

**ICANN  
Transcription ICANN Kobe  
GNSO New gTLD Subsequent Procedures Part 1  
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Julie Hedlund: Welcome everyone. This is Julie Hedlund from ICANN staff. Please do finish your conversations and take your seats. We are beginning this session now. This is the GNSO New GTLD Subsequent Procedures Full Working Group Meeting 1 of 3, beginning now 13:30, going to 15:00 today, Saturday, March 9, 2019. So thank you all for joining, and at this point, I'm going to go ahead and turn things over to Jeff Neuman, co-chair of the PDP working group. Thank you.

Jeff Neuman: Hello, sorry about that. This is Jeff Neuman and Cheryl Langdon-Orr. We're just getting her computer set up. All good? We're good. Okay, yes. Thank you for attending and this is the first of three, as Julie said. We will have two sessions today. So the first session will go until 3:00 and then the second one is 3:15 to 4:30 or 4:45? 4:45, okay. So we have a lot of material to cover and this is intended to be very participatory, meaning please get engaged. We do these sessions at ICANN face-to-face very rarely, or, well, I mean we do it at every ICANN, but we only meet three times a year. So it's great to have as much participation as possible.

So this first session will be going over the status of where we are and things that we still have to do. Then we'll get into a couple of the issues that give some examples of the summaries that we're in the process of doing now. And I'll explain that when we get there. The second session then we'll jump into a couple of areas that are open issues that may have impact on a number of aspects of the program. And we have not yet really spent a lot of time, well, with respect to the first one, it came in the form of a comment from the board talking about what it means to close around. And then the second topic is more of trying to nail down some specifics of a recommendation that it seemed like from the comments we -- that came in -- that there's agreement with or a good level of agreement with. And then we all know that there's some more details that need to be figured out, and that deals with a limited appeals mechanism.

So that's the way we're going to spend our two sessions. What's that? Oh, I mixed them up. I'm sorry. The open issues are the first session and then the second session is the how the summaries come together. Thanks. Sorry about that. Anyway, we'll all see when we get there. Yes, sorry about that. Next slide please and it's blank. Well, my next slide is not blank. There you go, current status.

So as everyone should know, at least those of that - let me take a quick poll. How many people in this room are participants in the working group?

Cheryl Langdon-Orr: Who's suffered along with us all? Put your hands up.

Jeff Neuman: Or leaders. Okay. So it's a good amount. That's great. Thanks. So there are some new people here, which is good. So we did an initial report. Actually going back, we actually started this PDP several years ago, 2015 I want to say. So '16, okay. But we had another group that was discussing the issues in 2015. All of that -- those discussions -- culminated in, after several comment periods, we filed an initial report mid-last year. Comments came in

at towards late summer and early fall, if you're in the northern hemisphere, before Cheryl hits me.

What we did then is we divided up into three subgroups, subgroup A, B and C, which each handled different aspects of the new GTLD program to evaluate the comments that came in from the perspective of do we understand what the comment is saying, do we have to go back and ask questions for clarity. It wasn't really a substantive discussion on whether we agreed or disagreed with the comments, but it was just really a way for us to make sure that we understood the comments that came in.

Concurrently with that, we also released a supplemental initial report on some of the issues that we did not thoroughly cover in the first initial report and that went out for comment, and those comments came in at the end of last year. So we are analyzing those comments as a full working group as opposed to breaking out those issues into the relevant subgroups. And I am happy to say that each of the subgroups have now finished their work. So I do not know, two weeks ago, if that would be the case, but each of the subgroups now have finished talking about the comments that came in. And we are now ready to start the next part, which we'll talk about in the second session, which are the summaries of the comments.

We also just want to make sure, although we're not talking Work Track 5 in this particular session, that was the subject of the meetings this morning. There is a separate work track that's talking about geographic names at the top level. They also published a supplemental initial report and comments were due in, I think at the beginning of February or at the very end of January. And we have started - the work track has started to analyze those comments, and you probably, if you were here this morning, heard some of that discussion. So they are on their way.

If we go to the next slide, while I try to look at my own copy here. So the working group expects to - as I said, we finished the subgroups before. So

now, it's really time to get into the substantive discussions about the public comment. And of course, our goal, as always, is to reach consensus on topics, or I should say reach conclusions on topics where we believe that consensus is possible. We fully recognize that there are a number of issues that - I'm hoping it's not a large number, but there are a few issues that it is apparent that it will be difficult at this point in time to reach consensus on without...

Cheryl Langdon-Orr: Protracted discussions.

Jeff Neuman: Without protracted discussions. But also I think one of the things and the point I'd like to try to make in this session, and I will keep making is that we are now at a point where we fully understand the position of every group going in and everyone that's submitted comments. And we fully appreciate all of those views. But we would strongly encourage, and I think I've said this a couple times to a couple different groups. So we understand what your ideal position is and what you would love to see.

Now, I want to try work on what we can all live with and I'm hoping that those two things are not necessarily the same. Because if everyone just, and every group stays within its own position and its own silo, it's going to be hard for us to get to consensus. So a lot of these subjects as we go forward, I'm going to be or we're both going to be playing devil's advocate. We're both going to be trying to push. It doesn't mean we disagree with your position at all. We're just testing the waters to see if we can get to a position where consensus is possible.

So ultimately, at the end of the day, it's Cheryl and my job to try to assess the level of consensus within the group. Of course, we will share that with the group and hopefully, we will get agreement from the group that that is where we stand. But that is the responsibility of Cheryl and I within the GNSO operating procedures, and hopefully we get it right. We know that we're not

going to make everyone happy, but we have to accurately reflect what's going on.

Cheryl Langdon-Orr: We've got Kathy's hand up.

Jeff Neuman: So Kathy and let me just see, is there anyone else after Kathy? Okay. Kathy please.

Kathy Kleiman: What you're saying is really important so my question can wait until - okay. So before we leave the subteams, I have a question for you. That process was a fascinating process and your co-chairs did an amazing job of going through the comments and seeing where the consensus was, where the new ideas were. Well, not consensus, sorry, what the responses were. But at one point, actually, various points during those calls, there was a request for clarification and the idea was to go out to certain groups and say let's ask for more clarification on that.

And I understand that you got some responses back on that. But for some groups, as we established in one of the last meetings, they never got the requests. There was a breakdown of communication. So noncommercial stakeholder group was one of those where there were a number of places where it was said along the calls, we need some clarification. We'd like some more details. Can someone explain. And those requests never came in officially to non-commercial. And since I knew that they were supposed to be coming in from staff, I didn't write them down separately.

And so we need - what we said in one of the last subteam meetings was we're going to continue that process. So I just wanted to let you know noncommercial stakeholder group is still waiting for those requests for clarification from the various subteams. I think it was on different spreadsheets and we're happy to respond when we get those.

But just wanted to make sure that we can still include some of that when it comes in.

Cheryl Langdon-Orr: Thanks, Kathy. Cheryl Langdon-Orr for the record. And one of the advantages of doing the triage, this sifting and sorting, because that's all it was, looking for trends, ensuring that things were unambiguous, and if they were in any way ambiguous having the opportunity to ask for clarifying questions or more details is because as we track that in the spreadsheet tool, and therefore it's not lost. We just have to get - to go through the spreadsheet tool, everything then still goes through to the full PDP.

