

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group
Monday, 07 January 2019 at 15:00 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-07jan19-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p2a8kmw6zkj/?proto=true>

Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/rYIWBg>
The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Jeff Neuman: Let's get started.

Michelle DeSmyter: Thank you, Jeff. One moment.

Operator: The recording has started.

Michelle DeSmyter : Thank you so much, Gerri. Welcome, everyone. Good morning, good afternoon and good evening, and welcome to the New gTLD Subsequent Procedures Working Group Call on the 7th of January, 2019 at 15:00 UTC. In the interest of time today, there will be no roll call. Attendance will be taken via the Adobe Connect Room, so if you're only on the audio bridge today, would you please let yourself be known now?

Anne Aikman-Scalese: Hi, it's Anne Aikman-Scalese. I'm unable to get into Adobe at the moment but I don't know why. Thank you.

Michelle DeSmyter: Thanks, Anne. We'll go ahead and note that. As a reminder to all participants, if you would please state your name before speaking for transcription purposes, and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will hand the meeting back over to Jeff Neuman. Please begin.

Jeff Neuman: Thank you, Michelle. Thank you, everyone. Happy New Year. Welcome to the first week back for a lot of people, although I can assure you the leadership team has been hard at work since last week as we realize that we are trying to head down the homestretch for this group at least in the next hopefully 6 months or so. So we've got a lot of work to do this calendar year and we're ready to do that work and to get us down the homestretch so that we can deliver our report on time to the GNSO Council before the policy meeting in June this year.

As always, the agenda is up on the top right-hand corner of the Adobe Connect Room if you are on Adobe. So we'll go through the agenda and statements of interest updates, and then get an update from the different subgroups and from Work Track 5. And then we'll just continue on going through some of the items that have been referred to the full working group from the comments that have been received from the Work Tracks 1 through 4, and then we'll give a call for any other business. Anything to add to the agenda? Okay, not seeing anything, anyone have any updates to their statements of interest? Not seeing any hands, not seeing anything in the chat, so I should start out. I'm going to start out with an update from Work Track 5 since most of you have seen their supplemental initial report that came out towards the end of calendar year 2018. And was wondering if anybody from Work Track 5 wanted to just give an update on that report plus on the webinars that will be shortly coming up. So I will look to see if Annabeth, if you are in a position. If not, then we can give the update. Annabeth, please. Great. Thanks.

Annabeth Lange: Hi, this is Annabeth. And Happy New Year to everyone. Can you hear me?

Jeff Neuman: Yep, great.

Annabeth Lange: Good. Well, as you all know, the initial report has been sent out and the due date is the 22nd of January, so it's 15 days from now we should have all the comments. I just checked today to see if anyone had sent something in, but nothing yet. But we do hope that all the stakeholder groups are engaging their communities and they will give us some substantial input to all the questions we have posed. So what we have been doing in this initial report after all the months of good work is to state some recommendations that -- we must call them preliminary recommendations, but still, this is where we feel we are at the moment and we are looking forward to see if the rest of the community agrees with us on that. And also, different other input, other questions, other recommendations, or options that have been raised and deliberations have been posted in this report.

So what we are doing now is to have a webinar on Wednesday evening. And the webinar should be just to present the initial report and to ask the community if there is anything there, after they hopefully have read it through, that is unclear and that they want more information on. But it's not meant to be a meeting which is more discussion. The meaning and the agreement or disagreement should be posted in the comments to the Work Track 5 initial report. So from my side, from the ccNSO side, I have been engaging with the regional organizations and also with the ccNSO to try to make everyone aware and try to encourage them to send in their meaning and their comments. And I know that all the other coaches have done the same with their communities. So we really look forward to some active discussion after we receive the comments. Thank you. If there is anything more, please let me know if I can answer some questions.

Jeff Neuman: Thanks, Annabeth. I see Christopher is in the queue. So please, Christopher?

Christopher Wilkinson: Hello, good afternoon, everybody. Christopher Wilkinson for the record wishing you all a very, very happy and prosperous New Year 2019. I think you can hear me? Annabeth, I shall not post any written comments until after the webinar, though I have been going through the report in some detail. Just to preface this, I would highlight 3 areas where there are outstanding questions which need to be addressed. The first concerns prior approval of the geographical use of geo names. The second relates to the auctions and the request for proposals options which are in discussion in a different supplemental report on the auction procedures which have a radical interrelationship with the geographical names. And the third is the jurisdiction of the registries operating geographical names. I don't want to take the time on this call to discuss those in detail, but I just wanted to put down a couple of markers on that point. Thank you.

Annabeth Lange: Christopher, it's Annabeth here again. Thank you very much. I am sure that you have read the report thoughtfully and we look forward to your comments. You say that you will send them in after the webinar, so then we will talk more about it later. Thank you.

Jeff Neuman: Thank you. Thanks, Annabeth. Just a quick mention, this is Jeff, I am told that there may be a call or something organized specifically for the Latin American community that I believe Olga is trying to organize. I'm not sure of where that stands at the moment. This would be for a Spanish webinar. Again, I'm not sure where that stands. It's not an official call of the working group, but one that I do know that Olga is trying to do from an outreach perspective. Perhaps Annabeth has more information, that's why she raised her hand, so Annabeth, please?

Annabeth Lange: It's Annabeth here again. Well, I don't know exactly where they are, but I know that Olga is really trying to make something for the Spanish community. But we have discussed this is the co-lead group and it should not be an official meeting. Because that will be difficult for all the other languages. So since we have official translation services when we have the ICANN meeting, it would be unfair to have a special meeting for the Spanish and not for the other languages that's included in the translation services. So it's been very specifically clear that this is something that Olga will try to do for her community. Of course, it's good for them and we -- if she can manage it, that would be fine. That's what I know for the moment.

