

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group call
Monday, 16 April 2018 at 20:00 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-16apr18-en.mp3>

Attendance is on wiki agenda page: <https://community.icann.org/x/Ti68B>

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Julie Bisland: Good morning, good afternoon and good evening everyone. Welcome to the New gTLD Subsequent Procedures Working Group call on Monday, the 16th of April 2018. In the interest of time, there will be no roll call. Attendance will be taken via the WebEx room. If you're only on the audio bridge would you please let yourself be known now?

Okay, hearing no names, I would like to remind all to 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. Thank you, with this I'll turn it back over to Jeff Neuman. Please begin.

Jeff Neuman: Thanks, everyone. Welcome and thank you for allowing us to start a couple minutes late. As much as we want to start on time we have to get over these WebEx bugs, if you will, and also just make sure everyone's aware of how to use it. I do believe and Julie, maybe you can correct me if I'm wrong, but I think we will send a survey out at some point on the WebEx tool or - I've been in so many different calls where we've sent that out, I don't know if this one already has. Are we still sending the survey out?

Julie Bisland: Yes, yes, in fact I'll send it out here shortly to you all.

Jeff Neuman: Cool. So please make sure you fill out that survey on WebEx, you know, things that work with it, things that don't work, things that you'd like to see it do that it doesn't do or, you know, there are actually a couple good things that this WebEx does that Adobe doesn't do, so if you...

((Crosstalk))

Jeff Neuman: Wow. That was interesting. Yes, if everyone can mute their phone please? Thank you. So anyway, if you could fill out that survey when it gets sent out that would be very, very helpful. Okay, so everyone can - well you can't see the agenda because we don't have it up but we sent out the agenda. Essentially the main part of the agenda after we go through - or I ask for updates to statement of interest, we'll go through the section that we just sent out on the initial report and also see if there's any leftover issues from the - from what we sent out previously. If - and then we'll go to any other business.

So you'll notice that - actually sorry, let me see if there's any updates to statement of interest are there any? Okay, I'm hearing none and I'll do a quick scroll check through. Okay, I don't see anyone with their hands raised. And if I could just ask Cheryl and ICANN staff to help me with seeing whose hand is raised that would be helpful. Thanks.

Okay, so we sent out two sections right now of the initial report. The first one that we sent out was Section 1.2, which was on the post delegation aspects of our Subsequent Procedures report. And then the last one we did - or the one we sent out yesterday is at the exact opposite end of the spectrum, which is 1.2, which basically covers the overarching issues. We're going to try to get out pieces of this report pretty much daily to the extent we can to make sure that we can get the entire report out by end of this week, so everyone's got the whole thing in front of them.

But we sent out the overarching issues was pretty - is a pretty meaty section with a lot of different topics covered in there and so we wanted to get that one out first and so that everyone can get to review it. We know we only sent it out yesterday or over the weekend, so - or actually may have been Saturday, so we know you haven't had much time to review it if any time at all, but we'll walk through the content today.

We also want to thank Kristina who sent some really good comments on section 12 exactly the kind of comments we want to see which, you know, are clarifying type questions, ones that either we missed something or they were the types of notes or just didn't understand what we were asking, things like that. So thanks, Kristina.

There were other people that sent in comments and they're good comments. Some of them though leaned towards the - I want to answer some of the questions or I want to give you my opinion on the actual substance of what's in the report. And so while those comments are definitely helpful and constructive, we would ask that you make sure that those get into your overall comments back during the public comment period.

So we're not going to make too many changes to the substance of the report especially if they're new ideas or comments that are answering the questions that we're asking so just to clear that up. If you don't see it, so for example, there were some comments from Christopher Wilkinson, there was some responses to that. I know Rob Hall and a bunch of others made some good comments but those were more toward the...

((Crosstalk))

Jeff Neuman: Oh, sorry. Christopher - we heard you, Christopher, I'm not sure if you know that the WebEx is picking you up. So again they're good comments but if you could save those for the responses during the public comment period that

would be a lot more helpful. And also thanks to Kristina for labeling the section that she had comments within the header of the email.

So are there any - I see Christopher's got his hand raised so please, Christopher.

Cheryl Langdon-Orr: Christopher, you're muted, you'll have to unmute.

Julie Bisland: Christopher, you're actually joined on the audio bridge. You can use the phone that you were just reached on.

Jeff Neuman: Okay, while we're waiting for Christopher, is there anyone else that has their hand raised? Oh yes, Kristina, please.

Kristina Rosette: Thanks, Jeff. And I guess you're welcome and thanks for the comments earlier. I will say it was very time consuming to take the comments and put them into an email that broke it down by subsection, etcetera especially since my original version on my end was to take the document, take it as Adobe and then use the comment feature. So I think we may get to the point where we're - even though we would prefer that people do what I did, it's just not going to be realistic. You know, especially once we get into the bigger chunks of the doc. Just wanted to flag that for everyone and find out whether going forward it would actually be possible to just submit the Adobe version and use the comment feature.