All we're doing with the triaging is an attempt to streamline and have a part of a toolkit that the full working group can use to almost see the cliff notes on what the group, A, B, and C have managed to trawl through and find. There may be no themes. There may be a theme. There may be absolute agreement. But rather than go through the hundreds of pieces of input with the full PDP, the critical analysis still stands with the PDP. So providing we get the clarifying questions for your group back off and to you in a fullness of time, we have plenty of your group representing themselves in the PDP.

So all is not lost. Fear not. Jeff and I - I just mentioned a reasonable amount of what on earth are you two on about when we did ask to have a contact, a little L liaison point and it was written - it went out there saying we would like, as a PDP, to be able to have a point person, which we call a little L liaison that will be attending the A, B, and C meetings that we can direct these questions to. Maybe that was too radical a concept for then everyone to realize what we were on about. But now you all know, so next time, really important to get the name back to us. Thanks.

Kathy Kleiman: Thanks, Cheryl.

Jeff Neuman: Yes, thanks Cheryl. And so yes, in some of the groups, some of the liaisons, I have to commend the ALAC. Justine, is Justine here? I'm sorry, you're

next to Kathy. You've done a fantastic job in getting to the ALAC and getting comments back to us. So some of the groups have done better than others but what we're doing now, like everyone else, is we're going through spreadsheets to make sure that where we said that there was clarity that we are doing some follow-up with that and making sure.

But it may be piecemeal. It may not be everything at once, like on one document, but we're going to try to get out. In other words, we might go through one week some of the stuff from A and then send a note out to, let's say, Robyn from the noncommercial because I think she was designated as a little L liaison. So we might say, well, look, we're still seeking clarity on these couple things. Can you let us know? So it may not come all in one piece but we're going to do our best as we go through it.

Okay. Let me just try to see. Cheryl, I think we left off at determining consensus. We probably can go to the next slide. So this is a timeline that we...

Cheryl Langdon-Orr: It's a dream.

Jeff Neuman: Yes, the dream. Thanks. This is a timeline and there should be another timeline on the next slide -- don't go there yet -- which talks about where we expect to be or would like to be, and also has Work Track 5 as well on there. And what you'll see is if we did not do another public comment period, we would need aim to be done by Q3 2019. So that's six months from now, something like that.

So that was the ultimate. We'd love to reach that the timeline. We are starting to recognize more and more, if you can go to the next slide, that we're probably going to have another additional public comment. But I'm going to stress this, the additional public comment will be narrow. It will only be on those issues for which there was not an ability to have public comment on. So to the extent that we come up, let's say, with a compromise solution,

or to the extent that we got a new idea that was suggested by one group or one person and the working group loves that idea and wants to adopt it, then that might be something that goes into that public comment. Where there were, let's say four options presented and the working group chooses to go with one of those four options, we're probably not going to have a public comment period on that because that was already subject to public comment period.

So you can see that it's a fairly short public comment period and a short timeline if we look at that. These slides are available, I believe, on the meeting site currently. Yes, no? Sorry, they're sent to the working group and they're available or should be available on the meeting site where you can find the Adobe link. Correct.

So this is probably the more realistic timeline and I think ultimately, at the end of the day is not going to push back too many things from where we originally had it. I'm going to say from a personal level that I will push the group very hard to meet these timelines and Cheryl will as well, I hope.

Cheryl Langdon-Orr: I'm pushy.

Jeff Neuman: So we are very intent and we know that a lot of groups and people are not happy with how long it's taking and a few are actually not happy with how quick it's going. But at the end of the day, these are the timelines that we've committed to the GNSO Council and this is not out of any other motivation, at least on my behalf, as far as meeting these timelines. And we will push and push.

So we have a comment over here and then Donna.

Cheryl Langdon-Orr: We've got Sarah over here and then Donna.

Jeff Neuman: Thank you, Sarah then Donna.



Sarah Langstone: Thank you. Sarah Langstone from VeriSign for the record. So I appreciate that you say that the public comment is going to be narrow but based on the fact that the current public comments to the interim report have now been open for eight months, do you really think that four months is realistic? And I say that because it's so difficult to get budget for these things when you're trying to figure out when you're going to have to start launching new GTLDs, or launching pursuit, or telling customers when they might be eligible to apply for these things.

I've just really got a big question mark over that four months.

Jeff Neuman: So the question, just to repeat, is it realistic. I think it is. I think we've proved that, and I'm not saying this is an EPDP or anything like that, but I think we've proven that when the community really wants to work towards a date, we can. I think four months is very reasonable if we are successful in narrowing down the issues for which we're seeking public comment. So at this point, I do think it's reasonable.

Sorry, we had a comment over here and then to Donna, sorry.

Collin Kurre: This is Collin Kurre for the record. Thanks for having me. One of the things - so I joined the working group late in the game. I've only been a member for the past few months. We, from the cross-community working party on ICANN and human rights were kind of shadowing (unintelligible) meetings. So here I am in person. I'm the one. So one thing that I struggled with during the first comment period was, beyond the length of the report -- 300 pages is quite a lot to go through -- but it wasn't always clear to me which points were action points that you were asking us to comment on and what were kind of more vague, what do you think about this, let's get some community input on this topic, things like that.

So it seems like a good idea to me that you would have a second public comment to maybe try to rope in some of the more freethinking responses that you would have gotten. But I think that it's important for this next public comment period to be very targeted with the actions that you're asking people to comment on and really give a clear view of what the next steps are.

Because I have, just doing desk research and sitting in on the meetings for the past couple months, it hasn't become very clear to me what the next steps will be or what the course of action is. And it's made all the more challenging because we've had subgroups, and plenaries, and it's just been very difficult to keep up and to understand what the course of action is. And that makes it, in turn, very difficult to give an informed public comment on what my opinion or my organization's opinion would be on that. Thanks.

Jeff Neuman: Thanks and welcome. Yes, I think if you just joined the last few months, I could completely understand it's got to be overwhelming and yes, because it was a review of public comments. I would love to talk to you afterwards maybe on what we had in terms of the initial report. Because the way that was structured was it was structured with questions for - it literally said questions for public comment and had some questions on there.

If there are ways we can improve it, that would be great and certainly let's talk afterwards and see how we can make that - we can always make it better. So thank you. Donna, I think, was next, and then Jim.

Donna Austin: Thanks, Jeff. Donna Austin from Neustar. So I understand the rationale if we go to an additional public comment process. But is there a - can we set kind of - if it's only one or two issues, why would we do it? Because I don't think - I take Sarah's point but I don't know that if it's a couple of minor issues that aren't going to impact the overall path that the final report is going, I don't see any value in spending another four or six months on it. There has to be a point where we can see the kind of end game and I think there has to be, within the working group itself, I think it will be helpful if there was a

discussion about whether we think this is worth the effort of going out to an additional public comment, and whether we would actually get any benefit out of it.

