

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group Tuesday, 11 September 2018
at 03:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at: <https://audio.icann.org/gnso/gnso-new-gtld-subsequent-11sep18-en.mp3>
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Carrie: The recording has been started.

Michelle DeSmyter: Great. Thanks, Carrie (ph). Well, welcome, everyone. Good morning, good afternoon, and good evening. Welcome to the new gTLD Subsequent Procedures Working Group call on 11 (sic) September 2018. In the interest of time, there will be no roll call. As a reminder to all participants, if you would please state your name before speaking for transcription purposes, and please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I will turn the meeting over to Jeff Neuman. Please begin.

Jeff Neuman: Thank you, Michelle. This is Jeff Neuman. Welcome to our call on September 10th. Just a quick reminder before we get everything started, that this month, in September, you should have invites for weekly calls, so we're moving from our pre-, or once every two weeks, to once every week. I'm sure we'll say that again at the end of this call, but just please make sure that you have invites for the calls for -- the weekly calls up until I think early October, or just before the ICANN meeting in Barcelona.

So, with that said, the agenda's up on the top right-hand of the screen, so we'll go through any changes to (inaudible), and have a quick discussion, or some discussion on the role of liaisons, which we started talking about last time, then go over in a little bit more detail than we did the last time SSAC, or SAC090, the paper that's been referred to us from the GNSO Council -- well, or from the Board, initially. Then, we'll go into some next steps with the initial report, and then the meat of the call, which is to talk about sections 1.3, 1.4, and 1.5 of the supplemental initial report. Does anyone have any other business or any questions on the agenda?

Okay, I'm not seeing any. We'll do a call for statements of interest, any changes. And I know Maxim has an update, but he's not able to use the mic, so it's in the chat box. And congratulations, Maxim. You were elected as one of the GNSO council reps from the registry stakeholder group and will be seated on the council at the end of the annual meeting in October. So, congrats, and we'll -- hopefully you will continue your participation. I will note that we currently have two liaisons from the council, Keith Drazek and Donna Austin. Donna is leaving the council, I believe, at the end of the annual meeting because her term is limited, or she's term-limited. And, well, Keith is running for chair, that there may be other people running. So, if Keith does get elected Chair, then we may have not just one new council liaison need, but we may need two. But again, we'll wait to see what happens in the GNSO Council Chair elections.

Donna with a good comment there. Well, that being said, anyone else have any other changes to the statement of interest? Okay. The next item is to talk a little bit more about the role of liaisons. I will note for the record that two of the people who generally have comments on the role are -- don't seem to be on this call, but we will still go over it anyway. After the last working group call where there were some comments about -- a little bit of confusion and some really good comments about the call for representatives from each stakeholder group constituency, Advisory Committee, supporting organization, I'm going to just keep saying the word group instead of having to name every one of those. There were some current concerns that were expressed that we were doing something a little bit different than other PDP's in the past and that, while some people seemed to be comfortable with the notion of a liaison, they weren't necessarily comfortable with the notion of having that be some sort of official role for the determination of consensus.

So, we took (inaudible) the working group leadership team, and again, the leadership team consists of not just Cheryl and myself, but also with other co-lead and actually five additional co-leads. It was worth track five. And so, on the leadership calls for the past couple weeks, we've talked about what to do. And I sent around an email last week trying to make it clear that really what we're seeking here are in fact liaisons that are hoping that each group could select someone, and potentially an alternate if they would like to do so, so that when they are -- if and when they file comments in this initial comment period for the stuff that's out there for work tracks one through four, and ultimately if they file comments for the supplemental initial report, that we can have a person, we being the full working group, can have one person and/or an alternate, to turn to if there are any questions about the comments that are submitted. And of course, it's that person or persons do not know the answer immediately, that they could be the liaison that we the working group could rely on to go back to the full constituency stakeholder group, et cetera, to try to help us answer that question.

So, that really is the role that we're looking for, is for someone to help us understand the position or positions, or lack thereof, of a particular group, and also to the extent that we do have recommendations that we develop and may be new to be the person or persons we could turn to to socialize those new recommendations with their respective group. At this point, there's no formal role at all in -- or when we are issuing a call for consensus several months from now. So, we're just really at this point limiting that to be a liaison role.

So again, I know that -- oh, great, Ann is on the call. So, Ann, I know that you had filed some -- or sent an e-mail. Greg Shatan was another one that also sent an e-mail on this. I hope that explanation does -- is a little bit better so that you can understand the concept of what we're looking for. So, if you do have any questions or comments, please let us know. And so, I'll pause there to see if Ann or anyone else has any questions. Okay, Donna, please?

Donna Austin: Jeff, can you hear me okay?

Jeff Neuman: Yes, sounds good.

Donna Austin: Okay, great. So, a comment as one of the GNSO council liaisons to the -- this working group. Keith and I did have a conversation. I don't want to speak for Keith, but we did have a conversation with Jeff and Cheryl about this proposal. I think it was a week or so ago. I think, as Jeff has explained this today, I think it makes sense what he and Cheryl are suggesting. And I don't feel as true dissimilar (ph) from what happened during the kind of review of the CCT comments, if folks can think back to that, because I know in particular, when there were comments about what does the registry stakeholder group mean by X, I would often respond to that because I was involved in the drafting of the registry stakeholder group comments.

So, I think, as we move into this next phase, I think it's going to be important that, as the working group is discussing comments that have come in, that if there is any ambiguity or would like to flesh out what this means, it will be important to have representation from the different groups on the call that can speak on behalf of, because I think that will just speed up our work, hopefully, and I think it makes good sense. So, given what Jeff has been through just now, I would hope that folks can understand what the intent is of what Cheryl and Jeff have suggested, and that can support it and move forward. So, thanks, Jeff. Thanks, Cheryl.

Jeff Neuman: Yes, thanks. Thanks, Donna, and thanks to you and Keith for also helping us in our discussion a week or so ago on this topic. Jim, please?

Jim Prendergast: Yes, thanks, Jeff, Jim Prendergast for the record. So, yes, I think one of the things I think that's sort of sparked some -- at least my initial confusion, and I think still may be lingering for some others out there, is how does -- generally speaking, how is the -- how are you and Cheryl going to approach the consensus calls? And how are we going to make a determination on that? I think -- I believe there may have been a slide -- set of slides that (inaudible) through on one of these calls. I can't remember.