Jeff Neuman: Okay, thanks, Annabeth, that's helpful. And Vonda says there will be an announcement for the LAC region webinar about Work Track 5. Again, it's not officially sponsored by Work Track 5, but it's just kind of an outreach that Olga is helping to do with the Latin American community and so just wanted to make sure that everyone was aware of that. Is there any other question for Annabeth or for Work Track 5 at this point? I'm not seeing any questions or hands raised, so with that, let me just remind everyone and just also add a little bit additional information. So as you all know, or should know, that we received comments from Work Tracks 1 through 4 initial report and have divided up into subgroups A, B and C and we'll go through where the status of those 3 groups shortly. We also just received comments at the end of last year for the supplemental initial

report on the 5 specific issues including things like the mechanism of last resort, the use of private resolution -- sorry, private mechanisms to resolve contention sets, change requests, role of public comment, etc. We are in the process and I should really should instead of saying we, really ICANN Staff, is doing a great job trying to get those comments now organized and into a matrix so that we can begin review of those. Our initial thinking from the leadership team is that we will review those comments as a full group when they are organized. So the next set of full group meetings, we will start looking at those issues. So that's our initial thinking at this point. We do have another leadership meeting this week to confirm that to just doublecheck to see whether any of those issues really are better within one of the subgroups or whether we should continue with the plan of reviewing those as a full group. But right now, our initial thinking is that we will review all of those comments as a full group as well as discuss the substance on future calls.

Any questions on the supplemental initial report for Work Tracks 1 through 4 before I go through the subgroups and their activities in the last several weeks and upcoming? Kavouss, please. Kavouss, can't hear you, I'm not sure if you're on mute? Okay, while we are trying to get Kavouss on the line, we go to Jim and then we'll come back to Kavouss.

Jim Prendergast: Thanks, Jeff. Jim Prendergast for the record. Hey, maybe this goes under AOB, but when you were talking about how we're going to handle triaging the comments on the supplemental, it jumped into my mind as well that there is going to have to be a process for the comment period on Work Track 5 as well. Is there any way, and I'm sure I don't need it today, but maybe by the next plenary, is there a timeline that the leadership team could develop that sort of outlines all of these for us, the triaging of the comments and then what he next steps are between now and then? Just so we can have a little longer-term view of what the roadmap is. Thanks.

Jeff Neuman: Thanks, Jim, it's a good idea. We will add that to our leadership meeting this week. Again, our timeline is as soon as possible and then also to -- the leadership of Work Track 5 is still discussing at this point the review of the comments and I think they are supposed to have a leadership meeting this week as well. So we'll make sure that we get that out to the full group so that both there's an understanding of how we are going to review Work Track 5 and then how we are going to incorporate everything into a final report.

Kavouss, I'm hoping that we have unmuted your line, so let's try going to Kavouss again. Okay, I'm still not hearing Kavouss. Kavouss, are you there? All right, seems like we're having a little bit of technical difficulty here with getting Kavouss on the line. I see that Kavouss is typing and so is Michelle. Hopefully we can get them both on or Kavouss on. In the meantime, Kavouss, I'm going to just start with an update on Subgroup A, but we can come back once you are connected.

So Subgroup A, just as a reminder, there are 3 subgroups that are currently reviewing the comments to what came in for the initial reports for Work Tracks 1

through 4. We have kind of done away with the distinction now of Work Track 1 through 4, so we're really now Subgroups A, B and C. Subgroup -- I see Kavouss is now unmuted. Let me go back to Kavouss before I get to the substance of A. Kavouss, please, let's try again. Still having a little bit of difficulty. All right, I will continue with Subgroup A and then we'll see, hopefully we can get that back on line.

Subgroup A is responsible for those topics, reviewing those comments related to the topics dealing with the overarching issues, the issues involving the pre-application kinds of topics. So things like should we conduct these in rounds? Should we -- eventually we'll be talking about the communications prior to opening up the round or rounds. This group has been meeting for a couple of months now and reviewing the comments. I think they've been making pretty good progress. The role of the subgroups really is to just organize the comments to see if there are patterns that emerge with the comments that came in. So making recommendations essentially for the full working group of whether certain areas have we believe may have consensus or some sort of majority support or really whether there is just a whole range of issues. The substance of the topics will be discussed by the full working group, but it's our goal that these summaries from the subgroups to the full working group will give an idea to the full working group of where the comments and where the communities stand on each of the issues. So I think we've been making some really good progress with that and I think --

Kavouss Arasteh: Excuse me, can you hear me please?

Jeff Neuman: Yes, Kavouss, I hear you. Just give me one second to finish this statement and then I'll come back to you. So on Subgroup A --

Kavouss Arasteh: Can you hear me please?

Jeff Neuman: Yes, Kavouss, we can hear you, just give me one minute to just finish up here with this comment and then I'll come right back to you. Don't go anywhere, don't touch anything on the phone. We'll get right back to you. So one of the things we'll talk about after we go over the reviews of the subgroups is some of the substantive issues that have been referred to the full working group from Subgroup A which I think are important that we still have overarching issues that affect multiple different groups. So with that, let me take a step back, go to Kavouss, please. Kavouss, are you on?

Kavouss Arasteh: Can you hear me?

Jeff Neuman: Yes, we can hear you now.

Kavouss Arasteh: Sorry, because I am in another country, in Busan, the Republic of Korea. Just with respect to the public comments if I understood it correctly, that the secretary would kindly put the things together in order to review that. Am I right? Did I hear this correctly?