If it's half a dozen issues, I'm not sure that I see the value. If it's two or three substantive issues that could potentially change the course of where the final report is headed, then maybe there's value in doing that. But I'm really concerned that we would go down that path of doing an extra six months work when there's really no value in doing it, given we've already been talking about this for four years. Thanks.

Jeff Neuman: Thanks, Donna and it's almost like you gave me a queue to what I wanted to talk about next, which is in our work plan, we do have, which we could - well, we have a link to our work plan on our wiki and we talked about it in a previous meeting. But in our work plan, there are a couple of sessions that are devoted to discuss that exact issue, which is why I keep kind of hedging as to whether we're going have a public comment period, because ultimately, this is hopefully a decision of the group and not just my decision or any one individual.

So I agree with you that we will. And we may conclude that, you know what, this is really an implementation issue that should really be more of an issue for an IRT afterwards. But then you've got to weigh the pros and cons of, okay, do we really want to wait that long if we know that this is an issue. So there's lots of puts and takes. But as far as I'm concerned this is my line in the sand. If I'm doing this particular PDP working group after that date, I will - not going to be happy. So that's the date we're going to push towards and I understand there's comments on both sides of being too quick and too long. So we're just going to try to make it work and take it from there.

Jim, please.

Jim Prendergast: Sure, thanks. Jim Prendergast. I had two comments or questions but I guess a third, just real briefly, Donna, just in response to your question. I think I would use the example of the proposal that you put forth on behalf of Neustar for advancing around where brands go first. While we talked about that in general terms about some things accelerating, I don't think there was any definitive proposal put to the community during the public comment period that that's what we would do. So I would use your proposal as an example of something that probably should go back to the community after we've - if that's what the entire group decides is a path forward, and get the temperature of the community on something like that. So I think that's one thing that probably would warrant another public comment period.

Collin, not to put you on the spot, but at some point, could we give her, like, a minute or two to describe the work that her group was doing as it pertains to this? Because I know those of us who are on the calls on a religious basis know, but there's others in the room who probably don't know.

Collin Kurre: Sure. So like I said earlier, we were part of the cross-community working party on ICANN and human rights, and we actually assembled a small group to begin testing out different mechanisms or ideas for work stream 2 implementation. So this is coming from a different part of the catalyst. And we were looking at ways to begin trying to operationalize the human rights core value that ICANN will respect internationally recognized human rights as required by applicable law.

And so one of the things that we were looking at was trying to develop a mechanism for human rights impact assessments. And our working party members decided that subsequent procedures was a good place to start. So I can - I'll get in the Adobe chat when I get done speaking and I'll post the links so that you guys can have a look.

So it was great to go through the - to be in the public comment review period actually, because it was helpful to kind of be able to collate different rights

related comments that were coming from the community from groups like the NCSG, Council of Europe, public interest community, places like that, and put them all in one place to be able to kind of see either pros or cons. And then ideally, we would like for this work to feedback into either the subsequent public comment period or the work of the PDP - the continued work of the working group.

And some of the main issues that we found were around applicant support processes, community priority evaluations, dispute resolution, fees, predictability, and public interest. Those were the kinds of things that we kind of veered on at the offset. And what this mechanism is ultimately intended to be for the rest of the ICANN community is a way to kind of track these concerns and gear them towards making public comments. So kind of describing negative impact scenarios, salient rights, potential applicable law that might be relevant to that.

And then ultimately, this is kind of meant to be a little bit of a formula so that different interested actors can see which issues that they're concerned about or contribute issues that they concerned about and then use this information to make robust and informed public comments. Thanks. And if anyone has any questions, I'll be around for the rest of the week.

Jim Prendergast: And she didn't pay me for that setup either. And then I guess, Jeff, the final thought/question is I understand you're thinking I partially understand your thinking that if during the initial report you put out four choices to the community for them to comment on. I would say, one that, if we had been up front in starting that as part of the public comment process, I think you might have had some different reactions from people in the community if they were "voting" on one of the four, instead of just voting on ideas and this may or may not be one of the final selections. So that's one issue I have with that.

And then the second is when you do have sort of a choice of two or choice of three, where we go with one but it turns out to be the minority position when

you add up the other two, if you're counting noses, how are you going to handle that situation? You could have a situation where something that garners 25%, if you've got four selections and one of them has about 25% level of support, the other three have 75% of opposition, how are you going to market test that with the community without going back out to the community to get their feedback on what you'd finally choose as the recommendation.

Jeff Neuman: Thanks, Jim. Excellent questions. All difficult and thanks for putting me on the spot. No. Let me take a step back. First of all, it's not going to be my decision or Cheryl's decision as to which option we pick. It's a working group decision. So if the working group believes that yes, that maybe the best solution is one that was proposed by one person, let's say, then that's what we're going to do as a working group and we justify it in the report and then we move forward.

I think what we need to realize is that in the operating procedures there is no required public comment period after the initial report. So any future public comment period that we do, and frankly, all the supplemental ones we've done are voluntarily decided public comment periods. So there's no requirement that we have to do it. But again, if we do a public comment period, it's going to be a decision by the group. It's not going to be forced on by me or by Cheryl but it's going to be a group decision. And it really should be something that, I think the way Donna said it, really should have a benefit, really a good public benefit to do that and that would outweigh the costs.

And we also have to realize that we can't just have public comment period after public comment period and go around, and around, and around. I know that this community, when people file comments, they tend to file their ideal position and rarely indicate that they could live with a position. I notice that some of the groups did in this last round, but most groups don't do that and I think that's probably something that would be helpful for the multi-stakeholder process and not always assume that we're going to have another public comment period if we don't get the option that we necessarily went with.

So again, these are all factors we're going to weigh in a couple months when we decide if we should have another public comment period.

Cheryl Langdon-Orr: Can I just check, Sarah, is your hand still up for a new intervention? So then it's you and then Kathy.

Sarah Langstone: Thank you so much. Sarah Langstone from VeriSign again. And I totally get Donna's point that if there are not a lot of new concepts to put forward to the public then why do it. But there are dozens and dozens, what, 50, maybe staff know how many new ideas have been put forward. And obviously, not all will go. But 50 or 60. That is a lot. So that's kind of why I was calling that out and perhaps suggesting that that timeline was going to be really aggressive.

Cheryl Langdon-Orr: Cheryl for the record. We'll just have to encourage the plenary working group to be brutal in what they do with the material they've got. They're going to have to be encouraged to make some smart choices. Like Jeff, I assume, many people don't want to be here, I certainly don't, want to be here ad nauseum and forevermore because it just pushes that any next steps. So let's be smart. Let's agree to be smart about what we do with the information. Just because someone's popped it up the flagpole doesn't necessarily mean we all need to salute it.

Okay. So then we've got Kathy and then we've got Donna.

Kathy Kleiman: Kathy Kleiman. So the initial report was a hard report and I wanted to suggest maybe it was slightly misclassified. Because when I think of an initial report in a PDP, it's suggested recommendations and they're normally pretty concrete. And so you put them out there. You say, here's what we're thinking. Here's why we're thinking it. Here's the proposal. Tell us if you agree or why you disagree if you don't but this is what's going forward.

