

**ICANN
Transcription
New gTLD Subsequent Procedures PDP Sub Group C Thursday, 08 November
2018 at 15:00 UTC**

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<https://audio.icann.org/gnso/new-gtld-sub-pro-sub-group-c-08nov18-en.mp3> [audio.icann.org]

Adobe Connect recording: <https://participate.icann.org/p22sl9fbe2j/>

Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/WgDVBQ>

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- Michelle DeSmyter: Good morning, good afternoon, good evening, and welcome to the New gTLD Subsequent Procedures Subgroup C call on Thursday, the 8th of November, 2018. On the call today, we do have Cheryl Langdon-Orr, Gg Levine, Heath Dixon, Jamie Baxter, Jessica Hooper, Jim Prendergast, Jean Guillon, Katrin Ohlmer, Malgorzata Pek and Michael Fleming. We do have apologies from Justine Chew and a tentative apology from Susan Payne. If anyone is on the audio portion only today, would you please let yourself be known now? All right, hearing no names, thank you. From staff we do have Emily Barabas, Steve Chan and myself, Michelle DeSmyter. As a reminder to everyone, if you will please state your name so it appears clearly in the transcription and I will turn the meeting back over to Cheryl and Michael. Please begin.
- Cheryl Langdon-Orr: It's Cheryl here. I'll just ask if anyone has got any updates to their statements of interest and most importantly remind you that if you're part of any of the PDP GNSO working groups, you do need to have a GNSO statement of interest. If you don't have one of those and you are confused about what we're talking about, please contact staff by email and Emily, Steve, Julie will be able to assist you. Not seeing anyone indicate they have a change or update to their statement of interest and knowing we have a heap to do, I'm going to pass this to Michael and I know he's keen to go and we're going to go over the list quickly, what we agreed in the Barcelona meeting that we'd been using as process, and this will be proposed in the other group work as well. Note that staff has already done a lot of the triage parts through groundwork and I and register our thanks for that. And then dive into continuing the review of registry agreement and some of the comments that came in there. We do have any other business on our agenda as well, and so if anyone has any other business they're aware of right now, they can let us know. But if not, we will hopefully take the last couple of minutes of our call to look at any other business and to ensure that you all know where we're heading to for next week's call. With that, over to you Michael.
- Michael Fleming: Thank you very much, Cheryl. So yes, we are going to go over a little review of what we talked about in Barcelona for those that were not able to join us, just to get a little good feel for how we're going to go through this process. Many of you have been contributing to the document that we are currently using to review comments in a very efficient manner I feel. Staff has taken liberty to go through a lot of these comments and put them into the readily, easier to identify areas for us. And we kind of get a good feel for a lot of the content already, so I think this will be relatively easier with the preparatory work that we've already had done for us.

So what I would like to do is kind of share with you a little of what we will be doing and what we won't be doing. Just a little administrative. And Cheryl, if I do misstate what we talked about in Barcelona, please feel free to butt in and correct me anytime. Just bear with me one moment, as I sent myself a note here that I am going to reference as I go through here. And it is right here. So, what we are doing here specifically is that we are going through these comments and seeing where there is agreement, divergence, seeing where we can take away new ideas, and looking at areas that are a bit unclear. And the work of this subgroup will be looking at somewhat of an initial pass to engage the main idea of the work that we're doing. Then we'll go back and do a second pass for content that needs a bit more to kind of pull further ideas and perhaps look at some questions of clarity that we may need to address for that.

We are not going to be sitting and voicing our own support specifically for these comments, but seeing what they are saying specifically. And when we are done with our work, we will be turning that over to the working group itself. I think that's pretty clear. Cheryl, do you think anything needs to be added at this point?

Cheryl Langdon-Orr: All good unless there's any questions. That's a good record recognizing what we all agreed. Just jump in, I'm not seeing anyone with their hand up. Jim? Okay.

Jim Prendergast: [audio distorted]

Michael Fleming: Sorry about that Jim, I think that I might have heard a little divergence in your voice, some distortion.