But, I think what might help to alleviate some of the confusion around the role of the liaisons and how consensus will be developed would be for, at some point in the not-too-distant future -- I realize there are still months away, but I don't think we should wait too much longer -- having you and Cheryl enumerate to the group in and email so that those who are not on the calls at these various hours have reference to it, how exactly that consensus process is going to happen. I think it's important that we get that established well in advance of any consensus calls that might happen, especially if there is going to be a role for these liaisons that's different than what we've seen in the past, or something new that we haven't seen before. So, just a recommendation there. Thanks.

Jeff Neuman: Yes, thanks, Jim. I think those are excellent comments, and I'll let Cheryl or anyone else from the leadership team jump in. I think it's an evolving we're having amongst the leadership team because, as much as we want to talk about qualitative (ph) assessment of consensus, there is a semi-quantitative component as well when it comes to working group members. And so, it's -- while we always hope for unanimity on every issue, where also realistic and know that that's certainly not going to be the case for every single issue. And so, I think it's an evolving discussion, but at this point we want to move forward with the -- at least getting through the comments which will start coming in later this month and our review of them. But, we will hopefully try to come in the next several weeks with some better written language of how precisely we're going to try to measure consensus. Christopher Wilkinson, please?

Christopher Wilkinson: Hello, good morning, Christopher Wilkinson for the record. Jeff, generally I agree with Jim's concern. I note that we have progressed from empowerment to liaisons. I just want to stress that this and large leadership group is not in and of itself a super-group that will in effect determine consensus. I think you have tried to satisfy us that that is not the case, and that this is an evolving situation in any case which we will follow with great interest. Thanks.

Jeff Neuman: Thanks, Christopher. Annebeth?

Annebeth Lange: It's Annebeth Lange for the record. Can you hear me?

Jeff Neuman: We can hear you, but it sounds like you fade in and out a little bit.

Annebeth Lange: Okay. I'll try to speak a little louder. I don't have a landline, so I have to use my mobile. I just wanted to say that, especially for the ccTLDs, is we are at this time a more active participant in this group through the work track five, and we're not used to this process at all. And the thought of having someone to explain what has been discussed in the different regional organizations among the ccNSOs has been really good for us because it is a lot of small ccTLDs out there that are not able to participate in the working groups by themselves, but it's been some of these questions are really discussed within the regional organizations, and then to have someone to convey what they are talking about and to clarify if it's some uncertainty what we mean, I think that is a really good idea. Thank you.

Jeff Neuman: Yes. Thanks, Annebeth, and we certainly do appreciate the increased participation from a lot of different groups. And while we're on the subject, I just also make it clear that we understand that not all groups will have unified positions. There may be a difference, for example, (inaudible) regional, or between regions of ccTLDs. And we would hope that the person that we're looking to to serve as a liaison from the ccTLDs could help us point that out and make sure that they are aware of the different positions and can let us know when those different positions, or in fact no positions exist.

There's some discussion on the chat, so I don't want to miss this. So, Ann just wants to confirm that we're not changing the measure of qualitative consensus. Ann, it's not our intent to change that at all. There is a lot of flexibility in how the Chairs determine consensus. And while it is -- we hope it -- or wish for it to be a qualitative as opposed to a quantitative, there is inherent in the definitions of what constitutes the different levels of support for consensus a quantitative component, and we just need to figure out how we're going to work through that while not changing the qualitative nature of the determination of the support or consensus. So, it's not an easy thing, and we're just to do our best to get through it and hopefully come up with a -- again, it would be just a recommendation of the Chairs as to how we classify it, and then the full working group does have an opportunity to review the designation that the co-chairs, that Cheryl and I give.

And Cheryl's got her hand up, so please, Cheryl?

Cheryl Langdon-Orr: Thanks, Jeff. Hopefully you can all hear me. Regarding Ann's comments that the guidelines call for sending out the Chairs' initial assessments for consensus to the working group, Jeff and I are very aware of the guidelines, both having been involved in the initial creation of them, of course, and having kept up-to-date with them. But, one of the things that I work successfully, and that I'd be certainly keen to discuss further with the leadership team as a good methodology, is once Jeff and I establish what we believe is the classification within the levels of consensus on any particular matter, that we do put it out in some way, shape or form. It may be on the Wiki. It may be to the list. It may be

both. We may even discuss it on a call, but will do it some way, shape or form, I would like to think.

And then, if the group wholeheartedly disagrees with us saying that it is not for consensus, that considerable or majority support, and that you will want to claim that we've got it wrong and that it was totally and absolutely for consensus, notice I'm probably using a ridiculous example there, then we can reconsider our judgment call on that level based on your prevailing arguments. So, I would see it as an iterative process. Just not sure that we need to spend a great deal of time being concerned over it at this stage, but to reassure you that Jeff and I will be following to the best of our ability the intent of the guidelines. Thanks.

Jeff Neuman: Yes, thanks, Cheryl. This is Jeff. I wholeheartedly support those comments. Anybody else have anything that they want to add? I'm just kind of reviewing the chat here, but it seems like we pretty much caught most of the things in here. So, with that said, Cheryl, your hand is still up. I don't know if you want to add something else or if that's just--.

Cheryl Langdon-Orr: --No. I just had the (inaudible). Sorry about that.

Jeff Neuman: That's quite all right. Okay. So, with that covered, I think the next topic, which I will turn it over to you Cheryl, anyway, is the discussion on the SAC090.

Cheryl Langdon-Orr: Okay. Hopefully I'm back off mute again. And if possible, if we can perhaps display -- if memory serves, I think it's page eight of SAC090, SAC090, which of course as we started to discuss last week, is one of the pieces of security, stability Advisory Committee advice that impinges particularly on our work. And I just want to make sure that of course all of you I believe would have a total and absolute working knowledge of every word that SAC090 says. But, just in case you don't, if I can get you all to page eight, that will be where we see the findings, and then the recommendations from this particular piece of advice, which is pretty important for us to understand. Because what we're going to do next is look at a spreadsheet which we hope has done a good -- a more than adequate, if not good, job of establishing where we have, or have not, got a nexus between SAC090 and our own work, what that nexus is, what we've done about it, and is there anything else we need to do in the future.