For lots and lots of very good reasons, you put out a very comprehensive set of questions that a lot of people with a lot of expertise brought different answers to, including a lot of new ideas. But it was very hard for a number of other groups to approach, which is why we had that problem in the subteams that a number of groups didn't go down into all the very, very detailed C point, E point, D point 1 questions because they couldn't. They were trying to address the umbrella issues.

So if you did produce a more traditional initial report, putting out all of the recommendations that the working group arrives at, it would not be logical because it would be the first time the community as a whole outside of the group working in the working group, which I know is a dedicated group, but it's still a small set of both the ICANN community and the internet community as a whole. And we're really creating these new GTLDs not just for the people around the table, but there's a whole future of future registries and communities that will be coming in.

If you did put out a detailed - a traditional initial report with the new ideas, with the whole ideas, with which one of the four the working group is thinking of going towards of the four options, that would not be beyond the pale and that would actually be pretty traditional with what we've done in the past. Thanks.

Jeff Neuman: Thanks, Kathy. I've not always been described as traditional. So I like doing new things in different ways. Certainly what we're doing and we're proposing is in line with the operating guidelines. And I understandably group, some groups have done it. I'll note for the record that the EPDP didn't even have a second comment period at all. And it's not because it was an EPDP. The bylaws from the point at which a group is selected - both the bylaws and the operating procedures are identical after the group is selected.

So look, we're trying to make this multi-stakeholder group work and we're going to try different ways. We've tried a lot of new things and we have plenty of time to talk about whether we're going to do a public comment



period and what it's going to be on later. That's not really the subject of today but we understand and we will get to that subject.

Cheryl Langdon-Orr: I'm just going to grab the microphone briefly. Thanks, Jeff. Cheryl Langdon-Orr, for the record, Kathy, as you know. The record needs to show. We hear you and it's not a voice we haven't heard before. I don't mean yours I mean what we're hearing from your voice. We've heard this before and that's why I guess Jeff and I, we're not jumping to Donna saying, (unintelligible) let's not do it. Because we have heard throughout the process that we have, in some people's views, colored not outside the lines but so inside the lines, they're wondering where the edge was.

But we've been careful to follow due process and we recognize we need to now, with the full group, work through some things. That said, when we come out with recommendations in a final report, then that is a set of recommendations in a final report, which still is there for community interaction and response. That shouldn't be lost. What we're doing is getting it to a point where we give it to the GNSO Council. That's the green dot there. It's not and then suddenly, new GTLD program starts the following day. Okay. So we've got to remember what that green dot means as well. There's a huge amount of things that may or may not happen between us passing a document off to the GNSO Council and the next bit of the work, and that's beyond us, luckily. We won't have anything to do with that at all.

So I think we also need to remember that, that opportunity is not yet lost is what I'm trying to say. And I guess the only other thing I would suggest that we also need to remember is we had a scope that was designed to fail and we have managed to not let it do so. All right, I'm serious. This is not drinking from the fire hose. This was being held down and water boarded. This is a ridiculous, well, I mean, you know, it was a ridiculous amount of work that was supposed to be done in a timely manner.

It was poorly designed, for whatever reason, badly scoped for whatever reason, all work that needed to be done. Well, actually most (unintelligible). We are joking, ladies and gentlemen. I love Steve dearly, but, no. So yes, this really should have failed and it hasn't thanks to extraordinary collaboration in community, even when there are deeply held and divided views.

So credit where credit is due to you all. You've done an extraordinary job here getting this far. Don't get too deep in the trenches that we don't realize what's actually being achieved. Okay, enough yay team from me.

Donna Austin: Thanks, Cheryl. Donna Austin from Neustar. And I'd hate to think that we got to the end of this year and we're still talking about this, and Jeff and Cheryl have decided it's time to move on. I mean in all seriousness, I think we have to be mindful of the time and effort that they've both put in and the other team as well, the leadership team. Because I know there's a lot that goes on beyond the scenes that we don't see. So we appreciate that.

I just wanted to clarify in terms of what we're talking about in terms of process. And I think Sarah seemed to, from what I gather from Sarah, it seems that her interpretation was that every new thing that came out of the comments that we've just done will go for public comment. But I think - so my understanding is we will discuss all of the options that were on the table. If one of them falls out that was a new idea then that's what will go for public comment. Okay. Thanks.

Cheryl Langdon-Orr: Cheryl Langdon-Orr again. And please remember, ladies and gentlemen, a second public comment means, wait for it people, a second analysis of the public comment. The gift that keeps on giving here.

Jim Prendergast I wish you could have seen Christa Taylor's face when you said that. Jim Prendergast for the record. So we call another for - a two-finger response to Cheryl, your point about the green dot. I think what might be helpful for those

who are not as steeped in the GNSO procedures and what follows from there is maybe a second slide that shows from the green dot to the right what that potentially looks like and that timeline.

I know that's not responsibility of this group but it does give us a clearer picture of the totality of the process that we are a part of. Thanks.

Jeff Neuman: Thanks, Jim. That's a good point and we're actually - we just had a meeting before this just to prep for - there's a GAC session tomorrow and they asked a similar thing. So we may be putting together something tonight that has that and we'll send it out. I think we've done that in past meetings too. We just haven't converted it to this new timeline.

Okay. Was there anyone else in the queue before we go to the next - sorry.

Cheryl Langdon-Orr: I've still got Sarah and Kathy but I am going to just double check that they do know how to operate the Adobe Connect room and that there's down as well as up hand. Okay.

Jeff Neuman: Okay. Thank you. So there's no one in the queue. So let's go to the second part of this session, right, if I'm remembering correctly with the next slide. There we go.

Cheryl Langdon-Orr: I think we looked at these before.

Jeff Neuman: Yes, that's good. So let's move on. Okay. So this is sort of - this is a discussion that arises out of - well, it's one we've all sort of been thinking about when we've touched on certain topics but it was also one that was pointed out by the ICANN Board in one of their letters, whether it was to the initial report or supplemental initial report. I can't quite remember.

And it really stems out of what they call, and what we've been referring to as the closure of around and things that hang off of closure. But as we started

talking through the subject, it's really not necessarily the closure of around. It's really a milestone that you hit in order to do other things from that milestone. And I know that's really vague but we have some examples.

So what we're going to look at for the next - for this part of the session, and it will be a little bit more clear, I think, on the next slide. But what we're going to look for, essentially, is what elements require this kind of trigger or milestone, and what is that triggering event?

So if we go to the next slide just to bring it down a level to make it a little bit more understandable. So there are questions of when do we - so we've now - let's say we've started the next round. What happened there? So we started the next round and we've gone through. Right now, it seems like the group is, and I'm being very careful how I say this, but it seems like the working group is leaning towards at least one or two rounds before moving to something else, if they move to something else, like a first come first serve. And I'm not saying that that is in any way where the group is heading.

But at least for now, it seems like the group is supporting the notion of one, or two, or three, several rounds, before going to something else or if they go to something else. That being the case, then what was number one on that list is okay, so what is the triggering event as to when you start not this first next round but the subsequent next round afterwards. There needs to be a triggering event. That may be what you traditionally think of as a completely closed round or it may be something else.

