

**ICANN  
Transcription  
New gTLD Subsequent Procedures Working Group  
Tuesday, 06 February 2018 at 03:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-new-gtld-subsequent-06feb18-en.mp3> Adobe Connect recording: <https://participate.icann.org/p4esx4ekprb/> Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/Igu8B>

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

Michelle DeSmyter: Well good morning, good afternoon and good evening everyone. And welcome to the New gTLD Subsequent Procedures Working Group call on the 6th of February 2018. In the interest of time today, there will be no roll call as we have quite a few participants online. Attendance will be taken via the Adobe Connect room. So if you happen to be only audio bridge would you please let yourself be known now?

All right, thank you. Hearing no names I would like to remind everyone to please state your name before speaking for transcription purposes and please keep your phones and microphones when not speaking to avoid any background noise. With this I'll hand the meeting back over to Jeff Neuman.

Jeff Neuman: Thanks, Michelle. Welcome, everyone. This is Jeff Neuman. I will be handling this call solo without Cheryl Langdon-Orr who has a previous commitment so if I'm a little slow or I do not see a hand raised I will ask ICANN staff to help me out, make sure that I am seeing everybody that raises their hand.

So as always we have the agenda on the top right hand of the screen. We'll go through some work track updates after our standard call for SOI updates, and then spend the bulk of the call on the overarching issue predictability

framework by going through some use cases that we started to talk about on the last full working group call.

Then we'll talk about next steps and how do we get to a timeline to get to our initial report, which we have told the community we would try to get out by April, so after the ICANN meeting. That said, is there any other business that anyone would like to include? Okay, not seeing any other business we'll ask for that again towards the end of the call. This call is scheduled for 90 minutes because I know it's so late in the US and or early in the Asia Pacific we may just go an hour but let's see how well we do.

So first I will just call for any updates to any statements of interest, does anyone have anything, any job changes the new year, anything to report? Okay, not seeing anything new. As always, if there anything new that comes up please don't forget to update your statement of interest and then to announce that on the following call.

With that I thought we would turn to some work track updates. We have already had a Work Track 4 call a little bit earlier today, or may have been yesterday for some of you, looking to see - Rubens is on the phone so should we start with a Work Track 4 update if Rubens has access to the mic?

Rubens Kuhl: Hi there, Jeff. Can you hear me?

Jeff Neuman: Yes, great. Thanks, Rubens.

Rubens Kuhl: Thanks, Jeff. Good time of day, everyone. We had the Work Track 4 call today discussing answers for questions that we had asked (unintelligible) months that included some questions regarding registry (unintelligible), some questions regarding (application) evaluations and some regarding groups and scaling.

One of the first thing about the questions to root zone (unintelligible) is that we got some answers that are not directly related to Work Track 4 teams like whether users who have enough cognitive capacity to discern between lots of TLDs and things like that. So the full working group can blame us for that. We have been discussing the previous months some - regarding registry services and financial evaluation, and we have our next call next week. So for anyone who wants to join discussions on evaluation and things like that then join us. Thank you.

Jeff Neuman: Thanks, Rubens. Just making sure just, you know, another sound check because Anne in the chat Anne Aikman-Scalese says, I'm cutting in and out and Justine says my voice is coming out choppy. Can you just indicate or someone indicate in the chat if that's still the case and then I could join - oh, Michelle says I think the line sounds good. So I will continue but if it gets worse I do have my cell phone, it's home phone next to me just in case. So just let me know.

One thing I did want to add was to what Rubens has said is that we did - he did say we got responses back from the RSAC, the SSAC and ICANN organization on the notion of being limited to no more than 1000 delegations per year, essentially what came back is that we should be more concerned with the rate of change to the root and not necessarily the number of TLDs, and the most substantive response came from the RSAC which said that they believe that if we grew no more than 5% per month that that would be relatively safe.

So what that would mean, if you did some quick math, would be that if there were the proverbial 25,000 applications, not saying there will be but if there were, that would take about 63, 64 months to do full delegation of all of those TLDs. So that is what we're working with. Of course there was no clear mathematical formula for that but just a conservative approach and of course we will put that out for public comment to make sure that there is an

understanding an agreement with that principle since it's the first time that we've seen such a formula presented.

So we're not going to delve on that but the point I wanted to make was that there were some additional questions which you may have seen on the mailing list that I personally responded to one of them which was the notion of the RSAC had asked the question of whether we should be considering the addition of new gTLDs from a - I think the term was "cognitive science and library science" perspective.

So there are some questions that we will be bringing to the full group even though the letter was mostly addressed to Work Track 4. There were some not necessarily technical questions that were asked which seemed more appropriate for the full working group as opposed to just working group 4 - or sorry, Work Track 4.

And, Kavouss, oh, Steve has answered Kavouss. The RSAC said 5% per month. So that's it. We can now turn to work track - I know I'm going a little bit out of order but I wanted to give some people from Work Track 3 a chance to get on the call since I was told they might get a little bit - get here a little bit late. But Robin is here so Robin, Work Track 3, do you have an update for us?

Robin Gross: Hi. Can you hear me okay? This is Robin speaking.

Jeff Neuman: Yes, Robin.

Robin Gross: Oh okay, great. So we had our last meeting on January 30 and we reviewed the status of the deliberations with respect to limited public interest objections. And we discussed suggestions regarding community objections including (unintelligible) test of standing to eliminate frivolous objections, and we also talked about additional training for panelists, handling objections and more consistency in panel results.

We also talked a little bit about the independent objector with a focus on mechanisms to address conflict of interest. And deliberated on whether the implementation guidance is needed with respect to applicant freedom of expression. Now our next meeting is for Work Track 3 is scheduled for February 13, next week. And the topics that we're going to discuss are accountability mechanisms, again to coalesce our viewpoints on that, as well as on applicant freedom of expression and if we can get to it string similarly hopefully.

So that's what we - what we've been up to and where we're going. Thanks.