Jeff Neuman: Thanks, Kristina. I will ask - well I'll give a minute for - I muted myself there, sorry. This is Jeff. Thanks, Kristina. I will give a second for Steve or Emily, Julie, to answer that. One of the things we were thinking about but haven't moved on it yet but just to throw out there is if we could - would it help if we created some sort of form for each question so that you could just - it was just blank and you could just put a comment in there and submit a form instead of trying to, you know, put every subsection in there? But let me throw it over to Steve to see if he's got any ideas. Thanks.

Steve Chan: Thanks, Jeff. This is Steve Chan from staff. And just speaking off the cuff a bit here I guess, I think we could handle either those two ways that you mentioned. But I would note that one of the benefits to actually including the comments in the email is that it's - I think there's an ease of use for other subscribers of the email list. So from that perspective there - I think there is some benefits to have it the way - the way that Kristina submitted of course noting that it is certainly more time consuming to do it that way.

But from the staff perspective and integrating those comments into the working draft I think for us we can handle it either way, so I don't know if Emily or Julie wants to yell at me for saying that but I think it's probably okay either way for us. Thanks.

Jeff Neuman: Thanks, Steve. Emily or Julie, do you want to yell at Steve now or should I go to Kavouss?

((Crosstalk))

Emily Barabas: ...yell at Steve right now.

Jeff Neuman: Thanks, Emily.

Emily Barabas: ...go to Kavouss.

Jeff Neuman: Okay thanks. Kavouss, please.

Kavouss Arasteh: Yes, do you hear me, please?

Jeff Neuman: Yes.

Kavouss Arasteh: Yes, just believe me, still I am not quite sure what is the purpose of this document - long document that you have? First of all there's no page number

on that, perhaps it would be good if you send any document out you put page number, we can refer to page, or we can refer to the title but page is simpler. And then I don't understand you start 1.2.1, continuing Subsequent Procedures, and A is, "What is the relevant?" What do you expect from the people to answer this question, to read these comments, to read your conclusion? It is not quite clear what you expect from the people.

I talked to few other people, they have the same understanding that I have, but for some reason they don't want to raise the question. They say okay, leave it as it is, but I raise the question, I'm sorry, I may be (courage), I may be discourages, but I don't - still I don't understand what is the purpose of this paper? What do you expect from us? Thank you.

Jeff Neuman: Okay, thanks Kavouss. I'm going to go - I'll write that question down. I'm going to go Christopher and then we'll respond to both your comments and Christopher's. Christopher please.

Christopher Wilkinson: Hi. I think I'm online now?

Jeff Neuman: Yes, sir.

Christopher Wilkinson: Thank you. Detail to staff on the screen, I'm muted and I cannot find any button to unmute on the screen but right now I'm on the dial- in line. First of all I read in detail Kristina's 14 comments and amendments and generally I find them admirable. But that's 14 comments on five pages. You've just sent us another 34 pages so I'm looking forward to seeing what Kristina has to say about that. I also will have some written comments on the second document that we've received.

Jeff, I ready our obiter dictum carefully, I'm surprised. My view of participating in this working group is that at the end of the day the initial report will be something that I've agreed to and that I certainly don't think - I don't really agree that I should keep my comments for the public comment period. The

public comment period is for people who are not on the working group and participating in preparing the reports. I'm uncomfortable with that. But frankly when I make comments and (unintelligible) drafting proposals I expect the secretariat to include them in the initial report.

But for now let's continue with the agenda, but I do not agree to keep any comments that I may have to the public comment period. That to me is deontologically incorrect. If I was going to do that I would not come to the conference calls and I'd just make a contribution to the public comment, which is not what I planned to do. Thank you.

Jeff Neuman: Okay, thanks, Christopher. I'll start and Cheryl, please, feel free to jump in after me. So we have two basic questions related - or well more than two but these questions by Christopher and Kavouss are related in a number of different ways. So just to take a step back, we have been working - we as a working group through our individual work tracks as well as through the overall working group have been working on the issues that were sent forth for us in the final issue report that was approved by the GNSO Council and incorporated into our charter.

We have been discussing those issues. We separated those issues into I think it was six overarching issues and we created initially four work tracks and then subsequently a fifth one was added, but for now we'll just talk about the four work tracks, the first four. Each of those work tracks have been meeting biweekly, so every other week, in some cases some were meeting for a period of time every week, and all of these issues were discussed by working group members, they were on the mailing lists, they were debated back and forth. There was a lot of time that was already spent discussing these issues.