The second one, I'll go to my own slides while they work on getting this back up. A second thing that we're looking at is there's been discussion -- there we go, good -- there's been discussion about potential refunds if we've collected more in application fees than what we need. And again, I'm trying to be very general in the way I describe it because there's lots of nuances to that.

But let's say we do as a group determine that, you know what, yes, we now believe we have excess funds from the current round that they're in. There's one option that is refunding that money. There's another option that may be to provide it to some other cause or whatever is. I'm not presupposing the group comes out anywhere on that. But what would be the triggering event to say, you know what, we are now at that point where we can declare that we're going to do the next thing with these excess funds.

A third thing is, and this came up a little bit more in some more recent discussions, that what if - there are still some applications in the system now that are considered not resolved. Again, I'm trying to be very general in the terms. That maybe there was another string that was delegated but for whatever reason, an applicant hasn't withdrawn their string. There is other situations where there are applicants that may still have the opportunity to do accountability mechanisms or are in accountability mechanisms. There are other situations where we don't know why an applicant hasn't actually withdrawn their application.

So they're still considered, I don't want to say pending because I think that has a specific meaning, but they're not completely closed out. So if there a time period where we say, you know what, that string has been delegated. It's been delegated for a year. Maybe we force that application out of the system. Maybe we come up with a time period that says, you know, your statute of limitations on filing an accountability mechanism was up two years ago. So you know what, we're going to require you to withdraw your application.

Again, it's just examples. Not meant to say which way we're going to come out. But if we decide do that, we need a triggering even to say okay, this is - now we're ready to do the next thing. And of course then there's other questions of, well, let's say we do agree that a triggering point to start a subsequent round is not when every application has been acted upon in the previous round. What do we do with items that are still pending? Or what do

we do if there was an application, let's say, or multiple applications for a string, but for some reason that string was rejected either because of some kind of technical reason or some kind of reason where they fail evaluation. Do we allow that string in the next round.

So these are the kinds of things that we want to talk about when talk about closure of a round and get people's thoughts. Because they do impact a number of different aspects of the program, and we do want to see if there are any other - any thoughts from the community on these issues.

If you want to just jump to the next slide before we - so here's the specific questions that hopefully were made clear with some examples. But so what milestones are needed before we start a subsequent procedure? And just again, go a little bit down a level on that. Is it when everyone has completed initial evaluation? Is it not until everyone has been finally evaluated? What is that milestone? Let's start with that one before we jump onto the next one.

So what are some thoughts? I don't want to do all the talking here. Are there any thoughts on this question? Donna, please and then Kathy.

Cheryl Langdon-Orr: And you've got Michael.

Jeff Neuman: And Michael. Donna, Kathy, Michael.

Donna Austin: Donna Austin from Neustar. I think one of the things that I've struggled with when we talk about rounds is the difference between what I have in my head about what's a round and what's an application window. So to me, you could have a triggering event if you - who knows what path we're going down here. But if you had staggered application windows. So one of the things we're trying to do is provide predictability for applicants. So if one of our recommendations here was that we would have an application window that's open for six months, but the next application window would start 12 months

after the closure of the first, then that creates a challenge in terms of what we mean by rounds.

So I have a little bit of a - when we start talking about terminology and you've got up here subsequent procedure, what do we mean by that? Because I think it could be - you could - predictability could be done in application windows. But if we're saying - and the other thing that will impact on this as well. If the next application window ends up with 5,000 applications, then there's a flow on effect for that as well.

So this is a really - this isn't an easy question because I think terminology is an issue and it depends on some of the other conversations we have. If we were talking about what do we mean by the closure of the 2012 round, then maybe that's an easier conversation to have. Because in my view, anyone that applied under the 2012 rules should still go through with those rules. There shouldn't be any - whatever we discuss and decide here should not impact on 2012 applicants. But other people may have a different view of that.

So terminology here is a little bit of a hurdle for me to understand what we mean. So I'm sorry if I'm complicated what you probably thought was an easy question.

Jeff Neuman: Thanks, Donna. No, I think you have elaborated a lot of the questions in all of our heads. But let turn it around. What do you think it should be? So you've done a good job laying out the questions. What we want to hear, and I agree that those are all questions, what should it be? If you were the decision maker, what would have it be?

Donna Austin: What's a triggering event for closing off a subsequent procedure?

Jeff Neuman: I would think of it as, yes, what is the triggering event to start the next application window. Make it concrete. Not judging from 2012. Sorry. Moving forward. Don't think about 2012 because, yes.

Donna Austin: So moving forward - so in mind, you do it based on application windows. So you would have an application window that maybe starts on the 1st of January 2020 and that application window closes after three months. But the next application window starts 12 months - so the 1st of January 2021. So you really don't necessarily have an end to a round. It's a rolling process. So I guess that's what I have in my mind. So you don't need a triggering event because it's actually a rolling process. But obviously, others will have different views on that.

Jeff Neuman: Thanks, Donna. That's what I was looking for. And I'll go onto the next one but think about whether your answer would be the same regardless of the number of applications.

Let's go - I have Kathy, Michael, and then there's a comment in adobe.

Cheryl Langdon-Orr: And then back to Collin.

Jeff Neuman: And then back to Collin.

Michael Flemming: Thank you. Michael Flemming for the record. I'm addressing this as a participant. So building on what Donna said, I think one of the big aspects in this aspect of closure, first of all, what does closure mean and what does it symbolize? I mean we're talking about the closure of a round but we still have a lot of hangover elements and I think it's hard to just define closing off the round as Donna was pushing towards as there are certain aspects that are going to continue on even once a round has already been closed off.

And when we look at that - when we have subsequent procedures from years on and we have several rounds from here on out, each round will have to be



subject - sorry, this is - each application that comes out of a certain round will have to be subject to the rules that it was basically built upon and that goes the same with funds, as well as other elements that would be kind of hanging over and we cannot, in the future, even when we do more policy development to review a certain round, hopefully we don't have to go over four years of policy development every time.

But it will have to stick to those same rules. And we have to look at the 2012 round in a very similar manner and build from that. But as Donna said, you're not going to be able to cut off directly all the certain elements that are hanging over from the round as we have with the 2012 round as well. We have to set dates and we also have to set kind of a weight of some kind, I think. Because if we have 5,000 applications that come out of the next round, I don't think that we'll have the processing power to do that again in two years. I think at some point we'll have to ask a question of what specifically can we consider the breaking point that we're ready to have capacity to move on towards that next round, rather than just a date itself.

Not saying I want to do a whole review process of all this, of course. But we'll have to be able to answer the question that is kind of the moving forward point, if that makes sense.

Jeff Neuman: Thanks, Michael. So I'm going to do the same thing I did to Donna. You did a very good job of defining a lot of questions and in fact, you notice that we don't use closure in the questions but more as triggering events. So is there really a need to define what closure means as opposed to looking at these individual elements.

So looking at number one, I'm going to ask you the same question. At what point within a round are you comfortable setting some sort of milestone that you could then begin the application window of the next round?