- Jeff Neuman: Yes, so ICANN policy staff, so Steve and Julie, will be putting together the comments in a matrix so that you can see all of the comments side by side with respect to each question. And then we can go through those comments, yes, that's correct.
- Kavouss Arasteh: Yes, in that context, my experience from the EPDP is the assembly of the comments is not user friendly. Very complex. I had to download 340 pages of document in order to be able to read the comments and they said that this is the GNSO working method how to treat the comments. I have been in several CCWG and CWG and ICG, it was quite simple. We have the initial question and we have the comments side by side, in one front of the others, either in bold, the changes proposed or below what is -- but now the way is that they have pages of rationale and we don't know where real changes are proposed. We are not very much interested in the rationale, but we are interested in the changes. If we want to see why the change is proposed, no doubt we can go to rationale, but I don't know whether that would be the same method of the EPDP or not. That causes me a lot of problems. So I am just asking Julie whether there would be a different way of putting the comments side by side of initial question which will be simpler to see what changes are proposed. Thank you.
- Jeff Neuman: Thanks, Kavouss. I'm not, I must admit I'm not as familiar with the EPDP version of how they are doing it. What I can say, and then I'll turn it over to Julie, is that if you take a look at the -- Steve Chan is now posting, Subgroups A, B and C, links to those, they will be in a very similar format with color coding on things that are agreement or divergence or new concepts. So take a look at that and you'll see the type of thing that I believe we're going to try to do with Work Track 5 unless the leaders from Work Track 5 say otherwise. Hopefully those summaries that when you click on one of those links will be a little bit easier to follow. And given that there is not a huge amount of topics in Work Track 5, even though there may be a lot of comments, I don't envision the spreadsheet to be hundreds of pages long. But let me turn it over to Julie to see if Julie has got any comments. Please.
- Julie Hedlund: Thanks Jeff, this is Julie Hedlund from staff. Yes, I don't think that we're -- we're not following the format of the EPDP, Kavouss. We are following the format, as Cheryl notes, that we have done for the existing analysis tool, the links to which you see there in the chat. And specifically, yes, it is a simpler format in that there is the question and then below that the comments that were received on each question. And then the subgroup has indicated a bit of a summary of each of the comments indicating whether or not there is agreement with the initial report recommendation, divergence, whether or not there is concerns or new ideas. And those are called out and also indicated where something will be pulled up to the attention of the full working group. And yes, Steve, also note what Steve has put in the chat. I hope that's helpful, but we're happy to answer any other questions. Thank you.
- Kavouss Arasteh: Thank you very much. That is sufficient. Thank you.

Jeff Neuman: Great. Thanks, Kavouss. Thanks, Julie. I think we can go onto Subgroup B, so I'm looking to see who on the list is from Subgroup B here and that is Kristin Taylor and Rubens, neither of which I see on this. But Subgroup B are dealing with the issues of the application period and the evaluations. So I think that they are making good progress. I think they spent a bunch of time on application fees and reviewing those comments and trying to see if there is any kind of convergence there to make recommendations to the full working group. All the subgroups, A, B and C, are meeting this week as they meet on a weekly basis. So I will skip ahead to Subgroup C. And for that, we have Cheryl. Cheryl, are you able to give an update?

Cheryl Langdon-Orr: Certainly, Jeff. Cheryl Langdon-Orr for the record. And Michael and I have nurtured the group pretty much on track with our original work plan. At last week's meeting, we almost completed the full tab of accountability mechanisms amongst the various tabs of questions in our designated areas of review interest. We start off within our meeting I think it's 15:00 UTC coming up this week on the 10th of July. We will be completing the other comments, or as I suggested, they should be called other complaints section of the tab, and then moving onto community applications. So Michael and I are happy as we are tracking and that's where we're up to, line 89, if someone wants to get down to the details, on the section tab noted as accountability mechanisms. Thank you.

Jeff Neuman: Thanks, Cheryl. Kavouss, I see your hand raised. I'm not sure if that's an old hand or a new one? Okay. Not hearing anything, so I will assume for the moment it is an old hand, so I will continue on. Okay, again, just as we close out kind of that number 2 on the agenda, the goal again of the subgroups is to review the comments that have come in, see if there are patterns. The calls have been fairly lightly attended and I encourage those that want to participate to participate and we're going to keep going through all of the comments as we have to and to make sure that we're considering all of them. I know that it's tedious work at times, but certainly appreciative of those that do show up and help us with these summaries so that we can, when we do talk about the substance of a lot of these issues with the full working group, we can certainly present an accurate picture of where the comments stand in relation to where the initial report recommendations were.

Now we're on to number 3 on the agenda which is continuing the review of those items that have been referred to the full working group. So while ICANN staff is pulling that up, you'll see that the new items have been added in highlights. But what we're going to do is go to -- I know that there are highlighted items on the first and second pages and third pages, but what I'm actually going to do is go back to where we left off at the end of last year which is actually on page 7 of 8. And don't worry, we will come back to those earlier items, but since we gave those earlier items for the most part a first run-through already, I'd like to get through these later ones that have not yet been through a first run-through before going back to the beginning of the document.

This document will keep being updated as we get new items referred to the full working group by the subgroups. The subgroups are, as I said, going through all

of the comments and if they see areas that are really holistic areas because they are new or because they could apply across the board as some of these, then they have made the decision to refer those to the full working group. And so we'll take up those items as they come up.

