

**ICANN Transcription**  
**New gTLD Subsequent Procedures Working Group**  
**Tuesday, 10 January 2017 at 03:00 UTC**

Note: The following is the output of transcribing from an audio recording of New gTLD Subsequent Procedures Working Group call on the Tuesday 10 January 2017 at 03:00 UTC. 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. Attendance may be found at:

<mailto:https://community.icann.org/x/aqjDAw>

The audio is also available at:

<mailto:http://audio.icann.org/gnso/gnso-new-gtld-subsequent-10jan17-en.mp3>

Coordinator: The recordings have now started.

Michelle DeSmyter: Great. Thank you so much. Well good morning, good afternoon and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on the 10th of January 2017 at 3 o'clock 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 could you please let yourself be known now? All right well thank you. And also as a reminder to all participants please state your name before speaking for transcription purposes. Also keep your phones and microphones on mute when not speaking to avoid any background noise.

With this I will turn the call back over to Jeff Neuman.

Jeff Neuman: Thank you. Everyone, welcome to our first meeting of 2017 so hopefully everyone has a great New Years and is back ready to dive in and do some

work. So there were a number of apologies so a lot of them from the European region as we understand it's kind of early in the morning there. But as we agreed on a number of occasions, we're all trying to kind of share the pain, if you will.

With that said, the agenda is on the right hand side so we're going to review that. And then go on to our substance. So if there are any updates to any Statements of Interest that anyone wants to declare, obviously you should be putting it in writing and submitting it but if anyone's got any changes to their Statements of Interest and wants to make it known on this call please make it known now. Okay, hearing none I will assume that everyone's Statement of Interest is up to date for 2017 or at least this beginning part.

First thing we're going to do is we're going to get a couple updates from the work team chairs and talk a little bit about the next steps, which we're calling CC 2, or Community Comment 2, planning and timeline, and then we're going to talk about what ICANN staff and the leadership have been working on, which is for the overarching issues which is kind of trying to come up with some initial findings. And there's a Google doc link on the right hand side so we'll talk about that. And then any other business.

So does anybody have anything they want to add at this point for any other business, any questions on the agenda? Okay, hearing none what we're going to do first is we're going to get an update from all of the work teams. And it seems like, and just kind of scanning the attendance list, we have a representative from each - at least one representative from each of the work teams. So if we could jump to Work Team 1, which is Krista. I don't see Sara on here yet so, Krista, if you could just give an update on what the work track is working on and your call in just a few hours really.

Krista Taylor: Thanks. It's Krista for the record. Tomorrow's call we're trying to make up some progress because I think Work Track 1 is being left behind. We're hoping to complete several different topics tomorrow. Firstly, we're going to

(unintelligible) the clarity of the application (unintelligible). Oh, it's gone. Can you hear me? Okay, I'll keep going. So sorry.

First we'll finish off the clarity of the application process topic that addresses how to avoid developing as needed processes. Secondly we'll do application queuing and whether first come first serve guidance remains relevant. Thirdly we'll move to the application permission period and whether (unintelligible) the application window is sufficient and provided we have some time, we're going to go into the CCT questions.

We do have a road map. We haven't quite finalized it because there was a couple items that we wanted to finish off, but we should have that out to everyone shortly. And that's it for Work Track 1.

Jeff Neuman: Thanks, Krista. Sorry, took me a second to get off mute. This is Jeff Neuman. As Krista said, there will be a call tomorrow Krista's time, but it's actually just about 15 hours away or something like that. So that's coming up. And please, if you're in Work Track 1 try to attend. We're getting through the topics.

Work Track 2 we have Michael Fleming Number 2 so Michael Fleming Number 2, are you able to give us an update?

Michael Fleming: Hey, Jeff. I am. Can you hear me well enough? Sounds like you can. So yes, we have a meeting scheduled for this Thursday at 20 UTC. We will be touching - finishing up the reserve names second level, and hopefully (unintelligible) jump into registrant protections, that's the COI (unintelligible) as well as the (unintelligible). And we're also going to be looking for - looking to move toward the CC 2 (unintelligible) as well coming up with what questions we can throw out there.

I'm not sure - I don't think we're going to have any questions solidified by the end of this week, but at the same time I'd like to begin that planning and ask everyone to think about those questions and then we'll take it to the second

meeting of this month to have those questions formulated hopefully spending most of the time getting those ready over the email list.

So with that said, I look forward to having a wonderful - well a good initial meeting for the year and look forward to everyone's participation. Thank you.

Jeff Neuman: Thanks, Michael. This is Jeff Neuman again. For Work Track 3 there'll be a meeting next week. There's been an issue with invitations that were sent out so we're going to try to resend out invitations for Work Track 3 hopefully in the next 24 hours to make sure everyone's got them. And Karen is here and, yes, Karen is here. So, Karen, can you give a quick update on next week?

Karen Day: Yes, hi everyone. This is Karen Day. In case you, like Jeff and myself, have not received a meeting invitation, the meeting is supposed to be on the 17th, again at this 0300 so it'll be Monday evening for those in the US. We too are going to look to pick up our pace a bit. We need to finish up looking at the different objection types. We're right now, on a legal rights objections.

And so far, the only - we've had one member who had circulated on the list a suggestion for revisions and updating of some of the language in the AGB around legal rights objections. I've seen no feedback on the list so if you have some feedback to that proposal please either put it on the email list this week or hopefully you can be on the call on the 17th. And then we'll move on into the next remaining two types of objections.

Also for CC 2 questions, we have noted several questions that we want to submit from our work track in our work thus far, but we will need to get together those remaining questions probably before we actually get to those subject areas of string similarity, independent objector and the rest of the issues. So go ahead and take a look over our overall subject matter and hopefully on the 17th we can get some of the remaining questions down to.

