be reflected in this cell, and then maybe the relevant VIII and IX be highlighted so it's easy to see what's specific to this? I'm just trying to get a better sense of what the ask is. Thanks.

Michael Flemming: Thank you. And I think I'll turn that question back over to, pleas, I apologize if I don't say your name correctly, but Malgorzata, perhaps? Let me turn that back over to you if you'd like to comment on that question that Jim has.

Malgorzata Pek: Yes, so our request was to give our general comments, general considerations a little bit more prominence, possibly at the end of the table. I can send you possibly some drafting suggestion on how to phrase, how -- indeed our submission is quite large, but I can propose some more succinct version of our comments. A lot of these comments refer indeed to the objection procedures, our main consideration is regard about fairness and transparency and accountability. And possibly we might propose it go at the end of a table, these general comments, in the most possible visible way could be better highlighted, provided explained. But right now, it's --

Cheryl Langdon-Orr: If I may -- thank you for this. It's Cheryl Langdon-Orr for the record. We have extremely limited time on the Subgroup calls. This topic is not in fact the purview of this Subgroup anyway. You've offered to send it to the list and Emily has welcomed that and we'll make sure that your concerns and your drafting go to the appropriate Subgroup which is Subgroup A, not Subgroup C which is where we are today. And we'll pick it up into session and interact with you appropriately. But right now, if you don't mind, I'd like to get us back on track on this Subgroup's activities. Is that okay?

Malgorzata Pek: Absolutely.

Cheryl Langdon-Orr: Thank you. Back to you, Michael.

Michael Flemming: Thanks, Cheryl, and thank you for raising that. So I'm just going to take it at that and we welcome any of that through the mailing list so we can better digest that. So let me -- where was I? The GAC -- oh, NCSG comment, forgive me. Sorry, I just had to clear my throat, a few frogs in there. Okay, so we have an NCSG comment that is in agreement with concern, additional consideration as a caveat. So I'm not going to read the agreement, but I will read the concern. The Public and ICANN Community should be given notice of these proposed modifications and the opportunity to comment to agree, disagree or modify such proposals. Nothing should be bilateral or done in secret. All modifications to the

gTLD applications must be done openly and publicly with the opportunity to review comments and consent. I am just briefly looking over the agreement as well. This is in regards to an applicant modifying their comment in regards to a GAC Early Warning. But I do -- I don't want to say that we don't already have this. I mean I think the aspect of changing an application is a requirement of the application process already. And I believe this is captured. I'm happy to ask anybody to disagree with me or to offer any additional feedback that might be helpful in this. Before I do that, we have another NCSG comment as well and I just want to make sure that this is in the right place. Is that correct that we have 2 comments from the same party in 2 different cells? Yes, okay. All right, so if anyone would like to comment on that first, the first NCSG comment, please feel free to do so. I don't see any hands being raised, so I will just jump to the next one.

This is concern that reiterates that PICs should be narrowly tailored, changes made transparently and take into account legal rights, public interest comments must be very narrowly tailored to a specific government concern voiced in early warning and must be shared with the public for notice, comments, critique and revision. This must not be a two-party negotiated change between the applicant and government when issues of due process, content, intellectual property, free expression and other legal rights are involved. So there is a little bit of relation between those 2 and I welcome anybody to comment on those now or remark in the chat. In the meantime, if you don't raise your hand, I'm just going to move onto the next comment which is from GAC. Which is the same comment, they agree, but they agree they are welcome to work on transparency issues, but we shouldn't be making recommendations about GAC activities. We also have one more comment from the Government of India submitted by IN Registry. It's just a comment about general early warning, it does not address the option. But it says they support for the GAC early warning mechanism. Kind of a reemphasis if you will. So with that, I feel that we have concluded that section and I will move on now to the next question.