So we are on page 7, the top of page 7. Everyone should have control over the document, it should be unlocked. So this is a comment that was filed by the SSAC that I want to make sure that we cover. And this was a comment where they would like to make sure that the subsequent procedures group, our working group, takes into consideration all of the dependent activities. And while some of their comments is expressing a little bit of concern that we're moving a little bit quickly in their view, I think the main point of the SSAC comment was to make sure that we are looking at each of their papers, so the SSAC papers, to make sure that we have taken into consideration all of the elements that the SSAC believes creates some dependencies either from our perspective or from an ICANN organization or ICANN board organizational effectiveness perspective. And so there are certain elements, and I will say that our initial report did have some recommendations in there about making sure that certain of the SSAC recommendations that they had in SSAC, and I'm not going to remember the number of the paper, but certainly that some of these -- that ICANN start with some of things that the SSAC had indicated should be put into place including making sure that certain things are monitored at the root level and making sure that we have discussions on things like I'm calling it a reserve list, but there was another name for it, with the IATF, the special use names. So there were certain recommendations in there about making sure that we had taken all of these things into consideration. Does anyone have any comments or questions on the SSAC comment itself? Or feel like there are things that we may be missing that we may not have yet taken a look at or recommendations that we should make in order to appropriately take into consideration their recommendations? Kavouss, your hand is still up. Again, I'm going to assume because it hasn't gone down, that that's still an old hand.

Kavouss Arasteh: I'm sorry, old hand. That is old hand. I'm sorry.

Jeff Neuman: That's okay, thanks. Anne, please.

Anne Aikman-Scalese: Hi, it's Anne Aikman-Scalese and I must apologize in advance about my voice because I have a bad cold. But I think that when we were in the last live meeting in Barcelona, we talked about what were the "possible dependencies" to instituting an IRT team pretty quickly after we got recommendations running from GNSO to the board. One of the items that a couple of us brought up was name collision analysis projects. And I personally have no idea where that stands right now. I know that there was a revision of the project and a lowering of the budget amount that went to the board, but hopefully, Jeff you or somebody knows better than I where the name collision analysis project starts. But I would note that in terms of dependencies, I think for example the ALAC comment is quite strong on awaiting the outcome of the NCAP. I think that in Subgroup B, our majority point of view probably conflicts with that advice. And so I don't think we can kind of skip over this SSAC comment as yeah, we've taken it into consideration. I think

it's an outstanding conflict because the board actually adopted some advice from SSAC in this regard. And we never did figure out, when that was sent to us from the board, exactly how we were supposed to treat it. Thank you.

Jeff Neuman:

Thanks, Anne. I wish I had a better answer for you or knew where the NCAP project was. But I don't, so as Jim has put in the chat and I agree, is that we should certainly ask the SSAC where they believe that the project is. I don't believe the SSAC, and I'll have to go back, I don't believe that they said that there was necessarily a dependency on the launch of new gTLDs in the entire NCAP project. In fact, in reading their comment, if you click on the link, it does not seem to be that there is a dependency on all aspects of that report. But we can certainly address or at least send a question to them. It was unclear to me from the Barcelona meeting where the NCAP project was, where they were on funding from the board, what the modified scope of the NCAP project was going to be if they didn't get the funding. But they were pretty clear, and I'll have to get the comment back again, but I don't believe that they were telling us that the NCAP study was a dependency, but they would leave that to the community to decide whether that was a dependency or not. I think they were very specific in not making that recommendation. But I do think certainly the question of where the NCAP study is and what their latest view on timing is, is certainly something we should follow-up on. But there are other elements in the SSAC comment that I believe we are making progress on which include the special use names, singularity and plurality in new gTLDs, internationalized domain names, we have a bunch of recommendations. Those, TLD bundling, single character Unicode gTLDs, audient variant management, and some of the other security and stability recommendations, emojis, etc. So we do need to find about the name collision stuff, but I think a lot of the other comments are at least, while I'm not going to say resolved, they're certainly within -- they were included in our initial report and certainly topics that are being, the comments are being reviewed at this point.

Donna asks the question, before I get back to Anne, is there any way that we can get the board's view on whether there is a dependency? Because that may be more important to understand than the SSAC's view. I think, Donna, that's a good question. We can certainly ask. My hunch is that the board will turn that question around to us and say, what do we think? But I certainly think it's a question we can ask or should ask. So we'll put that down as an action item. And Jim is saying it would be good to clarify as well if NCAP is a dependency in the mind of the SSAC as well as the board, that's a pretty major issue we have to deal with if it is. Okay. We will put those on the action plan to make sure that we have a much better understanding of what the SSAC, where the SSAC is on that, what they believe, if there is a unified position, and what the board is thinking, again, if the board has taken a position on that. Jim, please. I'm sorry, Anne, is your hand still up? Sorry, I didn't mean to skip you here.

Anne Aikman-Scalese: Just very quickly, it's Anne again for the transcript. I agree with Donna. Procedurally, the SSAC is not -- they are never going to advise the community that hey, this is a dependency. Because the SSAC does not provide advice. The SSAC provides advice to the board. I think it's a great idea to go back to the board and ask for clarification and I think the context of that is the board sent to

us a number of SSAC report recommendations that it said it has adopted. So I think that when we go back to the board, we have to go back in the context of that chart that we did a couple of months ago I think it was. And the chart said, here's how we, SubPro, have dealt with this. And one of those recommendations on the chart had to do with this dependency issue where the SSAC in one of its reports made a recommendation to the board. So just to kind of really define what we're asking the board, we should go back to that chart that we put together and go back to the board and say, what do you really mean by this, that you adopted this recommendation? Thank you.

Jeff Neuman: Thanks, Anne. Let me go to Jim and then Kavouss.

