

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group
Monday, 12 November 2018 at 15:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-new-gtld-sub-pro-pdp-wg-12nov18-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p10v65bbuk8/>
Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/UwDVbQ>

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

Operator: Recording has been started.

Michelle DeSmyter: Thanks, Becky (ph). Well, welcome, everyone. Good morning, good afternoon, good evening. Welcome to the new gTLD Subsequent Procedures Working Group call on the 12th of November, 2018 at 1500 UTC. In the interest of time today, there will be no roll call. We have quite a few participants online. Attendance will be taken via the Adobe Connect room. So, if you happen to be only on the audio bridge, would you please let yourself be known now?

Kristine Dorrain: This is Kristie Dorrain. I'm the (cross-talk).

Anne Aikman-Scalese: It's Anne Aikman-Scalese, and I'm only on the phone. Thank you.

Unidentified Participant: Thanks, Anne. And Kristine, I heard your name as well. We'll go ahead and note that. All right. And as a reminder to everyone, if you would please state your name before speaking for transcription purposes, and please keep your phones and microphones on mute when not speaking to avoid any background noise.

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

Jeff Neuman: Thank you, everyone. Welcome. I know, as I said before the recording started, I know that IGF is going on, and so plenty of other activities. So, our attendance is a little bit less than normal, but it's building up now as I'm looking at the Adobe Chat. So, thank you, everyone, for coming.

The agenda is, as always, on the top right-hand side of Adobe Chat. But, for those that are only on the call, we'll start out with our normal statements of interest update, followed by a recap of the meetings at

ICANN 63 and working group updates, and then a quick update on the subgroup efforts and just kind of a refresher for those that may not be in any subgroup as to what's going on there. And then, there are some -- as we're going through the comments that we received from the initial report, there are topics that we came up with that match also things that were in the CCT review team report that didn't seem to neatly fit into one of the subgroups to review those comments. And so, we'll get started on some of those today.

So, is there anything else that we need to add? Any other business? Okay, not seeing any. Is there anyone that has any updates to their statement of interests? Okay. Well, this is probably a good point to mention that, as you saw in the note from Steve, at the end of last week or over the weekend, that because of the annual meeting and because of some changes that have occurred at the Council level, Donna is no longer on the GNSO Council, but, happily, she is the Chair of the Registry Stakeholder Group. But as such, she is no longer able to serve as the GNSO -- one of the two GNSO Council liaisons. And so, the Council has appointed Elsa, and I'm sorry if I -- Sade, I hope I'm pronouncing that right. Elsa, if you could correct me, because I'm terrible with pronunciations. Oh, cool. All right, thank you.

So, welcome, Elsa. Elsa has been a member of the working group, but now she's on the Council and is one of our two liaisons. So, welcome, and remember, the role of the council liaison has been, I think, for the better expanded since when Heather took over as chair, although Heather is now off the Council, and Pete is the Chair. We'll get back to that in a second. The role of the liaison has been expanded to make sure that both we are aware of what's going on at the council level and that the council is aware of what we're doing. To try to better coordinate our activities. And so, Elsa is a very important member of the leadership team and has already been added to all of our lists and our leadership meeting.

Just mention that Keith Drazek is -- was our other council liaison, but Keith has now been elevated to Chair of the Council. So, although I don't think it's been announced yet, it would not surprise me if Keith were to no longer want to be a liaison in this group -- or I shouldn't say want. He probably does want to, but given how busy the Chair is, I'm not sure that Keith will necessarily have time. But we will confirm that, and as soon as we can confirm that and get a replacement, if that's the case, we will let everybody know. Any questions on that? Okay, I see some typing. Okay, so what Steve has put in the chat is that Keith is still serving as an interim basis until a replacement is named, so I guess the council's meeting at some point, I'm assuming, for the next few weeks, and so we will keep you all updated on that project.

So, great. Okay. So, I think we then can go into the ICANN 63 and working group update. So, for those of you that were in -- at ICANN, please feel free to weigh in if you have anything to add. But, in general, we had three sessions of what I'll call former work tracks 1-4, because we

don't really use that terminology anymore, but we had three sessions of that, and we had three sessions, if I'm not mistaken, of Work Track 5 on geo names at the top level; although all of the geo name stuff was in the morning and all of the rest of it was in the afternoon, so it's hard to think of it as three distinct sessions for each one.

But, in these work tracks 1 through 4, or formerly work tracks 1 through 4, our three sessions were divided up into a -- first session was to finalize the supplemental initial report and to go over the content and any last changes. And happy to say that that happened, and we got all the revisions in, and the supplemental initial report went out on October -- I believe it was either the 30th or the 31st. Comments are due on December 12th. So, that report is out there. Hopefully everyone has been already reading that and notifying their own respective groups. We being the leadership, Cheryl and I sent out, thanks to ICANN staff, some reminders to each of the SOAC and constituency leadership teams to make sure that they saw it and that they know when the due date is. And we also sent a note to the Board and to the staff.

Sounds like someone's got a comment. Does anybody have any comments or questions on that? Oh, okay, thought I heard -- someone want to get in? So, that happened during the first session at ICANN 63. The second session was a little bit of a different topic, was basically some -- a discussion on -- more on the implementation aspects of the new gTLD program and what kinds of things, from a policy perspective and from a GNSO perspective, we could do to -- I don't want to say speed up, because that's not the right word, but it's really just to keep progress moving. Because normally, what happens is, once a final report is delivered to the Council, the Council then considers it for however long it takes them to do that, and then it's delivered, assuming it gets approved, it gets delivered to the Board.