2.8.1.e.1, Role of the GAC: Some have stated that Section 3.1 of the Applicant Guidebook creates a “veto right” for the GAC to any new gTLD application or string. Is there any validity to this statement? Please explain. So MARQUES has replied with agreement that there is an issue and there is a suggestion for a path forward. They believe that there should be flexibility for the board to accept the GAC advice and then to address the concerns behind the GAC advice. For example, through the creation of PICS, thereby approving the application, albeit subject to certain conditions. Okay, good. We captured that correctly. The ALAC suggests this suggestion for path forward stating: any New gTLD, they are opposed to any -- they are opposed to the aspect of a veto right to oppose any new gTLD application or string as one that is incorrectly held for the reasons stated below. On the basis, we suggest the removal of all references to a strong presumption to be taken by the ICANN Board. That's a lot there, but I think we've captured that in a general nature here.

If any of you feel that I need to make sure we highlight all of those bullets or all aspects of a certain comment, please feel free to raise your hand.

The Brand Registry Group also agrees with this and stated this may resolve by incorporating the requirement for the GAC advice to include a clearly articulated rationale, the national/international law and their merits-based public policy reasons, upon which their advice is based. INTA also suggests, agrees with this for suggestions for path forward. Subsequent IRPs, independent review panels, challenging board decisions based on such GAC advice have considered and rejected this type of veto. We do have that as factual. The GAC has not been granted a veto under ICANN's governance documents. And INTA agrees that no one stakeholder should have a veto right in relation to word, strings and all applicants and objections should be able to participate equally in relation to the gTLD application process. There may be merit in making it clear that GAC advice is exactly that, advice.

Same with the Registry Stakeholder Group. Agreement with suggestions for path forward. One possible option, one potential option for addressing this issue is to revise that Applicant Guidebook to read that GAC can provide consensus, GAC advice on any application provided, however, that the GAC advice must include rationale and identity the national or international law. And 2, merits-based application policy, public policy reasons upon which it is based. So we have that recurring in numerous suggestions. The IPC also supports with path forward for rationale, sorry, with suggestion for moving forward. If this section were to be taken out of the Applicant Guidebook, the GAC can still provide consensus, but advice on the application, but the Board would have more flexibility to attempt to work with the applicant to resolve the concerns behind the advice and if successful, allow the applicant to proceed. This could involve the creation of PICs or other mutually beneficial solutions. In essence, it would eliminate the binary choice under the Guidebook today of a) accept GAC advice and not allow the application to move forward, or b) reject GAC advice and take application as is. Okay, then the NCSG is also providing suggestion, they agree with this, that it creates a veto right. And let's see -- okay, so there's not much there. All right. So those are our comments with regards to that aspect.

I went through that section completely, but is there anybody that would like to jump in here? Justine, you're typing something in the Chat. I'm happy to give you the microphone if you'd like to. Here we are. So we have 2.8.1 -- 2.8.1.e.1, ALAC comment, you may want to highlight consideration where the GAC advice procedures should remain captured under the Applicant Guidebook module objection procedure. Let me jump at that. Let me go back up here -- where are we on that? Which sort of leads to presumption that it is an objection procedure when it is not. Which bulletin is that? Let's see -- it's published -- line 101. Sorry, oh, 101. While it may be misleading that the GAC advice procedure is provided for under Applicant Guidebook Model 3 Objection Procedure, a GAC advice in fact does not equate to an objection. It is the same as the

name suggests, an advice which is structured to draw attention to an application which is seemingly problematic. Example given, one that potentially violates national law or raises sensitivities in which if and when issued is directed to ICANN Board of Directors. Perfect, thank you. Okay, we have highlighted that and we've made sure to put that in there. And I think we've also captured that in the notes as well. Is there anything else we want to highlight in this section or am I welcome to move on? We've still got half of the objections to go through. All right, let me move forward then.