Jim Prendergast: [audio distorted]

Michael Fleming: Thank you, Jim, we'll come back to you as soon as you're dialed in. I do hear that you're still on in the background so if you might be able to mute your mic, that would be good. Okay, we will come back to Jim. I did actually want to take this opportunity to turn this over to Emily or Steve to kind of give us a brief overlook of how this document that we're using, the template, how it's organized and how it's been kind of prepared initially for our review. Just so we are all in the same know and that we can readily move about the document more easily and we know what to expect. Or we might be able to suggest even some changes that will help us in our work. So I will turn this over to either Emily or Steve to just introduce how the document itself is organized.

Steve Chan: Thanks, Michael. This is Steve Chan from staff. So the basic structure, I would actually just start on the very first tab of the document. You'll find the proposed work plan and that will give all the subgroup members a sense of how we intend to progress through all of the topics. So that's a good resource for you all to be familiar with and to refer back to and it will help you all prepare ahead of upcoming meets. And so you'll see that same proposed work plan on each and every one of the 3 subgroup Google documents.

So from there, and actually to show a comment about it being a rough topic run list, so that ordering is not set in stone, it's proposed. And generally, for the most part, it's chronological related to how the topics were captured in the initial report. For now, the one exception is the base registry agreement. This topic was discussed briefly at ICANN63. And the co-lead chair through it would be a good one to start with. If you have taken a look at the objections, you'll see that there are extensive comments there. So the basic structure of the document is there is a single tab for each and every one of the approximately 40 topics that were contained in the initial report. And then within each topic you'll see each of the preliminary recommendations, options and questions. Each of them has an individual line. The primarily recommendations are highlighted in gray I think. The options are in I don't recall what color. And the questions are highlighted in blue. So they are differentiated by the type of input the working group was seeking.

Then within that, we have tried to pull out the relevant parts of the comments. So this -- sorry, the relevant parts of each comment from the commenters. So that is done in a verbatim fashion. We haven't done any amendment or changes to the comments that we put into each section. What we have done though is attempted to provide a very brief summary at the top of each comment so at a glance you can at least get a sense of what the comment is about. That also, again, is not set in stone, it's put in there as a resource for all of the subgroup members. And we've done our best to make sure we try to capture the essence of the comment, but we might not have done that perfectly. The comments are potentially subjective and open to interpretation. So as I said, we've done our best to do that, but we might not have done it perfectly in every instance.

So finally, on the right-hand side under working group response, this format follows what is in the public comment review template. If you look at the GNSO Operating Procedures, you'll see a template there. That's actually a Word document. Here it's a Google document so it's not entirely different but it's -- the idea is to try to get a sense for the comment of whether or not it has concerns, divergence, agreement, or new ideas. And that's an and/or. It's not mutually exclusive. It doesn't have to be a single thing.

So I think Michael touched on this, what staff and the co-leads are doing is to try to do some triage beforehand and do basically a preliminary assessment on each of the comments to determine which or many of those outcomes are applicable to each comment. So the concerns, divergence, agreement or new ideas. Hopefully that's good as an overall overview of the document. Michael, let me know if you want anything else or if there's any questions from any of the subgroup members. Thanks.

Michael Fleming:

Thank you, Steve, that was an excellent introduction and overview of the document that we will be using. If anyone has any questions or suggestions for improvement even, we are happy to accept them. I don't see anyone raising their hand so I will just turn it over into our review of the comments. Sorry, the comments in regards to the initial report. Sorry, I can't even speak English right now. We are going to review the comments in regards to the questions and path forward that we can put together in the initial report. Thank you. Big words, big sentences.

All right, moving on, into the first -- we're just going to take it from the top. How I will do this is, it is assumed, or it is expected that individuals have at least gone over the material once before this call, so I hope that we won't have to read each individual comment. I will however read the question clearly because that is very important in regards to considering the content and the nature of the comments that have been put out.

So just reading the first question, and by the way, I am enlarging my screen, so if there is a question, please wait until I come to a stopping point, or Cheryl, you can just stop me if you are able to monitor the chat for questions. Thank you. So for the first question, 2.10.1.c.1, Work Track 2 continues to support the original policy recommendations and implementation guidelines upon which the 2012 round was based. However, a clearer, structured and efficient method for obtaining exemptions to certain requirements of the RA which allows ICANN to consider unique aspects of registry operators, TLD strings, as well as the ability to accommodate a rapidly changing marketplace is needed. So for this first portion, we have a good 4 comments right where that we have on this page and I do think that this is all of the comments that we received in regards to this question. Let's take it away. So right from the top, we have a comment from the brand registry group that supports this idea that we allow, that we make it easier for TLD strings to be accommodated with certain exemptions to certain parts of the registry agreement. First comment, the first instance that BRG supports this recommendation, and I think it would be very -- they talk about their experience in putting together this Specification 13 and working that together with ICANN and how it was a rather difficult process at the time back there was really no one straight path forward for brands.