And then, the Board usually takes anywhere between three and six months to consider that after a public comment period. So, in essence, there could be a period of time in which no progress is being made on implementing new gTLDs. And given that -- the fact that this is already on a path to be nearly a decade between the launches of the 2012 round and the next round, whether there were ideas of things that could be done in the interim to keep progress going while other activities from the policy required activities are ongoing. And so, it was really a brainstorming session. There's no real deliverables from that except for the fact that I think that discussion was good to raise the topic to be on the GNSO Council agenda for their leadership - probably not the leadership, but the GNSO Council retreat, which that's the strategy retreat that they normally have in around the January timeframe. So, it is a few months before the GNSO Council can actually have to take any kind of action, but it'll give members of the Council things to think about while they're on their strategic retreat.

Any questions about that, or comments? Okay. And then, the final session was a -- we broke down the group into the three subgroups that

we are using to review the initial -- sorry, the comments to the initial report. And those comments were then, thanks to ICANN staff, who did a fantastic job taking out the comments and putting them into Excel spreadsheets that have comments from each of the responses broken down into the different subgroups and even more broken down into specific questions or category of topic. So, that was great work done that we absolutely needed to kick off our working group.

So, as a reminder, we have three subgroups; again, no longer work tracks, so we have subgroups A, B, and C. Subgroup A is co-led by Robin Gross and myself. Subgroup B is co-led by Krista Taylor and Rubens Kuhl. And subgroup C is broken down -- or sorry, is co-led by Cheryl Langdon-Orr and Michael Fleming. So, the topics of each subgroup are pretty much in line with the way a guidebook would be, or at least the way the last guidebook was divided, in sort of a chronological order of steps that would need to take place. The subgroup A deals with the foundational issues, the over-arching issues, and the pre-application type questions, so dealing with things like applicant support and freedom of expression, and should we even have new -- more new gTLDs, and all those kinds of topics. Subgroup B has to do with the application process and the evaluation criteria to do with the resident (ph) reserve names and closed generics and all those kind of fun categories. And then, the final subgroup, C, deals with the post-delegation type actions, which is dealing with the -- sorry, I'm just blanking here -- dealing with things like the objections to fee (ph) resolutions and dealing with accountability mechanisms and those types of things. And the agreement, of course, the registry agreement, as Cheryl put in the chat.

Okay. Any -- so what we did during that period, I forgot to mention, so we broke down into those groups and just, while it was not a formal working group or subgroup session, it was just one for the subgroups to get together to just meet who else is in that subgroup and then to just understand a little bit more how the subgroups are going to operate. And although we do have members of subgroups that are in more than one subgroup because you are not limited to being in only one subgroup, unfortunately, though, because of the ICANN structure and because of those meetings taking place at the same time at ICANN 63, you could only actually go to one of those sessions.

However, and staff, correct me if I'm wrong, I do believe we have recordings, or at least transcripts from each of those three subgroups, but he's typing and may correct me if I'm wrong. So, I will wait to see, and hopefully I'm right. Good, okay. Adobe Connect recordings of each of the subgroups are available. Great. Thank you.

Okay. Any questions about the activities that took place at ICANN 63 for the work tracks 1 through 4, or former work tracks? Okay. Seeing none, then Work Track 5 had several sessions, and they've since had a working group meeting, so I won't go into -- or worry, work track meeting -- I won't go into too much detail, but essentially there was some good conversation on elements that are related to their -- to the initial report,

which we are still expecting to release towards the end of November. And so, that comment period would likely go into and through January, as well. So, more information on that to follow.

Okay. So, as we just mentioned, there are three subgroups. Two of the subgroups have already met last week, those who are subgroups A and C. B will also be meeting this week. So, the subgroup meetings are on, at least for these last two months of the year, are on a little bit of a -- it's kind of every week, but because of a number of holidays, there are some weeks in there that will not be having subgroup calls. So, invites for each of the subgroups have been sent out. There is also a master schedule, which if I could ask someone from ICANN Policy to post so that you can see a list of all the meetings for the next several months, when they are. Hopefully we'll get that link put up so you can see.

But, this week, each of the three subgroups I believe are meeting, so please check your invitations. If you have not yet signed up for a subgroup and still want to sign up for a subgroup, you absolutely still can. It is not too late. Please send an e-mail to the GNSO Secretariat to let them know if you want to be in another -- or in a group. Remember, you can sign up as either an observer or a participant in any of those groups, but you can only sign up as an observer of the subgroups if you are, I believe -- if staff can correct me -- if you are a participant or observer in the main group. Any questions on that?

Okay. Not seeing any questions. I see a link on there, great, which has - - which posted by Emily, which should have the schedule of meetings. As Emily said, we are still finalizing some meetings for December just to make sure we are coordinating as to when ICANN's offices will be closed and when the -- some of the -- at least the Northern hemisphere certainly is -- takes vacation.

Okay. On the subgroups themselves, just a quick reminder, because we sometimes get lost a little bit in the detail, but the role of the subgroups is not to -- or (inaudible) let me put it in a positive way -- the role of the subgroups are to look at the comments that have been received from the initial report, to organize those comments in ways that will be instructive to the full working group. And the way that, at least according to the two meetings that we've had so far, one with group A and one with group C, where each of the matrices are color-coded to indicate whether comments agree with what was in the initial report, whether they diverge from what was in the initial report, whether they raise a new issue from what was in the initial report, or whether there are some level of concerns with things that were in the initial report. None of those are mutually exclusive, so one could agree with everything in the initial report but still express private concerns about things to look out for. I guess it'll be pretty hard to both diverge and agree, but I'm assuming that also it could be agree in part and diverge in part.