2.8.1.e.2. Role of the GAC: Given the changes to the ICANN Bylaws with respect to the Board's consideration of GAC Advice, is it still necessary to maintain the presumption that if the GAC provides Advice against a string (or an application) that such string or application should not proceed? Overall, there is general agreement that the presumption should not exist. Responses include suggestions to provide more flexibility for the board to accept the GAC advice and take action to address underlying concerns that incorporate requirements for GAC advice to include a clearly articulated rationale. The GAC does not think it is appropriate for the PDP to make recommendation on this issue. So that's the overall summary of the comments. And given the time, I'm just going to scroll through these unless there is something that we really need to highlight. So the ALAC agrees with the suggestion that the Board should consider GAC advice but is not obligated to accept it. The Brand Registry Group says see the reply to the former. INTA, is not appropriate for this presumption to remain as it may be misinterpreted to contradict updated bylaws. Registry Stakeholder Group suggests that the Applicant Guidebook should state that upon receipt of consensus, GAC advice that a particular application should not proceed, the ICANN board should have the option to facilitate remediation. Give me a second to make sure I understood that fully. Just a moment here, thanks for your patience. Yes, the ICANN Board should have -- conclusive with what I understood the first time. NCSG agrees that it's no longer needed to give advice the same weight. The IPC, it is difficult to presume now the current changes will weighing with GAC advice against the string. It's a concern of the IPC that it's difficult to presume how the current changes will weigh in with GAC advice against a string. I wonder if there's more to that comment. I honestly cannot remember at this point exactly if there was more specifically to this comment or what the nature behind that. I did participate in writing these. Susan, might you have an idea what exactly the IPC is trying to say? Sorry to put you on the spot, but what they mean by it might be difficult to presume how the current changes will weigh in with the GAC advice against a string? Or anybody else? Perhaps I'm not reading that correctly. Oh, with the changes to the bylaws. Sorry. So with the changes to the bylaws, yes, it is difficult to presume how GAC advice would move forward. So let's not spend more time on that specific comment. And the GAC has the same comment, saying that we should not be making recommendations. So I think we cleared that section very well. Would anyone like to say anything at this point? Jim, you have the floor.

Jim Prendergast: Thanks, Mike, I'd just point to the comments I put in the chat. I'm assuming that GAC dissention here is something that will be dealt with at the plenary level. I just want to make sure that my thinking on that is correct.

Michael Flemming: Indeed, it will be dealt with on the plenary level and not here. There's not much more we can say at this moment I think as we're not weighing in specifically on the comments. Although we are welcome, GAC members are welcome to provide more clarity into their comments if they -- I don't see anyone raising their hand, so I'll assume not at this point. Okay, let's move onto 2.8.1.e.3. Okay, I got that one right the first time. Role of the GAC. Does the presumption that a “string will not proceed” limit ICANN's ability to facilitate a solution that both accepts GAC Advice but also allows for the delegation of a string if the underlying concerns that gave rise to the objection were addressed? Does that presumption unfairly prejudice other legitimate interests? So BRG agrees with this, agrees with this presumption, INTA also agrees. Oh sorry, the overlying comment -- let me go back a few cells up here. So there is general agreement that the presumption limits the ability to find resolution. A second response repeats suggestions provided in response to preceding questions. Okay, so with that in mind, let's go forward. Brand Registry Group agrees, INTA Group agrees, Registry Stakeholder Group agrees, IPC agrees, NGPC agrees, and the ALAC voices concerns. So the ALAC suggests that there is no presumption that a string will not proceed. ALAC takes the view that this question is awkwardly phrased as there is in fact no presumption that a string will not proceed. This is an example of an incorrectly formed notion and therefore the ALAC suggests that removal of any such preference to a presumption altogether. So the way in which the question is written is incorrect. Would anyone like to comment on the agreement, what was voiced in agreement or what ALAC has voiced as a concern about how the question is written? I see lots of typing as well. So kick it to plenary, okay. Justine, you have the floor.

Justine Chew: Thanks, Michael, it's Justine. If I can just clarify, I don't quite know where the phrase "will not proceed" comes from, because in the AGB it talks about should not proceed. There is no reference to will not proceed, that's where ALAC's concern arises from. Thanks.

Cheryl Langdon-Orr: Michael, if you're speaking, we're not hearing you. It's Cheryl. Michael, your microphone is -- I can see it moving, but we can't hear you.

Jim Prendergast: I'm sure he's saying wonderful things.

Cheryl Langdon-Orr: That's bound to be the case, Jim.

Unidentified Participant: Do you want to go ahead, Cheryl? Maybe Michael can try dropping and calling in again.