Michael Flemming: So going back to that element principle, I think we have to sort out the key elements that are hanging over currently and then we have to build upon that for, of course, though subsequent procedures that come from here on out. And we have to set kind of a limit on each of those. At what point does this element - is it kind of ready to move on. The words don't come to my head that I'm looking for. I think (La Mita) is the perfect word in Spanish but I don't know - the goal line or something like that.

But it has to be addressed in accordance with each of those elements. We can't just say that we cap it at one term of closure, like that's why it's kind of unclear and obscure for me to just say closure. It's each of those elements and they have to be graded. So basically, it has to achieve some point, each of those elements. So I say organize them into their different categories and then see how you can quantify them or qualify them to be ready to move on. And I think that's the best way to move forward.

We're doing this as the first block right here and asking the question. So I think the answer to the first question is in the subsequent questions themselves.

Jeff Neuman: Okay, so I'd say that's a different answer than Donna because Donna said that the milestone would be just to date and that she would be comfortable. What you're saying is that there are other elements other than just setting a date or just starting that you believe should be in place.

Michael Flemming; Yes. I agree with Donna in setting dates but I also think that there's capacity power as well. Because I mean we've seen from ICANN itself, ICANN has grown into a very much larger organization with the new GTLD 2012 round and a lot of people seem to have a bit of issues with that, and a lot of staff get built on there. And over time, it kind of builds up and then it closed down, it builds up, it closes down. It's like a slope. But if you're just on the hill and then you're ready to have - it's like you're fighting uphill kind of. You're processing everything and then all of a sudden, you have the next

application that comes out and you get bombarded with a bunch of other attacks from above.

Jeff Neuman: Okay. Thanks Michael. We have a couple people - Kathy, because Kathy yielded to Michael. Then we have a comment in the Adobe. We have Collin and then we have Justine.

Cheryl Langdon-Orr: Justine's apparently is a response.

Jeff Neuman: Okay. And also, just Sarah, can you turn off your mic. I think - it's not like we heard anything.

((Crosstalk))

Jeff Neuman: Thanks. If too many people have their mics on.

Justine Chew: This is Justine. I just wanted to ask a supplemental question of Michael. You talked about elements. Can you give us examples of what you mean please?

Michael Flemming: One element, for example, would be auctions, okay. If we look at the next round, without referencing exactly what we've developed in policy as for string resolution mechanisms, because I can only think about one thing at a time, say we have auctions in the next round. If we still have - if we have 5,000 strings, we have 200 auctions. If we only get through 100 of those, okay, before it's time for the date to start the next round, we're going to have auctions for years, and years, and years going on. It's just one aspect. I think there's a lot of different things that go into asking and answering those questions. But it's a way to organize those thoughts.

Jeff Neuman: We do have Kathy, then Collin. Sorry, Kathy, then a comment in Adobe, then Collin.

Kathy Kleiman: Kathy Kleiman. I should identify myself for people who don't know. I'm with the non-commercial stakeholder group. So I have a procedural question and then I have a substantive response. To the procedural question, what milestones are needed to start the subsequent procedure? Wanted to ask what we're talking about is what - I'm going into another comment. What milestones are needed to start the next round, is that the question?

And so my procedural question is are there comments on this? Like can we review what this asks in the report and the requests for comment? So do we have, kind of, things that have been submitted from others that we can think about or are we brainstorming this anew? That's the procedural question and then I have substantive response so let me stop there.

Jeff Neuman: So on the procedural one, first, it's not when we start the very next round. The question is when we start a subsequent round after that, okay, because we're not delving into solving 2012 issues. That is actually outside of our jurisdiction. So it's not when do we start now. It's we've started a round. When do we start the one after that.

The second thing is, yes, we've had comments and so the comments have indicated, from the questions that we've asked, that most comments supported predictability and either a date certain as to when the next round will begin or a formula used as to whether it's - we've gone - there are a bunch of different types of formulas. But it's basically predictability. So we do have a lot of comments on those. But I'm trying to get much more specific. The comments that we got that supported a predictable formula did not go into any more detail and that's why we're trying to drill down this next level.

Kathy Kleiman: Okay. And that kind of review of where the comments are will help those of us who are kind of coming in. So thank you. So I actually think we're going to see 20,000 applications in the next round. We got four times more than we expected the first time so I think we're going to get four times more this time.

And I just wanted to note that from a community perspective, when the registry application process ends, when that deadline hits, the community review begins.

And that's a really lengthy process and if you think about 5,000 or 20,000 applications, that's enormous. This is when the community really looks at the application, when the legal rights objections are filed, when the community objections are filed, when the GAC review is taking place. When the comments from the public sections of these applications are done and the comments are submitted and there's a lot of time allowed for comments from the community. And it's not just the ICANN community. It's the community as a whole.

And so there's a real request for review. And so we have to allow time for that to happen. That review traditionally has created some changes and those have changes have come out again for comment because they reflect all the comments. So there's a huge process of community review. And it's an important one. So I would say closure is when X percent, whatever we decide that percent is, when X percent are delegated. And then the community, everyone can take a big breath and then go onto the next round. Thank you.

Jeff Neuman: Thanks, Kathy. That was specific. So thank you. That was good.

Collin Kurre: Actually that was - I was thinking along similar lines as to what Donna was mentioning about the terminology. Because I do think that there's a lot of conflation between the - sometimes there's conflation between the application window, the round, and then actually the entire process, which I would view as start to finish from the application being filed through to the delegation.

One of the biggest shockers for me in doing this PDP was finding out that there was still some pending applications from 2012. So that round obviously, we've never closed a round yet. So I think that it's important to

make that note. And in terms of predictability, even if we did have very consistently predictable application windows that says nothing for the predictability or the ability to anticipate the actual round or the process in its entirety.

So I was thinking along similar lines as Kathy saying, I have written here, X percentage of applications delegated are trying to be able to see the process through to fruition. Right, or have the endpoint in sight before moving onto the next procedure.

Jeff Neuman: Thanks. And I think - so we realize and part of the reason this issue has come up is because in 2012 still has pending applications. And I think most of the community realizes that that's probably not a good thing, right. That we should probably have had some criteria by which to do some of, well, actually from the last slide, to do some of those things like force some people to withdraw their applications or just to close things out.

So that's what we're trying to rectify. The question is and the comments that have come back though have also not supported the idea that a round should wait until everything is completely all the way through the process, because again, like 2012, we still have some things. So it's about finding that kind of balance and maybe it is X percent are delegated.

So okay, I mean that's a concrete suggestion. So I have a comment from Adobe. Sorry, we missed that one. And then we go to Sarah, Donna, Martin.

Cheryl Langdon-Orr: And then (unintelligible).

Jeff Neuman: Okay. Julie, do you want to read - does someone want to read the Adobe comment. Sorry, I lost my connection.

Julie Hedlund: This is Julie Hedlund from staff and there's a comment from Anne Aikman-Scalese with the IPC. The comment is these questions regarding "closure" of

a round are good ones and demonstrate that this is one of those topics that deserves public comment. End of comment.

Jeff Neuman: Fair enough. Next, we have Sarah, Donna, Martin, Maxim.