Jeff Neuman: Thanks, Robin. Any questions for Robin on Work Track 3? Okay, not seeing anyone, is there anyone on from Work Track 2? Just looking through the list here. Okay, I'm not seeing anyone so if we could just post the times of the next call - or the time of the next call for Work Track 2 and the subject of that call that would be great, so just look in the chat for one of ICANN staff to post what the next - when the next call is for Work Track 2 and what the topic or topics are.

Excuse me. And then Work Track 1, which is - will be the next call in less than 24 hours, Christa, please.

Christa Taylor: Hi. This is Christa for the record. Last meeting we had was on January 16, we discussed variable fees and the application submission period. We have a call for tomorrow at 2000 UTC and it has two subjects, one is the registry service provider program and applicant support. And we also have a document that we're sharing so if anyone would like to review the discussions to date I'm happy to post the link and we would encourage everyone to add their feedback. So on top of that we hope everyone will join us tomorrow. Thank you.

Jeff Neuman: Thanks, Christa. It's really important for everyone to review those documents prior to the call. Changes are consistently being made so that we can make sure that the discussions have been reflected. So please do show up for the next Work Track 1 call which is in less than 24 hours.

Okay, that said, I do want to also apologize for the number of work track meetings and the full working group call this week. You may notice that this week is heavily loaded with calls since last week we had off due to the - or two weeks ago, sorry, we had off due to the ICANN policy retreat last week.

It was hard to reschedule calls because there were a number of activities including a number of people attending Names Con in Las Vegas, then there was the Non Contracted Party's intercessional I think was what it was called, and then there was an ICANN Board retreat, so there were a lot of things happening last week that made rescheduling a lot of calls difficult, so apologize for the full schedule this week and for next week but that won't happen in the future.

Sounds like someone's got their mic open. Okay, if everyone who's not speaking can mute their mics or if they want to speak just let me know. And as Emily said, the topic for this week is vertical integration which is a pretty important subject.

Okay, so anybody have any questions on any of the individual work tracks from 1-4, and then I'll call on someone. I'm looking to see who's here from Work Track 5. Is there anyone here from Work Track 5? Since most of them are in the European region and it's extremely early or late, however you look at it there, okay, I don't see anyone from Work Track 5, any of the leaders. But the next call for Work Track 5, if someone could post that, Emily, that will be I believe next week, if I'm - I don't believe it's this week but I may be wrong. They're going to post that at the bottom there.

And they are working on defining to the extent that the word "definition" is appropriate geographic names and essentially the scope of the terms that we will be talking about. So Steve is hopefully posting - okay. I'm sorry, Work Track 5 is tomorrow, is that right, Steve, or is that just a leadership call? Oh, Wednesday, okay, Work Track 5 is on Wednesday. Thank you.

Kavouss, please.

Kavouss Arasteh: Yes, excuse me. Work Track 5 is on tomorrow for the whole group 5 or for leadership? Thank you. Hello? Do you hear me?

Jeff Neuman: Yes, sorry, Kavouss, we lost you there. Work Track 5 is February 7 at 1400 UTC.

Kavouss Arasteh: Okay, thank you.

Jeff Neuman: Okay. Hopefully that was good. Oh yes, well you're cutting in and out. I hear you now. Is the Wednesday Work Track 5 overlaps with the Registry Stakeholder Group call so we may lose some folks after the first hour. Okay, I will make sure that the work track leaders - coleaders know that and we'll see what we can do. We extended the call to be 90 minutes but if too many people drop off that will be an issue.

Okay, any other questions on work tracks 1-5? Thank you. Rubens, actually is posting something in the chat which I completely forgot to mention that on February 8 at 1900 UTC we are going to have a webinar on the history of geographic names at the top level at ICANN. So this is going to be very much preliminary stuff just kind of talking about history to get everyone up on the same page.

A lot of the material was covered last year in April around that time period when we did the webinars, but some of the new participants in Work Track 5 wanted to go over history. So we will not be discussing any new work track

material but just going over what has happened historically with geographic names. If you cannot make that call we will be recording the call so you can listen to it at any point.

Again, that is not an official Work Track 5 call but really just the call to talk about the history of geographic names, the terminology that we use, etcetera, so that we can all be on the same page. Thank you, Rubens, for reminding me of that, that was important.

Okay, everyone else ready now to go onto the overarching issues? Okay, seems like it. So if we can pull up which is being done right now, if you recall the problem we're - or the issue we're trying to address is how to deal with changes or proposed changes to the process for the procedures that come up after we launch the program. So in other words, we will be finishing the policy work at some point with this PDP, hopefully by the end of 2018 for Work Track 5 that will likely bleed into the beginning of 2019.

But once that's done the process then would be to create - assuming it gets approved and passed by the Council and the Board, it will then go back to the Council to set up an implementation review team. That implementation review team will take our work and build up on it and then ultimately eventually the program will be launched.

So the question now is what do we do when or if there are proposed changes after the program has been launched, meaning after the final Applicant Guidebook, if that's what it ends up being called, is released? And so we have on the last call and the call before that we solicited some examples of changes that happened in the 2012 round to see how we would propose handling that same change in this next round putting reality aside for a second because we know that these issues were resolved, but we're going to pretend for this exercise that they weren't resolved so we can then figure out how - what the process would be for resolving that issue moving forward. Hope that makes sense.

I know the writing on Adobe is kind of small so I'm just extending - or increasing mine so I could see it. The scenarios that we came up with - oh, Kavouss, you have a question, please.

Kavouss Arasteh: Yes, Jeff. I apologize I was not in your last meeting when you discussed that. I think first of all it depends on the scope and magnitude of the change because change be a major change, drastic change, change is - some nature of small size to some corrections. This is the first.

And the second, I don't believe that we should start immediately to change something that we work on that for some time, is two years, two and a half years, and so on forth so there is a need to have some degree of stability in order to allow that the process goes, in order to allow that we get sufficient experience, but not immediately after launching the process of the first thing we receive for changes start to change that and that degree of instability may cause certain problems. So we have to carefully analyze first the scope of change, and second to give the degree of stability to the process. These are the two questions. I'm sorry if I have not been able to attend your meeting and to express these views. Thank you.