They also provide a good, sorry, I will not use the word good, but they provide a new idea in the later portion of their comment which I will read. It says, if new models emerge in the future that require different exemptions that impact consensus policies, the expedited policy development process that has since been established, could be utilized. Although, this mechanism is not overly controlled by established contract parties which are sensitive to commercial and competitive concerns. So this comment supports having exemptions to certain requirements of the RA depending on the type and it utilizes their own background experience and it also gives way that one method of that might be using the expedited policy development process.

Does anyone have any other, let me go back to the AC Room, does anyone have any differences of opinion of what this is stating or interpretations that we should take away from this?

Kristine Dorrain: Michael, this is Kristine. I'm on the phone only. May I be in the queue please?

Michael Fleming: Please, go ahead. I just have one comment that I got from Katrin Ohlmer I'd like to read out really quick and then I'll turn it over to you. Katrin Ohlmer types, I think the idea in blue does not relate to the question, so I would suggest to move this part to the section Additional Comments. Yes, it is an additional comment itself of a new idea I think is the way to put it. At least that was my interpretation. If you disagree, please write in there. And then I will turn it over to you, I'm sorry, who was it that said they were in the audience?

Kristine Dorrain: Kristine. Thanks, this is Kristine Dorrain on the phone. Thanks. I'm a newcomer to the group with respect to these comments, so yeah, thanks a lot of letting me speak. I wanted to just -- I think the first person said something about moving the brand registry groups' comments into another section which I think makes sense. I just wanted to ask a question. Will we be planning to go back and ask any clarifying questions of commenters? It seems like if we do, there would be a lot of burden. So my main question goes to sort of the why the brand registry group might suggest that the registry agreement is somehow part of an ICANN consensus policy. The original registry agreement was part of a guidebook which kind of was developed by the community. But going forward, it's interesting the registry agreement amendments have been between the registries as a registry and ICANN. So I'm a little bit confused about sort of the basis for stating that a registry amendment potentially, because that's what this is, would be up for policy development. Anyone know -- like I don't have the back story about that, so I don't know if we should flag that. My point is, I'm not sure it's accurate.

Michael Fleming: Thank you, Kristine. Perhaps my stating of -- since you're only on audio, perhaps my stating of the comment might have been a little confusing. But I would state one aspect of -- sorry, you brought up 2 aspects I'd like to address. One of them is the fact that we're asking clarifying questions on this. So before we started this process, we had asked that representatives of those that submitted comments I believe, the FOs and the ACs would actually be able to provide clarifying content when we did have clarifying questions. But we are not necessarily excluded from asking clarifying questions at this point, or if someone from that group is here to clarify that. The other aspect I would just reply to, before they made that comment, and I should really clarify this, the blue portion that I read was not necessarily the representative statement of what they're stating in regards to a reply to this question, but it was a new idea that kind of was proposed within the context of the question. And they actually state before that, clear and effective procedures should be established to accommodate Specification 13 type applicants in the future. And it says that if new models emerge in the future. So I don't know -- I guess the context of future is not clear here and it could be post application or it could be post the actual opening of application. Say something along the line came up in a new category or some kind of exemption needed to be proposed. Maybe the expedited policy development process could be a process to consider that. That is a lot to throw at you I'm sure, but if you have any further questions, please do let me know.

I don't hear you, Kristine, but we do have a comment, we do have a hand raised from Jim. Go ahead, please.

Jim Prendergast: Thanks, Michael. Jim Prendergast. Kristine, maybe I can help clarify too. They preface their comments about the expedited policy development process with if new models emerge in the future that require different exemptions that impact consensus policies. So I think that's the qualifier of when there may be a PDP required for any contractual changes. But I agree with you, only in those cases where there is a policy that may be impacted should the contracts be subject to a GNSO policy process. Otherwise, like you said, it's a negotiation between ICANN and the contracted party.