So, those comments are being analyzed by each of the subgroups. The subgroups are not really engaging in substantive conversations about

their own thoughts about those comments, meaning whether the working group agrees with those comments or disagrees, or at least the participants in the call agree or disagree with the comments that were received. It's really an analysis of, A, do we understand what the comment say; B, how we kind of categorize those comments as to level of agreement with the initial report; and C, to make sure that we understand if there are any clarifying questions we have to ask staff or that the group would like answered just to make sure that the group understands what the comments are saying or, frankly, what they're not addressing.

So, that's pretty important because we don't want people to feel like, because they're not participating (inaudible) the subgroups, that they're missing out on anything or that they're not going to be heard if they have feelings on certain issues. Really, the function of the subgroups is to prepare a report to the full working group where an analysis can be done on a qualitative basis based on the comments that were received. So, I hope that that makes some sense. And then, of course, there's -- as we noticed, and as Elsa is pointing out as well, there were some comments, at least for subgroup A, that we noticed were over-arching comments that didn't necessarily neatly fit within one of the subgroups, or at least didn't initially fit in with the subgroups, that we spent a good amount of time on, or last week, discussing moving some of those topics within one of the three subgroups, or, alternatively, as we'll be discussing, discussing them as full working group items as opposed to putting them in the subgroups.

And so, Cheryl said each of the subgroups does have a general tab that they may be moving around different subjects, or different -- sorry -- different comments into other subgroups. And in fact, some comments could be considered in multiple subgroups, which is why the leadership team of each of the subgroups' leaders, and the overall working group, do meet every week to make sure that we are not duplicating efforts, and that when there are issues that overlap, we understand which aspects of that issue each of the subgroups are doing.

Okay. Just catching up with the chat. And looks like I think I covered those. As Cheryl's saying, there is a general category, and so those may be redirected after analysis. Right. And as Emily says, all the comments will be taken into consideration at some point by at least one of the subgroups.

Okay. Great. Since there are no more questions, why don't we then jump into the topics, number four, topics for full working group consideration. And I'm hoping, although I did not probably -- since this is first thing on Monday for some of us, I don't know, I'll check with Steve or Emily to see if there's some sort of slide or document that we can show up there that's got to look to those issues. If not, I will then go to my own copy. Steve is typing. We have the CCT RT analysis and general comments available. All right. Can we put the general comments that we discussed in subgroup A that we would refer to this full working group?

Can we put that up there, Glenn (ph)? And as that's going on, we'll just take a minute to let them get that up there.

Now, the writing on Adobe might be pretty small, so if also someone wants to publish the link so people can go into the relevant Google doc, if there is one. Okay, that is pretty small, so hopefully it's up there. And just waiting a second here. There it is, great. Thank you. There's the link. I'll give everyone a second to click on that link. All right. And as you're going through that link, just to make sure you jump into the General tab. And the comments I want to focus on here is line five, where we'll start. So, I'll give everyone a second to get there.

So, line five is -- which is actually, sorry, in column A it would be General number three, but it says line five. And it says the belief that metrics need to be -- sorry, "belief that metric needed to access the new gTLD program, so this is starting out with a comment from the ALAC, but it's also a comment that was all over the CCT review team report. And that is that metrics need to be added to the new gTLD system, and that there was a lack of, at least in the CCT review team report, certainly a lack of any kind of definition of what success would mean.

So, recommendation from the subgroup A that we've talked about during last week's session is that this should be a topic for the full working group to address. So, before I go on to start the discussion on this, let me just see if there are any questions. Does anyone disagree that this should be a full working group conversations, and -- or a topic for full working group conversation? Jim, please?

Jim Prendergast: Yes, thanks, Jeff, Jim Prendergast for the record. Could I just ask a process question for either this call or calls going forward? So, what you're suggesting now is that we as a full group take up this comment and discuss it here right now on this call or for a future call. And it might be beneficial if the group as a whole have the topics that we're going to discuss ahead of time, similar to how we had those agendas that listed what parts of the initial reports that we would cover so that we're not sort of thinking on the fly. We've got a chance to deliberate and think about these more fully. Thanks.

Jeff Neuman: Yes, thanks, Jim, good question. We can have an initial discussion, make sure we understand the comments and see if there's any clarifying questions on this call. But the real substantive discussion would take place on a future call. So, let me -- maybe I should go back one step, because you asked a very good process question. So, one of the things that came out of the subgroup A call, which is likely to come out of other subgroup calls as well, are certain areas where they may have comments which don't necessarily neatly fit into their subgroup, but which should be referred to the full working group. And so, as those meetings happen, then we'll take that up on the full working group to make sure that we have agreement from the full working group that that should be an issue we discuss. And so, we can plan that for a future meeting.

So really, on this call, I just want to confirm, number one, is just basically confirm that this is an area that the full group wants to take up, and then we will schedule the substantive discussion on that topic for a future call where we can not only do what you said, make sure we have all the comments related to that area, but then maybe do a paper or have things that we can distribute in advance to make for a better substantive discussion on that area. Hopefully that makes sense.

Jim Prendergast: Yes, it does. Thanks.

Jeff Neuman: Okay. Christopher, please?

Christopher Wilkinson: Thank you. Thank you for showing us -- can you hear me?

Jeff Neuman: Yes, we hear you.

Christopher Wilkinson: Can you hear me now? Good. Thank you for showing us that excellent comment, but for future reference, I think it would be helpful if comments were signed so that we know where they're coming from. Maybe if we can read that link, that would be revealed.