We only have one meeting in January, just because of the way the timing of the holidays and the month falls, so we're going to need to do a lot of our work this month with regard to CC 2 on the email list. So hope to have participation there. And that's it for us. Thanks, Jeff.

Jeff Neuman: Thanks, Karen. And just to note, I know Work Track 4 has Rubens who may only be in typing mode on Adobe. And Cheryl Langdon-Orr is on two calls at once. So what I will do is ask Rubens if he could type in an update and then we'll put it in the Notes section so that everyone could see an update for Work Track 4.

Cheryl Langdon-Orr: I've just muted my other call briefly...

((Crosstalk))

Jeff Neuman: So he says the next - oh great.

Cheryl Langdon-Orr: Cheryl here.

((Crosstalk))

Cheryl Langdon-Orr: Yes, I just briefly muted my other call. I just wanted to not that I too don't have an invitation in my calendar showing me when our call will be next week but it'll be on a Thursday your time and I think it might be 0500 UTC but I could be very wrong about that so if staff could confirm and indeed make sure that the invitations have gone out or go out again that would be greatly appreciated because I was going to at least bring that up.

Like other groups, we are behind our timeline in a couple of particular areas. Some of those are going to be easier to catch up with than others so in our next call we will be undoubtedly be discussing that and our new timeline and any adjustments that need to be made to it. I think if Rubens is able to type up some of the gory details which he has now, thank you, my dear, that will

probably cover us for next week providing we get invitations out to people to turn up. Thanks.

Jeff Neuman: Okay, thank you, Cheryl. And I also want to - Rubens put into the chat that the next meeting agenda is hopefully going to cover IDN and IDNs and universal acceptance, but that's still contingent on the availability of certain experts that we've invited to join the call. If they are not able to join the call then there'll be some more focus on the CC 2 questions.

A couple things I wanted to cover before we go onto the next subject for the overarching issues is - and Steve is putting it up on the Adobe - is a couple of the Work Track chairs, leaders have been mentioning timelines. And so if you all remember, initial work plans were put into - were drafted early on in our work towards the middle of 2016 with really kind of guesses or estimates as to when certain aspects of their work would be completed.

You know, they were just guesses at the time and estimates. And so if you look at what's up right now on Adobe, which is kind of an extract of the schedule that Steve has put together, you'll see areas in which we're behind, which are red, and areas in which we are still on track or at least have not yet gotten off track.

We had a leadership call last week, a good 2.5, 3 hour call, to talk about ways in which we can move things a little bit quicker to get back on track and to ensure that we're getting enough feedback from the community. So one of the things that you will be seeing is that before each meeting that for the work tracks that we have you are going to see not only an agenda, but some background materials to read before the Work Track meeting.

So and that will also include, not just background materials from the issue report, but staff has been working on incorporating aspects of the ICANN staff review implementation review where that's relevant for the specific subject. So hopefully really the best way to prepare for those calls is to read the

background that's being provided and to also make sure you're prepared so that we can actually have productive conversations and move each topic forward.

The other thing we're going to try to do a little bit better as the overall leadership team, is to provide you a couple weeks ahead of what topics we're going to be addressing. Now obviously things can change depending on availability of experts or just things that may come up. But we're going to try to stick to those so that if, you know, Work Track 1 is meeting in the next meeting I guess will be in three weeks, and I'll explain why three not two, you'll know what topic is being covered on that call.

And so hopefully some input can be provided not just during the call but before the call and after especially if you're not able to attend the call, great to get some of your thoughts before the call begins, but also after the call.

The reason I said three weeks and not two weeks, so this will be Work Tracks 1 and 2, and next week will be Work Track 3 and 4, but then because we recognize a number of activities are going on the following week, I think it's the week of the 23rd, if I got my dates correct, that week is - or 22nd - that week is the NamesCon so that's an event that a number of people are attending, and also it happens to be an ICANN staff policy retreat so a number of the ICANN staff members won't be available.

So what we're going to do is we're going to have Work Tracks 1 and 2 this week, Work Tracks 3 and 4 next week, a break for a week, and then come back and do Work Tracks 1 and 2. And from then on we're going to do it the normal schedule.

So what we're trying to do as well is to make sure that we can keep on a schedule of having calls every other week. It may mean that we may be extending some of the Work Track calls to 90 minutes, but in the general view of most people, that they would rather extend the call than try to arrange for

calls of each of the work tracks every week. So that's what we're going to try to do.

Is there any questions on some of the administrative stuff? And what we've asked to do is to have the Work Track leadership discuss these topics and timelines with each of their Work Tracks during the calls this week and next and then prepare and update as to when the new end date will be or new start date for topics that have not yet been started. Hopefully that makes sense.

Okay seeing - oh, okay Steve, thanks.

Steve Chan: Thanks, Jeff. This is Steve from staff. And so actually I just want to I guess highlight because there is so much red on this page. It doesn't strictly mean we're behind on everything necessarily, it could also just be due to over-aggressive estimates. And so what I guess I mean by that is that despite there being red some of these items that are behind are not necessarily going to push us behind overall for the entire project.

So as Jeff said, the Work Track leaders and staff will work together with the members of the group to come up with realistic new estimates and work that into the overall work plan. So just wanted to provide a little bit of context about all the red on the page so we don't pick on Work Track 1 for instance, thanks.

Jeff Neuman: Yes, thank, Steve that's - thank you for bringing that up. And, you know, just to emphasize that we did build in a bunch of padding between finishing the work tracks and doing the preliminary report. So as Steve said, even though some of these are - a lot of these activities are red and seem like they're behind, it's okay, we don't believe that we're falling behind on the overall schedule yet, as long as we stay diligent, as long as we - the leadership does our job in preparing the background materials and the work tracks do their work and make sure that people attend and participate.