The work of those work tracks have resulted in the drafting of these sections for the initial report which we realize is not separated by a work track but separated in a more logical order according to the initial report so that if

someone were looking for information prior to being delegated or the issues involved in the application process those are all grouped together whereas in the work tracks we may have separated them out into a couple different work tracks depending on if it was legal, if it was technical, if it involved a dispute, etcetera.

So other than a different order of the way the subjects appear, each of these subjects have been thoroughly talked about, debated, subject to comments from the working group, etcetera. The reason why we're asking now - at some point we had to put down the - put a placeholder down and say, okay, I think we're ready now to issue an initial report so that we can present to the public the work that we've been doing to the extent we've come up with any preliminary conclusions and also to the extent that we have specific questions to solicit feedback on.

The initial report is not - I'll remind everyone, it's not the final report. It may not even be the second to final report. In other words, there may be, as we talked about the last time, there may be sections of the report that we have yet another comment period on. We're not going to foreclose that as an option.

But for now the reason why I've taken some comments from Christopher, some of your comments again, they're great comments, they're very substantive, they're helpful, but at this point we already had to kind of put the marker down so that we, you know, we'll still consider those comments but as part of the public comment period, it's not going to have any more or any less weight than comments that we get from anyone else whether it's a, you know, whether it's during the public comment period or not. It's just for ease of organization so that we don't put in new things in this initial report that the work tracks couldn't or didn't have time to review.

So some of your comments, like I said, were really helpful but the work track has not had the opportunity to discuss those comments and therefore we

thought it would not be fair to put it in our initial report because it hasn't been discussed. That said, it certainly can be discussed and should be in your comments back. It's not meant to, you know, make your comments or deemphasize your comments, they're very - they're important and they'll be considered by us but at this point they - because they are not topics that were discussed previously, we just feel like we can't put it in the initial report.

On Kavouss's points, the point right now - yes, it's a very large, large document, we understand that. And in fact it's going to get much larger. You've only see two of the sections and that's now 40 pages. Excuse me, thank you. So it's probably going to be about 150-200 pages long. We realize it's very, very long. If, you know, you want to split some work with other members of the work tracks, working group you only want to read certain sections, that's completely fine as well.

We're just trying to get this in shape so that we can send it around to the public so that they have time to comment. I hope that makes sense. Cheryl, if you want to add some things that would help me out and let me take a drink. Thanks.

Cheryl Langdon-Orr: Happy to help you out briefly, Jeff. Cheryl Langdon-Orr for the transcript record. And hopefully Jeff's voice will come back online all smooth and silky. Yes, look, we recognize that this is a huge task and it's a reflection of course of the size of the task at this stage when we're preparing the interim report, as Jeff has I think quite satisfactorily I hope, certainly was to me but then I've been involved in it all along, outlined. It is something we realize the volume of work that is being produced at the moment that needs to be broken up back into digestible sections.

We also recognize that it's not going to be very likely that all of you will be able to commit a large amount of time to each of the sections and we encourage you to pick and choose between those that you have a particular interest or passion in. But at this stage what is vitally important to us as we

are polishing this interim report is to have the members of the work tracks who have the deep and detailed understanding of what the thinking and discussion was on each of these issues look at those issues and make sure that the work track leaders and the leadership team and the staff who's really gone to the ends of the earth to assist in the drafting of all of this, haven't missed or misinterpreted anything.

So this is the fact checking before the publication opportunity and that's our highest priority. As Jeff says, we are in no way trying to dampen down any sort of iterative process of developing of thinking, and we certainly welcome if you - any of you wish to continue to put to the list debate and discussion that's extremely valuable because lists have been really far too quiet for far too long on all of this in many cases.

But the purpose of having you all as a plenary go through this document at this stage is primarily to get all the fact checking done before we then put this document out to public comment. Hopefully Jeff has his breath back and I can stop filibustering here. Back to you, Jeff.

Jeff Neuman: Yes, thanks, Cheryl. At least I have it back for the minute. I want to respond to a question I think, yes, Anne has on the chat right now which says that she's not had time to review the latest section. Are the draft keys key to the work track number as discussed in the last call? So, Anne, no, the - and I apologize for this, I was supposed to have the table of contents or the index or not index, sorry, table of contents sent around to the group so you would know the section number and the mapping to the work track which we've done the document and it's going to be up on the wiki but we haven't circulated it around so we'll send that around.

It is not - so what you'll see, Anne, for example, is 1.2 dot - I forgot which section, hold on, let me go back real quick. If you look at let's say 1.2.6, which was the - is the RSP preapproval program, you will see that that's tied to Work Track 1 and so the chart will say which work track it's - it was discussed

in. Same thing like in the documents we sent around today or sorry, this past weekend, the 1.2.1, 1.2.2 and 1.2.3 and 4 and 5, so 1.2.1 through 1.2.5 were all topics that were included as overarching issues which were topics we discussed on full working group calls over the past couple years; 1.2.6, the preapproval program is not for Work Track 1.