Sarah Langstone: Thanks, Jeff. Sarah Langstone for the record from VeriSign. So when you asked Donna her opinion on what constitutes the closure of a round, you said don't think about 2012. And I'm just curious as to why because the RA has been updated nine times since 2012. We've had different changes for pic specs, different changes for Spec 13 for rights protection mechanism updates. We've had changes made to accommodate name collision mitigations.

Now, obviously, the next round is going to be different and you'd expect a subsequent round to have less issues. But I'm just curious why we're not allowed to think about the 2012 round.

Jeff Neuman: Thanks, Sarah. That's a good question and I guess I wasn't clear. When I meant don't think about the 2012, I was trying not to get comments as to when we can declare 2012 closed. I didn't want us to kind of try to develop a mechanism to close 2012. Yes, of course, think about 2012 because we now have lessons learned and we can kind of anticipate the types of things that are going to happen. So I wasn't clear. Sorry about that.

Sarah Langstone: And then seeing as you're asking for personal suggestions, I thought that I would give you some. So first of all, select a method to eliminate contention sets at the outset of the application round. Make sure that you give applicants predictability by doing that. Don't have them hanging on indefinitely like they have done through this particular process. Ensure if there are PDPs with contingencies then they're allowed to complete their work. Ensure that if there are any advisory committees, and they've given recommendations or suggestions, then make sure that none of that gets left undone.

Jeff Neuman: Thanks, Sarah. Sorry, I was writing that down as you were speaking.  
Donna, please.

Donna Austin: Donna Austin from Neustar. So when Kathy said that there would be predicting there'd be 20,000 applications in the next round that was a little bit shocking to me. But maybe that's a good thing and it brought me back to Jeff asked me the question whether my thoughts would change if there were - dependent on the number. And if I go back to the proposal that Neustar put forward as part of our comments, one of the things that we were trying to do is find a way to conduct a round but do it in stages.

So with Kathy's point, the point that there would be a lot of time involved in community revisions, and contention set resolution, and objections, and going through all that information. So one of the things that we were trying to think about is, well, what if we take the lease controversial ones and do them first, right.

So if you think about brands, it's unlikely that you'll have a lot of contention sets. So in the 2012 round, most of those contention sets are in the generics. They weren't in the brands. They weren't a brand, well, I think there was one in, well, there was no brand category last time but there will be, I think moving forward, I think there's a great (unintelligible). With the geographic names, I don't think there were any contention sets with the geos in the last round.

So what we were trying to achieve with the phasing, if you do the round and you have different application windows for the different types of TLDs that we recognize that the contention set is where all the trouble was, notwithstanding we had name collisions that held everything up. So we were trying to find a process that would make it a little bit more manageable. So if you take Kathy's 20,000, if we've got a couple of thousand at a brand, that process should be reasonably quick to get through. And I use quick loosely. But there should be a method that people can move through pretty quickly.



With the geos, if you stay with - I haven't been following that closely, but if there's still that requirement for a letter of support then that's an add on process that you would do for the geos. So you would take that forward. And then when you come to - I think we have communities and generics in the last bucket. Then maybe you've got rid of 5,000 strings in that brand category. Maybe there's another 5,000 in the geos. And then when you come to that last bucket, still 10,000 is a lot but at least you've moved through the process in a methodical way.

And it also allows ICANN to build their processes, yes. So it provides that scalability. So if you go back to the question of does it matter how many applications, this would apply for the Neustar way of doing things. But that was our thought process. So what's the most manageable way to go through this. And our idea was that you would have - this is one round but it has three application windows in it. But what you're doing is building on the process as you go through. And you're leaving the more difficult to the ones at the end.

So I think that would be our way of looking at it. So you've probably got an application window that's open for 12 months but it's done in phases and it's a more manageable process that you work through.

Jeff Neuman: Thanks, Donna. Thanks for coming back into queue and answering that question. We now have Martin, Maxim, and Katrin. Anyone else? Good, okay, Martin, please.

Martin Sutton: So notwithstanding which sort of batch operation could proceed, I'm just thinking that there is still this issue of variables. There could be five applicants, 20,000 applicants. That is a big variable to have to deal with. So could we look at the option of combining a fixed date plus a percentage of pass through a certain stage, whichever is the sooner or - yes, whichever sooner, no, the last to get to, isn't it. So if you haven't quite achieved, say,

50% of a certain stage, you can't trigger off the date limit. You'd have to carry on until the 50% is achieved.

So by having it both - the flexibility of having both options, there is still a reasonable amount of predictability. So if it was 20,000 that came along you're probably going to guess it's not going to clear through sufficient of this stage to trigger off an annual date. But you may have a better indication of when that would be triggered. Because they'll still be going through a particular rate. 50% would be achieved by perhaps to year three. And that will start to even out some of the operational logistics that would entail.

Jeff Neuman: Thanks, Martin. This is Jeff. So that was one of the options that was presented in the initial report and there was some support for that. But it's the 50% have done what is I guess the specific question. Delegated, have been evaluated, have -- at what stage? What is that 50% of what?

Martin Sutton: So I don't know the specific answer but it could be like 100% have to get through the evaluation process or whether it's 50% of delegated. Perhaps there is a couple of variables that you can put in on that, but that gets more complicated. So trying to draw that particular point out still needs further discussion and indeed, a date as well. So I'm sure it will take us some time to figure out is it an annual date or is it a biannual date that we should be looking at.

So I don't know beyond that but it's something that if there's better buy-in to treat the variable issues then we can go down and explore that further and try amongst the workgroup to figure out what that should be.'

Jeff Neuman: Thanks, Martin. We have Maxim and Katrin, and anyone else?

((Crosstalk))

Jeff Neuman: Sorry, and Kathy. Okay. And then there's a question. So Maxim, please.

Maxim Alzoba: Maxim Alzoba for the record, .moscow. If we are talking about rounds, it means we kill the idea of ongoing operations because either you go in rounds or it's ongoing is the first question, if we finally to kill the idea. The second is what happens, for example, we decide that 85% is a threshold. What happens to those who are in 15%, which are left? Are they told, like, yes, no luck this time. You spend all this money but it will lead to a situation where it's pure gambling and it's lots of issues.

Because if company effectively applied to the set of rules from the next AGB or whatever we call it, they paid money and suddenly they're given advice of go away. We spent all of your money. You have no luck. Effectively, the way to - I'm not sure if it's police or some other agency in charge of that, but I'm not sure it's a good idea. Thanks.

Jeff Neuman: Thanks, Maxim. I didn't mean - I don't think we were implying that when you start another whatever it is, round or first come, first serve that you ignore everything else before it. That wasn't really the intention of what we were suggesting. It is something we still need talk about in terms of the making sure - in fact, there was a lot - there was very strong support if not unanimous in the comments about the notion of if you applied under the rules of a specific guidebook, let's say, then that is how you are evaluated regardless of what - if another round, let's say, started under a separate guidebook.

So that is, again, I don't want us to, like, keep creating more and more questions and just try to focus. And this could apply whether we trigger a first come first serve or trigger another round. There still need to be a triggering event and that's what we're trying to see if there are ideas for. And I know we're only getting through the first one, which is completely fine because I think this is a great discussion of what we need to provide some policy advice on.