So, just to make sure we know what recommendations we're particularly talking about, I just wanted to make sure with Jeff that you're all familiar with the findings and the recommendations. Thank you. The document's on sync, so if you just take yourselves to page eight, that is where we will start.

So, on page eight under three, you'll have the findings sections. There are two primary findings. One, of course, is that the SSAC finds that uncoordinated use of the domain name space in overlapping environments can certainly lead to what this whole document, and in fact several of the SSAC advisories have pointed out to the ICANN community in the past, is risk to the stability of our system with ambiguity. The system requires unambiguous one-to-one relationships wherever possible, and that, in that cases, that is where names will collide. And they reiterate again that this ambiguity threatens the stability of domain name space when, in fact, a processing agent cannot reasonably and reliably determine what to do when it's presented with an identifier that is syntactically (ph) valid domain name.

Now, that being said, in a number of other of the SSAC advisors in the past, I would highly recommend, as I'm sure Rubens and others would as well, that you all take the time to read this 14-page document of SAC090. It's a good review, and it has a number of other links to other SSAC advisors in the past regarding where not only name

collusion (ph), but the way the domain name space and the DNS operate is important for us in our work in new names.

Finding number two, however, is one that is also one we need to at least partially pay attention to, and that's that the SSAC finds that there is a lack of adequate coordination among the activities of the several different groups. And these groups, of course, result in the instability identified in finding one, because they're not acting in a coordinated manner, certain things can be out of sync or, in some cases, activities can be heading in a direction in one entity, and another entity, such as ICANN, may be unaware of that direction. So, it's made through particular sub-components to this finding. It's saying that ICANN in its role as a coordinator of the allocation of the assigned names and in the root zone should be looking to invite applications for new top-level domains that do not provide for this ambiguity to occur. And so, their finding is that we should be specifically requiring unambiguous criteria for part of the determine whether or not a given stream may or may not be, or be potentially a top-level domain name. So, that clearly falls within our jurisdiction of interest. They also note in their findings that the IETF, in its role as a standards body, should be -- whether that's with its reserved names, lists, et cetera, groups that we are more carefully coordinating with and that the same should be said for other individuals and organizations that independently select what our domain names in similar -- or similar to domain names in their own personal and private environments should also be -- well, discouraged from doing so, but you can't actually stop it.

Now, there's four recommendations, and in many ways we believe we've addressed, to some extent or other, all four in our work. First of all, the first one, just to articulate it, is that the SSAC recommends the ICANN Board of Directors take a step to establish definitive and unambiguous criteria for determining whether or not syntactically valid domain name label could be a top-level domain name in the global domain name system. And of course, that's exactly what a lot of our work, particularly in work track four, has taken the time to discuss, but which we will also be reviewing in the compilation document in a moment or two, and in our following discussions and correspondence hopefully in the list over the next several (ph) weeks or so.

Recommendation two is that the SSAC recommends that the scope of the work presented in recommendation one has at least three particular subsections to it. It -- we refer to this in our documents that just say shortly as three parts. One is very clearly to do with us, and that is that, in the applicant guidebook for the most recent round of new top-level domain gTLD applications, we cited or created several lists, or strings, that could not be applied for, and it goes into the details of which ones they are. What it is saying in its advice to ICANN is that, should ICANN formalize in policy the status of the names on these lists, and if so, there are two questions posed: how should ICANN respond to changes that other parties may make to lists that are recognized by ICANN but are outside of the scope of ICANN's direct influence, so for example some of the reserve names from the IETF? If that list changes, how do we react to that? And also, how should ICANN respond to a change in a recognized list that occurs during a round of new gTLD applications?

And of course, that brings us to a couple of points of discussion, and one of those would be if, in fact, we go forward to not having specified rounds, if there was a continuous processing of new gTLD applications, how would that, for example, allow us to be responsive and reactive to changes in special or reserved lists? It also then goes on to suggest, in the example of the IETF, that as it uses -- it makes its list of special use names, it asks what should ICANN's response be to groups outside of ICANN that -- sustaining for a list of special name, that it wants us to contemplate that, and also that some names are not on any formal list, but of course they're the ones that many of us are quite familiar with. These are the sort of private use names, and these are the ones, such

as .corp, .home, .mail, .lan, .dlink, all of those, asks us should we formalize a policy in the status of these private use names? And if so, how should ICANN deal with private use names, such as some of those I just listed that are already known to collide on large scale with formal applications for new names? And then, how should ICANN discover and respond to future collusion, or dare I say collusion risks between private use names and proposed new names that would be ICANN recognized as gTLDs?

The last two recommendations are much shorter but no less important. Recommendation three is, pursuant to its findings, that there is a lack of adequate coordination amongst the activities in the different groups. SSAC asks and recommends that the ICANN Board of Directors establish effective means of collaboration on these issues. Obviously, that's not our particular bailiwick, but it's certainly something that affects our response to recommendation two, or aspects of recommendation two because better coordination would hopefully mean we'd hear about such issues sooner rather than later. Rather than have them on published lists, we'd know that they were likely to be added to published lists.

And finally, recommendation four is that the SSAC recommends that ICANN complete this work before making any decisions to add new TLD names to the global DNS, in which case that is firmly within our particular area of interest.

So, with that, if I can ask staff to now -- now that I've hopefully made sure you all know what the findings and the recommendations were, if we can now bring up the terrific spreadsheet, and by terrific, I would also suggest it is a rather wide spreadsheet. There's quite a number of columns on it. We will be distributing this, and yes, it is micro-micro-small, certainly on my tiny little screen. But, we really just want to introduce you to this stage. This document will be distributed to you all immediately after, if not during this call. But, what we have here, just to make sure you understand what we've done, is we've -- column one is the particular part of SAC090, which are the four and component parts of recommendation two that we're referring to. It is a simple language description of it. It is our statement of understanding of the recommendation. Gives you a little bit of background on the issue and listing of Board action that was associated with it. It also outlines the rationale. It then says in a very important column does the SubPro currently address any or all of this recommendation. And in some cases we can say yes, and in relationship to certainly recommendations two and three, we can only say partially. And in recommendation four, we believe the answer is yes. But, with that, we then go on and outline how we see SubPro has addressed the issue, and then we've also got a column that says what else needs to be done.