Jeff Neuman: Thanks, Kavouss. And I think your sentiment of - depends on the type of change is absolutely right, that's exactly what we've been talking about. And we've come up with a document, a Word document, that goes into the written description of the different types of changes, you said how major the change is. We have some different terms, but essentially similar concepts. And go into different processes that would be followed depending on the type.

And so we've been talking about those for a while now. And what I want to do is go into specific examples to apply those changes or sorry, to apply the new processes to those types of proposed changes. Steve, please.

Steve Chan: Thanks, Jeff. This is Steve Chan from staff. And actually I just wanted to emphasize a point that Jeff made. So in reviewing these use cases against the framework, it's not so much to try to determine whether or not the actual outcome was appropriate, so for instance whether Digital Archery to priority (draw) was, you know, the right outcome for that situation, but rather what the framework as I understand it at least from staff perspective is to determine if an issue does arise what the proper mechanism is to actually resolve that issue.

So what level of community involvement, whether or not there's public comment involved, what kind of notification to applicants in the wider community. So again, it's not so much outcome of each of these use cases but rather the process by which you would resolve the issue. So assuming I got that correct, I just want to try to draw that distinction. Thanks.

Jeff Neuman: Yes, thanks Steve. Those are good points. We're not going to be talking about the merit of those changes or whether someone should have proposed those changes or not but just discussing the process. I'll take one more question from Kavouss and then we'll go into the specific scenarios to distinguish between the changes. Thanks, Kavouss. Yes.

Kavouss Arasteh: Yes, the question that I wish to raise if possible to be answered that what is the source and origin of these changes? Who propose these changes, propose from the community, propose from two communities, and whether as soon as the proposal comes we start to go through the process of changes or modification or before that we examine to see the need and necessity of the change. These are the initial or crucial questions to be answered; where the changes come from and how we justify the need for the change. Thank you.

Jeff Neuman: Thanks, Kavouss. You actually raise a pretty good point which is something that we don't address in our framework which is the fact of who has the ability to propose the changes and does it need to rise to some level before it's actually considered. So let's park that question for now. It's an important one,

which I think we need to note because it's not one I believe we've addressed. But let's go to these scenarios assuming that the - in these scenarios let's assume that the parties suggesting the change met whatever threshold we do set if we set a threshold for those that are able to make proposed changes.

So in the first scenario, which hopefully I think would be the easiest type of scenario, which actually did come up which is that the ICANN organization because of their chosen vendor for the - for conducting the pre delegation - yes, the pre delegation testing, PDT, wanted to - actually I'm going through - sorry, it's not the first scenario. Let me go to the first scenario. Sorry, I skipped one.

Let's go to the first scenario which is ICANN organization wanted to change from using its custom developed application interface which many of you may remember entering your application information into, to salesforce.com, so it changed basically the engine that provided its application system. That type of change is really one that we would classify as an internal operations change to the ICANN organization. The type of change as per the framework that we created is it's basically a revision of their own procedures. And we thought that per the framework the way that that would be resolved would be just that the changes be communicated to the impacted parties before they've been deployed.

We did not view this as being a change that required community input or a public comment period or anything like that, it was really - or merely a change to ICANN's internal operations. Is there anyone - so if we take it out of the specific example and put it into the overall category, the view here is that if it merely involves an organizational - or sorry, an internal operations change to ICANN's operations, that that would not be the type of change that would require community input but rather would be one where obviously the impacted parties would need to get notice of any impacts it has on those parties, and then the change could be implemented.

Is there any questions on a purely internal operational change? Kavouss, please.

Kavouss Arasteh: Yes, that is good to be distinguished between implementation or operational changes and the policy changes. But we have to define that what we mean by operational changes which may not have impact on the process but which is improvement or increasing efficiency of the implementation or operation. So could we just talk of some sort of I would say not definition but description of what we mean by operational changes which is distinguished or to be distinguished from the policy changes which have direct impact on the process. So this is a question or food for thought. Thank you.

Jeff Neuman: Thanks, Kavouss. And I agree that defining these terms is critical. We've tried to create some definitions in the framework document so when we send - we'll put the link to that document I think it's - it may be in the notes already but we can check out those definitions to make sure that we're satisfied to that.

I just want to go to the chat right now because there's some good comments being made. Maxim has put another example. So if we can add that to the use cases, I've not had a chance to read that quite yet but let's make that example Number 6 and then go to that.

Just scrolling up, Kristine Rosette asks a question of, "Would the changes - would the proposed revised name server portal terms of use fall in this category?" Kristina, let's hold onto that question. I think that's most like another change in here, probably Scenario 5 I think it is where there was a change to the agreement. So I personally would say no it would not fall into this type of category, but let's make sure we bring that up again when we get to the fifth example which involves changing some legal terms and conditions.

Also, sorry, I'm scrolling down here, not having much luck. Anne, Anne Aikman-Scalese says, "Jeff, Policy and Implementation Working Group determined after a lot of work that there is no way to define whether it's policy versus implementation. We should not be duplicating that work and there's not nearly enough cross reference going on in this discussion with the work already done and adopted by the GNSO and subsequently by the ICANN Board."

Thanks, Anne. I do - we do reference this - that work in a couple of the scenarios. We have reread those documents. I've read them over and over. These again are changes not necessarily when the GNSO talks about policy and implementation it is usually prior to the go live date of that policy. It is not usually after the launch of the program. So there - while the Policy and Implementation Working Group worked on some of these issues there are a number of scenarios that we found through our review that that was not necessarily applied to.

But Anne, if you've got any comments specifically or things that that process should be used in any of these scenarios please bring that up and then we'll talk about it then. I'm assuming your comment was not intended to apply to changes that are to ICANN's internal operations changes like in the first scenario. Anne says, "The whole purpose of that working group was to address issues that arise after go live. We examined use cases just like these and that's why the framework was developed."

