

## ICANN Transcription

### GNSO New gTLD Subsequent Procedures PDP Sub Group C

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Unidentified Participant: Good morning, good afternoon, and good evening, everyone. Welcome to the new gTLD Subsequent Procedures PDP Subgroup C call, held on Thursday, the 10th of January, 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect room. If you're only on the audio bridge at this time, could you please let yourself be known now?

All right, hearing no names, I would like to remind everyone, please state your name before speaking for transcription purposes. And please keep your phones and microphones on mute when not speaking to avoid background noise. With this, I'll turn it back over to Michael Flemming. You may begin, Michael.

Michael Flemming: Thank you, everyone, for joining us tonight or morning. This week we will be going over the rest of the accountability mechanisms. There's just a few more comments. I made a mistake on the agenda, my sincere apologies. We will be starting at line 89, and we'll also take a moment to review Anne's comment that she sent in email to everyone, after we finish the rest of 89 -- well, finish the rest of these. And then from there, we'll move on to community applications. So I'll hope we'll be able to get through this fairly quickly.

Last week we had the pleasure of having Cheryl's chickens and dogs in the background. But you may hear a little one in the background tonight. So if you do, please just sing along. So all right then, let's go ahead and get started.

Now I am going to be referring to the Google document, and I have the chat here on my phone. So hopefully I'll be able to catch all the comments. And thank you, everyone, for the congratulations. So then let me move back on over to 89. So we are actually at other comments at this point. These are comments that have been submitted a little bit outside of the general questions that we've already received. And we're not going to be going over them in really specific detail, other than acknowledging what exactly they're addressing.

First of all, the Council of Europe has acknowledged concerns about accountability with the program, especially as it relates to community priority evaluation processes. And these are also echoed in the cell below that, in 91, as mainly being concerns related to the lack of responsibility of ICANN decision makers, and staff dispute resolution service providers, and those panelists for

any wrongdoing; the unclear attribution of responsibility for decision making based on expert determination provided by external contractors; as well as the lack of an effective redress mechanism.

This comment provides a lot of different solutions and some new ideas as well. Due to the length of it, I am not going to be going over this specifically. I am assuming that everyone has read it in preparation. And what I will do now is I will open the floor to anyone that would like to highlight some of these solutions. And if need be, we can talk about those for clarity purposes. What I do want to note is that we are acknowledging that we have these solutions and when it comes time for an accountability mechanism to be discussed at the full working group level as well as any future implementation, we have these solutions to reference, and that is what -- I think that is the most of our work will be at this point. But let me open the floor to see if anyone would like to highlight specifically some of these solutions for clarity purposes.

I don't hear anyone -- oh, please go ahead, with your hand raised.

Malgorzata: Hello. It's Malgorzata. Yes, we are indeed elaborated more in detail our proposal regarding to increase our accountability in our position paper. So I will not like to take much of your time to come back to the same quite extensive proposals already explained. But what I would like to propose to forward this message for the whole working group, because indeed what is needed is a change in the applicant guidebook and ICANN bylaws, quite substantial. And this requires, indeed, major policy revision. First, we would like to suggest and I hope this idea will be supported by other working group members. This is it, for the moment.

Michael Flemming: Thank for that. Thank you very much for that additional --

Cheryl Langdon-Orr: Cheryl here --

Michael Flemming: I have multiple speakers, oh, go on ahead.

Cheryl Langdon-Orr: Just me. Just wanted to thank Malgorzata for that. Because what's clear here is, as Michael and I were discussing in terms of any of the new ideas and the opportunities for implementation, which of course includes any proposed changes to go into the application guidebook; that is of course, the things that the full PDP need to discuss. And that's why we really need to just make sure that we all have a clear understanding and that you in particular are happy that the synopsis here in this table, which will be going forward to the full PDP, is a true and accurate record. Yes, your comments from the Council of Europe were very extensive. But we would like to ensure that we have an appropriate synopsis captured here. And we thank you for taking the time to make sure that that is the case. And if the rest of the group here don't have any clarifying questions to go back to you, then really these can just be taken as read, and that the concerns are noted. The opportunity for change is also observed, and that we have that highlighted when this goes through to the full PDP. Because of course, it's up to them, not us, to decide what does or does not get recommended then for any changes to a future applicant guidebook. Thank you.