Any other questions or comments? Yes, Avri, thank you. Please.

Avri Doria: Yes, this is Avri speaking. Just one quick comment, and one of the things on the schedule also is that not a lot of people have been participating in some of these groups. And some of the work might actually speed up if more people were participating in many of the groups and participating by discussing and such in the meetings and between. So I just wanted to indicate what we're talking about schedules that there is a balance between, you know, the stretching out of the schedule and the few people that are actually working on the deliverables. So just figured I'd throw that extra piece in, thanks.

Jeff Neuman: Thanks, Avri. And I completely agree with that. The more people that participate and provide ideas, as Justine says in the chat, as well to participate via email list especially because these calls are always odd hours, that would also greatly help.

Okay with that said then why don't we put up on the screen the PDF that you've done on the next steps for overarching issues, the initial findings. Okay so what you see up on the screen, although it's probably hard to view the entire document, it's pretty wide, is a PDF of a Google doc which the link is on the right hand side in the agenda and was also provided to everyone via email.

And what we are beginning to do right now is to really flush out the conclusions or initial findings and anticipated outcomes from each of the overarching issues that we've spent the last several months going over, the responses we got from CC 1.

So this is very much a draft piece of work. I believe that everyone has got the right to put comments in there, not necessarily edit, but everyone's got the right to go into the document, make suggestions in terms of - or comments for

things that they don't understand. This is going to be pretty important so this is what's going to be used as the basis for staff to draft the initial or sorry, the preliminary report.

And so, you know, some of the initial findings and conclusions were already in the last document as we're going over each of the CC 1 activities, but there are a number of new things in there that came out of the discussion. And the other really important thing that we are hoping to gain out of these anticipated outcomes, are areas in which further work is needed and primarily through setting up a smaller team of volunteers to work on those issues.

So if you scroll down, for example, and we'll go through each of these, but if you scroll down, for example, to the second item, which is on Categories, I believe, I'm trying to fit this all on one - can't fit this on one screen. But the second row is on Categories. You'll see some elements that have come out of the discussions on what we, the leadership and staff, feel like we do have consensus - or do have some general agreement on, and things that we don't have general agreement on.

But also if you look at like the last bullet, for example, one of the things that we - an outcome that we think needs to happen is for a group to form a drafting team to identify or create a matrix to pinpoint specific characteristics of the categories, related changes to the application process, evaluation criteria and contractual requirements that would be necessary and perhaps unique to certain categories.

And then any enforcement mechanisms, and finally whether - and this is something I just added in actually so you don't see them on the PDF for now - but whether the three bullets before would necessitate having a completely different process for that category or whether those unique characteristics could be taken care of through the existing processes with maybe some changes.

Steve is correct, and sorry, I was right, it's the initial, not preliminary report, sorry, my use of the terminology. So and as Avri said, which is important too, in the Google doc you are able to contribute text suggestions and to do comments and you could propose the edits and then the leadership and staff will take a look at it and see if we need to discuss any of those items during the next call or whether we could just accept them.

John has asked - John Laprise has asked for a link to the working group page and the ICANN Website and the calendar announcement for navigation (use). So does anyone have any questions on really the - just the use or just general background on these initial findings? These again are initial findings, they're not consensus calls. We're trying to - there are certain areas where we know we don't have consensus and we may say there's no consensus for this alternative or the other alternative.

But generally when we're talking about what people seem to agree with we put in terms like there seems to be agreement or there's general support because the reality is not everyone can participate in and it's hard to gauge actual support at this point. But we're going to put all this out for comment anyway and so using terms like "consensus" at this point may be a little bit too early for certain - for most things. Now there may be elements there where there is consensus but for the most part we'll use terms like support or disagreement or things like that.

So that's just kind of a general overview of the document we're putting together. And again, this is in outline form so if you could help us stick to kind of the substance of the comments and as opposed - this will all be kind of reworded into an initial report. So if you could help us with the substance that would be fantastic.

Okay, with that, why don't we go - I think we do have time to just kind of go through some of these - great, Steve, thanks.

Steve Chan: Thanks, Jeff. This is Steve again from staff. And I just wanted to provide a little more context about the edits that were made to this page or the Google document. So the nexus of these changes that you see on the screen right now are from - I don't know if you said this or not but it's related to the CC 1 review that we did over the last I don't know I guess couple months.

So what staff tried to do is to integrate decisions and inputs from the CC 1 discussion into this document so it's in a consolidated form. And so that helped shape and influence some of the anticipated outcomes as well. And so all the - I guess it's called Suggestions in Google docs but those are how the redlines came about in this document. Thanks, Jeff.

Jeff Neuman: Yes, thanks, Steve. And yes, that's - so all the work we've done for the past couple months, as Steve said, is really essential to getting these points there in green on this PDF. They show up as redlines in the Google doc. At some point we will, as we go through them, either accept the suggestions, so they'll appear as part of the text, or reject them depending on the discussions of the group or modify them.

Okay anybody else with any questions? Okay, so Avri, do you want to just while I get just a drink of water, can you start with the first topic, the first overarching issue and then really discuss the - or just read through some of the changes that we've put in there and they're in green. Is that okay, Avri? I don't know if you're still on.

Avri Doria: I had to find my mute button because I'm looking at the document in Drive as opposed to looking at the screen. It's just easier. And on mine the changes show up in purple. I don't know whether I set that myself or not but anyway.