So Katrin, then a comment, and then Kathy.

Katrin Ohlmer: Thank you. This is Katrin Ohlmer. So one comment or trigger event you might want to consider as well. So if you now look at the applications, which are not beside us yet, some of them are based on the accountability mechanisms, which where, one, accountability mechanisms has been added to the next one. And I strongly urge ICANN to find a solution for ending accountability mechanisms. If not, we will see those applications being hostile for an endless amount of time. So this is a really serious issue.

And another point. While I would love to see the next round rather opening tomorrow than in one year, I still remember this approach by core back in 2008, 2007. I think it wasn't in Seoul. So this green man process make the next step, blah, blah, blah. But it reminds me a bit of the proposal out now to have the different categories and moving forward.

We saw a number of brands being very similar or identical to generic strings. We saw generic strings being very similar to geos and so on. So my fear is that there are so many interdependencies that we of course would have to find new rules and do whatever expedited subsequent procedures just to take care of these potential issues that we might even delay the process instead of really advancing this the regular way of the subsequent rounds. Thank you.

Jeff Neuman: Thanks. So let's go to the, Julie, the Adobe and then we'll get to Kathy.

Julie Hedlund: Thank you. It's Julie Hedlund from staff and we have a question in the Adobe Connect Room for Anne Aikman-Scalese from IPC. The question, should the opening the new application window be dependent on ICANN org's estimate of how long it will take with its existing workload to complete the work on the outstanding applications? Question end.

Jeff Neuman: Thanks. It's a hard question to answer. It's a good question. I will note that ICANN org did file some comments on this particular question that did not seem to indicate that it would. Although it did say that the number of

applications should be a factor, it did not seem to indicate that it would have any issues meeting the demand. But then again, I don't know if they were assuming, as Kathy said, 20,000.

But now onto Kathy actually.

Kathy Kleiman: Perfect. Kathy Kleiman. So wanted to pick up on something Donna was saying and just point out. This idea of keeping rounds open, that different applications coming in at different times I found a little - if that's what you were saying, I found that a little surprising. I was thinking of rounds as part of the community, as a round as a fixed state when all applications come in, so you can begin the review process.

No objection to a triage practice or prioritization process. And in fact, in the first round, we prioritized, if I remember correctly, we prioritized IDNs, the internationalized domain names, first and processed those first. So for prioritizing IDNs, geos, brands. Can't speak for everybody in non-commercial because we haven't talked about it but that idea of prioritization makes sense.

But for the reasons that Katrin was outlining, as well as others, that one date where we reveal everything, first, it creates a lot of publicity when ICANN does it. So that alerts a greater community to what's happening. Plus, there may be these strings that are very similar that if we didn't have the brands and the generics in the same place we wouldn't see that similarity. So bringing everything - opening up everything at the same time has its - works well from a community perspective.

Jeff Neuman: Okay. I know we have a break and we have a couple minutes. Let me just see if I can jump to the - there should be a question on - let me just ask in general. Should we be coming up with a policy to force withdrawals of applications? And if so, under what circumstances would we think about doing that? So Michael, please.

Michael Flemming: I don't think it's the answer. But what I remember was that when we asked the question of whether or not an applicant was just applying to sit on it and to get an extension from ICANN, they had to be actively pursuing towards the goal. I'm not speaking for all the current applications that are open but there has to be some way to objective or to judge whether or not they are actively pursuing towards the goal. Not judging any current open application of course. When we look at 2012. Sorry, we're not looking at 2012.

Subsequently when we do that, we have to - they have to be actively moving towards a goal and completing goalposts and whatnot. Of course, there are some outstanding circumstances, some exceptional rules to that. But again, this goes back to the - no, I'm not going to back to variable aspect because we're talking about forced withdrawal. But if they don't achieve such and such as such by such a date then, we're sorry, but thank you for trying. Please try again in the next round.

Jeff Neuman: Okay. Thanks Michael. Let me a little bit more specific. What about if a string has already been delegated and someone, well, there are a couple situations. One we have, let's say, .africa, right, that's been delegated but there's still another applicant in there that has not withdrawn. Now, there may be some legal challenges or other things. I'm not 100% aware. But then there are other situations where there are no legal aspects, and I can't remember if it was a dot - it was one of the generics that's been delegated for a long time and we have no idea why another applicant hasn't withdrawn. It's probably been three years since it's been delegated. Is it okay at some point to say, you know what, get your application out so we don't still have this in our system.

Michael Flemming: Is this the question of whether or not because ICANN puts an applicant and will not proceed, it's not the same as an applicant withdrawing. They actually have to actively withdraw in order to say it's killed off? Okay, that is a big question, isn't it?

Jim Prendergast: I don't know if you're going off the Adobe room or not. I've got two hands up, one in person and one in the room. I don't want to skip the line if Maxim. People are running out of the Adobe room. All right, so real quick because I am the person standing between us and caffeine. One thing that you could do is just cognizant to the point that Michael said, hey, applicant X, you've got 30 days otherwise you will forfeit the remainder of the refund that you might get from withdrawing your application unless you can document to us in writing why you haven't withdrawn your application. Then it's a case-by-case basis.

Jeff Neuman: So I have - let me just double check. Maxim, is your hand up? Okay, Maxim then Kristine.

Maxim Alzoba: Maxim Alzoba for the record. The thing is just not about public comments made by ICANN. ICANN is not part of ICANN community. Because they have operational procedures allowing them to change whatever we do at the implementation stage and having two bites on apple, it's a bit fishy.

So they shouldn't be regarded as usual public comments just note.

Jeff Neuman: Kristine please.

Kristine Dorrain: Thanks, Kristine Dorrain. I would like to apply the Jeff Neuman rule to this. What's the harm? Why do we care? If there's no harm in leaving this open, the people aren't getting their money back, ICANN is not - it's still a blip in their system. Why do we care?

Jeff Neuman: Okay. So applying my Jeff Neuman rule, we do care because it relates to the question of if there were things like refunds and other triggering events, only when a round is closed, if there are, like for example, I wish I had the chart in front of me - but there are several applications in there for names that have

been delegated years ago. And if we ICANN cannot issue refunds, let's say to applicants, until everything is cleared out of their system, then it matters.

It may not matter if we set a different milestone, but - so that's why it potentially matters.

Kristine Dorrain: Thanks. That's very helpful. I actually appreciate it because I wasn't trying to be smart. You know me. I'm a fan of the Jeff Neuman role. I first want to know what harm we're fixing. But I do support Donna's suggestion. I'm a fan of the rolling milestones. I like the sort of Panama Canal theory, like people just queue up. You let as many as you can in, close the door, out you go. Let as many as you can in, close the door, out you go. Eventually, it will work itself out. Will it be a pain for a couple of years? Will we get the first backlog out? Maybe. Eventually, I think it will meter itself out.

Jeff Neuman: Thanks, Kristine. I think we are now at a break time. So everyone back in...

Cheryl Langdon-Orr: 20 past.

Jeff Neuman: 20 past. Okay. No later because we're starting exactly on time.

END