Michael Flemming: Thank you, Cheryl. I don't think I could have said it better. So if there's nothing more on these, I will move on to the individual comment that is offered in line 92.

This was a comment submitted by Vanda Scartezini. I hope I pronounced that correctly. Recommendation 12, stating that I believe we need to define better rules and proceedings, and not only the process itself. Thank you for that. I think we can take this one as well as written, unless there is anyone that would like to highlight this specifically. I see no hands, so let us move on.

Oh, that's right. Let me go back to Anne's comment that was brought up, just to make sure we have it on the record. And let me switch over to my email really quick. So Anne, who is not with us today, highlighted a comment or an issue that was brought up in the aspect of line -- it wasn't actually line 33, it was line 52, line 52. Let's see if we can go back to that one. It was on the aspect of -- no, it's not line 52. Hold on a second. I think we're on the wrong -- we're jumping all over the place, aren't we? Apologies.

Yes, objections. 2.8.1 objections; Anne raised the comment in her email in regards to today's agenda on line 52 in objections, support on the condition that IP -- that PICs can be submitted in order to resolve an objection, I believe. But the IPC supported this on the condition that those were published for comment. And Kristine Dorrain, I believe, had submitted a follow-up to Anne, stating that it is a rather -- there's a bit of a sticky wicket, I think they call it. It doesn't need to be a sticky wicket, the aspect of the PIC resolving objections, but more so that this needs to be discussed at the full working level on the aspect of publishing PICs. As stated in Kristine's email, only the IPC thinks the PICs should be published. But then another email was submitted by Kathy Kleiman that IPC is not the only group that thinks all PIC changes should be submitted to public comments. The Non-Commercial Stakeholder Group also empathetically does.

So I think that is well enough for what was the conversation that was held over email. There was also (inaudible) raised on the aspect of would it be possible to have specific color designated for items which are being referred to the full working group in the text used to reference that fact? So I think this needs to be discussed. We need to discuss this a little bit, because I think as Cheryl and I spoke before this, most of this stuff is going to the full working group. The aspect of whether it's a new idea, will also be contributed to that same conversation. But more or less, what we're doing is kind of an initial check to make sure everything is where it's supposed to be.

Steve, you had your hand raised. Would you like to jump in?

Steve: Thanks, Michael. This is Steve from staff. And I did momentarily, but you were going down the line of thought, so I quickly lowered it. But just to add to what you're saying, I was going to say I think there might be a little bit of confusion stemming from what you're saying. Essentially everything in these comments will eventually go to the full working group, albeit maybe in a summarized fashion. So I think there's a little bit of confusion between the fact that everything goes to the full working group, versus what we might be forwarding immediately and for consideration during the full working group at this point. So I'm wondering if it might make sense to express that clarification to that email. So yeah, just to add to what you were already saying, thanks.

Cheryl Langdon-Orr: Michael, I suggest you're on mute. We're not hearing you.

Michael Flemming: I see. Can you hear me now?

Cheryl Langdon-Orr: Yep, we can now.

Michael Flemming: Okay, there seems to be an issue. If I go on mute once and then I unmute, I have to do it twice in order to get back into the game. Okay. All right, so yes. Steve, thank you again for that. And I do think it's a good idea if we go back to the email, just to respond and make sure it's on the record. And Heath, as you have pointed out, indeed, everything is going to the full working group. We just need to perhaps add a little bit of clarification of how and what format. But let's move on to the community applications, as we already at our 15 minutes limits (ph) for those last two items.

So then, community applications, we have several comments that are labeled as general comments. But as I was going through this today, what I actually felt would be better is if we skip over this, because these general comments are also copied throughout this document. Throughout all the questions, they have been referenced in those appropriate areas as necessary. So I think it would be best that we just refer to those at that time, unless we really need to do that now.

I hear no objections to that idea, so let's go ahead and move along here. So can we scroll down, if you are following along with me in the Google docs, we will be starting at line 9. If you're following along with me in the Adobe we'll be starting at page 2, halfway down, at 2.9.1.c.1.

Perfect, all right. So the community priority evaluation process must be more transparent and predictable. This is supported by the Internet Dot Trademark organization limited. This is supported by ALAC. This is supported by the Brand Registry Group. It's supported by the

Business Constituency. It's supported by the Registry Stakeholder group with a number of recommendations to improve the process. And it's also supported by the Council of Europe in their overall comment, and we have two entries for the Council of Europe, most likely because of -- oh, the different parts of that actually address this same question. Okay. And we have support from this from the Non-Commercial Stakeholder Group. And then we have concerns raised by ICANN Org that I will take specific heed to note, unless after we'd just see if we need to discuss some of the comments that actually are in agreement with this.