So basically as people could see the first question was the additional new gTLDs in the future. And we had some initial findings, the ones in black were the initial ones, then there's been three that (unintelligible) adjusted. One working group has not identified any facts and/or circumstance that requires a

change to the policy. And working group has noted that the elimination of an ongoing mechanism may have an anti-competitive effect for potential applicants.

And a third bullet saying while there is general agreement that the additional gTLDs have enhanced diversity, there is some desire, particularly some GACs, to develop a framework or at least a definition of what diversity means in the context of new gTLDs in order to determine whether diversity has been enhanced.

And then one last bullet on that one, the working group agrees that it is too early to get a complete understanding of the benefits and/or negative effects from the 2012 round, so there is no compelling reason to alter the existing policy.

So that is the first definition of where the group is at. And as Jeff said, it isn't a consensus position yet, but it's on the road there. So as people are looking at it, you know, if there's word-smithing, if there's other issues like that that need to be - that need to shape that, we can either discuss it like in a meeting or people can go into the doc and say, you know, identify there's a wrong word, and, you know, the working group has not discussed and that was just an example, a very neutral one.

Let me go and check and see if anybody has their hand up wanting to speak. No, no one does. I'll go back to the - to that first row there. And then there's anticipated outcomes. So in the first place, we had said there appears to be a general agreement that there should be additional new gTLDs in the future. And I would say that, you know, that's something that is getting close to being a consensus position.

I don't know that I would declare consensus yet, but I do believe that no one is arguing strenuously or even non-strenuously that no, we must stop. Another bullet, no changes have been anticipated to the existing policy, which

is the existing policy of new gTLDs in the future, not the whole kit and caboodle of the policy.

And then while it may be too early to evaluate the full range of benefits and challenges, the working group may want to consider providing guidance on future reviews and perhaps data and metrics that should be co-opted for future analysis are one of the things that probably comes in later when we're discussing, you know, the whole round is the whole notion that we discussed of - that once this gets going again, while there will be further reviews and such that they will not be halting reviews in the process, but that they'll be somehow - be recommending a way to continue a process on and review it as it's going on. But that's something that needs to be worked out.

And then a final note that the PDP working group expects to consider findings from CCRT especially as it relates to cost benefit analysis. And then a line that's still a candidate edit is the PDP also hopes to review inputs perhaps from RPMs PDP related to consumer confusion and trademark protection.

So, on this first question of additional new gTLDs in the future, that's pretty much the snapshot of where the group stands on it at the moment. I'm curious if there's any instant reactions to that level or I should move on to the next row or what have you? And of course Jeff, call me back any time you feel like taking over again. But, okay, Jeff...

((Crosstalk))

Jeff Neuman: Okay, Avri I'll just - yes, Avri, I'll just point out that Kristina on the chat - and I'll monitor chat - Kristina asks that we be a little bit more explicit in the document on the, quote, no changes anticipated to existing policy, so that those not on this call or those that don't have the policy right next to them can make sure that they understand what we mean by that. So we'll - again, this is more of an outline but I think I agree with Kristina that let's put the policy in there from 2007 and so that - so that it's clear from the document.

Avri Doria: Thanks and indeed when I read it out loud as opposed to having myself question it, and, you know, that's why I immediately added the note that that related only to the specific one point and not the whole policy. So I think that, you know, that's a good point. And I think including the policy that we say is not changing, you know, is good to say what we say is not changing. And indeed it may end up being, you know, word-smithed somewhat as we go through.

Okay, let me go back and see if there are any other hands on that. I see Jeff's is still up.

Jeff Neuman: Sorry.

Avri Doria: I guess that's old. That's okay. Okay, so if there's no comment on that line for the moment, and obviously we're going to be back here, but each time we go back here we go back perhaps a little bit more solid, a little less still in proposed change mode and more of it in, you know, accepting mode.

Okay, Categorization or differentiation of gTLDs. And as I say, I'm reading this off the Drive because it's much easier to see them, also see the comments. So there were several points, one, two, three, four five points that were the points made originally about categories that they've been considered but were deemed hypothetical, that the 2000 round provided real world examples of possible categories. Specification 13 provides evidence that different requirements may be necessary. Categorization or differentiated gTLDs is anticipated. To have effects on other mechanisms within the new gTLD program, for example, application requirements, evaluation, basically etcetera.

A note that categories should not be established just for sake of creating them, there should be tangible differences. Different categories of TLDs have different levels of complexity, some of which could be taken into account in

determining if different - if certain categories should be carved out for a discrete application window. And we've talked about discrete application windows both as part of an possible ongoing process and also several different categories have been mentioned as candidates for perhaps prior but this doesn't get into that issue.

Then there were one, two, three, other points that are being added to this. I see what you mean about the glass of water. General in support for maintaining the existing categories in the AGB from the 2012 round and including dotBrands and additional categories. However, there's a mixed level of support for adding categories given the likely complexities in doing so.

There is concern with the length of the categories listed in the CC 1 questionnaire. I guess it's the length of the list, not the length of the categories. Some noting that different legal forms may not warrant a distinct category of TLDs. It was also noted that a TLD may fall into multiple categories. We've certainly seen many examples of that.

There was some support for application windows being opened to only specific categories, for example, brands. Though it was noted that this may provoke manipulation by potential applicants who will then be incentivized to fit their TLD application into a category for which preferences are given. So that's some of the discussion. That's discussion that at the moment there hasn't been that much difference of opinion on. And so it's looking like it's something that may become stable over time.

Okay I checked, I don't see any hands. I do see a hand. Alan.

Alan Greenberg: Thank you, Avri. It dawned on me as you were talking about categories that in the current - in the last round ICANN essentially said we cannot get in the way of people's business models or business plans and yet we have the potential, and your manipulation of categories, in your rant is what triggered the thought, that do we need to be able to stop someone from saying I'm

applying as a dotBrand but immediately turning it around into a generic word or something like that as soon as the TLD goes live.