Michael, you brought up something that I do have a question about and that is, the liaisons, have we received responses from all of the groups that we've outreached to? And I guess they're not expected to be on these calls, but I'm assuming that if we do come across something that needs clarification, then leadership and/or staff will communicate via email back to them and we'll sort of park that issue until we get an answer from them. Just trying to clarify that one. Thanks.

Michael Fleming: Thanks for the question, Jim, it's a good question. I just don't have the best answer for you. Jeff and Cheryl are putting in the chat that we do have a lot of representatives, but not from every group. So there might be some, we'll get some clarification back when it's necessary, but we might need to throw more stones in the water to see if something floats.

Cheryl Langdon-Orr: It's Cheryl. Excuse me, in the absence of a lower case liaison, if there was an incredible deeply felt requirement for a clarifying question, not just a curiosity point, that this is something that is integral to our next (inaudible) question, Jeff and I can also get it right back to the AC and FO and contribute it to the public comment and ask specifically. But as I said in Chat, for those of you utilizing Chat, I'd encourage you to ask clarifying questions a bit like (inaudible). It should be their inalienable right for everybody to comment, but it is something that will be viewed fairly, will be useful. And let's see how we go and push on through so these six examples, I think it's 6. Back to you, Michael.

Michael Fleming: Thank you, Cheryl and thank you for the point. Very helpful indeed. Jim, we have taken your request to disclose those and we will take that back to the group. Sorry, the leadership team. All right then, I would like to move onto the next comment. I think we have a good -- Steve, your hand is raised, let me just move it on over to you before I move onto the next comment.

Steve Chan: Thanks, Michael. This is Steve from staff and apologies, I may be thinking out loud here a little bit. So if I'm thinking about the brand registry group comment in particular, if you were to reach out to the GNSO liaison for instance, they might not actually be able to answer and provide a clarity that this subgroup might be seeking. So in some instances, it might actually be preferable to just reach out to the commenter themselves if there's clarity needed on their specific comment. So just throwing that out there as a possibility or alternative to the liaison in some circumstances. Thanks.

Michael Fleming: Thanks, Steve. And I do think that's a really good idea and I think that we'll be able to take that into consideration when we clarify. So let's take that as a first clarifying question in regards to the aspect of expedited policy development process if we need further clarification of that. All right then, I am going to move to the next comment just for time's sake. And we will take this, this is just kind of floating from what we've already gone through, we're taking this step by step. So the more questions we go through, we may have more questions about process as well that we'll make sure to make clear in other parts of other subgroups as well.

Okay, I am going to move onto the next comment now. Sorry, thank you for your patience. So the next comment is actually from ICANN, and this is not necessarily in any specific agreement or

divergence of course. This is really just voicing a couple of concerns that come up in regards to this proposed recommendation. So ICANN actually notes that applicants had an opportunity to negotiate with ICANN directly. And noting that while we have, they have an opportunity to request changes, that it would be -- I think this is probably from an operational perspective that they address the concern, is that considerations, sorry, given that the development of the base registry agreement goes through a very extensive development process with the community, including multiple public comment processes, consideration is to be given to defining what criteria for which changes should be readily allowed, which should be allowed, was a concern that they voice and I think is a good idea. I'm sorry, I'm using that word again. It's an idea that they have put forward. So Michael, I have your hand up. I'll turn it over to you.

Michael Casadevall: We would discuss this in the main SubPro and the issue we have with this is, at what point, besides routine changes like addresses and such, I am concerned of any expediting because that can change the circumstances in the comments here. I actually disagree that basically anything beyond routine business, that needs to go through the public comment process, even though this process is 6 years. Because adding a new gTLD is a massive impact to the ecosystem. It's not something that can be done lightly. So I -- that's my two cents on that.