Now, this document is going to be one that we seek your input and your commentary on, and it would be one of those times where I believe it will be suggestion only, not obviously direct edit onto the document. We do, of course, want to recognize that that's an awful lot of information for us to use on a shared screen, but we just wanted to give you a little bit of preview, I guess is the best term, on what's being compiled now for your input and edits.

So, with that, I think I've taken my allocated time now, Jeff, on SAC090, but we did want to be able to show where we believe -- dealt with the necessary recommendations out of SAC090, how we've done so, and what needs to be done in the future. And please, we very much want your input and commentary on this document in the next, let's say, 10 days so that, before our next meeting, we can make any necessary changes and redistribute.

With that, Jeff, I guess it's back to you.

Jeff Neuman:

Yes. Thanks, Cheryl. Just -- this is Jeff. Just to clarify, we don't expect to have a substantive discussion today on these SSAC issues. The point of this was to introduce this chart, which you will get by e-mail, which will also be up on the Wiki. So, just to tell you in this chart that you will get. The most important thing is to pay attention, I think, to the last three columns, because those are the ones that will -- the other column, the first six, I believe, are just taking work (inaudible) out of the Board papers. So, it's the last three columns where we ask have we already addressed this issue, we being the subsequent procedures working group. If so, then it's a yes, and then have description of how we have addressed it, and what further work may still need to be done. Then, -- so that's really what -- as we go through each of those issues, that's what you should pay attention to, not necessarily the substance of the issue itself, because if we have covered it already, then chances are, with a bunch of the issues, there's going to be discussions when we get the comments back, or maybe we've already covered it adequately in the initial report. So, understand this chart here is not legible. Understand we're not asking for a discussion on this -- on the substance at this point, just asking you to look at this chart, see if it makes sense, and see if you agree with our, meaning Cheryl and I and ICANN staff's assessments, that we've covered or we haven't covered it, and where and how. So, that's really what we're asking at this point.

Looking at the chat, Ann asks a question, "If the Board has formally adopted recommendation four, that no round should proceed until all named (inaudible) issues are resolved, how do we decide (ph) path to treat (ph) the Board's adoption of this recommendation, which is not consistent with the preliminary recommendations in the initial report?" That's a great question, Ann. I don't think anything prohibits us from coming out with a final report. That's just something different than what the Board has or has not formally adopted. We have a role to provide our policy recommendations, whether consistent or inconsistent, with what the Board has said, so I don't think in any way that what the Board has or has not done necessarily has to change what we are doing. But, others may have a different view, and certainly when we get to the substance of the issues, we'll have a discussion about those in more detail.

And as Rubens notes, the Board -- by the Board accepting advice, that doesn't necessarily mean that they've accepted each of the recommendations. It just means that they have accepted the input from the SSAC, but I think that's why they want the GNSO's view on these issues. But, I could be wrong. I'm not an expert in this particular SSAC 90 (ph) paper, so just note that -- look at the chart, review the chart, and then you'll see areas where and when we'll discuss more on the substance of these issues.

Okay, I guess I could put my own hand down. Any other questions on this before we go to, I guess, the rest of the time that we want to spend on this supplemental initial report? Okay, so people are still typing. If I could ask staff to help us post the document that we sent out on Friday that has the 1.3, 1.4 and 1.5? Steve, you have a comment?

Steve Chan:

Sure. Thanks, Jeff. This is Steve from staff. I think you actually skipped agenda item four, about the initial report, the public comment, and the subsequent steps. So just I guess an introduction about what the working group can expect once the public comment closes? Thanks.

Jeff Neuman:

Thank you, Steve. Yes, that's -- thank you. I did accidentally skip number four. So, while ICANN staff is posting, we should, as Steve said, have a conversation on the initial report and the next steps.

So, on this one, as you know and as we've discussed, the comment period for the initial report for work tracks one through four is -- comments are due on September 26th, and staff, correct me if I misstated. I knew it was either the 25th or 26th, but I believe it's the 26th. When those comments come in, ICANN staff will take the next two weeks or so to

collate those comments and divide those up into three groups. And as we previously discussed on the call, it's our intent to break into three sub-groups to review the comments that we are getting in.

So, if ICANN staff is in a position to post another document, which we'll send either a link to or send out in hard copy or post on the Wiki, the leadership team has gone through each of the issues, or sections in the initial report, and we have come up with a methodology to break the initial report into three sections, and also to take these current six co-leaders that were co-leaders of one through four and assign leaders to the three sub-groups. So, I don't know, Steve, if I'm putting you on the spot to post that document so people could see it. I don't know if it's ready to do so, but we will certainly post that if it's not ready to post up on Adobe.

But, essentially, we divide the group up into the -- into three parts -- or sorry, divide the initial report into three parts. Overall, part one or sub-group, which I think we call sub-group A, if I'm not mistaken, because I don't see the document in front of me, will deal with the foundational issues and the -- everything up until the point of actual filing and application. Group B will focus on a number of topics related to the filing of an application, as well as things like the -- actually, I don't want to speak out of turn, so Steve, are we able to post that, or is that not because it's currently in a Google doc? Is it not -- oh, it's not ready. I see your comment. It's not ready, so yes.

So, sub-group A deals with the over-arching issues, the foundational issues, the pre-launch activities. Sub-group B deals with the -- basically the application, the -- deals with issues of the registry, the evaluation processes and procedures, and also deals with -- and Steve, you have your hand raised, so please help me out since the document's not posted, and for some reason my document is -- just crashed on me. So, thanks, Steve.

Steve Chan:

Thanks, Jeff. This is Steve Chan from staff again. And you're doing a pretty good job trying to remember on the fly, Jeff, but I have the document in front of me. And as Jeff mentioned, we'll get this sent out to the group afterwards. It's just not ready to be shared in the Adobe Connect room.