Sorry for the background noise. Does anyone feel that we need to highlight the comments that are in agreement here? Or is there any clarification that needs to be brought to light? I do not hear anything. Hold on just one moment while I close the door.

Sorry about that. Indeed, so we -- so let me jump back at ICANN Org concerns here. These are -- so ICANN Org requests for more detailed guidance on the specific areas that must be more transparent. So these are actually raised, I think, in the comments that are agreeing with this. And we'll be able to address ICANN's concern when this is discussed at the full working group level. So if there's nothing more, let's move on to 2-point -- the next section at 19. What page are we on? Let's see. You'd be on page 4 or -- no, page 5. All right.

Page 5, sorry -- cell 20, row 20; 2-point -- I'm sorry. I can't remember what a row and a cell is anymore. Anyways, we are at 2.9.1.c.2. Community priority evaluations should be completed in a shorter period of time. This is the ALAC has expressed agreement with this. The feedback that there should be a published evaluation timeline, and the process should follow as scheduled. No one else has posted in this section, it appears. So let us move on to -- oh, Malgorzata, you have your hand up. Please go ahead.

Malgorzata: Thank you very much. I have a quick question. Regarding the earlier section, and more precisely the points that we raised-- started to raise in a position paper, a number of the concerns we (inaudible) and request for policy change have a more profound nature and require some further effort or work. I would like to ask, what is the anticipated procedure? I know it's little time, so possibly you could briefly update us on the further procedures about marginal points (ph), referring to requiring more work, more consideration. It will be reflected by the whole working group? Is there any need for further or more specific comments in order to specify the proposed general comments? Could you advise me about or us, the whole group, about further steps?

Michael Flemming: So thank you for the question. I hope that I understand what you're asking specifically. Let me ask for clarification. Are you asking again what the process that we're going through right now is, and whether or not clarification -- at what point will further analysis be done of these comments? Or are you asking if we need to get further clarification to some of the comments that were already raised? Go ahead.

Malgorzata: Yes, indeed. My question referred to the further process. I believe that the remarks are quite detailed. But should there be any need for additional details, we are happy to provide them. My question referred to the process, so the further process. So general remarks like the ones that have been submitted by the Council of Europe will be then reflected by the whole working group, will be some further drafting process? Because this issue that we noted has been not raised directly in the initial report. So what is the further steps? What are the further steps?

Michael Flemming: Thank you. I understand the question. I think I understand the question now. So to address that question, right now we're just going through these comments to make sure that they are clear and that they are understood when addressing the question. If we don't understand them now, then we would like to ask for those further details about what it is that you mean. Now when we look at the comments specifically and how it addresses the material and the consideration of the weight and the quality of how it might change policy; that will be done at the full working group level after this. The specific manner of how exactly they will discuss this, I believe, has yet to be made 100% clear to the full working group. But I do believe it is something that will be discussed at that time. And I think that's a good question to have. I don't have a direct answer right now for that. But I do

want to reassure you that these are being taken into full consideration, and given the proper weight -- it will be given the proper weight at that time.

I see a lot of individuals writing in the chat. Okay, good. All right. I'm seeing everyone is in agreement with me on that. So I will -- I hope that answers your question?

Malgorzata: Yes, thank you very much. I understand. But anyway it has to be how to deal with more general comments -- needs to be reflected by the whole working group, and of course later by the GNSO. So thank you very much for this. I think it's enough for the moment.

Michael Flemming: Thank you very much. Okay, let's go ahead and move on then. Test, test. Can anyone hear me?

Unidentified Participant: Yes, we can hear you.

Cheryl Langdon-Orr: Loud and clear.

Michael Flemming: Funny, this computer is so weird. Okay, all right. Where were we? We were at 2.9.1.3. Okay, all evaluation procedures should be developed before the application process opens and made easily and readily available.

So in agreement with this is the ALAC, Brand Registry Group. ICANN Org also agree with this, yes, and so does the Registry Stakeholder Group. I don't think that we need to have any further clarifications at this point. Malgorzata, I think your hand is an old hand. So I will not call on you directly.