About this proposition that we've seen, they're quite shocking. I don't think there should be premium domains at all. I think the rent for a good name should accrue to the registrant and not to the registrar or the registry. For me, this is fundamental. Thank you.

Jeff Neuman: Okay. Thanks, Christopher. I think you were referring to number one, which is line three of the spreadsheet. And you're not seeing line numbers on Adobe, so I apologize for that.

So, what -- we're only looking at -- this is the subgroup A document that they're looking at. I'm only drawing your attention to a couple of these items, which were items that came out of the subgroup A call that should be referred to the full working group. And number five is really the one that we're looking at right now. I'm sorry, let me say that again. Number three is the one we're looking at right now, which is the belief that metrics need to assess the new gTLD program. So, again, this is subgroup A, the subgroup A document. We're not -- as a full working group, we're not looking at this full document. I'm only using this to show you areas where subgroup A believes should be referred to the full working group. So, for the next call, or when we do discuss the substance on this, you'll see only those areas that we are going to address on that call. I hope I didn't make that too confusing for you.

Okay. So, the next area that subgroup A thought should be referred to the full working group is, if I can just scroll down here -- let me just find it, sorry -- actually, I do want to check with -- if we go down to number 16, and Steve, correct me, or Emily, if (inaudible) one before that. But, in line 16, I just want to make sure that there's agreement here that this comment should be referred to the RPM PDP. So, this comment here is suggestion that the summarize dispute resolution mechanism term should

be adjusted, and without looking at the -- or without evaluating the substance of this comment, I want to make sure that there is agreement within this group that this is one that we should refer to the RPM working group. Okay. I missed one, but we'll get back to that one, Steve. So, thanks, Steve.

We're still on number -- so number 15. And I know that we have at least one person, one of the co-chairs, but I'm not going to put Cathy on the spot. So, Cathy's on the call. But this seems to be me to be something that falls within that kind of jurisdiction. So, before any of the co-leads refer that officially to the RPM, I just want to make sure that there's no objection to moving this comment and this idea to the RPM group. Okay. Jim's saying that first glance, but moving it on the fly is challenging. Barbara (ph) said, Jim, thanks, and we'll try to get -- we'll leave some time open before we actually send a note to the RPM group. And Cathy says, (inaudible) the comments, but in general, this is a good time to refer summarize questions and comments to the RPM working group. Great.

Okay. Going back, and I apologize, I skipped this one, but this is number nine, which is not really a -- which is an overall general comment that was filed by ICANN org, really the GDD staff, so we'll go through these comments right now so you don't have to come up with an answer on the fly. But, this comment, as you were (ph) reviewing with subgroup A, seems like a good one for us all to keep in mind as we go through all of the other comments and as we go through writing up a final report. And that is to make sure that ICANN wanted to confirm, so GDD wanted to confirm that, if we do not or did not, as a working group, take up a particular area, and that that area is not an area for another PDP or some other group that's looking at it, ICANN staff wanted to confirm that they were okay with the notion that they themselves could implement and/or improve implementation of those specific areas. In other words, no detail or examples in here really about the kinds of things they were thinking about, but it was just something in here that basically said that, look, if we don't mention it, and we haven't taken it up as a subject, then they just want to confirm that that's not an area where we expect to do policy development on and/or areas that we are okay with ICANN staff proposing implementation improvement. There's more to that comment, but since there's already two people in the queue, we can go to them, and then we can cover the rest of that comment. So, Jim, and then Alan.

Jim Prendergast:

Yes, thanks, Jeff, Jim Prendergast. Initial reaction, a big caution sign here. I think initially -- just my initial thoughts is that it's giving a lot of latitude here for implementation work that could be policy work. I've mentioned them in the past, but the biggest example of ICANN's support of -- after the process had been completed, adjusting policy through implementation was the unilateral right to amend the registry agreements. We cannot let something like that happen again, so I think we'd have to put some failsafes into any process like this that may require ICANN org coming back to either the GNSO Council or some sort of reconstituted group of this group before anything is finalized. I just fear that giving this much latitude to do it -- and like I said, I'm not -- I haven't read through

this comment all the way, but I'm concerned that we're just yielding too much responsibility with automatically saying yes to something like this. Thanks.

Jeff Neuman: Okay. Thanks, Jim. Alan?

Alan Greenberg: Thank you very much. At one level, I agree with Jim, but on the other hand, it's quite clear that not everything is policy. And so, I think this is one of the things that the implementation review team -- and we're going to have to be really careful when we put that together, that it's a balanced group -- has to be referred to them and the IRT agree that this is indeed something that is within the latitude.

That being said, Jim's example is an interesting one, although it raised lots and lots of hackles in the first round. Contractual terms are not something eligible for consensus policy. So, it's not clear we could have a policy even saying you may not change contractual terms, because those explicitly are not eligible for consensus policy. So, it's a curious one to think about. Clearly, changing contractual terms may affect something eligible for consensus policy, but saying you can't change the terms at all is something which is wholly within the ICANN realm potentially subject to negotiation, but that's a negotiation issue. Thank you.

Jeff Neuman: Thanks, Alan. I think -- so I understand the comments that were received, and then there is some support for what Jim was saying in here as well. And then, what I want to read for -- is Steve's comments that he put in the chat. So, Steve Chan said the most relevant aspect of the comment is this part where he starts to quote, "although the initial report is quite substantial, ICANN org recognized that, due to the large number of program processes, procedures and issues, it may not be possible for the PDP working group to cover all topics in all -- in its discussions. ICANN org assumes that, if the PDP group does not discuss a topic, that it would not preclude ICANN org from suggesting implementation improvement during the policy implementation phase. It would be helpful if the PDP working group could confirm this assumption."