Okay, Anne, we can take that discussion offline and we can reread and if you can find me those examples that would be great so that we could post that to the group. So let's move on to the next - let's move onto the next scenario. Changes in pre delegation testing, this was - okay, so these - the categories and the types were actually done by myself and some of the ICANN staff. So if you disagree on a category or disagree on the type of change that we labeled it, please do comment. This is just an attempt to get the discussion moving so if you disagree let me know.

But I had - I broke this type of change into two categories. One are if changes to the pre delegation testing only impact ICANN organization or its third party vendor their internal operations or does the change impact registry operators or their backend operators, the systems processes or submission requirements. So in theory there could be changes to pre delegation testing which are only on ICANN's end which doesn't really impact the registries that are undergoing the testing but there could also be changes as there were in 2012 or actually they were made in 2013 or '14, which did impact the registry operators.

The types of changes as per the framework, the first type was a revised procedure impacting ICANN's internal operations. The second type was a change that impacted registry operators. And the first type of change or per the framework it would say that ICANN like in the changes to the backend custom applications of Salesforce just communicate the changes to affected parties before they've been deployed but if the changes to delegation testing do impact the systems, processes, submission requirements etcetera for registry operators.

I viewed as a communication that communication to the impacted parties needed to happen plus allow some period of time for comments. And if there are any conflicts or dispute as a result of those changes to convene a small group of the impacted parties in ICANN to resolve. Thoughts on that. And while people are thinking about that I'll just go back to the chat.

Anne wants me to check with Chuck Gomes, which will do, and Marika to make sure that this in line or not going against the Policy and Implementation Working Group. And then Anne says, "Comment, no one is looking at how the framework already adopted by the Board in relation to issues arising after applications are accepted interacts with this so-called predictability framework."

Okay, Anne, I appreciate those comments. I think we have done that. We may be wrong. So if you could help us to see where we are going against that model and we'll also endeavor to check with Marika and others to make sure that we are not going against that framework. So, Anne, your comments are noted, appreciated. We will look into that. And if you can help us look into that would be great.

Any other thoughts on this specific type of example? Rubens says, "On measuring position of impacted parties the Registry Agreement amendment process had some useful precedents." Rubens, can you go into a little bit more detail on that? I think I understand it but it would probably be better coming from you or one of the registries. There are multiple attendees typing so while they are typing I will - okay Rubens says that, "The Registry Agreements define where change is supported or not supported by impacted parties."

Okay so I understand what you're saying. So for Part B of that, to determine whether the registry - or the impacted parties support the changes we could look towards that mechanism in the Registry Agreement that has the way of measuring such support. Maxim says, "Few year of approval negotiations for annual process of RA amendment." So okay, we will go through - we will go to that to see if that provides us with guidance and we can add to the model.

Anne states, "Comments, which of your use cases already falls in the description of issues in relation to GNSO guidance, GNSO input, expedited PDP or PDT. The question that has to be asked is which of the use cases already fits within that Policy and Implementation framework already established."

Anne, I think we are almost there. The way I interpreted it was that in the fourth scenario and the fifth scenario and maybe Maxim's scenario, which I haven't really had a chance to look at but certainly those fourth and fifth ones could - I'm losing words here - could give rise to using those procedures. So

hold onto that thought and we will get to that in potentially the fourth example - fourth use case.

Okay, any other comments, questions on that? All right so then there was a third type of change that we encountered in the last review. The third type of change is from Digital Archery to the priority draw. We viewed this as a change to ICANN's internal operations but this was one that we viewed because the process was new, collaboration with the impacted parties, it says "parts" - sorry the impacted parts of the community is likely needed. A determination would need to be made on who are the impacted parties.

When this change was made in 2012 applications had already been submitted. Since the policy of randomizing the order of processing applications remained the same whether you used Digital Archery or the priority draw the likely impacted parties would only be viewed as those that actually applied for the string. Thus we would have recommended that staff work with the impacted parties to develop the solution. Once the changes were agreed those changes would be communicated to the impacted parties before they've been deployed.

So again, I want to go back to why that distinction was made. Initially it was the policy to randomize the application - the order of processing applications. So when ICANN switched from Digital Archery, which was a random or was supposed to be a random process to a priority draw, which as random, there was no change in the policy of randomizing the application order so it was really just a change that impacted those that have already applied.

If however, there was a change from let's say doing random draw to - or, yes, random draw to an auction midway so applications had already been submitted, and there was a changed or proposed change from random draw to auction, that would more likely to be viewed as a much larger change, one that would be - would implicate Part B of that which is collaboration with the Internet community would be needed.

And so that - and I probably should have inserted in here going through the GNSO processes. So, Anne, to go back to one of your questions, actually Scenario 3, this one, Use Case 3B may in fact be a case where one of those processes or procedures would be followed. Does that make sense? Rubens says, "The change from Digital Archery to priority draw changed because the balance among ICANN regions, so it's something that definitely should have gone to a community consultation."

So let me ask, Rubens, you say a community consultation, do you mean one with the impacted parties or the entire community? And the reason I ask is because the policy of randomizing or having a random process remained the same, it's just the way in which that was implemented got changed. So Rubens is saying that that would be the entire community. Okay, so, Rubens, can we draw from that why you're making that distinction? I don't know if you want to speak?

Okay, Rubens says, "Because it was not just the randomization, there was also a regional balance." Digital Archery had a per region system and Rubens says, "It's late so can't speak." Yes, I know the feeling there. So I understand.

Okay, Rubens, I think I understand what you're saying and I may have missed that subtlety but in Digital Archery there was a - although it was random there was a component that took - it took applications - it was random but it was random based on batches and those batches were regionally based, so it wasn't purely random and so therefore that might have been a bigger change than I categorized it and therefore would be one in which more of the community using one of the already determined GNSO processes may have - may - would have been beneficial.

Kavouss, thanks, please.

Kavouss Arasteh: Yes, Jeff, I put some comment on the changes I hope - in the chat. I hope you will kindly look at that one. The last part of that is the extra activity of the changes. If you make any changes whether these changes have any retroactive impact or effect on the issues which already in the pipeline so that is an important issue. Thank you.