Michael Fleming: Thank you, Michael, for that. I just want to -- I don't think you were here at the beginning, I just want to give a little bit of administrative feedback. The process that we're going through now is not necessarily showing our personal agreement or divergence in regard to the comments that have been made here. It is merely to not actually summarize, but to see how the comment is acting. Does it support, does it agree with the recommendation? Does it disagree with the recommendation? Are there new ideas being proposed? Other concerns being proposed? Our job is to pull those out, see what they mean and see how they come together to answer the question and then to report that information back to the full working group. But thank you very much for your input, it was very important, very valuable. And of course, none of these agreements or recommendations are finalized, so any of that feedback is very much welcome, just at the right time when we're ready to put a resolution on that idea. So thank you.

Kristine Dorrain: This is Kristine again, may I get in the queue?

Michael Fleming: Oh sure, Kristine, go on ahead.

Kristine Dorrain: Thank you very much. I apologize, I'll try to be at my computer next time. I wanted to just comment, and when I reviewed all of the comments from this section, I wanted to share something that really jumped out at me that I think you can tell from the juxtaposition of the brand registry's comments and ICANN's comment. And then as I think there is maybe a misunderstanding about what we're talking about between different responders. So I think ICANN is talking about sort of you want to make a registry services change or you want to make a slight contract amendment, there's a process that we fill out the form and it goes off for comment. And I think the brand registry group is talking about, what if there's a large number of people that all want to make the same change? And then that requires a whole new specification that applies to a class of categories. Which I think is completely different from what ICANN is talking about. And then so I think we want to consider, as we're going through this and we think is there consensus or divergence, I think we need to kind of dig in and decide like what type of changes were people really thinking about when they made that comment? Because I think we would all probably agree that big, massive changes that sort of apply to a category, like Spec 13 for brand, that is a big, overwhelming process. But once that's done in the registry that qualifies, you can check the box, I want Spec 13, done. Little itty-bitty contract changes, those in private negotiations, ICANN is exactly right, we go through the form process, you post comments, whatever. Maybe there's a bunch of people that want to do kind of this one thing and they all need the separate variants. Let's say protected lists or something, right? Currently there is a section for that and a bunch of people

use that. Now maybe that can be the standard from the registry agreement if you just check the right box.

So one of the things we might want to think about in deciding convergence or divergence here is thinking about the type of contract changes that people were envisioning as they wrote their comment. So I just wanted to throw that out there. Thanks.

Michael Fleming:

Thanks, Kristine. That's a really good idea. And I think from the context, the overall context from the comment that ICANN is writing, it's merely just a little bit of headway specifically. They -- and I think what you have provided as a suggestion as we move forward to read these, I think perhaps if we were to give more clarity to a recommendation itself, as to what type of change specifically we're looking at, like in the aspect of a Specification 13, it might be more readily able to be considered in regards to what we're looking at. Sorry, that didn't make any sense. Basically, people will understand a lot clearer that we're not surreptitiously talking about only a portion of the registry inventory, or a sub change or something like that. But rather, something to accommodate these categories. And this is something that we talked about in the beginning way before we put the initial report out. But this kind of goes together hand in hand with the categories discussion as well. But only to a certain extent of course. And ICANN's reply here is just putting out there what was already there in the beginning and seeing how we make sure that they have clarity for the considerations to what type of the criteria for which changes should be allowed. So making sure that we're talking about only here categorical aspects, sorry categorical exemptions or categorical changes. And I think using that referring to TLD categories, might make it a lot clearer and address that concern. So that is I think a suggestion that we can take back.

Does anyone else have anything to add on this comment, or may I move onto the next comment?

Hearing none, I will move onto the comment from XYZ that, hold on a second. Okay, now this looks different. Oh, here we go. So, the XYZ has proposed a new idea. They said that there must be a base RA in place at the beginning of the application process. I think this is more or less so to give people a better heads up and it's a new idea. Does anyone have any comments in regards to this? It's not a new idea. Okay. Jeff, do you want to -- Jim, you've got your hand up, I'll let you go ahead.

Jim Prendergast:

Thanks, Jim Prendergast for the record. I was just going to echo what Jeff said. Isn't that something we talked about on the predictability portion of I forget what work track that was in, but like one of the things that a lot of folks were dismayed with, was the fact that after the application window closed and people would pay their money and submit the applications, ICANN instituted fairly broad changes to the registry agreement, something that was not signaled or anticipated ahead of time. So maybe this gets kicked to A or B, I forget, are we in C? Yes, so it gets kicked to A or B. I'm not sure if there is process to do that or not. Thanks.