Steve Chan: This is Steve Chan from staff. I was actually looking through the Applicant Guidebook just to try to find the reinforce to that while there was a pause actually. So I was looking in the Applicant Guidebook and in section 1.1.2.7 of the Applicant Guidebook where it talks about receipt of GAC advice on new gTLDs, I think I might be looking at what Justine raised. So in this section it reads, well in part it says, if the Board receives GAC Advice on new gTLDs stating that it is the consensus of the GAC that a particular application should not proceed, this will create a strong presumption for the ICANN board that the application should not be approved. If the Board does not act in accordance with this type of advice, it must provide rationale for doing so. So I think if I'm understanding this correctly, what Justine and the ALAC are saying is that it's not a will not proceed, it's a should not proceed. I'm not sure if I'm getting the nuance quite right there, but that's my reading while we want for Michael to get back on audio. Okay, great.

Michael Flemming: Will makes a big difference in the English language. At least that's what my Mom used to tell me. But can you hear me now?

Cheryl Langdon-Orr: Yes, we can. Thank you.

Michael Flemming: Perfect. Okay, good. I seem to be back from the dead. All right then, where were we? I have lost my entire -- just a moment as I find myself. Here we go. Veto right. We've got 2.8.1.e.3, .4, we got .5. Did we touch 5 yet? Okay, no, we didn't. Well wait, maybe I went too far. Okay here we go. 2.8.1.e.4. All right then. Role of the Independent Objector: In the 2012 round, all funding for the Independent Objector came from ICANN. Should this continue to be the case? Should there be a limit to the number of objections filed by the Independent Objector? So, most of the comments agree that funding should be maintained for the Independent Objector and no limits should be placed on the number of objections. The Registry Stakeholder Group provides a caveat that the recommendation reform should be put in place. NSGG suggests limiting or eliminating the role of the Independent Objector. All right then, let's go through all the wonderful comments that agree. So the ALAC suggests that ICANN should continue to provide all funding for the Independent Objector in the next round. The Council of Europe, part of a larger comment on fairness, supports continuing the Independent Objector and link this to GPI which I fail to know the acronym at this point. Does anyone know the acronym for GPI?

Unidentified Participant: Global Public Interest Group.

Michael Flemming: Thank you so much. Good. Global Public Interest Group. The Brand Registry Group, they would expect ICANN to continue funding the Independent Objector. There should be not a lot of -- there should not be a limit as to the number of objections filed by the Independent Objector. INTA suggests that ICANN should continue to provide funding. The Registry Stakeholder Group provides the caveat, suggest that ICANN should continue to prove all the funding in the next round and that there

should be no cap on the number of objections. Yes, all funding for the Independent Objector should come from ICANN to maintain the intended neutrality. No, there should not be a numerical limit on the number of objections as long as other recommended forms, conflict of interest policy, elimination of extraordinary circumstances exception naming identification of one or more parties that initiated or supported the objection are adopted. That sounds like a good caveat. IPC says that the Independent Objector is needed to provide, since private parties with good cause may not be able to fund. Then we have the NCSG which has divergence. The role of the Independent Objector, the role should be eliminated or at the very least significantly reduced as it does not hold a successful track record in the overall process and is quite expensive to maintain. Independent Objectors should not be able to make an objection to a gTLD unless there has been official and publicly documented request from the Independent Objector from at least one party harmed before an Independent Objector may consider making that objection should the role continue.

Justine, you've asked for a comment to be made in green that ILAC also agrees that there should be no limit to the number of objections that the IO file. This being green, I think we can make that doable. Would anyone else like to jump in on this section? If not, we're happy to move onto the next section.

Hearing none, let's move on to 2.8.1.e.5: Role of the Independent Objector: I'm going to have this word down by the end of the night. In the 2012 round, the Independent Objector was permitted to file an objection to an application where an objection had already been filed on the same ground only in extraordinary circumstances. Should this extraordinary circumstances exception remain? If so, why and what constitutes extraordinary circumstances? First comment, we have a general overview that if different perspectives are expressed about what the extraordinary comments, circumstances, exceptions should remain. So the Council of Europe is in agreement with the proposal to amend the rule that absent extraordinary comments, the IO -- sorry, I'm just going to call the Independent Objector IO at this point, we've said it enough times. The IO is not permitted to file an objection to an application where an objection has already been filed and the same ground deserves support. ALAC, agreement/new idea. What constitutes extraordinary circumstances? It is likely possible to exhaustively list these, but a couple which could possible arise are, which could feasibly arise are where the reasons for which the IO files her or her objection different substantially to those raised by the other objector, this would also mean the nature of basis raised by the IO and the other objector would likely not coincide. When the IO's basis for his or her objections are -- my Latin, it isn't as good as my Spanish, are prima face, wider or more far-reaching in scope impact that those raised by the other objector. See also response to following sections. So we'll get to that as well. We also have INTA, supports this suggesting that some further policy work be done to review how this concept is treated under generally accepted international law. So the