You know, ICANN hasn't wanted to stop how people use the TLD once it was, you know, once the - it was granted, the question is do we need to if we actually have categories? And I'm not sure what the answer is but I think it's something we need to think about.

Avri Doria: Yes, certainly if there are different conditions or different timings, that may become more relevant if there's a different contract. That certainly becomes much more relevant so that's a good point to be made. Any other hands? Yes, Jeff.

Jeff Neuman: Thanks, sorry it took me a second to get off mute. Yes, Alan, I think one of the major outcomes that Avri is going to turn to next in the right hand column is to form a small team to identify the different categories that have been suggested pointing out their unique characteristics. But then also if you look at the third sub bullet it is talking about enforcement mechanisms that may be needed if we do establish that kind of path.

So I think that it's an excellent point about ICANN, at this point, not wanting to get involved, but if there are preferences given in the future for certain categories, whether that's preference in timing or other kinds of contractual preferences, then it would certainly be a natural result to have some enforcement mechanisms and some potential - a potential mechanism to make changes. So not saying that any enforcement would prevent any changes ever, but there may need to be a process by which - or a process that needs to be followed in order to introduce changes.

Alan Greenberg: Jeff, if I can ask a follow on question? If someone right now under the previous round applied as a community TLD, and it was granted as a community TLD, could they change that on the fly and become just a regular

one? I don't think so. I don't remember exactly how but I don't think they had the right.

Avri Doria: It's a contractual...

((Crosstalk))

Jeff Neuman: Go on, Avri.

((Crosstalk))

Avri Doria: Right, contractually even if they got there without competition, they have a contract that binds them to the, you know, community. Now whether there's a way through the RCEP to change that, I don't know. But certainly there is no changing it without a process.

Alan Greenberg: Okay, so there's a precedent.

Avri Doria: Is that - does that concur with what you were going to say, Jeff?

Jeff Neuman: Exactly, yes. And then Kristina is in the queue.

Avri Doria: Okay. Kristina, please.

Kristina Rosette: Yes, and just following up on that point. It's my understanding that if a registry operator who has had Spec 13 added to their registry agreement wanted to, for whatever reason, amend their contract to get rid of Spec 13, that they would be able to do so. I don't know that the GDD has a process for it, but I think they've said in the past that it's theoretically possible. Similarly, you know, should a registry that's got - a registry operator that has Spec 13 in its registry agreement go beyond the scope of permitted registrants, and I think this is true for code of conduct exemptions as well, I would imagine that they would rather swiftly receive some kind of notice from Compliance.

So I don't know that, you know, given what we've just talked about with regards to community and given this information about Spec 13, I don't know that it's necessarily correct to say that there isn't a mechanism for those changes to be made or more looking at it another way that ICANN has no redress against a registry operator that goes beyond the scope of their agreement.

Avri Doria: Okay, Jeff, I see your hand up so...

Jeff Neuman: Yes, and thanks. Sorry, this is Jeff Neuman. And thanks, Kristina. You're right, for Spec 13 for that category a brand merely just has to cease to use it in accordance with Spec 13, in other words, they could - if they start licensing or if they start giving the names out to unaffiliated third parties without the trademark licensing requirements by Spec 13, the only redress at that point would be to lose the Spec 13 protections and then in theory have just the same contract that everybody else has.

And so for that type of change to get out of that category there's no process necessarily needed, it's just the special preferences are automatically taken away although I'm not aware of that actually happening with anyone yet. But you're right, so some - for some categories if there are indeed going to be different categories, there may be a formal request and process to go through. But for other categories it may be as simple as just what the brands have now which is just losing the preferences. Thanks.

Avri Doria: But in effect - this is Avri again - in effect there still is some price to pay as it were whether it's a process or the loss of a prohibition, it's not something that can just be done without any consequence.

Okay, no other hands. Nobody is jumping on my last statement so okay. So on the other side of the - on the second column, there's basically there's very little left that's still black. And I apologize by reading from the Drive I am

reading the latest and greatest that you all have that URL. So preliminarily the working group has agreed at a high level that there are likely benefits for maintaining - to maintaining the existing categories of TLDs as identified in the AGB, plus brands. There is not consensus that there should be additional categories added beyond these.

And the second bullet is the working group has identified a set of preliminary categories to consider when discussing topics in the work sub teams. The working group is seeking to define the characteristics of the preliminary set of categories identified then determine what changes could be needed. Okay.

And the next bullet is therefore, the working group has agreed to form a drafting team to identify slash create, first bullet, a matrix that attempts to pinpoint the specific characteristics of the categories; next, the related changes to the application process, evaluation criteria and contractual requirements that would likely be necessary and perhaps unique to certain categories slash characteristics.

Next bullet, an enforcement mechanism that may be needed as a result - oh any enforcement mechanisms, sorry, that may be needed as a result of establishing different paths for obtaining a new gTLD, so the discussion we were just sort of having.

And next bullet, a recommendation as to whether the creation of applicable categories is necessary or whether the unique aspects of those categories can be handled through the existing processes.

So that's the - where we've gotten to on this one so far. Let me go back and check for hands and comments. Jeff, yes please.

Jeff Neuman: Yes, thanks, Avri. And so I'd really like some feedback on that last recommendation to create a drafting team. And if there are no objections to forming that drafting team I think that should - we should give it probably a

week or so to see if there's any objection to creating that drafting team and then we should probably issue a call for volunteers for that drafting team. I'd like to get moving as quickly as possible on forming it.

So if there are no objections, I would propose giving it a week for some comments on email and then issuing a call for that drafting team.