Michael Fleming:

Thanks, Jim. And Jeff, if you're going to say something similar, just let me say one thing before that. So the context of what I mean, new idea, I really mean that it's in regards to the comment of the registry agreement being addressed here. It is supporting a new idea perhaps that wasn't specifically to what we've already talked about. Perhaps it supports other aspects. We will have overlapping areas. And we will just need to deal with them. So being able to reference this back to the predictability topic that was already discussed, that would be helpful. But Jeff, I will let you go ahead.

Jeff Neuman:

Thanks, can you guys hear me? I'm using a different headset, so can you hear me?

Michael Fleming:

Loud and clear, Jeff.

- Jeff Neuman: Great. This is actually part of the original GNSO policy put out in 2008 when it was adopted by the board. So not sure what of that is new. It may not be the exact words that was in the policy. I'm trying to pull it up as we speak. But I believe this was a concrete recommendation, maybe Steve can clarify if I'm misstating that. But I believe we did have an existing policy that said that the agreement needs to be final and in place prior to the application.
- Michael Fleming: Thank you, Jeff. Steve, you've got your hand raised.
- Steve Chan: Thanks, Michael, thanks, Jeff. This is Steve from staff. So without speaking about -- so essentially what they are saying is accurate, there was a base registry agreement in place upon the application window opening. But what I was actually going to say is that sort of thinking out loud here again, I think what sort of happened here is this response is probably a little bit off topic in relation to what the preliminary recommendation was putting forth. And so what might have happened here is it sort of got conflated into a new idea rather than being marked as perhaps off topic or maybe moved to a more appropriate section. I'm not entirely sure it that's the case here, but it seems like new idea is probably not the right assessment or designation for this particular one. Thanks.
- Michael Fleming: Thanks, Steve. I think we'll probably encounter others like that down the line. Let's just take this as off topic and we'll deal with it as necessary. But we do have a lot still to get through, so let me please move forward. So the next comment is from Neustar and Neustar says they support the preliminary recommendation. I really can't interpret anything else from that. Does anyone else have anything they'd like to voice at this point or can we take this as is? Hearing none, I will move one. Oh, look, we actually have 6 comments in regards to this question. I apologize for misinterpreting that earlier, misstating that earlier.
- So our next comment is from the registry stakeholder group and they support this recommendation and they have also re -- what's the word, rehashed? I think, no, that's not the best word. They have re-voiced what they stated originally in regards to relating to CC2 comments. To not cover the entirety of their text, they brought up 2 specific areas that I felt were worth noticing. They said they do not identify other specific circumstances where exemptions to code of conduct should be granted besides Specification 13 and Specification 9. But they would support greater flexibility for registry operators wishing to seek exemptions. There was another comment that they made that was I believe relative to this. They said that since under the current model all exemptions must be for single registrant models, and this is regards to I believe the Specification 13, Specification 9, where in the registry as registrant may still choose its register, we do not believe this language should be applied to Specification 9 exempt TLDs regardless of whether they additionally qualify for Specification 13.
- So they suggest -- sorry. Yes, okay, they should not -- it should not be applied to those TLDs. So I will stop here and ask if there are any questions in regards or different opinions about what this means, what they are saying specifically.
- Kristine Dorrain: Michael, this is Kristine, can I get in the queue?
- Michael Fleming: By all means, Kristine, the floor is yours.
- Kristine Fleming: Thank you. This is Kristine Dorrain. So I'm not representing the registry for today, but they have been writing a lot of the comments. This, I want to go back, and I noticed this last night and didn't have a chance to go back and look. This summary or what staff has included in the report here, seems somewhat nonresponsive to the question. And I want to make sure that we didn't accidentally swap out a line or something didn't get mistaken or taken out of context. So I will come back to the list once I verify that the comment as shown in the Google doc is actually reflective of the registry stakeholder group's comment. Because I thought we had more to say

about this than just the Code of Conduct. So I just wanted to let you guys know that I'll look at that and then circulate that around if there is something different. Because I feel like this was a little bit nonresponsive. Thanks.