But, you can see sub-group A, I just added that to the Adobe Connect chat. It's over-arching issues, foundational issues, and pre-launch activities. For sub-group B, it will be application submission, application processing, and application evaluation and criteria. And then, sub-group C will be dispute proceedings, stream contention resolution, contracting, pre-delegation, and post-delegation. And if Jeff wants to add some color, that's great. But, in the meantime, I'll type those groupings out in the Adobe Connect chat so you can see it in writing. Thanks.

Jeff Neuman:

Thanks, Steve, for -- this is Jeff. Thanks for the rescue. The point of bringing this up now is that next week -- so we have a call on the 17th. We'll go into this in a little bit more detail, but also issue a call out amongst the full working group to see (ph) which sub-groups you would like to participate in. There's -- you could participate in all three if you'd like, but we understand people have valuable time and may not be able to participate in all three, and you certainly don't need to.

The role of these sub-groups are really limited to analyzing the comments to see if there are patterns that emerge from the comments, meaning that, let's say we find that every single comment that was submitted supports the recommendation, or that's in the initial report, or these are the groups that support it, these are the groups that don't, to really just help us understand the nature of the comments. If there are patterns that emerge, to also make recommendations to the full group to say, since every group supported this comment, we would recommend that the working group adopt this as the position in the

final report. It's really, again, just an aid to the full working group when the full working group gets to talking about the substance of these issues.

So, those -- we are likely to start meeting in the sub-groups at ICANN 63 for one of the sessions that we have to just kind of get an introduction from the leaders of that particular sub-group. But really, we will start in earnest after ICANN 63 having potentially weekly calls of each sub-group so that we can hopefully provide a good analysis of the comments to the full working group within a month or two. I'm noticing here Tom has got a comment. And as I read the chat, why don't I turn it over to Jim, and then I'll look at the chat while that's going on. Thanks.

- Jim Prendergast: Okay, yes. Thanks, Jeff. You came close to answering my question, but I don't think you went all the way. So, structure-wise, I know we've had some attrition in the existing work track leadership with some folks stepping down. Do you plan to just use the existing leadership to run these sub-groups A, B and C, or are you thinking of doing something different? Thanks.
- Jeff Neuman: Yes. Thanks, Jim. That's a good question. I think our intent is to use the existing co-leaders, so we've discussed this amongst the leadership team. And the proposal would be to have -- and Steve, please keep me honest -- sub-group A, which deals with the pre-launch kind of foundational issues. The co-leaders of that would be I believe -- oh, my gosh, I'm totally blanking. Steve, help me out here, because it's not up there.
- Steve Chan: No problem, Jeff. This is Steve from staff. Yes, thanks. This is Steve from staff again. So, sub-group A is intended to be led by Jeff and Robin Gross. Sub-group B is intended to be led by Rubens Kuhl and Christa Taylor. And then, sub-group C would be Cheryl and Michael Flemming. Thanks.
- Jeff Neuman: Thanks again, Steve, for the rescue there. So, what we did is we tried to pair up the co-leaders with either areas that they were -- as much as we could, areas that they were experts in or had the most experience in, and so we did the best we could. So, our proposal is to have the current co-leaders, along with myself and Cheryl, take a lead on those sub-groups more as, again, moderators of those -- or facilitators of those groups to help us to move the work along.

Tom Dale had a question in the chat about the CCT review team report, which has been, at least according to Tom, delivered to the Board a couple days ago. I was not actually aware of that. But, the plan is to tackle the CCT review team recommendations -- well, at least the ones that we have not yet tackled in any other fashion, that we'll start discussing those in a few weeks' time after we have a good handle on the supplemental initial report. So, Tom has posted the CCT review team report, the final report, so thank you, Tom, for that news. And we'll come back and certainly discuss it on a leadership call, and then come back next week with a plan, or proposed plan, of how to discuss, or how to tackle those subjects. We've been waiting -- as you all know, we've been waiting a long time for this final report. We have started to prepare for when we do start these discussions, but now that the report's finally out, we can actually formally put it into our schedule.

So, any questions? Just, again, a reminder of the action item then. Starting next week, we're going to ask for you all to sign up for one or more of these sub-groups. We'll create mailing lists for these sub-groups, and then most likely have an initial meeting at ICANN 63 of the sub-groups during one of our sessions, and then start in earnest of these sub-group meetings after the ICANN meeting in Barcelona. Any questions on that plan?

Question: "Jeff, do you foresee if a group small liaison being expected to participate in all three sub-groups?" No, Justine (ph), and that's a great question. I think, at the end of the day, when these sub-groups have questions, questions, interpretations, if the liaison is not part of that sub-group, then we will reach out to that liaison with those questions

separately. So, no, the liaisons are not expected to participate in all three sub-groups unless they really, really, really want to.

Question from Ann: "Will the working group members participate in consensus call even if they did not participate in the sub-group?" Yes, Ann. The -- and I wanted to try to be careful on how I worded this. The sole -- the purpose of the sub-group is essentially to help analyze the comments related to those areas and to help the full working group understand if there are patterns that emerge from these comments; and ultimately to make their recommendations to the full working group, and the full working group will consider all of the recommendations, because that's what the consensus call requires, that all working group members are able to participate in that. So, it's really just a helpful aid.

A comment, suggest that you ask for one liaison per sub-group. Ann, I think that's a great suggestion. I think that if you all can go back to your respective groups and maybe suggest that. It was hard enough to make an official call for one person plus an alternate. But certainly, if a group would like to assign one liaison to each of these sub-groups, that is more than welcome. And so, that is something certainly to consider and discuss with your respective groups. But, we certainly understand if that's not possible, as well.

Okay. I do want to spend some time on the substance of this, so why don't we go to sections 1.3, 1.4, and 1.5, which was sent out on Friday? So, if we can post that in an unlocked fashion in Adobe, we can do that. And while that is happening, just my, again, kind of disclaimers. This is just to get the discussion started on these areas. It is a -- it is the leaders' best efforts to try to see if there are common patterns or recommendations out of these three issues, and questions that we want to ask for feedback once this supplemental initial report comes out. Totally possible we got things wrong, and so that's what the role is for the next several weeks, is to make sure that we -- that we have all of the views that we can in this supplemental initial report. And again, unlike the way we treated the review of one through four when we were going through that, comment on the substance is welcome for these, not just the -- not just whether this reflected the nature of our discussions.