Moving on to 2.9.1.c.4, the community priority evaluation process should include a process for evaluators to ask clarifying questions and where appropriate engage in a dialog with the applicant during this community priority evaluation process. If you're not speaking, please turn your microphone off.

In agreement with this, we have the ALAC, the Brand Registry Group, the Registry Stakeholder Group, and the IPC now has said it permitted (ph) dialog should be in the form of written questions and written answers that are open to public inspection. And ICANN Org also makes a clarification saying that in the 2012 round we did have -- the option was there for the panelist to issue clarifying questions, if they felt there was a need for it. They're suggesting to consider the potential lobbying and what's needed if there is an opportunity for clarifying questions.

I do feel that perhaps maybe we should address that last aspect, because perhaps the question was written with different intention, or perhaps something has been misunderstood. Would anyone like to -- yes, line 31. Would anyone like to offer their interpretation of perhaps if there was a misinterpretation of the initial question, or there was more intent past what was originally available in the 2012 round?

I don't see any hands. So I will just take that as is. Thank you. Let's move on to line 32, 2.9.1.c.5, the less restrictive word count for communities to engage in clarifying and providing information. The ALAC suggests that a less restrictive word count is not needed, because it allows written requirements -- the shorter written requirements allow for more crisp and precise answers. So it is divergence from this. And nobody else has responded to this. Oh, Jamie? You have your hand up. Please, feel free to go ahead.

Jamie Baxter: Thanks. Jamie Baxter for the record. Sorry, Michael to jump back to the last question, but perhaps what I took from that is in the 2012 round, there was a definitive no engagement between the panelists and no physical dialog. Certainly as Steve points out, or as the ICANN Org points out, there was the ability for clarifying questions. But it seems pretty clear to me from the 2012 round that there was absolutely no opportunity for live discussion. So if that's perhaps the element that's trying to be introduced by the question, I guess I understand how that could be interpreted. But maybe that's where the question was intended to go. But I just wanted to clarify from my perspective how I understood the 2012 round to work. Thanks.

Michael Flemming: Thank you. Thank you for that, Jamie. I'm assuming everybody can hear me. If you can't hear me, speak up. Okay, I'm going to assume you can hear me, good. Thank you. That's a good observation and that is worth noting in this aspect. I'm loud and clear, thank you. Thank you, very much. Yes, the "and where appropriate engage in a dialog with the applicant during the community priority evaluation process" is the latter part of that question. So that is very important to notice, and will be considered when this is discussed with the full working group.

Moving on to a rather long question, we are at line 34, 2.9.1.e.1, during its deliberations, a number of Work Track 3 members expressed that they believed the definition of "community" available in section 1.2.3.1 of the applicant guidebook was deficient. A number of attempts were made by the work track to better define the term "community", but no definition could be universally agreed upon. Do you believe the current definition of community in the applicant guidebook is sufficiently clear and flexible to represent the intentions of existing policy about community applications and the various types of communities that may seek priority in the new gTLD program? If not, how would you define community for the purposes of community-based applications in the new gTLD program? What attributes are appropriate? Do you have specific examples where demonstrable community support should or should not award priority for a string? Do you believe examples are useful in developing and understanding of the purpose and goals of any community-based application treatment?

In agreement with this for supporting the existing definition is the United States Postal Service. The IPC also agrees with the current definition of community, but notes that no effort should be made to disqualify economic communities or exclude communities based on goals.

Jamie Baxter also highlights that the agreement that there is -- the existing definition is sufficient, but implementation created a more narrow definition. Jamie, you have highlighted quite a concern there and I'm hoping that everyone can read that as is. If you would like to highlight that for one moment, I'd be happy to give you the floor. If not, I'll move on to the ALAC.

No? Okay, let's go ahead and move on. The ALAC also is in agreement that suggestions related to the definition of community and the suggestion that the CP evaluators must have a full understanding of the types of communities bringing applications forward and are able to deal with them in a flexible way. So there's agreement here with new idea and concern.

The Council of Europe has also provided a new idea about the concept of community being too broad and not connected with the global public interest, and other aspects of that that will hope to cure that. And the Non-Commercial Stakeholder group has also offered a new idea, which supports the narrow definition of community, given the concerns about awarding priority to a group with little agreement on (inaudible). So alternative awards could be considering in this aspect, and this is also highlighted in other questions as well.