So, looking at that comment to kind of -- working that in with Jim's comment, I don't think making suggestions would ever be precluded. I think what Jim and what Jamie has agreed with, and I believe what Anne is agreeing with, is that when it's suggested, that doesn't necessarily mean that that shouldn't be something that's referred to an implementation team or a policy team to discuss it. It's just that either the group didn't think of it at the time, didn't know of it to be an issue, so the mere act of suggesting improvements I don't think is something that we would discourage. It's just not giving carte blanche to do anything that they want to do.

So, I think that one thing we can do when we -- or if we -- when we further discuss this type of comment further is perhaps looking at the ICANN org review of the implementation of the program, which is a quite substantial document, and to pick out of there things that -- or topics that we may not

have addressed that we -- perhaps there's a way to categorize some of those as issues where we would be fine with ICANN implementing and potentially issues where we might have some reservations. I don't think we've done a complete kind of exhaustive check of those.

But, just to read Anne's comment and then give back to Alan -- sorry, I just had that here -- Anne's comment was "(Inaudible) established historically that one person's implementation is another person's policy. GDD staff should not be making that determination. Refer any questions not discussed by the PDP working group to the standing IRT, and the standing IRT refers to one of the recommendations already from our group, so that assumes that the standing IRT is established or is accepted, but certainly would be referred to an implementation review team.

So, let me -- Steve, do you want to add a clarification, and then I'll go to Alan?

Steve Chan: Sure. Thanks, Jeff. This is Steve Chan from staff. And so, while this is a GDD comment, and I didn't have any part in developing that, I guess I just want to try to make it clear that, as far as my understanding of this comment, the way that it's phrased is, if the staff were to put forth implementation improvements, they would take place in the context of the policy implementation. And so, in that context, then, it would be in conjunction with the IRT, not actually the standing IRT in this case, but the regular implementation review team.

So, of course, anything that they would be suggesting would be subject to review by that IRT and would not be made in the unilateral fashion. So, hopefully that helps to at least provide some context about some of the concerns raised by some of the membership. Thanks.

Jeff Neuman: Yes. Thanks, Steve. I think that does help, but I'll take Alan, then I'll go back to read some of the chat.

Alan Greenberg: Thank you very much. Two brief comments. Number one, I wouldn't -- the alternative to saying yes under some conditions is say no, you can't come up with any good ideas. And I don't think we want to set that tone. That being said, I think when we introduce this to the whole group, it's got to be framed really carefully. We don't want to start a round-robin diatribe of how dare they attempt to subvert our policy by being allowed to change anything they want. So, that would be a good waste of a half an hour, and I don't think we should do that. So, let's frame carefully what we bring into the group. Thank you.

Jeff Neuman: Okay. Thanks, Alan. Apparently we've had an audio issue, so let me just take a second here. I think the phone bridge is working, for those on the phone, but I think the computer may have gotten disconnected. So, let me stop for a second and ask Michelle if we know what's going on. Michelle says she's checking it.

Michelle DeSmyter: Jeff, (inaudible).

Jeff Neuman: Yes. Sorry, Michelle, were you trying to speak?

Michelle DeSmyter: No, we are checking into this right now. (Inaudible.)

Jeff Neuman: Okay. All right. Let me give one minute, so we can just see what's going on, see if we can fix this. Okay, so people don't -- yes, sorry, Michelle, yes?

Michelle DeSmyter: I'm actually -- if we could just stand by for just a moment, I'm going to reconnect it. If you could just bear with -- I don't know what happened, but it'll be just a moment, Jeff. I apologize. One moment, everyone.

Jeff Neuman: Sure.

Michelle DeSmyter: Okay, Jeff, we have it reconnected. I apologize, everyone. You may continue.

Jeff Neuman: Okay. Thank you. All right, so hopefully everyone's back. I think Alan was speaking when we last were on. So, Alan's point, just to summarize, was that a balance needs to be struck between items that we as the community must have control over in terms of implementation and items that ICANN should be free to suggest improvements. And there seems to be some sort of -- Donna had agreed with that, the notion of balance.

I do want to go back to some of the chat, which says that -- Maxim had posted a comment, "Are we on the assumption that next RA, the registry agreement, will be the same as 2012," and I think we're not making any assumptions in this full working group right now, Maxim. I think that's a question, A, to review the comments in subgroup -- I can't remember if that's B or C, so I apologize, but one of those subgroups. And then, that will be referred to the full working group, so we're not making any assumptions at this point.

The next comment was, other than losing sound, is it's especially important -- it's from Anne -- especially important to refer to an IRT if a topic is not discussed by the PDP working group. So, what Steve is saying should be codified, certainly not clear from GDD comment that this was subject to IRT review. Okay. So, I think what GDD is asking us to do is for us to be clear with them so that they know what their discretion is and what it is not. So, I think that's important for us to keep in mind.

I do want to go over another part of this comment, or a couple other parts, which may -- I don't want it to get lost either. So, this is at ICANN. The GDD comment also said that they want us to confirm in the final report that the guidance regarding -- or sorry, I skipped a line -- that the output -- go back -- GDD wants us to confirm in the final report that the output of the PDP working group would only be applicable to subsequent procedures for gTLD use as opposed to applying to existing or legacy TLDs, and they want us to provide guidance, if any. Consideration should

be given to the strings that were applied for but did not proceed in the 2012 round.