Jeff Neuman: Thanks, Kavouss. And we are capturing that comment on the scope, magnitude, the entities making the change, the threshold, the manner and means, justification and all of those. We will put - we will insert into the framework document, I those are also good ways to look at the types of changes and how to apply them.

Kavouss Arasteh: And the extra activity application, whether is (refractive) or not (refractive). Thank you.

Jeff Neuman: Correct, thank you. Thank you, Kavouss. Okay, fourth use case that we came up with. This one was a big one. We labeled it as "fundamental" possibly policy level changes. This is the identification of the name collision issue and the introduction of the subsequent mitigation framework. This was a new type of change and so the way that the framework would deal with this is that there would be collaboration with the community or collaboration with the community would be essential. Staff would collaborate with the community to consider the issue and agree to the mechanism by which the solution would be developed.

And here are the options under the framework. And what we need to decide is how the choice would be made between each of those different types of frameworks. So one of the options where we've talked about before would be to - for a standing IRT, implementation review team, to make a determination of changes not significant and therefore the proposed - and the proposed changes consistent with existing recommendations. That's one of the options for the standing IRT that we're proposing.

A second option, and this is in the GNSO Annexes that describe these groups a standing IRT could make a determination that additional policy consideration is needed, the request would then be sent to the GNSO Council to consider invoking one of its process including the GNSO input process, GNSO guidance process. Probably should have included in here the expedited PDP or PDP options as well in here because those are also in theory options.

And then under certain circumstances the new gTLD program could be halted for a - well we say here, a communicated amount of time. I think what we mean by that is really just a predictable certain period of time as opposed to an open undefined indeterminable stoppage of the program.

One of the questions that - one of the questions that I had was how do we ensure that a standing IRT has the requisite technical and operational expertise and experience to handle issues like this? We can look to the IRT procedures which are found at that link which is in the chat to see what the IRT - the current IRT document says on the composition of implementation review teams.

Now the only thing different between this and what's in the GNSO framework is that what we are proposing is having a standing IRT. That concept is not really referenced in the GNSO Operating Procedures so this would be a change to that which was not necessarily reflected in the GNSO - the current GNSO procedures.

Sorry, I'm scrolling down. I apologize, I missed some things in the chat. Anne Aikman-Scalese says, "Name collision definitely comes under Policy and Implementation Working Group framework, at the very least GNSO guidance." And Anne says, "Standing IRT is a great idea."

Anyone else have any thoughts on that? Really looking to hear comments on the notion of a standing IRT simply because that is not currently referenced in

the GNSO operating guidelines. So if there's support for that notion it's something that we will need to get certainly enough comment on and certainly point out to the GNSO after we release our initial report to make sure that they place specific attention to that.

Rubens says, "Specifically on topics of security and stability an RSTEP could be in the (ropes)." So Rubens, an RSTEP is usually associated with a new service. Are you talking about just the technical evaluation panel itself or the process? There is a standing RSEP panel that if you go to ICANN's Website and you look up RSTEP, which stands for Registry Services Technical Evaluation Panel, there is a pool of qualified people that are listed as RSTEP panelists that can be chosen to evaluate a new technical service, a new registry service.

And Rubens says, "The panel. The process would require some tweaks." Okay so Rubens is saying that potentially a standing IRT could include the people listed in the RSTEP panel. Mike Rodenbaugh says - or Greg supports the standing IRT. Mike Rodenbaugh says, "I don't think a standing IRT sounds very realistic since any of a myriad of issues could arise so the team to evaluate them might need different skill sets."

Mike, my response to that is really the IRT would be responsible for finding additional expertise where it does not have the expertise to handle the situation. So the standing IRT would only be in place so that the GNSO and the community wouldn't have to go through the process of selecting people and then - what's the word I'm looking for - then closing the loop once that individual issue was resolved. So it's basically a way of having the standing group with the recognition that they needed to bring in some additional expertise but to convene a panel and then to, you know, disassemble that panel after every issue would be I think a little bit of an issue. So that's why we have the standing panel.

Trang says, "Currently Org goes through GNSO when we have policy questions. It seems that the recommendations going is to the org to go through an IRT instead but the GNSO should weigh in on that recommendation." Well I think the standing panel would help make the determination as to whether it is a policy issue in which case it would have to go to the GNSO to consider and invoke one of its process. Or if it was implementation issue, and didn't involve a change in policy then the IRT which is made up of the GNSO and the Internet community, could resolve that issue.

So hopefully that makes sense, Trang. And as Anne says, right, Anne said it better than I did, "The way the IRT works it brings issues to the attention of the GNSO if needed." Kristina Rosette says, "My concern is that the potential IRT panel members with the relevant skills are also most likely to be the folks who have interest financial conflict etcetera, in the panel's determinations." Kristina, that is an excellent point.

We would certainly have to make sure that the IRT - standing IRT panel members did not have a conflict or if there were potential conflicts because it may be impossible to find someone without a conflict, there may be additional things we can recommend to remove the potential conflict. Mike says, "Plus 1, Kristina, maybe a standing IRT composed of a subset of the GNSO Council might make most sense." Kristina likes that idea.

Mike, the issue I have with that is an IRT is supposed to be - it's supposed to have the requisite skills and abilities and expertise and experience to handle those types of issues. And I'm not meaning to denigrate the Council, this is not meant to insult them so I hope that they don't take it this way, but members of the Council may not - a subset of the Council may not be those with the requisite experience, expertise of an IRT. And it may be a subset, I mean, it may be what ends up happening but I think this is a decision left for the community to decide the composition as opposed to the Council.

And I also say that from past experience of pre-2007 or '08 why PDP working groups were composed of the Council members unless the Council determined that it wanted to create a taskforce of members of the community. And it did not work out very well. So I personally am a little reluctant to just say it is a subset of the Council but happy to be overruled completely on that.

Kavouss has a question. Please.

Kavouss Arasteh: Yes, I have a comment, in fact not question. I don't believe or perhaps I am not convinced why we have to involve IRP panel in this process. They have been created hopefully selected or elected, whatever you want to say, for different purpose and different objectives which is not executive issue. Why we have to include or involve IRP in this manner, this is a mixture of responsibility and obligations and might have - might create a difficulty for the purpose that IRP was created. So I am not convinced why we need to involve them.