Does anyone feel that we need to go back over the comments that were raised in regards to this section for anything that is unclear? Or do we feel that this is sufficient enough to turn over to the full working group for further discussions?

All right, let's move on. I'm glad we're all on the same page. Okay, we are at line 41. Yes, 41, 2.9.1.e.2, should community-based applications receive any differential treatment beyond the ability to participate in community priority evaluation in the event of string contention?

The ALAC supports access to experts to assist communities. Indeed, that's a new idea there. Do we need to go over this new idea specifically or is it clear? It sounds clear. All right.

2.9.1.e.3, could/should alternative benefits be considered when scoring below the threshold to award the string support in auction proceedings, for example? The Non-Commercial Stakeholder Group highlights that an agreement that could consider alternative awards, such as financial or technical support, as a type of assistance that is provided. The ALAC has provided a new idea, a suggestion that alteration of scoring is not needed, but assistance to first-time community

applications should be set up. And Jamie Baxter has pointed out that support to provide benefits to help secure the TLD -- sorry, it's a concern. Sorry. Excuse me, it's a concern. Support to provide benefits to help secure the TLD, any benefit considered should be done so in the interest of helping to realize the larger interests of the community that that community application represents in improving their chances of securing the TLD without the financial burden of auction. My apologies.

Do we need to highlight any more of these comments? Hearing none--

Cheryl Langdon-Orr: Just a moment, Michael?

Michael Flemming: Cheryl?

Cheryl Langdon-Orr: Cheryl here. Thanks, Cheryl for the record. It's just that I think with both Jamie and the ALAC, they're not unsupportive. They're supportive, but they're contributing new ideas and highlighting concerns. So I wouldn't want to see that current classification in column D. It just goes -- we will be going through them and looking at bundling options very carefully. But should we not be being careful, the lack of noting support, but a new idea; support, but concerned about the following issue may affect that. That's all. Thanks.

Michael Flemming: Thank you, Cheryl. I'm just trying to digest what you said. Indeed, indeed. Okay, I think that's a correct interpretation as well. Given that, are we happy to move on to line 47? Let me just check the chat. Steve highlights we're running into the tricky bit of using our existing public comment designations for often open-ended questions. It is indeed tricky.

I'm happy to move on. I'll let the chat continue at this point. 2.9.1.e.4, what specific changes to the community priority evaluation criteria or the weight scoring of those criteria should be considered if the mechanism is maintained? So Jamie Baxter has suggested to review interpretation of "relevant", especially as it relates to opposition. There's a suggestion to review letters of opposition process, as well as a suggestion to add criteria around benefit to targeted community and other parties. So there is quite a bit that is highlighted as concerns in here as well as ideas that can curate those aspects. And I believe that those can be taken as read. And I did feel that they were clear enough when I passed through them initially. But if anyone feels we need to clarify those, we shall do so.

The ALAC has also suggested for a flexible definition of membership in this regard. I don't see any hands to clarify anything that has been written in response to this question, so let's move on to 50, 2.9.1.e.5.

In the 2012 new gTLD round, it was determined that community-based applications should have preference over non-community-based applications for the same string. Some have argued that this preference should continue. Others have claimed that this preference is no longer needed. Should the new gTLD program continue to incorporate the general concept of preferential treatment for community applications going forward? Is the concept of awarding priority for community-based applications feasible, given that winners and losers are created?

Support in continuing with preferential treatment for community applications, we have Jamie Baxter supporting this, the ALAC supporting this, and then we have the Non-Commercial Stakeholder Group highlighting concerns that the narrow definition of community gives concerns about awarding priority to a group. And then again, it's highlighting alternative awards that has been addressed in a previous question.

And then the Registrar Stakeholder Group suggests to remove the community concept, saying that communities should not get priority in delegation. I did correct what I believed to be a typo initially, in that synopsis that it said, communities should get priority in delegation. But as is noted in the comment that it should not be given priority. So I did correct that to "should not". Do we need to go over any clarity aspect in regards to this? I see no hands. So I will move on to the next question, the next section I suppose, line 55.

Work track also considered a report on community priority evaluation prepared by the Council of Europe, which noted the need to refine the definition of community and reassess the criteria and guidance for community priority evaluation in the applicant guidebook and community priority evaluation guidelines. Although this paper has not officially been endorsed by the European Commission or the GAC -- or sorry, the Governmental Advisory Committee seeing how I'm not using acronyms -- there are a number of recommendations in this report on community-based applications. The work track is seeking feedback from the community on this report, and more specifically which recommendations are supported, not supported, or which require further explanation. That should be the work track sought, is now that the working group is seeking feedback.