Michael Fleming:

Thank you, Kristine. And I do note that one of the comments in here, the last one about exemption to a specific aspect, also goes to another question that we have in the register protections topic that we'll be covering at a later date. So let's make sure we take that there as well. So let me move onto the next comment then, unless there's anyone else that has anything to say about this. The next comment we have is from MarkMonitor. And they support the single RA with exceptions for certain types. They support the nondiscriminatory treatment of all registry agreement operators with comments and exceptions including pics necessary for registry business models and other provisions necessary for community TLDs and brand TLDs. So an admission of agreement I believe here is the correct way to take this comment. This concludes the first question. Are there any questions about the last comment that was said or anything in regards to the whole of the question? Or the recommendation, sorry? I hear none, so I will move to the next question that has been asked in the hopes that we can get through the rest of this tonight.

So the next comment question -- oh, Cheryl, go ahead.

Cheryl Langdon-Orr:

Michael, sorry, when I went on mute, what message I got was Adobe Connect not responding. My apology. I just managed to rejig that and raise my hand at the same time. Just while we finish this one section, or this one question, I just wanted to make 2 points. The first one is I guess to Kristine's (inaudible), do remember what is in the cells of the Google doc is not verbatim the whole of the comment necessarily. It may be, but it's not likely to be. And if you want to refer to the complete contribution, it's important to copy, to follow the hyperlink to the full contribution that any contributor has made in comments. You'll also note in the cells that some things are in bold font and some are not. And staff can correct me if I'm wrong, but as far as I recollect, if it is in bold, it is literally verbatim conversation from the contributor's comment. There may be some synopsis or overview language that is around the rest of what is being said, but we do encourage they capture it for the full input. And (inaudible) just before I relinquish the microphone again, for those of you seeing the Google doc and noticing any large changes to them, I've made a couple of little edits. For example, where we had the ICANN org as a concern, really I think our discussion was that we felt it was more a clarification of existing process than it was a concern or problem with the recommending we made. So I put that in a sort of bracket next to that original concern line. And I've also, just because I like to be visual, and it's pretty sometimes, color coded on the Google doc. And what you will see is a depiction of the ICANN.org comment is green for agreement with the proposed question. And so when we are extracting what the lie of the land is here, I think the color will assist us. With that I'll hand back to Steve and to Michael so we can get on with the job. Steve? Did I muck it all up or did I do okay?

Steve Chan:

Thanks, Cheryl. This is Steve from staff. Some good ideas. I like the idea, it's not up to me, I guess, but I think the idea of color coding the section is helpful to identify trends. However, I did want to provide some clarification on the way that comments are captured. So the bolded text that leads for each of the cells, that is actually the staff attempt at trying to provide a very, very high level and brief overview of what the comment is about. But beyond that though, the text that follows the bolded text should be verbatim what the respondent or responder provided to the comment. So in some circumstances, and I should have mentioned this earlier, the commenters specifically identify which section they were responding to. So for instance, 2.10.1.e.1 or whatever the reference is. However, in other circumstances, the comments might have been more general. They could have been towards the overall section of the base registry agreement. And in that case, there's interpretation needed from staff and now the subgroup to make sure that they are categorized properly. At least for the registry agreement comment, I took a look back and made sure that it was referenced to the right spot. That one fortunately for the staff, we actually got that one right. It's put into the right filed. In some circumstances, as we've already seen, some of the

comments are not exactly focused on what the recommendation might be about or the option or the question. So in that circumstance it looked like maybe they added some additional thoughts about the topic. Thanks.

Michael Fleming: Thank you, Steve. And will be running into more issues like this as we go along. These comments will never, except in a few cases, just take a yes or no or disagree or agree. So we, this is why we are here. So let's continue. So the next question, hold on a second as I reel in here and get ready, is about the 2.10.1.e.1. If ICANN were to have clearer, structured and efficient methods for obtaining exemptions to certain requirements of the RA, how can such a process be structured to consider unique aspects of registry operators and TLD strings while at the same time balancing ICANN's commitment to registry operators that it treats each registry operator equitably? That's a cool word.