So, this is basically for us to keep in mind, one, whether -- or to confirm whether our advice here is -- or our report here, recommendation, should only apply to future TLDs, or whether it should apply as well to legacy TLDs and -- or existing TLDs. And by existing TLDs, at this point we mean the full gambit of the 1,200 or so that have already been delegated, or signed agreements and been delegated. So, technically, our charter says that we -- with very few exceptions, our charter really has us looking only towards the future, but there are a couple of areas where the charter does make reference to certain strings that were not allowed to proceed in the 2012 round.

So, it has always been the leadership's assumption, but I want to confirm this with the working group to make sure we're on the right path, that unless the charter specifically asks us to consider something with respect to existing TLDs, or legacy TLDs, that the assumption is that our recommendations only apply to strings that are applied for in the future. As we are an official policy development process, it is theoretically possible that we could look into certain issues for existing TLDs, and assuming that it reached the level of consensus policy with all of those requirements in the bylaws, then in theory it could -- certain things could apply to existing or legacy TLDs, but the approach we've generally taken has only been on a going-forward basis. Jim, please?

Jim Prendergast: Yes, thanks, Jeff. That's what I recall when we were debating the issue of closed generics, and I talked about the fairness issue, where if you allowed it, going forward, what about those who were prohibited in the last round. So, that squares with what Aubrey (ph), I believe, responded to when she was still co-chair of the group. I guess the one question I have is that, for those strings that may not have been able to proceed in the last round and were subsequently withdrawn, I don't think that prohibits anybody from reapplying if suddenly the rules are different and more conducive to their either business model or what they want to do with it, going forward, does it? Thanks.

Jeff Neuman: Yes, thanks, Jim. So, I think I might break down your comment into at least two different parts. So -- or the latter part of your comment into two parts. So, there are strings where people withdrew completely, or where they were not allowed to proceed, and they're all done with all existing accountability mechanisms and everything else. For those, I would say that there's been nothing that's come out of this group so far that has made any indication that those could not be applied for in subsequent procedures. There are, however, some applications, or some strings that have been applied for for which there are still ongoing either accountability mechanisms or evaluations or random things that might still be going on, which our working group, through the initial report, has made a recommendation that -- I believe there was a recommendation that we should not be allowing applications for those strings that are still in some sort of status. I don't want to say that aren't dead, but basically for strings

that are still on (ph) an accountability mechanism, so in evaluation still in some live aspect of the 2012 round. There's not a huge number of those, but there are some strings that are -- have been applied for that have not yet been resolved in one way or the other, and in which case there was a recommendation in the initial report, I believe, that those -- we should not be having applications for those.

Comments from Anne, and I might be working backwards, but Anne says, "I was advised in Work Track 4 that our charter does not permit us to make policy applicable to the 2012 round unless specifically stated in our charter. So, if we did do that, the charter would need to be revised." So, Anne, I think there are -- as you said, there are a couple of areas where it is mentioned already in the charter that we can, but you are correct, that if we do intend to make a recommendation that would apply to existing TLDs, then we would need to revisit that charter to make sure that we are in proper footing to be able to do that. And that may require some sort of change.

Okay. I just want to make sure that I've covered all the aspects from this comment, and just reading through the rest of it, I believe we did. I think we reviewed all of -- we were on number nine. Okay. So, we've done nine. We've done 15. So, if we now go back, let me just see if there were others in this subgroup A conversation that we thought would be good to refer to the full working group. Okay. On -- this is line -- sorry, I forgot there's no line numbers in the Adobe room. So, this is actually number 24, so I'll give people a chance to move. The document is unsynced, so number 24 is on page either six or seven. Hold on. Seven, page seven of the Adobe document.

And this comment is a comment from the SSAC, and the comment was, "Putting aside the concern that we're moving too quickly, the meat of the comments really was to make sure that we consider all of the dependencies, or that we have considered all of the dependencies before a subsequent round of TLDs can be started." This was part of the SSAC comment as well that we got from the community comment number two, in a way, but is also part of their SSAC paper that they did, and I'm forgetting the number right now, and I'm not sure the number is in this comment. So, if someone can remember which SSAC paper that was, they can post that into the chat.

So, this really is one for us to take into consideration to make sure that we have indicated, or have looked at all of the dependencies from -- and have become comfortable that we have met all of the dependencies before we, as a community, commence the next round of new gTLDs. So, there's nothing really for us to do right now, but I just wanted to really bring that to everyone's attention, that we are -- that this was a comment made from the SSAC, and it's really intended for the full working group, as well as for each of the subgroup -- the groups to work on. And Jim has posted the -- it was SSAC 103 and has posted the link.

Maxim has said, "We cannot comment on actions or inactions of the SSAC." Maxim, I'm not sure why. Are you saying we should not be commenting on those, in your view, or we actually can't? I just want to make sure I understand your comment. Maxim is typing. No, we can comment on actions, or we cannot -- oh, so last words in their comment was about their plan. Okay. So -- but if we go to the last part of the comments from the SSAC, it does say that the ICANN Board organizational effectiveness committee or other appropriate ICANN organization function should ensure interdependence and optimal ordering is managed effectively here. Right. So, that comment is not really for us to consider as a working group. That is really the SSAC advice to the Board.

But I was really looking at this comment from a overall perspective of -- to make sure that we as a group have addressed what we believe are the dependencies. And if we agree, or should I say if we disagree with the SSAC, that they've indicated some dependencies that we don't believe are dependencies. We can comment on that, as well. Or alternatively, if we agree, we can comment on that. I'm not trying to take a position here, but just making sure that we -- to know our options.