Avri Doria: Okay, thank you. So people please volunteer. By the way, Jeff, is this better level for my microphone?

Jeff Neuman: Yes, that's better. Thank you.

Avri Doria: Okay thank you. Okay any other comments on this? I see no hands. I see I'm the only one talking. So if there are no other comments on this row we can go onto the next row. And still seeing no comments.

Okay, so the next row is future new gTLDs assessed in rounds. And there were, one, two, three, four, five original points, rounds of the gTLD allocation mechanism identified in 2007 final report, evaluations, objectives, strings contention and other new gTLD program mechanisms were designed for the concept of rounds. And if another mechanism - and if - I just lost my place - were designed for the concept of rounds and if another mechanism were determined, these mechanisms would need to be evaluated.

Rounds may have an impact on demand and market behavior. Rounds are a somewhat unique mechanism in the ICANN environment for the allocation of contracts and resources where gTLD strings are unique and scarce resources as proposed to say an RAA.

I'm not sure I understand that bullet completely but we can come back there later. A round does not necessarily have to mean an application acceptance window followed by a review cycle. It could mean, for instance, an ongoing steady state cycle of annual windows for example, three months of

application acceptance remaining nine months, etcetera. And this is the pattern that we have talked about since the meeting.

A first come first serve approach could be something that is aimed for in the future with a certain number of additional rounds that must be completed before setting into that type of acceptance mechanism. Bullet, however, there did not seem to be much support to leverage rounds to facilitate reviews and process improvement. It was proposed that this could be accomplished while the application acceptance mechanism is ongoing via the policy development process.

Next, there is some agreement that rounds have a negative impact on predictability and cause latency in time to market. Bullet, there's some agreement that rounds may cause artificial demand and/or artificial scarcity. Bullet, at this stage there is no agreement on approach.

Next, the working group may want to consolidate the issue identified - the issue or issues identified that are caused by the round mechanism from 2012 and then seek to reach agreement on which of them must be resolved. This may help the working group reach agreement on the mechanism for the future. The working group has considered several options including first, a fixed set of rounds, or perhaps defined certain criteria to determine the extent of demand followed by some sort of steady state.

Bullet, the steady state could be first come first serve though issues have been identified with this, for example, may favor ICANN - oh wow, it just got accepted. May favor ICANN insiders, may cause a strain on ICANN systems, may promote hastily prepared applications etcetera.

Next, the steady state could be the fixed windows described above. Then there's the possibility that the working group has considered just going immediately into the steady state. And there's a proposed approach, the working group has agreed that a drafting team should implement the issue,

identify requirements and propose a solution or solutions for consideration by the full working group.

So this being an open issue is another one that's been cut off - cut aside for a separate working group. Let me see if there are any hands. Yes, Jeff. Jeff, you're muted.

Jeff Neuman: Yes, thanks. For whatever reason my computer is really slow to unmute. This is Jeff Neuman. On the - well two things. Number 1 is I'll make the same proposal I made the last time for the last row, which is give a week comment and then do a call within the working group to form a drafting team.

But on the other one I just wanted to address the issue that you had raised about what that provision actually means in that one section which talks about rounds are a somewhat unique mechanism in the ICANN environment for the allocation of contracts and resources. So gTLD strings are unique and scarce resources as opposed to say, an RAA. I think the point there was that some had said that the allocation of gTLDs should be similar to the accreditation of registrars in the sense that it should just be on a rolling basis and as one applies they should be, as long as they're qualified, they should be given a TLD.

But, others had said, well, no, that the allocation of a gTLD - allocation of a unique and scarce resource so it shouldn't be treated like how we accredit registrars. So I think that's what that point was supposed to say.

Avri Doria: Okay. It might be good to - I hope I'm not the only one. Maybe I am, maybe I should hope that I'm the only one that didn't understand that and didn't recall that discussion on the first read. So perhaps we want to make a note that this needs a slight bit of word-smithing for clarity. But I maybe the only one that didn't understand it.

Let me look at the hands. Alan, please.

Alan Greenberg: Just for the record you're not the only one that didn't understand it. However, what I was going to say is one thing that I don't think comes through in this analysis or this summary, is that the existence of the first round allowed us to expand the time to cover the things that we hadn't predicted. And although hopefully in any future process we will have gotten our hands around - our minds around it and will do better than last time, there are all sorts of unknowns. If we're going to make enough changes we can't necessarily predict the impact of some of those.

And the round concept did, although it upset a lot of people, allow us to extend the process significantly to allow us to fix the problems that were perceived. So somehow I think that needs to be captured unless it was there and I missed it.

Avri Doria: It certainly wasn't in what I read. Okay hopefully someone did catch that. Any other hands? I see no other hands so let me go to the second column. The second column, again it's the - it's the anticipated outcomes column. And it's the working group agreed that there should be ongoing processes, that there should be an ongoing process that is clearly defined and provides clear guidance on how and when applications will be accepted in the future.

There appears to be some agreement in the working group that any mechanism, whether rounds or application windows or a hybrid, should not have undefined gaps between them such that extensive delay can be introduced. Now, this point may relate in the obverse almost to the point Alan just made about the unexpected and whether that (unintelligible) a gap or maybe I'm misunderstanding.

Next bullet, however, the working group has not agreed upon the mechanism for future procedures. Some ideas have been considered but additional work is needed. And let me go back to hands. I see no hands so I guess that is

fairly clear with the comments that got made in the previous column in which case I will go back to the next row.

The next row is predictability should be maintained or enhanced without sacrificing flexibility. So in the first column we have, predictability is an important factor of the new gTLD program as captured in the principles of the GNSO's 2007 final report.