There might be many other expert available not only IRP, they are not this seven members or nine members, they are not the only one in the entire world or community, why we have to involve them? Why we would not leave them alone to do their own job and not to have any conflicts or any intervention in these things. So this is a difficulty that I have. I'm not convinced to involve them. Thank you.

Jeff Neuman: Yes, thanks Kavouss. I think it may be my New York accent or being late at night, we are saying IRT, which is Implementation Review Team, which is different than the IRP, which is the (Independent) Review Panel, two different things.

Kavouss Arasteh: Yes. Sorry, yes, okay, okay. Okay, IRT like tower but not P, like power.

Jeff Neuman: Yes.

Kavouss Arasteh: Okay. Okay, no problem. Thank you.

Jeff Neuman: Thank you, Kavouss. Yes, it's - I appreciate that and that's a good question and if my - if I'm talking too New York-ish or too fast too late at night let me know. There's some good conversation on the chat about whether it should be a subset of the Council. Then there's a comment from Anne that says, "ICANN should have a procedure for participants to identify when they should recues themselves."

And so, Anne, I think there is a - well there is a conflict procedure. I think it's quite narrow to deal with financial conflicts. I can't remember if that was something that was updated with the transition or whether that's a Work Stream 2 issue. But I agree with your notion of that however we select these standing IRT, we should have a clear guidance of when conflicts arise and how recusals should work.

Greg says, "The typically is subset of the working group often those hardy enough to remain engaged." Greg, that's true, although in the procedures, which I just reread today, it says that there's only a requirement for one person to be from the working group, potentially in a liaison role, it doesn't say they have to be an active member. But you know, the standing IRT which is different than the IRT that will happen before launch, we could have some either require more or require less depending on how the group feels.

Justine says, "Every group should be subject to a conflict of interest policy, if not already." And Rubens says, "In case of consensus based groups like working groups, having published statements of interest is considered enough." And Rubens says, "But that assumes that less than the majority of members are non-conflicted."

So what's clear from this discussion is if we do create a standing IRT, that we must have a robust conflicts of interest policy that is strictly enforced and that is clear enough to those that - to the community so that we could select the

right people and those people would recues themselves in cases where there is a conflict, or I'll add this term and see what people think, a presumption or a perception of a conflict. Does anyone want to tackle that, a perception of a conflict versus an actual conflict. Mike Rodenbaugh says, "We remember that nearly half the Board had to recues itself from the NGPC at least at that period of time. I think after a couple of years the NGPC did have some more members," but you're correct that there were a lot of people that had to recues themselves. Greg, please.

Greg Shatan: Thanks. It's Greg Shatan for the record I think that the Board is rather different from the multistakeholder working group or multistakeholder IRT where people are expected to have stakes and thus may have conflicts. So I think the issue of a - of what constitutes a conflict I think is considerably different.

And I think as I see Anne typing in the chat, perception or appearance of a conflict disqualifies too many people. You know, you might end up with in a sense it may be hard to say which contracted parties don't have a conflict and that would be silly to disqualify all contracted parties and maybe all non-contracted parties that are representing applicants and/or representing contracted parties in some way, shape or form, etcetera.

I think the essence of the multistakeholder model is to hope that different people's interests they kind of counterbalance each other and the people can look beyond their interests. And so I think if we're looking to have people recues themselves due to conflict we need to define conflicts as something more than just being a stakeholder. Thank you.

Jeff Neuman: Thanks, Greg. And I see - well you just quoted Anne so you agree. So let me ask a hypothetical then, let's say - and not to pick on you, Greg, but you're the one that made the comment. So let's say you personally are advising an applicant for a top level domain and let's say a partner in the law firm you work at is a member of the standing IRT. Would you think that that would be

an actual conflict or is that one that would fall under the appearance or perception?

Greg Shatan: Well I think that's a question that somebody requires a statement of interest as opposed to a conflict. So the idea that we'd have no applicants involved or - and no obviously we couldn't have any registries involved either because they also have - would be interested in the outcome of things and would change the competitive landscape they work in. So I would consider frankly to be neither, if we're looking at conflicts that should lead to recusal as opposed to sort of, you know, interests that require maybe a more specific statement of interest. I think that, you know, problem some can perceive with statement of interest is they end up being very vague and not really actually providing any clarity or transparency as to what the interest might be.

But I think, you know, going to the point of recusal here I think is a, you know, really is kind of inconsistent, I'll go back to saying again, with the idea that this is a stakeholder driven thing which is stakeholders, you know, will tend at least from stakes, to have interests. And I think we're not going to - we're not looking to have a panel of neutrals or a panel of disinterested parties. What we're looking for is to avoid capture and to avoid hidden agendas.

And that's really as far as I think anything should go. I think we could do some good work to try to put some more clarity on some of those things in terms of making interests more transparent, but, you know, I think if we eliminate anybody who has a position or has a stake of some sort in an outcome I think it's going to be a very small group indeed and will just be very imbalanced. Thanks.

Jeff Neuman: Yes, thanks Greg. Those are great comments. And the reason I asked the question was to kind of elicit exactly the point that you mentioned which is that we started this, you know, a little bit ago talking about conflicts of interest and then you brought up the point that this IRT is really more of a stakeholder group type involvement where everyone could be perceived to have a

position or a conflict and so I want to make sure we drill down exactly - and you put it better - that we drill down the types of things - of conflicts we'd like to see avoided with the panelists or the members of this standing IRT so that it's not challenged later on.

And going into the process applicants will know and the community will know that there may be some registries, registrars, applicants on this IRT but that that's expected and it's because they have experience, expertise in these areas but we also have to make sure that those standing panelists make their interests known in specificity and that actual conflicts, for example, if there's something that impacts just one application but actual conflicts should be avoided.

Steve, please.