Jim Prendergast: Thanks, Jeff, it's Jim Prendergast. Just following along with Anne, what she said, maybe to put a finer point on it, the -- where we're suffering from lack of clarity is in the board passed resolution. So if they do try and flip it back on us, I think we've got to hold the line and say, well wait a second, you're the one that passed this resolution, so what are you specifically looking for here? And try to get some specificity from the board. I know that can be a challenge, but we're trying to interpret the work that they've already done, and if they tell us, well what do we think? At the end of the day, it doesn't really matter because it's a board resolution, not a community resolution. Thanks.

Jeff Neuman: Thanks, Jim. I think that we should do that. We should definitely be asking the board that question when they passed the resolution that was in December of 2017 if I'm not mistaken. Or it might have been November. But yes, we should be getting their view. Kavouss, please. Kavouss, are you unmuted? Still having issues again with Kavouss. Anne, your hand is raised, is that an old hand? Anne is typing. So I don't know if my Adobe is slow and not putting down people's hands or whether people are just leaving them up. So I will assume if I'm not hearing anything -- Aubrey has said that the NCAP came about as a result of the November, 2017 resolution. So we will see if we can get some more clarification from the ICANN board on that. Anne is typing. Anne, I don't know if you are typing because your hand is still up? Kavouss, your hand is still up, I'll do another call? Anne types in, last I heard, the budget was being revised, structure is being reworked, but the board told us that they adopted advice received from the SSAC and we have communication from the board about the advice they adopted. As to dependency, I think the SSAC report does not say this depends on NCAP per se, but rather that no next round should go forward until name collision issues are resolved.

So just to clarify, I'm looking at the SSAC comment at this point from SSAC, sorry, SAC103 and it says that SSAC does not believe its role is to determine the dependency between NCAP and the next round. The decision as to the ICANN community, the ICANN board, provides the following advice. If A, delegation takes place before the risks are understood, then it's highly likely there will be significant problem in some unspecified TLDs. And B, if application begins before the risks are understood, then when the names are known, it is possible that the data collection will be compromised through such mechanisms or gaming or predatory use and the NCAP will be able to produce a result. So that

was the most recent I won't say advice, I guess it's SSAC 103, the paper. So that was to us as opposed to to the board. I guess that's not formal advice, but just their response to the paper. And then Anne says that she was referring to the resolution from 2017.

So, and okay -- Anne says, talking about the board resolution related to a prior SSAC report advising the board, we have a chart that Steve prepared related to the board's letter to SubPro. So let us put a pin in this as they say so that we can get some more information from the SSAC and the board on this very question. But right now, I want to turn to 2 additional topics that were brought up by the ICANN Board letter to the SubPro group based on -- actually it just came in based on the supplemental -- actually, now the first comment was, looking at the date here, although I thought this was, this came in through the last letter, but it's possible it came in through the first letter. But I'm reading from the working group document where I guess the comment came in in July. So this says that regarding future rounds, that the Board requests that the PDP working group consider the issue of round closure and what criteria or mechanism could be used to close a round.

So there were a number of discussions that took place in Subgroup A about this very issue of what does it mean to close a round? Because Subgroup A is examining the comments about whether the future introduction of new gTLDs will be in the form of rounds. And how to establish, if it is going to be in the form of rounds, how do you establish a predictable window of when one round ends and the next round begins? And what does that even mean? So this is extremely important for us to think about. Not necessarily because we can do anything about closing the 2012 round. This is not advice or recommendations that will apply on a retroactive basis, but more on a going forward basis. So although we can use the 2012 round as an analogy or to use that information in order to think about how we solve this going forward, this is not to say that we are going to make a recommendation that the 2012 round is officially closed or when it should officially close. Because that's a little bit beyond our scope to do. But, if as Subgroup A has been looking at comments and it seems like there have been a number of comments in favor of doing rounds on a go forward basis with some predictable either time period or criteria in between the one round and the next round, it is helpful to talk about the issue of round closure. In addition, Subgroup B is looking at things like if you've collected more fees from applicants than you needed in that round to cover your expenses, then what do you do with that surplus of funds? But at some point, you need to have a particular point in time to say that the round is closed in order to determine whether you have a surplus or shortfall as the case may be.

So with that kind of introduction, in order to help us and to help the different groups think about the issue of closure and think about the topics that rely on round closure, what are people's thoughts on how we should define round closure and what impact should that have? So I'm going to throw it open. I see that Kavouss' hand is up and then Christopher. So Kavouss, please. Okay, Kavouss still having some issues, so I'm going to go to Christopher and then we'll

work on seeing if we can get Kavouss' line back up. So Christopher and then Jim.

Christopher Wilkinson: Hello, this is Christopher Wilkinson again for the record. Jeff, I think it's confusing to continue to speak of rounds. Most of the discussions that I've focused in have actually focused more on grouping applications by the theme, by the phase, by the batch, there are various ways of considering this. But it's clear to me from what I've heard in the last two years, there's absolutely no question when another big round for all comers. I think you do need a cutoff point and I think the cutoff point will have to be discrete. One concept would be a cutoff point batch or per phase. But given the heterogeneity of the applications, probably the cutoff point has to be per applicants. We can't have unresolved applications hanging over the process for years. But please let's stop talking about rounds because the use of that word implies that we're thinking in terms of something similar to the 2012 round and we are definitely not. Thank you.