So, that said, section 1.3 deals with the role of application comments, or of comments that came in during the public -- relevant public comment periods. There were really only two guidelines that addressed this, in our view (ph), from the GNSO policy way back in 2008, and that's ICANN will provide -- or guideline C, "ICANN will provide frequent communication with applicants and the public, including comment forums," and guideline Q, "ICANN staff will provide an automatic reply to all those who submit public comments that will explain the objection procedure." Well, how is this implemented? In 2012, and I'm not sure why I cannot move. Is this document un-synced, or is it just me? Ah, yes, thank you. It's just me.

So, in the guidebook, the guidebook called for a formal application comment period. And this period was open -- I mean, all the applications were publicly posted on the website, on the ICANN website. And the comments were supposed to be within -- received within 60 days. That's not -- well, that's what the guidebook had called for. In practice, I think it was a lot longer than that, and for a number of different reasons. Panelists were to perform due diligence on the comments that were filed during that period, and then seek clarification from the applicant, if necessary, and that was interpreted as if the evaluators had determined that a comment could impact the scoring, then it -- in those instances, applicants were given the opportunity to respond to the comments that were submitted.

They were not considered formal objections, so if a member of the public wanted to object, it -- the comment itself was not considered an objection, but they did play a role because, in fact, the limited -- if the independent objector wanted to file its own

objection, there had to be one or more comments during the comment period that addressed those particular objection grounds. So, if the independent objector wanted to file an objection based on limited public interest grounds, then it was only allowed to do so if there was a comment filed on the application that supported that viewpoint. And in fact, there were some objections that were dismissed because the independent objector filed an objection where there were no comments filed on that particular ground.

So, in addition, there were -- public comments were designated to the community priority evaluation and could be taken into account by the evaluation panelists during community priority evaluation. And of course, governments could utilize the application comment tool to -- as an aid for them, but there was not a substitute for formal GAC consensus advice -- I'm sorry, formal GAC -- yes, consensus GAC advice. So, that's pretty much how it was implemented. There's some more details that you can read in there in section B.

But ultimately, when the working group was discussing this, and now I'm on page two, section C, so the working group, it seemed from the discussions we've had so far, supports the notion or the guidance that was in implementation guideline C particularly around continuing public comment forums. But, the working group believed that the -- both the mechanism and system could be optimized. So, for example, the working group discussion seemed to indicate that we should have a better -- or the system should better ensure that e-mail and name use for an account are verified in some manner, so there were a number of spam comments on these comment forums that were not weeded out. And also, there is guidance that the system used to collect the application comments should support filtering or sorting mechanism to better review, especially in cases where there's a high volume of comments.

And so, one thing that the comments did not allow, which was frustrating for a number of people, was it did not allow for the inclusion of attachment, and we think that attachments should be allowed, going forward. In addition, we believe -- or the working group discussions seemed to indicate that ICANN should be more explicit on how public comments are to be utilized or taken into account by the relevant evaluators' panels and to what extent different types of comments will or will not impact scoring. This -- although the guidebook does indicate that they could be used, it does not really provide more information. It's pretty vague as to the discretion of evaluators on when they could or should or shouldn't use those comments and how those are to be taken into account. So, in a nutshell, those are the preliminary recommendations, and Jamie, please?

Jamie Baxter:

Yes, thanks, Jeff, Jamie Baxter. It dawned on me when I was reading through that, that what has been missed completely in this review is a discussion about the letters of opposition specifically, because I realize they're not common (ph). They're not application comments, per se, and they're definitely not formal objections as part of the objections proceedings.

And I tried to touch on this the last time we talked about this topic, but maybe it didn't come through, and that was there seems to be no implementation guidance around when letters of opposition are allowed to come in. And the reason I raise that is -- and what I tried to elevate in the last discussion about this topic was that, when all applications are received, comments can start coming into all of them. And let's just, for an analogy's sake, say that they start getting tennis balls thrown at them. When an initial evaluation is over, all tennis balls stop being thrown at standard applicants, but tennis balls continue to be thrown at community applicants because they have many more proceedings to wade through before they actually get to the community priority evaluation.

And what happened in the 2012 round is that we went through public comment, the application comment section, then we went through the formal objection section, and

then there was, just before CPE started, a letter of opposition that was submitted, which seems to be more -- for no other reason a gaming tactic, in a sense. So, is there intended to be some implementation guidance around letters of opposition, or will they always be continued -- allowed to continue to flow in at any point prior to CPE commencing? Because that seems like a real disadvantage to community applicants who, had they been aware of the letters of opposition during the comment period, been able to spend time trying to mitigate some of those concerns instead of being faced with them at the last minute without any redress.

So, I guess the question here is what is -- how are we looking at letters of opposition in this larger picture of, I guess, comments? Thanks.

Jeff Neuman:

Yes. Thanks, Jamie. This is Jeff. So, I think that should be covered in the discussion on CPE, Community Priority Evaluation, and I think that should be -- I can't recall everything that's in the initial report on CPE, but I certainly think that you and others who feel similarly should file that as comment to the CPE section, and then of course have those discussions in that sub-group to make sure that we do address that. But, I see the -- I think, and maybe this is just my not being as familiar with CPE -- what I think is that I think of it as a little bit -- as a different thing than just the general public comment period. So, I'm not sure that needs to be addressed in this particular area, but certainly needs to be addressed in a CPE discussion unless there's something I'm missing where a letter of opposition is used in any other objection, or any other proceeding or dispute process. Jamie, please?

Jamie Baxter:

Yes, I think -- Jamie for the record -- I think the letter of opposition really only has one role, and that is during CPE, because it doesn't have any authority in the official opposition, because of course it doesn't come with any substantial payment that's required for filing a formal objection. It can be done for free by anybody. And so, I think what's important is we just have to decide, or at least talk about what should the rules be around letter of opposition, because we never talked about it during the community priority evaluation section. And it seems to not necessarily fit perfectly here either, because it's not a public comment. It didn't go through the public comment system. People just file them directly to ICANN through the correspondence page, it seems.