Steve Chan: Thanks, Jeff. This is Steve Chan from staff. And actually just wanted to raise a comment I had put in the chat earlier. So one of the model that's been used for other mechanisms within the Council is to establish maybe a standing committee, there's actually one on the budget or the fiscal year budget process. And it's comprised of GNSO Council members who are responsible for making the determinations of what are the end results or the output to that group. But that group is supplemented by subject matter expertise as needed.

So you - that group has some additional I guess - I'm not sure exactly what the word is but I'm not sure if "members" is the right word but there are folks from the IPC, the BC and others that are helping that standing committee comprised of Council members to make decisions on the budget in that case. So why I bring that up is that could be a possible model that could be - or could be used in this case.

There may be some benefits to that as in it doesn't require the establishment of another structure, which, you know, is leading some challenges in

determining how it might be established, what types of conflicts of interest checks would be needed and other things like that. So some of the benefits to the Council is that it already is a distinct structure, it has representation elements built into it already.

And I guess one other concern that you might have with a standing IRT if it's comprised of folks that are affected by the issues is they may have a disincentive to actually to actually address the issue for instance and maybe just move on with the issue rather than actually addressing it. Thanks.

Jeff Neuman: Thanks, Steve. I put myself in the queue because I'm going to make a personal comment as opposed to a cochair comment so please just take this as personal. That I appreciate the fact that there is a model and for the management of policy - of a policy processes and things like that I think are completely appropriate for the GNSO Council to be setting up standing groups like the budget I view as an extension of the policy management process since a number of activities in the budget are related to the management of the policy process.

But for me personally I don't like the notion of having the Council address these issues because I think it places the way that we pick our councilors is supposed to be based on the skills and expertise of being a management body, not on being the substantive experts in different areas or to, as you put it, kind of represent the groups in substantive issues. It was the primary reason we got rid of the whole notion of the Council has a whole serving as a working group.

But again, that's completely personal opinion from being in this for so long and perhaps very cynical but I think it places too much emphasis on people wanting to be on the Council to impact the substance of work as opposed to being the policy managers. So that's again, completely personal. And okay I'll put my cochair hat back on and call on Greg.

Greg Shatan: Thanks. It's Greg Shatan again for the record. As I noted in the chat, this is really comparing apples and oranges, the standing committee on the budget is intended to comment from the point of view of the Council and in its policy management role on the budget. The stakeholder groups and constituencies also comment individually on the budget from their each respective points of view as representing stakeholder communities and the work that they do.

So it's essentially a two-tiered system and it's intended for review and comment, not for oversight and decision making. So I just don't think it's maybe more comparing apples and dolphins than apples and oranges; I really just don't think they're similar at all. Thank you.

Jeff Neuman: Thanks, Greg. Apples and dolphins, I got to remember that one. So just going back to the chat, and I'm sorry if I missed a few comments here, Steve says, "Actually one comment I forgot to raise is that the Council ultimately will finish the GNSO expedited PDP and guidance processes." And I think that Steve's - well not think, Steve's right. And I think one of the options for the standing IRT then is to - if policy development is needed it will refer that to the GNSO to the - so that the GNSO can invoke one of its either expedited PDPs, guidance process or any of the other processes it has in place.

Trang brings up an important point that says that as the issues are wide ranging the importance is to ensure that the process allows for relevant expertise to be consulted, i.e. SSAC, RSAC, other technical communities on technical issues." And I would include in that public policy issues obviously to have the GAC represented and ALAC and others. So we need to make sure that whatever standing panel is created that it has personnel from those communities. I don't want to say representatives because they're not really there necessarily to represent those groups but certainly there to - that they have the background from those groups.

I want to jump to the last - or sorry, not the last because Maxim added another example but to the second to the last one which is on Page 2. If there

are substantive changes to the base agreement, so many of you may remember, applications were submitted in 2012 and Fadi became the CEO in late 2012 officially and then in 2013 introduced the concept of public interest commitments, he introduced the concept of - at that time proposed the unilateral right of amending the Registry Agreement and a host of other changes.

I filled out - in filling out this chart I indicated that that was fundamental type changes potentially policy level changes, I didn't want to make a determination. But that was revisions to the existing base agreement or the then existing base agreement and really that was a similar process as the one that we talked about above.

I would classify the example that Kristina raised to the changes to the - well actually this is a good question, maybe instead of just inferring I'll Kristina whether Kristina, you believe that it would be this type of - I know it's a change to the legal terms and conditions but is this more of one that only impacts certain parties and therefore would all need to be a subset of the community or would this be one that you would view as being more like the identification of name collision issue - I'm sorry - or more like the substantive change to the base Registry Agreement?

Be interested in your thoughts on that because it could go either way. It could be something that impacts the community; on the other hand because it's just the terms of use of using the internal portal designed by ICANN I could also see it as potentially falling into the category of what we have as Number 2, changes in pre delegation testing. That may only impact certain parties. So that's a good kind of gray area. Why don't we add that without getting specific answers on this one because we only have a few minutes left. Steve, can we add that as a seventh use case scenario? So this is changes to the terms and conditions of a portal used by ICANN to communicate with the registries.

Anne says "There was GAC advice that would have stopped certain applications from moving forward. The PIC process was developed to address that but GNSO should have been consulted." And Kristina says, "And registrars eventually." Oh that's on the portal terms and conditions. So, Steve, yes that portal not only impacted registry - or impacts registries but is also going to impact registrars at some point.

Anne says point relates to the previous - yes, so the changes to the base Registry Agreement I think there were two types of changes, Anne. I think the first kind was the unilateral right to amend which was not derived out of the GAC advice but then the PIC changes which were. So I think I certainly think that in both of those cases the communities should have been - or more than consulted because I think that GNSO was consulted, I think your point is that the GNSO should have been able to initiate one of its processes as opposed to just being consulted and being able to provide comment. I think that's your point, Anne, yes. Okay. Anne says "Yes, that's what I think."

Okay, because we only have a few minutes left, Maxim has presented another hypothetical but I did not - I was not able to - someone, Steve, do you have the ability to read into the record? I think we're all trying to scroll up to it. Steve, please.