Jeff Neuman: Thanks, Christopher. Normally I don't like to take issue with certain comments, but I think you are, Christopher, a little bit too definitive in your statement. In looking at the comments from Subgroup A, and now I'm putting kind of my coleader of Subgroup A hat on, the term "round" is actually used in almost everyone's comments. And while you may be correct there may be phases or batches within a round, we are still finding that most of the comments do talk in terms of rounds. But whatever we want to call it, there's an application window. That window allows people, or applicants, to apply. That application window, whether phased or batched or however you want to deal with it, at some point closes. Evaluations, contention, all of that stuff, then begins, and at some point prior to opening up the next application window, there is a concept of, and I'm trying to be careful with my words because there's couple of different concepts in Subgroup A that have been talked about in the comments. Which are, when are we ready to begin a subsequent application window? But putting that aside, when is it appropriate, at least let's think of it from a cost recovery perspective, and figuring out if there is a surplus, when is it appropriate to say, okay, now the round is closed and we can then figure out whether we have a surplus or shortfall and what to do with that. So let me throw that question out again. I have Jim and I have Greg. I have Kavouss, let me just do a first call and see if Kavouss is on the line? Oh, Kavouss is asking, he's redialing, or he's dropping. So let me go to Jim.

Jim Prendergast: Thanks, Jeff. Jim Prendergast. You actually sort of started down the path of where I was going. And that is, the ICANN position to date has been that the current round is not closed. And where I'm deriving that assertion from is the fact that the registries have asked for excess funds to be returned to applicants and ICANN to this point has not accommodated that request because they consider the current, the 2012 round, continuing to go on and they don't know what those exact funds would be. So that's one data point for the group to sort of add to their calculation.

Another one that I would raise is that I would tend to err on the side of keeping a round "open longer" than cutting it off shorter, only because even though we've

seen a lot of anomalies or things that we did not anticipate with the 2012 round so far, and I expect the number of issues to diminish going forward, there are still some things that are popping up even at this point that were not anticipated. I think everyone is aware of the high bid issues around auctions that are highlighted in the dot web process, that's something that came up, came to light only recently in the last few months. So I'd say if we are going to put a time limit on them, I think we should err towards being definitive but also giving more time for potential issues to surface rather than artificially closing it early. Thanks.

Jeff Neuman: Thanks, Jim. Greg. Please.

Greg Shatan: Thanks, Greg Shatan for the record. Jeff, you said a fair amount of what I had intended to say, but just to reiterate or amplify, I don't believe that we in anyway decided to step away from rounds. Whether they are like the last round or managed in some different way. So I think the only time we should stop talking about rounds is when we've decided that we're no longer doing rounds, and we're certainly -- that's not at all where we stand. Thanks.

Jeff Neuman: Thanks, Greg. And to reamplify even further, I was reminded in going through the notes from Subgroup A, I think it was pretty much unanimous from the comments that there was agreement that there needs to be at least one round, or I should say the next application window should be in the form of a round. And that was from every comment, whether it was ALAC, all the GNSO constituencies, stakeholder groups, etc. Every one of them came back and said that the next opening should be in the form of a round. Now again, I don't want to say that people -- certainly there were comments within there that said that it should be a round, some said it should be a round composed of phases, some said that after this next round we should go to a first come first served. Others said never first come first served. So there was a lot of divergence. But the one thing that was common in every single comment that came in was that the next application window should be in the form of a round. And so we do need to determine for the purposes of introducing subsequent application windows after that that, and for the purpose of measuring whether there is a surplus or shortfall and dealing with that, we do need to define when something is closed. So Jim's comment was, we should be certainly flexible or allow a little bit, or I should say was more in terms of being more flexible towards keeping it open because of unforeseen activities. The other way to deal with that may be also to delve in a little bit of -- if we're talking about determining what is closure for purposes of distributing a surplus let's say, or determining whether there's a shortfall, maybe you have a contingency after certain events take place so that if there is a surplus, maybe you still maintain 20% of the surplus to take onto account unforeseen activities that may occur even after you've deemed the round to be closed but there's still remnants of that round.

So I do want to take note of Anne's question as well in the chat that we are gathering the information that we will distribute to the full group. All of these things that are still unresolved in the sense of there's a couple of ways it could be unresolved, either because they have still within some sort of accountability mechanism or contention resolution and then there is a small subset of those that

may have been told them that they are not proceeding but may not have withdrawn. So we're going to get those stats. We'll send that out to the group from 2012. Again, it's not for the purpose of determining what happens from the 2012 round, but in terms of how we make a determination going forward. So I really want thought given to this issue because it is an open issue right now, but it's very important to applicants, to ICANN, the community, the board. Obviously, it's important to the board because they asked specifically about giving our input in their letter to us, to our group, in their comment. So this is something that I think is worthwhile taking up on email and seeing if there are creative ways that we can define a round closure, both for the purpose of moving onto the next application window, but also for the purpose of dealing with funds and how to basically move on with all of that. So I'm just looking to see if there are any thoughts on that issue.

I know that there are people dropping off, so thank you, but we are going another half hour. So multiple attendees are typing. Maybe -- okay. The next topic on the full group agenda is also one that we'll introduce today, but I'm sure we will be discussing several times and one that I'm hoping we can continue some email discussion on as well. And that is the question that we got from the ICANN board in their latest letter to us from the supplemental initial report. Which essentially asks us, or wanted guidance from us saying that -- well let me just read their quote. In terms of some of the issues wherein the group is still working on consensus, we continue to support the view that the policy recommendations for the GNSO be built upon existing policies in the application guidebook and other new generic gTLD program materials unless and except for where they have been modified based on subsequent procedures PDP consensus. We would still be interested in greater understanding on how this default condition will be used to close discussions that do not seem capable of consensus for change at this point in time. We would also like to understand how subjects that do not currently reach consensus can be further reviewed at a later time without the necessity for future gaps in subsequent application procedures.