But 2.9.1.e.6; do you agree with the Council of Europe report which is in summary states, any failure to follow a decision making process which is fair, reasonable, transparent, and proportionate; endangers freedom of expression and association, and risks being discriminatory? Did this community priority evaluation process endanger freedom of expression and association? Why or why not?

Supporting the Council of Europe report, Jamie Baxter supports this. The Governmental Advisory Committee also supports, saying that the study should be given further consideration by the PDP. The At-Large suggests that the community priority evaluation did not endanger freedom of expression, but the process discredited many forms of associations that had great merit. So there's agreement in this, but there's also an aspect of disagreement from probably the overall aspect of that question, how the question is addressed.

The Non-Commercial Stakeholder Group supports the narrow definition -- oh, sorry. Let me read the specific aspect. So this is concern here about the aspect, the impact on freedom of expression rights created by the community application process. It's important for evaluators to take into account that people have a legal right to identify themselves in a way of their own choosing. But we caution against maintaining community-based policies that develops into a beauty contest between applications and wherein is ICANN having to make arbitrary decisions that privilege one group over another in the domain name system, so concerns with that, right?

And then the IPC disagrees with this. Community applications should be not restricted based on content or worthy goals. I feel that these are clear. But one thing I'd like to highlight is the IPC comment is labeled as disagreement. I thought we were labeling these as divergence. If we are bundling these as such, having that disagreement and divergence as different categories might be a little difficult to understand. But should that be corrected to divergence rather than disagreement, or perhaps my understanding of these two and how they're being used here is incorrect?

Okay, so yeah, let's check on that. Thanks, Julie. We'll check. Let's do it. We'll check on that. That can be done. Yeah, the last question used divergence and this question uses disagree. But all right, that's not a problem. We can make sure that's just a maintenance aspect. All right. Sorry.

Line 61, 2.9.1.e.7, in regards to recommendation 2.9.1.c.1, in section C above, what does more transparent and predictable mean to you? For what aspects of the community priority evaluation would this apply in particular? So initially, we have Jamie Baxter has provided additional -- support for additional transparency and predictability, and has given specific examples of what this means to him and where these things can be improved. So there's highlights of a number of concerns in regards to this, as well as suggestions for how it can be improved. And I think we can take it as is. I did feel that is was very clear myself.

The ALAC also supports great transparency and predictable and offers suggestions for achieving these goals. I think both of these should be taken with high regard when they are discussed in the full working group. Do we need to highlight any of this specifically or is any of this unclear to participants today? I see no hands. Justine, thank you for the interpretation of the disagreement. And I do -- I don't want to say that those aren't necessarily the same or they are the same. Just put a stick on it until we do a little checking. But I don't think I've seen disagreement used until now.

So that's why I felt that was a little off. But okay, all right. We can always do that afterwards. I think that the concept is understood in this regard.

Okay, we are at 64, sorry line 64, 2.9.1.e.8. Some of the work track have noted specific concerns about the way the community priority evaluation provider performed evaluations, particularly around the validation of letters of support/opposition. To what extent should evaluators be able to deviate from pre-published guidelines and guidance? For instance, should the evaluators have the flexibility to perform elements of the evaluation in a procedurally different way?

So in agreement with this, the ALAC supports great flexibility in evaluating letters of support. Diverging from this and highlighting concerns, Jamie states that well, the synopsis of what Jamie has put forward is that the belief -- uh oh, my computer is shutting down. Hold on a second. I just lost my --

Cheryl Langdon-Orr: I can jump in, if you like, Michael. And of course Jamie is on the call. Cheryl for the record. Jamie was making the point with his concerns in divergence that he felt that deviation should not be an option. But this is a critical part of the sentence, "without consultation and consent of the applicant." So it wasn't that he was arguing against flexibility as such, but rather that any deviation from a predictable guideline, a codified system, needed to be in consultation. But blessedly, I see his hand up. And I don't need to paraphrase him. Jamie, over to you.