Steve Chan: Thanks, Jeff. This is Steve. Yes, I had to scroll up quite a ways to find it so "@Jeff, please add this use case." So Maxim's use case is, "Need to transfer contacts from applicant to registry in ICANN systems," parenthesis, "or placement with registry contacts," close parenthesis, "when RA executed," open parenthesis, "or right before the moment," close parenthesis, "In our case the RA was executed and ICANN was still trying to obtain approvals," open parenthesis, "such as passwords change in situation where ICANN staff changed it for our security," closed parenthesis, "from the applicant contact," open parenthesis, "consultant company," closed parenthesis, "after RA execution."

“This created a deadlock,” more parentheses, “applicant contact has no formal contract with the new registry and ICANN staff explicitly requested approval from them and not from the RA with whom ICANN has an agreement. Given that the passwords were changed without confirmation from applicant or registry, “closed parenthesis...

Kavouss Arasteh: Hello.

Steve Chan: ...which has - hello, who's speaking?

Kavouss Arasteh: Hello? Excuse me. Yes, the line was interrupted.

Jeff Neuman: Kavouss...

Kavouss Arasteh: Yes. Who is speaking?

Jeff Neuman: Yes, Kavouss, you're - sorry, Kavouss, we can hear you.

Kavouss Arasteh: Yes, the line was interrupted. I was on the conference call but the line was interrupted.

Jeff Neuman: No, then you're back in the call. Steve Chan was just speaking so you're in the call. Everything is good.

Kavouss Arasteh: Please put me back in the call. There are only seven minutes but no problem, please, put me back in the call.

Jeff Neuman: Okay, you're back in the call.

Kavouss Arasteh: Thank you.

Jeff Neuman: All right. Welcome back, Kavouss.

Kavouss Arasteh: Yes, thank you.

Jeff Neuman: All right, so we - Steve just read Maxim's comments. We will put that into the chart, see if we can distill that into the sixth use case and then we'll do the seventh use case which we talked about on the portal. And I think we are running up towards the end of the call. I want to make sure that - does anyone have any other comments or questions on these use cases? As always, these documents are available to make comments on. Please make the comments by putting a comment into the doc. We are giving everyone - we're keeping the document so that only staff can make changes to the document, but we can insert comments in so that we can have some version control.

Kavouss Arasteh: Yes, thank you very much. You know that I am in Seoul and I am traveling tomorrow and if any document is available today I could look at that one, otherwise tomorrow I will be traveling. And I always prefer to have the document in a Word format but not a Google, I have from the very beginning some difficulty. It is not impossible but it is difficult for me. But any document available today I will reply tonight here, the South Korean time. But if not tomorrow I will not be available until I arrive in Geneva on early 8 or mid 8 of February.

Jeff Neuman: Okay, thank you, Kavouss. We have plenty of time before our next call so we will - Steve, if you can make sure you send out a copy of these documents in Word and PDF so that everyone has got a version of it and of course the links are out there. And...

Kavouss Arasteh: Yes, yes.

Jeff Neuman: Great. Is there - I know we have two minutes left. I just want to repeat that basically our goal is to come out with an initial report that's from all the work tracks in April. What I want to emphasize is that these are - the initial report will just be reporting on the status of each - of where the work tracks are

where there is agreement, where there are questions, input they're looking for there - we are not measuring levels of consensus when we put out the initial report - to be very clear about that. So we're not saying that any of these have consensus or rough consensus or anything like that unless the work tracks happen to measure that.

Because items of consensus are required to go back to the working group and so we're not going back with items from the initial report - or sorry, items from the work tracks to the full group to measure consensus. That's not what we're going to do for the initial report. We will absolutely do that for the final report because it's our job to measure level of consensus amongst the community for the concrete recommendations. So I just wanted to make sure that people were aware. So as we're finalizing work within the work tracks to get to an initial report, we will be reporting on those to the working group but not measuring levels of consensus. I hope that makes sense.

Kavouss Arasteh: Yes. Yes. I have no problem with...

((Crosstalk))

Kavouss Arasteh: ...to put them together and I understood that we are not talking or dealing with consensus or non-consensus, we are just compilations of the comments in the chat or in the meeting. Am I right to understand that?

Jeff Neuman: Well yes, from the chat, from the meetings, from the email lists.

Kavouss Arasteh: Yes.

Jeff Neuman: ...from all of that. And from the comment periods that we have, right, we're compiling those into some areas do have recommendations but we are not going to indicate the level of support for those in any kind of meaningful way so that, you know, we can get comments from the community without pre-judging whether it's got consensus or not. Anne says that, "The reality is that

an initial report reflects the work thus far and if there are differences of opinion those have to be highlighted in order to get public input.” Yes, Anne, absolutely, I did not cover that, I should have said that.

We take the different points of view that have been expressed on all the issues and so what we’re going to ask all the work track members to do within their individual work tracks is to make sure that the report does set each of your opinions or thoughts in detail so that we can make sure that those are provided for public comment. So, yes, that’s absolutely correct.

Kavouss Arasteh: Yes, yes. No problem. I have one small question, is it a - in the private talk to me or I am connected to the conference meeting? Which one? Do you - did you call me on a private line or I am connected - I am heard by everybody?

Jeff Neuman: You are heard by everyone right now.

Kavouss Arasteh: Okay, very good. Thank you very much. Okay so thanks.

Jeff Neuman: Okay. Any last comments...

Kavouss Arasteh: Is the meeting adjourned or still continues?

Jeff Neuman: We are adjourning unless there’s any other last questions, anyone else?

Kavouss Arasteh: Yes.

Jeff Neuman: Okay. Thanks, everyone. Great call.

Kavouss Arasteh: Yes.

Jeff Neuman: We did go the full hour and a half but thank you very much.

Kavouss Arasteh: Okay. Thank you very much and have a nice day. Thank you. Bye-bye.

Man:           Bye all.

Michelle DeSmyter: Thank you. Today's meeting has been adjourned. Operator, please stop the recording for us. Have a great remainder of your day, everyone. Bye-bye.

END