So our first comment from here is from the Registrar Stakeholder Group. And they say that SLA metrics should be equal. At a minimum, all SLA metrics should be equal. We have marked this as a new idea as a category specifically and that it is responding to the question, but proposing a new idea of how the registry operators can be balanced in regards to treating them. Does anyone have any responses, questions or aspects that they wish to consider about this question? Hearing none, I will move to the second answer, seconded provided answer. Hold on just a moment. Our next response was provided by Neustar. Neustar does not think the recommendation is realistic since it would require an application, an applicant to know what are the underlying policy justifications for any given part of the registry agreement. Their comment is short enough, so I will read it. This would require the proposed to know what the underlying policy justifications for any given part of the registry agreement are. Unless ICANN is providing this in a clear, concise way as part of the mechanisms for considering exemptions, it is not realistic to expect any given applicant to know that. So this does show a bit of divergence that they are against the idea while at the same time also voicing concerns. Does anyone have anything they'd like to say in regards to this? Jim, your hand is up, the floor is yours.

Jim Prendergast: Thanks, Michael. Jim Prendergast for the record. So the only thing I would question in the comment is, is this really a recommendation? Because it seems like it's more a question to the community to solicit input and feedback. So to me, this doesn't rise to the level of a recommendation, but if we were to come up with a recommendation, then it probably requires us to get a little more color from Neustar, I'm assuming it would be Donna or Sebastian, about what they really mean here to help us shape the recommendation. Thanks.

Michael Fleming: Thanks, Jim. And I'd like to share the similar feeling that I had when I went through this. I'm really not sure if this is answering specifically this question. Or if it was kind of jilted into here, sorry, it was not jilted -- it if was organized into this for relevance. So I do think that reaching out to Neustar about what it is they are trying to say here would be very helpful. Does anyone else have anything they'd like to point out or bring up here? Hearing none, I will now move, I will mark that as a to-do and move towards the next question. Which we have already conquered another section. All right.

Now, we are at 2.10.1.e.1.1. At a high level, there was a suggestion that for exemptions or exceptions, proposer could provide the specific problematic provisions underlying a policy justification for those provisions and the reasons why the relief is not contrary to those justifications. Does this seem like a reasonable approach? Why or why not? Our first response is from, actually our first and only response, is from the registrar, sorry, the registrar stakeholder group. And their response says that they support this as long as reviews or requests, those requests take place. They believe that erring on the side of registrants and channels continues to make sense. So this is support and we don't have any other support, we don't have any other comments in regards to consider for this. Does anyone have any questions or any statements in regards to

this?

Hearing none, we will take that verbatim or as it is that that is the correct reference to that. And we are at the top, 12:55. I do just want to stop here, look at where we're at, see how far we got, and see where we're taking off next week. And ask if there is any other business to consider. But first and foremost, let me say that we got through roughly 2 pages, so almost -- yeah roughly 3 pages, 2 pages here, and if we did not have the introduction at the beginning, I think we would have finished this section entirely today. But noting that it took quite a bit of time to get through this, we will pick up here next week and we will hope to get through -- let's see, after this comes objections. We will go through the objection comments. There is a lot to do with the objection comments. Sorry, there's a lot of review that is required for the objection comments. So we will not get to them in one call. But we will make every human effort to get as far as we can.

So, with that, I will collect ourselves at this point and we will take our learnings back today, take our to-do and see what we need to make, reach out for support, clarification. Anyone that has any other business that they would like to bring up at this point? Hearing none, I would like -- I think I'm comfortable to conclude it here. Cheryl, what are your feelings on that?

Cheryle Langdon-Orr: No, as I stated in the chat, Cheryl for the record, I think considering we were working on and learning and refining the process as we go, we did quite well. It will be I think quite achievable for us to make some reasonable inroads into the objection section in next week's call and I look forward to that. Other than that, and thanking you and thanking everyone else who's been the call today, I would remind everybody that of course we can still use the email list for continuing conversation on all of this between now's call and the next one which, thank you, Emily, saves me scrambling to look up, is on the 15th at 20:00 UCT for 60 minutes. With that, thank you one and all. Thank you, staff. And we'll talk more next week, but hopefully you're relatively comfortable with how we're progressing so far. And we'll only pick up and get better at it. Anything more for me, Michael?

Michael Fleming: That's good, Cheryl. I'll see you all next week and here on Radio Subgroup C. Bye-bye.

Michelle DeSmyter: Thank you, everyone, meeting is adjourned. Have a great rest of your day.