Jamie Baxter: Thanks, Cheryl. Jamie Baxter for the record. No, I think you stated that perfectly. I think what I would really like to highlight here is very specifically deviations that are considered short-cuts on behalf of panelists, because they didn't want to do all of the work that they needed to do. The consultation is important, one, for transparency purposes, to not find out after your score comes out, but to find out during the process is a much more transparent way of approaching this. And secondly, when those short-cuts lead to lower labor hours on the part of the panelist that should, in fact, impact the fee that is being paid. So I have tremendous amounts of concerns here, and a lot of it is really focused back to the lack of transparency with this entire CPE process, specifically around some of these issues of deviation as it's (inaudible).

Cheryl Langdon-Orr: Thanks, Jamie. Michael, are you back yet or not?

Michael Flemming: I'm on my phone here. We are 10 minutes away from the top of the hour. 10 minutes is still enough to get started on the next topic, but seeing as I'm still trying to log back in on my computer, I'm happy to leave it here today. But note that the next we have, I believe, four more sections, four more topics after this; and we have a lot less comments in those topics. And I feel that we might be able to get through them rather quickly. For now, I feel that we can stay on our normal schedule of one meeting a week. But if we're able to get through these quicker, we might switch to a lesser frequent schedule, seeing as where we're at in the upcoming week. I think it would be a good idea to look at where we are there.

Cheryl, did you have anything else you'd like highlight for today? I'm sorry. Did we finish? Did we finish the last section of community applications or was there anything else that needs to be stated on that? I'm sorry. Perhaps I didn't hear that.

Cheryl Langdon-Orr: That's all right. You're struggling with technology at the same time. Cheryl for the record. I think before switching to a new tab is an ideal time to take a break in today's proceedings. But we do, of course, have any other business and the timing for next week's call to cover off as well. So you might get all of your 10 minutes back, people.

But the point I made in chat, Michael, which you didn't see and we now have a hand up from Jim, was I reacted to Jamie's clarification there, which of course wasn't an argument against flexibility, but a whole lot of, based on experience, warnings and delimiters that we need to be aware of was indeed my -- I'm very happy with the mantra of transparency, transparency, and transparency. And so that's what you'll have missed in chat.

Jim, can we go to you know before go to AOB?

- Jim Prendergast: Yeah, thanks Cheryl. Jim Prendergast for the record. I just want to confirm on the scheduling that we have all of the January dates already sent out to folks. Because I'm noticing that Thursday, the 24th of January just looks blank. So I just want to make sure that I'm not missing something on my end and that's in fact what the secretariat has done, thanks.
- Cheryl Langdon-Orr: Thanks, Jim. And as we move to the next part, which is also our next meetings, I believe that obviously Steve and Julie can jump in and correct me if I'm wrong -- it's because of the conflagration of face-to-face meetings going on at ICANN offices in Las Angeles that week, including that involve all of the GNSO Councilors, but not people like me, who are mere liaisons to the GNSO. So our staff will be heavily tied up with all of that. So I think that's the blank, and yes, they're confirming it.
- I don't know why they can't multitask, Jim. I mean you and I can. That's a joke, staff. Fear not. I think you're doing an amazing job. But with the -- yes, it's so. They're all a bit definitely concerning, that's why it's a blank on the 24th. And we'll also be getting the February schedule out very, very shortly. I think it's probably Julie who'll be taking over that job from Emily.
- So now if we can just have a call for any other business, and put onto the chat the next date and time for (inaudible), which I think went through earlier. It was like 60 minutes -- was it the 17th of January? Yes, at 21:00 UTC. And at that point we will be starting the tab, base registry agreement, which is 2.10.1. But I'm feeling highly generous and want to give the final sign-off and good-bye word back to Michael, who's probably booted up his computer by now. Back to you, Michael.
- Michael Flemming: Can you hear me? Can you hear me?
- Cheryl Langdon-Orr: We can.
- Michael Flemming: Awesome, all right. Well, thanks for joining us, everybody. We hope you've had an exciting time. And we hope you tune in next week to another exciting episode of Subgroup C. I don't see anybody else having anything else. I think we've addressed all the questions for today. We'll give you four minutes back of your time, and hope you use it wisely. So we'll see you next week, and thank you for joining with us today.
- Cheryl Langdon-Orr: Bye for now.
- Malgorzata: Thank you. Good-bye.
- Unidentified Participant: Thank you. Today's meeting is adjourned. You can disconnect all lines and the recording as well, Sherry. Thank you. Have a good day, everyone.