Anne asks, "Will SSAC 103 be discussed at a future meeting of the entire working group?" At this point, SSAC 103, I believe most of it relates to the security and technical aspects, which I believe are in subgroup B. So, I'm not sure that the substance of those recommendations of SSAC 103 will be discussed by the full working group, but it is very possible that, once we finish looking at those issues, that this -- if there are activities that need to be done, then I would answer that the full working group, yes, will discuss whether we believe that they are dependencies or not. I hope that makes sense. We may agree with the SSAC that there are dependencies. We may disagree with the SSAC that there are dependencies if we don't have solutions that are in place, but that part of it will be discussed by the full working group. The subgroup B will discuss the comments that came in on the technical stuff, and they will make recommendations to our full working group as to what, if anything, we should do about that.

Jim is asking a very good question, "Do we have an SSAC small-L liaison?" We have asked the SSAC for this. We have participants from the SSAC in this group, although they're not on every single call. But I will double-check. I don't believe anything I'm going to now ask Krista -- sorry, I will ask Emily or Steve to confirm that I don't believe we got someone from the SSAC to formally volunteer. But I know that Jim Galvin is a member of this working group and has stepped up before and said that he would make sure that they knew if there was any questions or comments we had for them.

And Emily is saying, correct, we don't have someone formally, but Jim has stepped up before and said that, if there are questions, that he -- if no one else stepped forward, that he would bring them to the SSAC. Okay. Just trying to double-check to see if there are any other. I do want to go

over the last comment, 31, number 31, which is a comment from Christopher Wilkinson, which was on the -- sorry, going back to make sure I'm on the right one here. ICANN should collect data and publicize the chain of parties responsible for gTLDs domain name registration.

Actually, I might have skipped one. I'm sorry. Let me go back one. I apologize. We're on number 30. Sorry about that. This is the comment from Christopher Wilkinson. This is about the jurisdiction of the incorporation of a registry and tax haven. Subgroup A discussed this on last week's call, and we said that this was out of -- it was the feeling of the subgroup A that this -- while not commenting on whether this issue is important, it's just saying that we didn't think that this was within the scope of our PDP. So, just to read the comment or the general gist of the comment, it was that the jurisdiction of the incorporation of registry may give rise to certain restrictive conditions.

And so, Christopher's comment is "At the present time, when several international and even governments are concerned with tax fraud and tax evasion, ICANN's image would not be enhanced should we be seen to be facilitating tax evasion." And then, there's a comment in there about Work Track 5, so that part of it would get referred to Work Track 5 anyway, but it's really the other two parts. So, should I confirm that subgroup A, the people we had on the call felt like that would be out of scope for the full working group. Does anyone disagree? Christopher, please.

Christopher Wilkinson: Yes, Christopher Wilkinson again. Good evening, good afternoon, good morning. I'm not going to take your time by disagreeing. This is not the first occasion where we've encountered a comment to the effect that it is out of scope. And I think as a matter of ICANN discipline, if a matter is considered in group A as out of scope, it must be assigned somewhere else, because the implication -- if you don't, the implication is that the status quo of the -- is maintained, or that ICANN take -- has no interest in this. There have been one or two other examples of this during the past year where it's very convenient to say it's out of scope, but then ICANN, the staff or the co-leadership, I don't really mind who, have to say where it is in scope. Thank you.

Jeff Neuman: Okay. Thanks, Christopher. Well, while people are thinking about that question, because I'll just ask the group, is there an appropriate place to refer that comment where we think it would be in scope? Jim has a comment, says, "The recommendation that ICANN prohibits the incorporation of registries in certain countries." Robin asks -- or says, "The community needs to agree to work on an issue for it to be in scope. Not everything is in scope. This issue is not in scope." Maxim says, "Note, I believe that restrictions on jurisdiction is something ICANN should not do." And Jim says, "Do we have Work Tracks to refer this to? That's -- or we've disbanded them?"

So, Jim, when we're saying is out of scope, we're saying out of scope for our entire PDP. Or are you referring to the Work Tracks from the

accountability process? Just want to make sure I'm understanding. Jim's -- okay. So, I guess the question is, I mean -- Donna's saying, "I don't see how policy could be made in this regard. Where an entity establishes their business is up to them and not within the control of ICANN or the ICANN community through a policy process." Anne says, "To be more specific, GNSO Council approved charter determines what's in scope for this PDP working group."

So, as a full working group then, if we have comments like that, what should we do with those? Do we mention them in the report? Do we actually specifically send the note to the GNSO Council saying we got these comments, do you think there's a home for this? What is the recommendation? Maxim's saying, "I'm sure this idea will enrage the GAC." Chery's saying, "We can note by use of a (ph) parking lot document perhaps that such issue has been raised, noted out of scope for our working group, but note it is -- noted to the GNSO Council or somewhere." Alan, please?

Alan Greenberg:

I think this is one of those things that, if one person says it, I don't think we have to act on it. If there is anything resembling a consensus in the community -- not a consensus, but more than a single person saying something like that, I don't think we can ignore it. Clearly, when we -- when the Council submits recommendations to the Board, the Board will go out for public comment, and that's an opportunity for whoever made these comments to make them to the Board. But I think we have an obligation to highlight things if there is something that we believe the community has said with any sort of strength and we don't feel is within our mandate either because it's outside of the charter or it's outside of what consensus policy can deliver. So, I think it's a balancing act. I don't think we have to react to everything that someone says, but if there is anything resembling a belief in the community that this is something that someone should look at, I think we have an obligation to move it forward. Thank you.