Next point, the working group acknowledges that there are a number of elements that have since been established that were, firstly, help promote predictability, and secondly, mitigate disruption from the issues that were unaccounted for and must be resolved. These include, one, liaisons between the GNSO and other groups and efforts to encourage early engagement.

Another point, new GNSO mechanisms that allow it to provide guidance or initiate an unexpected policy development process even after final report adoption by the ICANN Board. Scroll and it's changing while you're reading it.

Next point, however, there is not agreement that these mechanisms are sufficient as some remain untested. There is some appreciation for the fact that these new mechanisms are intended to allow for more nimble resolution of issues, for example, allowing for gradual improvements rather than having to gate the entire subsequent procedures.

Next major bullet, mechanisms to promote predictability should not be such that they stifle innovation or flexibility. Next point, there is broad support of predictability in the new gTLD program and perhaps it is important to identify the parameters of predictability. And this is something that goes back to something discussed earlier, developing measures and metrics.

Bullet, there is agreement in the working group that predictability was not sufficient, though it was acknowledged that this was not unexpected, given that the 2012 round was the first of its kind at that level of scale. Final bullet,

the working group is concerned with the number of changes that occurred after program launch which had potentially cost effects on applicants. Let me go check for hands. Any comments on those bullets? I see no hands. So they don't ring any immediate alarm bells. That's good.

Okay, in which case I'll move on to the second column on expected outcomes. And these are, I believe, relatively unchanged recently. First, preliminarily, the working group has determined that a framework for predictability may be beneficial, and could be the basis for policy development though substantive work remains if the working group continues to favor this approach.

Excuse me. Next bullet, some elements of the framework could include determining what factors should be predictable, for example, outcomes, timeframes, input from the community, etcetera. Close paren. Expectations for what could cause change and the scope of an acceptable level of change, how some of the mental changes are dealt with, etcetera.

Okay, so now let me go and check for hands. Comments. Any comments on that row? That was already language that was gaining some degree of stability so there had been no edits to it since the previous time. Okay, if there are no comments there let me go on to the next row.

Next row is community engagement in new gTLD application processes. There's one, two, three, four original bullets and two new ones. Original bullets, community engagement is one factor that has an impact on the predictability of the new gTLD program. Two, there are new community engagement mechanisms in place that were not in existence or as well formed during the development of the GNSO's 2007 final round such as liaisons between community organizations, required outreach points as part of the PDP, PDPs being open and the interest of participants, implementation review teams, etcetera.

Next item, no matter how robust and inclusive the PDP and policy implementation processes may be, it is likely impossible to account for every possible scenario. Next bullet, reliable and predictable mechanisms need to be in place to highlight unforeseen issues, determine the scope of the issue, designate mechanisms to mitigate the issue, implement the solutions, perhaps among other factors.

Then the two new bullets, first one, there is general agreement that circumstances that would freeze an application window are highly unlikely. Issues in other areas of ICANN are dealt with in an ongoing fashion. Open paren, for example, the existing environment continues as new policy is contemplated in a PDP. Close paren.

And final bullet in this section, most agreed that issues discussed at the Board level should adhere to existing processes as defined in ICANN Bylaws, and that would be existing policy development processes, one would assume. Okay, I'll go and check on hands. Any hands? Any comments? Any questions? Seeing none, I'll move to the expected outcomes column.

Expected outcomes, and in this case there is only one that has some edits to it from before. Preliminarily, the working group has determined that it may be beneficial to include change control guidance within the predictability framework that can help mitigate a stabilizing effect from unforeseen issues encountered after policy implementation. Going back to check hands. Any comments? Any hands? Oh, thank you, Jeff, for the note about water. I actually went and got some while we were talking earlier, but thank you. I have a sink in my room, it's easy to get water.

Okay, I see no hands or comments. And let me therefore I'll go back to the next row. Okay, the next row is limiting applications in total and/or per entry during an application window. This one I thought we were actually getting fairly close to consensus on, we had one, two, three, four, five six bullets in black.

There are no policy recommendations from the GNSO's 2007 final report that establishes limits on the number of applications. A single applicant can submit. The scope of the application limits was expanded to consider a limit on the total number of applications during the application window, which could be total acceptance, total strings allowed, total litigations, etcetera.

Next bullet, limiting the number of applications that an entity can submit may be considered anticompetitive. Next bullet, however, limiting the number of applications that an entity can submit could allow for even more playing field, possibly spreading the allocation of a scarce resource over a wider pool of applicants.

Next bullet, applying an application limit for an entity was determined to be extremely difficult to implement and enforce. Next bullet, applying any sort of limit may have unforeseen consequences.

And then new bullet, first, there was no support for establishing limits on either the number of total applications in a round or from an individual applicant. And then next bullet, as such, there is no development work needed to establish an appropriate limiting number, develop enforcement mechanisms or perform an impact analysis from establishing limits. Now if this holds, that's very good because we have at least consensus on one bit of this where we don't need to do anymore work.

Going back, checking for hands, comments, issues? Yes, Alan.

Alan Greenberg: Yes, I'm not sure that we've really determined that it - are seemingly anticompetitive. What we certainly have determined is it's impractical. And I think that trumps whether there are some subtle impacts if we were to try to do it given that we can't do it. So I think we have solid conclusions by using the impracticality and the difficulty in trying to do it and enforce it rather than predicting what the impact would be if we could do it.

Avri Doria: But a certain amount of what we're discussing also just needs to be recorded and the various views taken as part of the general reportage from our effort.

Alan Greenberg: Yes, no, no...

((Crosstalk))

Avri Doria: I think you're probably right.

((Crosstalk))

Alan Greenberg: It's the order that I was commenting on.