So, I certainly prepared comments that include discussion of this, but I raise it here because I think it's an important distinction to make about what exactly -- where are they classified, and what are their implementation guidance around them, so that it's very clear going into the next round, is there a cutoff date for them, or will people be allowed to submit them at the last second and give the applicants no opportunity to address them. Thanks.

Jeff Neuman:

Yes, thanks, Jamie. Jeff again. So, let's -- we are definitely noting that in a -- notes. We are also, just to remind everyone, we've had some substantive conversations, both before the initial report was released and then since, and so comments are going to be reflected in the matrix of comments when we finalize that, get all the comments in, and then finalize that to distribute to the sub-group. So, I will ask Steve, Emily, and Julie to make sure that those are reflected in the CPE section and that we tackle it there.

Just going back to the comments. Okay. Moving on just to section D, or actually probably more section E, which is one of the questions that we're seeking feedback on. And I think, Jamie, this actually does ask the question that you are bringing up. And so, it does ask the question that, while there was a cutoff for application comments to be considered by evaluators, the cutoff for CPE was far later in the process. And this is exactly what you just brought up. So, we do ask the question here for feedback from the community, and then we also -- and I'll get to you, Jamie, in a second. Let me just quickly -- just do a quick recap of the questions.

Then, the second question is about clarifying questions, which -- so applicants were given the opportunity to clarify and questions, to respond to comments that might impact scoring. From one perspective, this may have reduced the incentive for applicants to respond to all input received through the public forum, including comments that may be perceived as negative. Is this an issue that should be addressed? And if so, what measures would you propose in response to that problem? And then, the third question is, if there is an application comment period prior to evaluations, then should applicants be given a certain amount of time to respond to the public comments prior to the consideration of those comments? So, while we've already said that evaluators reached back out to the -- through clarifying questions to the applicants if they think it may impact scoring, should we just make a formal part of the process maybe a week, two weeks, whatever it is, should we give time for just applicants to file responses and to put them into the comment forum, as well? So, that's the three questions. And so, back to you, Jamie.

Jamie Baxter: Thanks, Jeff, Jamie Baxter. For the first question here, I think an edit I might propose is that we should ask the question, "Is there any valid reason for an implementation of this manner that the community applicants have subject to public comments along (inaudible)?" And then, also, not just do we believe it should be shortened, but do we believe it's fair. So, I think those are just additional things that could be put into that first question there, because this is a little bit one-sided in the way it's asking the question, I think. Thanks.

Jeff Neuman: Thanks, Jamie. That's good feedback. And we have a note on that to see how we can make the comments a little bit more -- or the questions a little bit more general, and not as one-sided. So, I think that's a good comment. Thank you.

Any other questions that any (inaudible) we should be asking specifically? There is a section on deliberations. That goes into some of these in a little bit more detail. If there are comments from that deliberations questions -- sorry, deliberation section, or questions that you want to pull out of there, please do. This is not the only time we're considering it. This is just an introduction to this document and section, so you'll have plenty of time. Please do provide us comments through -- on the e-mail list or the next time that we go over this particular subject on the next call.

So, with that, I'll take a little bit of a break to look at the chat. Justine says "Perhaps we should provide a brief description of what happened in 2012 round to lay context for questions on the letters of opposition." Justine, that is a good suggestion. And maybe what we'll do, and since Jamie is kind of a leader on this, perhaps, Jamie, you can -- or maybe ICANN staff could send you something on that, and you can help them make sure it's -- provides that context, to just kind of put you on the spot there, I mean, not during this call. Afterwards, after this call, staff will work on providing that context, and then if you can make sure to look at that.

Okay. Michael has a comment. "As a follow-up, it should be clear how letters of opposition are handled once received and influence decision." Michael, I think that's right. I think that we should note that not just here, but also in the CPE process where there are comments coming in from the community now. See some agreement with that. Good.

Okay. I'm getting a little bit of background. I'm not sure where that's coming -- just a reminder, if you could mute your lines if you're not speaking. Okay, maybe it's just me then.

Moving on to 1.4, this deals with the notion of change requests. And you'll notice there are some -- there's definitely some overlap with this section, change requests and topics that we've already talked about, which include the ICANN auction and the private -- the role of private auctions. So, you'll see some references to those discussions. There really was no policy or implementation guidance that we were able to find from the 2012 round, so that section is right now blank. But, if anyone finds anything that we missed, please do let us know.

How was this implemented in the 2012 round? Initially, what's interesting is that there was not much guidance provided, but, over time, certainly over -- I guess it would be the first four months or so after ICANN had the applications and realized that this process was going to last (ph) for several years, or could last for several years, that certain types of changes were just going to occur naturally, whether that was attrition or changes in officers, directors, address changes, corporate name changes, et cetera.

So, on September 5th, ICANN did publish some criteria for considering change requests, or certain types of change requests, and that each of those would be published for a 30-day comment period. But, after a period of time, ICANN realized that, you know what, maybe they did not need to put everything out for the 30-day public comment period, especially where there were change requests to parts of the application that were confidential to begin with. So, it didn't make sense to have a comment period on a change to something that the public never saw the initial part of. So, that was one thing that was changed.

So, ICANN, then you'll see in the implementation section here, did provide some guidance, and issued an advisory on this. There were statistics collected on the number of change requests that were submitted. That is in section 1.43 of the program implementation review, to which there is a footnote. And depending on the nature of what change was requested, some of the changes required re-evaluation. It proceeds (ph) after the completion of the initial evaluation. Examples included if there were, okay (ph), substantive changes to the technical or financial portion. That would be more likely to require re-evaluation.

And then, there were also some change requests that were put in to respond to GAC early warnings, or objections or where comments came in that said that they had a particular problem and the applicant wanted to address those comments. And it was really difficult to understand for most applicants which of these changes required were -- A, were allowed; B, required public comment or reevaluation. And so, one of the recommendations is that the -- certain improvements to section C, so I'm on page six, were that ICANN should provide guidance on changes that are likely to be approved and changes that are not likely to be approved. ICANN should also set forth effective changes which are required to be posted for public comment, which are not. ICANN should also set forth in the guidebook the types of changes that require a re-evaluation of some or all of the applications and which do not. And then, the working group believed that several types of change requests that were disallowed in 2012 should be allowed, moving forward, under these certain circumstances.