PDP working group can suggest a draft definition for public review and comment. For example, a likely gross miscarriage of justice may constitute an extraordinary circumstance. Example given, perhaps an objection filed on the same ground was fraudulently or incompetently filed to prevent another objection proceeding on the same ground. Thanks for the suggestion, Jim. I don't think I'm going to get into that just yet. The Brand Registry Group says the BRG recommends the exception should be removed. This is divergence from keeping the exception. All right. We also have Neustar saying that they should remove the exception. The Registry Stakeholder Group also is in divergence stating that no, the extraordinary circumstances exception should be removed. The IO failed to meet the extraordinary circumstances standard and the Registry Stakeholder Group does not believe it is possible to revise the standard or establish criteria so that the standard is stringent and not capable of being abused. So we have 3 in divergence and we have agreement with suggestions for revision. These are probably the comments most that we need to make sure we have clarity on. But is anything that came through something we need to double back on or look at again? I welcome comments, welcome anybody to raise their hand. It's been a quiet call, I'm starting to feel lonely. No? Okay, let's move onto the next section then.

2.8.1.e.6: Role of the IO: Should the IO be limited to only filing objections based on the two grounds enumerated in the Applicant Guidebook? Council of Europe is in agreement that it seems there is no need to enlarge the scope of grounds to file objections enumerated in the Applicant Guidebook. Brand Registry Group recommends that the IO be limited to only filing objections on the 2 grounds. INTA is also in agreement. The Registry Stakeholder Group is in agreement with the new idea the IO should be required to name one or more parties that initiated or supported the objection but would otherwise be unable to file. And then we have divergence from ALAC stating that we think it is worth considering lifting the 2 ground limit on the IO's ability to file objections. They give an example about considering the situation underpinning a string confusion objection. I'm not going to get into that specifically, there' a lot to take there, unless someone feels that we need to go over that fully at his point. Hearing none, let's move on.

2.8.1.e.7: Role of the IO: In the 2012 round, there was only one IO appointed by ICANN. For future rounds, should there be additional IOs appointed? If so, how would such IOs divide up their work? Should it be by various subject matter experts? Okay, let's stop for a minute. Cheryl, you've highlighted something very important before we go onto this next section. You think that the ALAC one is in agreement rather than agreement/new idea?

Cheryl Langdon-Orr: Yes, I'm unsure, Cheryl for the record, I'm unsure and I think we need Justine to double check that categorization of that ALAC comment is truly a divergent one. It's certainly not like some of the other comments in other sections we've seen saying that the IOs should be abolished. It's

saying here is a modification proposal of some of the grounds, the instructions to the IO, limitations the IO should operate within. And for me, I don't see that as a disagreement, I see it as a modification. Let's just asterisk that and make sure we double check on that if could via Justine and then perhaps look at changing the color coding slightly if appropriate. But I pause at putting a sort of pinky red hue over it, that's all. Back to you, Michael.

Michael Flemming: Justine, you've got your hand raised. I'll let you have the floor. Justine, I do not hear you, your mic much be on mute, please.

Unidentified Participant: Justine, I unmuted your mic. Do you want to try now? I'll private message her, Michael.

Michael Flemming: Okay, she's typing, I'll make sure we capture --

Cheryl Langdon-Orr: Yes, let's move on and we can catch up in the chat.

Michael Flemming: Perfect. Okay, I just want to do a little glimpse forward on -- so Justine, you -- oh, there you go.

Justine Chew: This is Justine speaking. I take what Cheryl has said, but in terms of if you look at the question that was asked, it was specific to -- sorry, I'm experiencing a bit of a lag, so don't know if I should be speaking or not.