So this is just an excerpt from the board comment, the board's letter that we got which was -- the link is up there, I believe it was December 18th, the day we got that letter. So breaking that down, just to kind of give some context, at the outset of this group, Aubrey and I, and later Cheryl and I came up with the default that seemed to be agreed by the group which was that if we don't have a consensus to change something, then that will be as it was in the 2012 round. So that was our default position. Now, in a lot of cases, that will be a fine default and something we can certainly rely on. But in some cases, and I probably should come up with an example for the next time we talk about this, but in some cases the default may not be feasible. Especially where we know that there were certain issues with the default that are recognized by the community. So this is one topic.

The second one is an interesting one as well which is that there may be issues that we say, okay, we can't reach consensus on this right now, so we'll keep it as it was for 2012, but we don't want to forego the opportunity to keep reviewing these types of issues for subsequent application windows without stopping the

process completely. So in other words, let's say this, for illustration purposes, let's say that the subsequent procedures PDP group decides we're going to have a round in 2021 and then no matter what, we're going to have a round in 2023. That's for illustration purposes, it's not saying that will happen. But if some kind of scenario like that does happen, are there ways that we can think about to review certain of these issues where we may not have reached consensus on at this point but where we can still look at those issues to try to reach consensus, if not before this next round, but after or in between this 2021 and 2023 round. Just looking at some of the chat, and Christopher, please.

Christopher Wilkinson: Yes, Jeff, Christopher Wilkinson for the record. Thank you for your latest reprimand, but I think I have a point which a number of people support. But on this particular default, I actually agree with you there will be issues coming up from this PDP which will be very difficult to find consensus on as the standard presence. But the 2012 default would be even worse. I don't need to go into details, but there are areas where it would be better to do nothing than to go back to the 2012 so-called consensus and I think you recognize where they are. So I think the board's position needs to be qualified. Thank you.

Jeff Neuman: Thanks, Christopher. I wish I had as much optimism that I knew all of those areas where the defaults would not suffice, but I do think that as we go through, it's something we should be thinking about. Where we recognize that we may not be able to come to a consensus, but we do realize that doing it the way we did in 2012 may not be the best solution either. And so we'll have to certainly, if we can't come to a consensus on it, we would certainly need to note that and then also figure out a way that this group would recommend solving that issue. So is it that we think we can provide all of our thoughts and our positions to the board and the board decides? I know that scares some people as well. But there does need to be, especially where we all recognize, if we all recognize, that the 2012 round was not the way that that particular issue should be handled, we do then need to be comfortable with making a recommendation that someone needs to resolve that if we can't come to a consensus.

Christopher Wilkinson: That is a new hand.

Jeff Neuman: Yes, Christopher, please.

Christopher Wilkinson: That's a new hand, Jeff, just to add a thought that the board's position on the default actually creates an incentive not to allow a consensus. But if there are certain vested interests present in the mix, if they think that by locking consensus they can force the round back to the 2012 AGB, some of them maybe tended to do so. I think that would be unfortunate. The board should be conscious of the fact that this default position actually in certain circumstances could discourage consensus at all. Thank you.

Jeff Neuman: Thanks, Christopher. It certainly is possible that some may believe that they benefit from the default and therefore coming to a consensus on something else may not be in their interest. So certainly, take note of that. I want to go to the chat to read some of the comments. I know there were some comments from

Anne and Steve. Anne says, Anne Aikman-Scalese says, Steve, -- oh this is on the policies. Okay, I'll just read it. Ask Steve, however, I requested that we receive a formal list from staff because there are policy issues related to defining rounds and we need to consider these issues from the standpoint of the full working group. Jeff indicated we would receive this list and that it would be circulated to the full working group. I did say that, so I'm not sure if there was disagreement with that, so I missed some previous comments, I apologize for that. But yes, we will take that list and we will send that around to the best that we can. Anne then says, comments, the protocol for working groups with guidelines is that there are consensus levels specified, I think it's specified, and if applicable, minority views. GNSO then has to make recommendations to the board regarding those issues. So Anne, yes, it's our intention, more than intention, we will indicate for each of the recommendations the level of support that is received for each of the recommendations. For some of them we hope or believe that we will get full consensus. For some we may just get consensus. And for others we may just get majority/minority or even divergent views. So we will be actually specifying the level of support. I don't believe Anne, but I can go back and certainly be corrected, that the GNSO then has to decide which way each recommendation needs to go. I think the GNSO does make a decision what to forward onto the board and could in theory decide not to forward some recommendations onto the board based on the fact that they don't have consensus, but I don't believe the GNSO then makes a recommendation as to which way that particular issue should come out. But I will doublecheck that, I could definitely be wrong on that one.

Let's see, Jim is switching to phone. Okay. Steve, did I accurately state that? I don't want to make statements that -- it's from my recollection and I could absolutely be wrong. I don't know if anyone wants to jump in at that point that may be a little bit more familiar. Yep, Steve, please?

Steve Chan: Thanks, Jeff. This is Steve from staff. I was actually hoping you could restate that because the phrasing that you put into use there didn't quite click in my head. So I was hoping you could restate that real quickly and then me or hopefully some people that might be more expert and I might call Barry or Donna to provide expertise as well.