Jeff Neuman:

Thanks, Alan. And then, merging your comments with what Cheryl said on the chat, which is noting these concerns, putting them in a parking lot document, once we have that parking lot document done, and now here's where I'm mixing what you're saying with, Alan, what you said with Cheryl's comment, but basically when we get that parking lot document towards the end, we can then see if there are any trends in the issues that are on there and see whether they are topics that not -- as you said, not necessarily consensus, but certainly that there are parts of the community that really would like to look at these issues. So, I think that's a good suggestion, and so we will keep track of all of the -- any or all of the, quote, "out of scope" items, put them into a parking lot, and then revisit that document towards the end of our work to see if there is support for future work on those areas.

Okay. Now, we're on number 31, which is a comment from the CCT review team report. And that is that ICANN should collect data about -- and publicize the chain of parties responsible for gTLD domain name

registration. I think this one is sort of -- can be grouped with the metrics discussion, because, again, part of having metrics is the -- or reviewing things against metrics, obviously you need to have the data. This is one of the data elements that the CCT review team believes should be collected. So, this one would be grouped in with that full group discussion. So, I just wanted to confirm with the full working group that we are comfortable with taking this item up on a later call. Alan, your hand is up. I don't know if this is a new one or an old hand, sorry. Old hand, okay.

Maxim has commented that 31 will be a violation of privacy laws. Maxim, if I interpret the recommendation, and going back to what I remember reading in the report, I don't think that they're asking for the chain of actual people that owned those names. I think what they're saying here is, in the general sense, ICANN should collect data about, for each registration, who are the parties that need to deal with what, and at what level, so what are the registrars' responsibilities, what are the registries' responsibilities, what are the registrants' responsibilities in each registry, as opposed to the who aspects. So, I did not interpret that as parties' names, but I may need to go back and reread the recommendation. And if there's anyone that understands that recommendation better than I, please do speak up. Alan, please?

Alan Greenberg: Thank you. I won't pretend to understand it more because I haven't actually even read the full CCT report yet. I suspect this may be in reference to the fact that, in the last round, some corporations applied for multiple domains under their own name. Others incorporated separate companies to do that. And in some cases, that might have been readily discernible, and in other cases it might not have been. And I think this is saying there should be full disclosure here, I think, but I'm not saying with any real knowledge of having participated in the discussions. Thank you.

Jeff Neuman: Okay. Thanks, Alan. So, I promise that, when we discuss this topic with the full group, we will have a background paper that has much more detail as to what they said in the report and how we can address it. Donna's saying, "I don't understand why this is a recommendation for this group to consider. It seems this is something that can be done outside this effort." Donna, that's true. It is -- and we could ultimately decide that. I think it's the CCT review team specifically referred this item to us as an item for our PDP to look at, and so I think it's at least something we'll have a discussion on. But, at the end of the day, we may agree with your assessment that it could be done outside of our effort.

Kristina's saying number 31's a reference to resellers, and so Kristine's saying, well, they want to know who all has touched a domain name sale. Right. So, that's kind of what I was getting at, where I said that this is really about the data for registrations. They need to know the responsibilities of each of the parties, and then therefore, for each registration, someone should know not necessarily who the registrant is or to violate any kind of privacy laws, but they should know whether

certain things were done by a registrar, a reseller, a registry, et cetera. So, we'll make sure the context is more clear.

Elsa asks if this is dependent on the EPDP. It could. Let's go back to put everything into context, and then we will have a better, more full discussion on it. Okay. Is there -- are there any other comments or questions on these items? Steve Chan is typing. Okay.

So, what we will do now as the leadership is we will put these on, especially the ones that we said the full working group is going to work on, we'll put them on agendas for the full working group call to have substantive discussions on, and we will provide materials prior to those calls on each of those subjects so that, as Jim said earlier on, we're not kind of doing this on the fly. But, for future working group calls, we may bring up topics like this that a subgroup believes should be addressed by the full working group as opposed to their own subgroup. And for those, they may be partially, quote, "on the fly," but to the extent that the full group then decides that, yes, we should address this as a full working group, we will then schedule future full group conversations on those topics.

Okay. So, just -- so, before we leave, want to make sure that everyone knows that initially we had a call scheduled for next week. We should have already canceled that full working group call, although I admit I can't remember now which calls we have canceled or not. But we will have a call the last Monday in November, and then we will have one call in December. So, the next call, the full working group, is on Monday the -- I think it's the 29th, so let me double-check. Sorry, 26th, sorry, Monday the 26th. And then, we will have another call on Monday the -- I believe the 17th of December. So, there'll be three weeks in between the -- there's two weeks between this call and the next call, and then three weeks in between the next call and the full group call on the 17th.

The subgroups, though, please do check your schedule, because the subgroups are meeting, in some cases, weekly, so please do schedule that. Michelle's actually saying it's on the 18th, because I believe that's one of the 0300 hour calls, so that would be December -- technically December 18th at 0300 UTC, which for some people will be on the 17th. So, please do make sure that you are aware of the calendar and what is going on. Please do not hesitate to have discussions on the full group list. Please also sign up for a subgroup if you want to participate, because there's a lot going on and we're moving relatively quickly.

So, we do want to get all the subgroup activities done by February so that we can then bring all of the materials to the full working group, get down the final recommendations and a final report by the end of the second quarter in accordance with the schedule that we had set. Are there any questions or comments? Okay. Cheryl or -- you have anything you want to add? Okay. I'm assuming not. And then, Steve, Emily, Julie, Michelle, anything you guys want to add? Okay. Well, we will see everyone on the working group call. Thank you, and we can end the recording.

Michelle DeSmyter: Thank you so much, Jeff. Meeting has been adjourned. And Operator, please stop the recordings at this time. Have a great day, everyone.