Michael Flemming: We can hear you loud and clear. You're welcome to just go ahead and speak. I think we can hear you.

Justine Chew: Actually -- I'm just going to put in a comment verbally and I'm going to type it into chat as well. What I was trying to say, and it's Justine again, what I was trying to say is I take Cheryl's point but I also looked at the question and it talked about specifically about the 2 types of objections that the IO can file. So the ALAC's answer was pertaining to that which is no. So, you know. It could be an agreement, but it could also be a divergence indicated.

Michael Flemming: Thanks, Justine. I think we captured that pretty well. What we can consider is maybe taking it out and putting in concerns as one aspect. But let's go ahead and leave that there. We are 6 minutes from the top of the hour. I have confidence that we could get through the next question. I will just stop to ask if there is any other business that we need to cover specifically. I don't hear any other business. Susan, Cheryl, you're typing. Multiple individuals are typing.

Cheryl Langdon-Orr: Let's see if we can get through the next bit, Michael, keep on.

Michael Flemming: All right. I already read the question. Should there be multiple IOs appointed and how do we divide up the work? So first comment is INTA with agreement stating that INTA suggests that perhaps there could be small standing panel so that in case of a conflict of interest or

circumstances which might give rise, could we have -- sorry, I think you're still on audio. Which might give rise to a perception of conflict, a panelist could step aside and an alternative panelist could be appointed. My screen just went bonkers. Well, while I'm doing that, I believe the Registry Stakeholder Group was in agreement. Wow, I'm so sorry. Hold on a moment. If I can find this -- okay. So Registry Stakeholder Group agreed with this stating that accepts an alternate IO in case of conflict of interest and does not support multiple IOs. Okay, so there is conflict of interest, but does not support the idea of multiple IOs. Might want to -- I'm not sure if that's full agreement or not, but we're looking at that. Others such as NCSG does not see the need for multiple IOs except where conflict of interest is present. The IPC has a new idea which is agreement that there should be a standing panel of qualified IOs which rotate cases and skips over any IO who has a conflict of interest. Similar to what INTA proposed. ALAC feel, is in divergence, or at least marked as divergence, stating that suggested, that initial IOs are not needed and explains rationale for this. ILAC feels that there is no strong need for additional IOs to be appointed, taking into consideration 5 overarching factors. There's no clear evidence of an anticipated major increase in new gTLD applications, the possibility of conflict of interest on the part of appointed single IO, which -- I'm just trying to read that really quick so I can get a -- I can't summarize that. The possibility of a conflict of interest on the part of the appointed single IO which would either lead him to not file an objection which he or she would have otherwise had no qualms in filing or one which would allow an applicant to easily challenge the ability of the IO's objection with such risk being remote and manageable through the selection of IO best candidate available. Unless the constraint is removed, the IO is still not permitted to object to an application unless there is at least one comment opposing that application. The IO already has resources at their disposal to consult subject matter and legal experts and concerns over budget to revert in funding of salaries of multiple IOs. All right. We -- I do also, just before we close up here, I'm also feeling that some of those that state that they agree with conflicts of interest but not the idea of multiple IOs shouldn't be agreement but perhaps new ideas or maybe concerns or categories may be a little bit different. Susan, I think I agree with you as well. Registry Stakeholder Group and INTA are all in disagreement but they're not saying exactly the same thing. What I think would help here is if we took that back as an action item to just kind of with the rest of the staff go over this one more time to give a bit more fluctuation, a bit more variety to this aspect. But I'm not going to go into any further than that in our last minute.

Given that, was there anything that anyone would like today at this point about this section that I have not already captured? Hearing none, our next meeting will be at 21:00 UTC December 13 for most of you, but December 14 for me and Cheryl., So it sounds good. We will start question 2.8.1.e.8 next week. All right, this is me chiming off for now. You have wonderful weekend and look forward to seeing you next time. Thanks.

Cheryl Langdon-Orr: Thanks, everybody. By for now.

Unidentified Participant: Thanks, Michael. Thank you, everyone. Today's meeting is adjourned. You can disconnect your lines and Peggy, can you stop the recording, please.