Jeff Neuman: Yeah, sure. So Anne had raised a comment that said the report needs to indicate that the levels of support for each of the recommendations, which I said we would absolutely do in the format that it's asked for in the guidelines, which is to indicate full consensus, consensus, majority support -- I'm probably missing a whole bunch of different ones, but that we will certainly specify those. That the GNSO Council then gets the report. The working group can also indicate whether it wants all the recommendations to be considered as a, for lack of better word, a tapestry and to not do kind of line item acceptance of recommendations or not. But it's my belief that the GNSO Council -- so let's say there are issues where we may not have consensus, it's my understanding that the GNSO Council can decide whether to forward those recommendations to the board or not with of course all the supporting documentation. But it's not my understanding that the GNSO Council can then decide, well we know it's only got

majority, so we're going to recommend to the board that they adopt that, or we know that there is 5 positions, each one has equal support and the Council is going to recommend you go with option 1. I don't think that's what the GNSO Council does. But I just want to make sure that my understanding is correct. Steve, please.

Steve Chan: Thanks, Jeff. This is Steve. I'll take a first cut at this and we'll see if anyone else wants to jump in. But my understanding is that in general the Council is going to adopt and forward recommendations that reach the level of consensus or full consensus primarily. So I think you might be right that they could in fact do something, they could forward recommendations that don't achieve that level of consensus, if there is divergence or something to that effect. I think they could in theory do that, but I don't think that is generally what they would like to do or that they generally do as a practice. Thanks.

Jeff Neuman: Thanks, Steve. Donna, please.

Donna Austin: Thanks, Jeff. Donna Austin from Neustar. So with my (inaudible) Council hat on, obviously the general sense of the Council is to adopt whatever comes forward in the final report from a PDP working group and put that forward to the board. So whatever recommendations are contained in the final report are likely to be approved by the council and go forward. But I would say that the Council has had a lot of discussion in the last 6 months in particular about what is its role and how does it -- is it simply to understand what's being done by a PDP working group? Or if there are concerns about some of the recommendations, does the Council have a role to challenge those? And this has been in the context of the PDP on IGO-INGO curative rights. So putting the topic aside, there has actually been a lot of discussion within Council in recent times about the role of the Council when it receives a final report from a PDP working group. I think absent any controversy or real concerns that come forward potentially from members of the working group, I think the general sense of the Council is to adopt the final report and the recommendations contained in them. Thanks.

Jeff Neuman: Thanks, Donna, that's helpful. And just going back to the 2007 final report from the new gTLDs, the working group, granted that was a working group of the Council. So can you guys still hear me? Sorry, I think -- I don't know if I got lost there. Okay, I'm going to try to using speaker because I think this a little bit better. Can you guys hear me? Sorry, just doublecheck. Yes, okay, cool. So the 2007 final report that had recommendations on obviously the program that was launched in 2012, I will note for the record it had unanimous approval to forward the report to the board. But each of the recommendations did not have consensus. Most of them did, but there were pieces in there that had minority views from different constituencies. They were called constituencies I believe at the time rather than stakeholders. So it could still go forward with that as well. So it's not necessarily that every (inaudible) unanimously in the report or adopt by consensus of the report. Where the (inaudible) recommendations that do not necessarily all have consensus. So I think that that's something that may likely happen in this case. It would be extremely rare although we would love it if we could get consensus on every recommendation. What I think is probably more

likely is that there will be a report where there will be a lot of things that we come to consensus on and some where there may be majority support and some where they be just a bunch of divergent views. That does not mean that the Council will or could not funnel that unanimously to the board. But in those cases where there are divergent views or perhaps not a consensus, then we should be (inaudible) of how to resolve those level of issues. I think the board's concern is that they do not want to be stuck with issues I'll call in limbo where they're just (inaudible) nobody from the community has given advice on how to resolve those. Those could (inaudible) board will decide. Or it could be some other approach. But we do, should be seeking advice from the board on how these issues should be resolved.

Going next to the chat and I see Anne's comment. Let me see if there's anything before that. Nope, okay. Donna makes a good point. (Inaudible - audio breaks up). Am I still inaudible? Okay.

Christopher Wilkinson: That's actually better. Thanks, Jeff. That's better.

Jeff Neuman: Okay, sorry about that. Basically, just indicating that the Council needs to -- they're not going to rubberstamp what we recommend. They are going to look at what we've recommended and if for some reason we're not following what the board guidance was, they are certainly going to be asked about it, so we need to give an indication of how we are addressing the board comments. And Jaime says we've got to include issues raised by minority interests in the ICANN community that are left unaddressed or create further disadvantage simply because existing policy status quo places the benefit with the majority. Jaime, I think when those issues come about, I would make sure that or hope that the minority has successfully made their position known and could articulate if it does still end up being a minority position, does articulate that well in a narrative that's attached with the report.

Let's see, is there any other comments here? As Donna said, her sense is that the Council is reluctant to debate issues that were discussed by a PDP working group and where recommendations are made. Okay. That of course is assuming that there is no procedural difficulties or things that just didn't go right within the group. So if for some reason there is any kind of allegation of a group procedurally not working well, the Council may then address the concerns. But absent those kinds of difficulties, I think Donna is absolutely right.

Okay, I think we're going to put a pin in this. I think this is a good place to stop. I do want to get to the one issue in any other business and then I'll ask for others. But unfortunately, Emily is not here for me to thank her in front of the full working group, but many of you know Emily is on maternity leave, actually that started last Friday. So we wish her the best and early -- well I'll just say good luck. Some people are superstitious and don't like to say congratulations beforehand, but we certainly wish her the best and to have a restful maternity leave. Hopefully she's not listening to this because that's the point. I want to thank her for everything she has done. As Cheryl said, I hope she is not listening. We

wish her the best of luck and I'm sure you can wish her luck as well. I'm sure she would love to hear from you, but hopefully she's not reading email either.

So is there anything else anyone else wants to add for any other business? Can anybody hear me still? My audio is going in and out again. There is some discussion still on the last topic, so we'll make sure we get those for the transcript. Anybody else have anything to add? People are typing, just making sure.