Unidentified Participant: Is everybody silent, or is it just Jeff that's silent?

Cheryl Langdon-Orr: We can hear you, and I'm pretty sure you can hear me, so I think we've just lost Jeff off the Adobe Connect phone bridge.

Unidentified Participant: Okay. I'll go back on mute.

Cheryl Langdon-Orr: Okay. Unfortunately, I'm also in another call, so that's going to be very challenging for me to keep my line open. Otherwise, you'll be listening to the At-Large Review

Implementation working group planning, so probably not the best audio line to stay open. So, hopefully we'll get Jeff back momentarily. I'll try muting again so you don't hear everything going on in my other ear.

Steve Chan: This is Steve Chan from staff. If you all don't mind, I guess I could continue to take us through this document till Jeff is able to join. So, I believe he left off the last bullet in section C here, and he was mentioning the type of changes that the working group thought should actually be allowed in the future, though they were not in the past. So, it references section D to talk about those potential changes that should be allowed.

So, the two types of changes that the working groups will be -- or at least the understanding of the leadership team should be allowed, is the ability to create joint ventures, and these are both in relation to resolving the string (ph) contention (ph), so one is to create joint ventures, and then two is to have a limited ability to select a different string, which must be closely related to the original string.

And so, related to that, there is a pair of implementation guidance -- I just got a note. Jeff lost his Internet connection, so you may be stuck with me for a bit. Actually, he's on the phone bridge. Jeff, would you care to take over, or do you like me to continue?

Jeff Neuman: I could continue because I have a hard copy of the document. I'm just not able to see where -- or if anyone's got any comments or questions. So, if you could just remind me; A, where you left off, and then let me know who -- if anyone's got comments.

Steve Chan: Sure. Thanks, Jeff. So, I was just about to get into the implementation guidance in section D, so about the joint venture section. And happy to watch the chat, and also the hands.

Jeff Neuman: Okay, great. Yes, so -- and if I repeat something, I'm sorry about that, but there's -- we put in -- we tried to reflect what was discussed during those conversations. Really, I think it was discussed during the auctions, when we were talking about auction. But, certain types of changes, like Steve said, joint ventures or other types of cases where there's mutual agreement among all of the applicants, if for a particular -- in a particular contention set where they could agree on certain things, and maybe those types of changes, even though they're material, would be allowed.

So, those are set forth in section D because they are options under consideration. We don't -- we didn't feel like we necessarily had enough support to put that as a recommendation, but they certainly are an option.

So, as you can imagine, section E really asks questions about these. So, it says, essentially, do you agree with any of these types of changes? Please (inaudible) why or why not. If these changes are allowed, we recognize that there is potential for -- or there could be potential for gaming. So, how can we mitigate those, recognizing that we'll never eliminate every possible gaming potential? And if there is an ability to change the applied-for string, what should be the criteria for considering those requests? So, we had talked about in previous calls the -- because Karen brought this up from SAS (ph), where both SAS, the analytics company as well as the airline had both applied for SAS.

Had those two companies been allowed to say, you know what, SAS the analytics company will take SAS Analytics, and the airlines will take SAS Air with that, that wasn't allowed for in the current rule, but should something like that be allowed, and then what role should public comment play in determining if a change request should be granted? So, if someone wanted to change -- based on the public comments that were received, should an applicant be able to change -- make a change either in the application itself or even the string? And reflecting on the criteria utilized for considering change

request, that ICANN has published in their advisory, are those the right criterias, or should we make any changes?

I'm going to stop there. Steve, if there's anyone in the -- that's got comments or questions?

Steve Chan: Thanks, Jeff. No hands raised, but we do have a comment and a question in the chat. So, the first comment is from Michael Casadevol (ph). I'm not sure if I pronounced that last name correctly, but his comment is, "How do we handle if a joint venture unexpectedly terminates? Can it/should it trigger a re-evaluation?" and I'll stop there and mention the question next, if you want to take that one, Jeff.

Jeff Neuman: Yes. If I could just ask a question about that, so I guess is that if the joint venture terminates before the evaluation is completed? Is that the meaning of the question? It's a very complex question, so I think we should -- and given the amount of time we have, if - - Michael, if you could provide either -- maybe on the e-mail list just a little bit more background of the question you're asking so we can make sure that we understand it and have it in the notes, and then, of course, address it. Steve, if you can go on and read the comment, then?

Steve Chan: Sure. The second question -- thanks. This is Steve from staff again. So, the question is from (inaudible) Scalise (ph), and it's a more general question. So, she asks, "By when is leadership looking for input on the supplemental report section? And when will they be published -- just moved -- probably for public comment?" By when will they be published for comment?

Jeff Neuman: Thanks, Steve, and thanks, Ann, for the question. Whoops, sorry, I'm getting feedback here, because I just got back in. Ann, I think -- so, if you look at the work plan that we put out last week, and we can maybe put another link to it, or certainly indicate it in the notes when they come out, the goal is to publish a supplemental initial report out for comment by October 12th, I think was the date. So, over the next several weeks, we'd like that input. Our intent for the next call is to go back to at least sections 1.1 and 1.2 that we discussed on the last call and show you the revised section, which reflects the comments that we got in from -- on the mailing list or on the last call. So, if you do have comments on sections 1.1 and 1.2, please do send them in in the next couple days. This is preferable so we can make sure that it's included in the discussion draft that we sent around for next Monday. And so, then the goal would be to -- if we have enough comments on these sections, to start talking about these, as well, on the next call. But, we plan to have multiple opportunities to (ph) talk about this.

Given that we are one minute left, it does not make sense to start the next section, so we will start the next call which is, again, a week from Monday -- well, not on Tuesday. Even -- this one was Tuesday, but -- because of the timing. But, on Monday the 17th is our next call. We're now meeting weekly, so please make sure you have the invite. Is there anyone else that's got any other business before we end the call? Okay. I'm not seeing any. I see a comment from Michael, "ICANN staff will take note of that." Usually the invites are sent out by Michelle or someone else from ICANN staff, so we'll make sure that we -- that Michael, you get an invite for those calls.

So, thank you, everyone. I think this has been a productive call. And please do use the e-mail list to submit comments, and we'll talk to everyone next Monday. Thank you.