Avri Doria: Oh okay. I think that was more an order of what came first and such. Okay, any other comments or questions or hands or anything like that? In which case I'll go back to that last column, (unintelligible) or expected considerations. On the first, the working group has agreed that establishing application limits are seemingly anticompetitive and possibly contrary to original principles of competition.

Second bullet, in addition, enforcing any sort of limits is seen as unrealistic to implement. I guess here you're actually recommending a reversal of bullets, Alan.

Alan Greenberg: Yes.

Avri Doria: And then three, therefore, no policy recommendation to establish limits on the number of total applications in a round or from an individual applicant are needed. Okay, go back and check hands on this. I see none. And that would bring us to the end of a reading of the current state of this. We've had some discussions along the way on point, so I'm hoping that some of that was

captured and that any thoughts that came up that perhaps didn't get voiced, you know, go in and add either comments or suggested language tweaks.

Remember, as long as you're working in suggest mode, you know, it's none of it changes anything in a unredeemable manner. So it's okay to be a little bold if you feel there's something you want to suggest. You won't have hurt the document in any way. Let me go back and check on hands. So I see none so that would take us to the end of this reading. And...

((Crosstalk))

Jeff Neuman: Thanks, Avri.

Avri Doria: Yes.

Jeff Neuman: This is Jeff Neuman again. That was great. I think we made a lot of progress. Again, as Avri said, the document is open for suggestions and I think what we'll do at the next full group meeting is kind of a second reading of these with the suggestions that are made, if any. And in the hopes that we can put aside these overarching issues and at least draft a portion of the (unintelligible) report based on this.

Of course for the two areas that are - do call for a drafting team, we will, as said, we will keep it open for a week to just see if there's any objections to forming these two drafting teams. And then we'll issue calls from within the working group to see really - we'd like a couple small groups to work on it but of course anyone from the working group is free to volunteer to make progress on this issue.

So with that said, if we - any questions on this document? Okay then scrolling back up to the agenda, I think that was the last item that we had for this meeting today unless anyone has any other business? Kristina, please.

Kristina Rosette: Yes, getting kind of ahead of ourselves, do you know now if there are any plans to have a working group meeting before the Copenhagen meeting officially starts?

Jeff Neuman: So, Kristina, you're talking about - so there's a block schedule that has been sent around which has a Day 1, Day 2, Day 1 being the Saturday and Day 2 being the Sunday. So your question is whether we know about whether there will be like a Day 0 for us?

Kristina Rosette: Right.

Jeff Neuman: Is that your question? Yes, I think that's a great question. I don't know if anyone from ICANN staff has an answer or anyone from the GNSO Council has an answer for that. But certainly...

((Crosstalk))

Avri Doria: ...his hand up.

Jeff Neuman: Steve Chan, great. Thank you.

Steve Chan: Thanks, Jeff. This is Steve from staff. And so my understand from the discussions within the GNSO Council is that their intention is to avoid Day 0 and Day plus 1 or basically any meetings that fall outside of the general meeting schedule. So if that allows you any guidance, the intention would be that any working group meetings for this group, any other groups, would actually take place during the scheduled meeting times, so hopefully that helps.

Avri Doria: Yes.

Steve Chan: Thanks.

Avri Doria: There's a WS 2 on zero. So nothing to do with us but many of us will probably be engaged in that Day 0 worth of activities.

Jeff Neuman: Thank you. And, Avri, is that a fact at this point of Work Stream 2?

Avri Doria: Yes, I've got tickets to travel - or I'm getting tickets to travel to Copenhagen because of Work Stream 2 on zero.

Jeff Neuman: Okay, thanks. Maybe I need to change mine. Okay, any other questions on that? So, Kristina, we'll find out if - what meetings we are going to have in Copenhagen whether it's just update sessions or whether there will be a more complete meeting of the working group during that meeting.

Avri Doria: Or sub teams may want to - the sub teams may decide that they need a meeting, that's something that we're going to have work on relatively soon.

Jeff Neuman: Yes, thanks Avri. And Steve, if we could put that in the leadership meeting agenda to discuss with the Work Track leaders to see if they can approach that subject with members of the Work Tracks to see who will be present there and whether we can set up individual Work Track meetings if that is feasible.

Okay, any other questions or comments? Any other business? Okay well thank you, everyone, for a very productive meeting. Oh sorry, Steve's got to have the last word. Steve.

Steve Chan: Thanks, Jeff. I never need the last word but I just wanted to - so we have an intention of sort of summarizing the things that we're waiting on comments for which are the two drafting teams. So I just wanted to make sure I pointed out to you all and before I just did it we'll summarize what was agreed so that we can leave it open for a week before assuming there are no objections to the approach then we'll be able to ask for volunteers in about a week or so. So I just wanted to make sure to make that point. Thanks.

Jeff Neuman: Yes, thanks, Steve. And I think that's a good plan going forward. Okay, now I will issue a last call for any questions or comments. Seeing and hearing none, Work Track 1 will be talking in a few hours or tomorrow for a lot of you. Thank you.

Avri Doria: Thank you. A whole 11 minutes early. Oh Michael has his hand up.

Michael Fleming: Sorry, I just want to point out there is a meeting this Thursday or yes this Thursday at 20 UTC. I noted that most people did not get the invitation but just a quick note, please make sure to attend that if possible, thank you.

Avri Doria: Thank you.

Jeff Neuman: Thanks, okay. Goodnight everyone or good morning or good afternoon for...

Avri Doria: Bye.

((Crosstalk))

Avri Doria: Yes. Enjoy the 11 minutes. Bye-bye.

Michelle DeSmyter: All right, thank you so much again. The meeting has been adjourned. Operator, please stop the recordings and disconnect all remaining lines. Everyone, enjoy the remainder...

END