Okay, I see Kavouss has his hand and then I will look to see if others. So, Kavouss, please.

Kavouss Arasteh: Yes, I'm very sorry, you may be in a full command of this document that some of us, including me, are not. I understand from your explanation that these were the issues or are the issues that have been discussed in the work tracks or the work track - various work tracks before. You put them together in a structural manner to compose the final nomenclature of the report. I think the best possible way you don't call them interim or so on, so forth, you call them zero draft, Draft 1, Draft 2 and whatever draft you would have.

Then please let us know what are these submitted for us for comment or submitted to us for noted. If submitted to us for comment, then we have to comment on each of these which may be different from the conclusions of each work track which you don't like, you said that there has not been. So first of all, why this document comes to us to do what? Please kindly explain. As I mention, first of all, give the page number. Second, not call them interim and so on so forth, call them draft zero, Draft 1, draft so on so forth.

Thirdly on each chapter or each element or each title on the right hand side open a round bracket put the work track that this document comes from in order to enable us to check and to see and so you need a little bit of work on that because it is very - we don't understand. Either we close our eyes or we have to say something.

If you want that just be notice and put our comments in the public comment, I fully agree with Christopher, why I spend my time (unintelligible) Geneva time

(unintelligible) Geneva time to listen on something that I don't have the right to comment? Then I leave my comment for the public comment. So I don't - the procedure is not clear. You may be having some good ideas but this idea has not been shared with the people. We don't have the same understanding. We are not at the same (unintelligible). Please kindly clarify, what is this document? What do you expect from us? How our comments will be included? Does our comment should be a written one? Should be a verbal one? And so on, so forth? And what is the next step before to goes to public comment. Thank you.

Cheryl Langdon-Orr: I'm happy to take that if you like, Jeff. Cheryl here.

Jeff Neuman: Sure, why don't you start?

Cheryl Langdon-Orr: Thanks. I'll try. Kavouss, what we're doing at this point in time is preparing a document which under our rules, the charter rules, the rules of what happens in a PDP process, all right, is being called an interim report. It's being called an interim report because that's a specified requirement out of those rules. And Jeff did cover that off in - I thought pretty good detail in our last call last week. Sorry if that wasn't clear then. But that's where the naming of this document comes from.

How we manage this document as an interim report means that it has to have a public comment period. And that's why we're calling this document at this time, when it gets published, an interim report because we want to have a public comment at this time which allows us to take consensus, we hope, on a number of points to the next level in response to those public comments.

So the method of how this is being done and the nomenclature comes from there. We definitely want work track members, and you've been an active participant, along with many others on this all, in several of the work tracks, we want you to look at what is written in this draft, if you want to think of it as a draft document, to make sure we have accurately and appropriately

covered off the material that the work tracks have discussed and have either decided upon in general terms, or have questions about. And it's the questions in particular that are going to be important.

So this is not closing off an opportunity for input; it's actually creating an opportunity for input certainly from the work track and plenary members, but also from the wider ICANN community. And I hope that helps frame it. Jeff, have I missed anything?

Jeff Neuman: Yes, Cheryl, I thought that was a good explanation. And just to kind of emphasize, what we could have done is we could have just submitted each relevant section to each work track and kept everything in different silos but what the leadership wanted to do was to make sure that - not everybody could participate in every work track so we wanted to make sure that everyone had the opportunity - everyone in the working group, the full working group - had the opportunity to see the product, the word product of each of the work tracks put together in one place.

So we understand that there's definitely different ways that we could have done this but the leadership team thought that this was the best way to give you all up front advance notice of all the sections prior to releasing it out for public comment. I see that Christopher still has his hand up and Kavouss. Are those new comments or are they old?

Kavouss Arasteh: New comment. New comment.

Jeff Neuman: Okay, if we could spend - I just want to spend five more - at the most five more minutes on this and then go to the review the document so Kavouss, please.

Kavouss Arasteh: Yes, I understand from Cheryl that this is the output - reflects the output of this - each work track, yes. The first issue is that first you go to that group and that group should confirm that that is what they have discussed. Then it

comes to the whole group for the reason that you were giving that some people have not participated in all work chat therefore they have the opportunity. So to have this document is already seen by each or all work tracks and they confirm that reflects the result of discussions or not. This Question 1.

Question 2, it comes to us for some people like me who have not participated in all of the work track to have the opportunity to comment. So do I have the authority or opportunity or occasion to comment? If yes, how should I comment on in a written form, comment on the available (unintelligible) and if I comment should I be faced that no, no, no, this was already discussed and was not accepted. So why I spend my time to comment on something that will be rejected? So I think the process has deficiencies, really that some deficiencies. Apart from the structure but not the content, this has nothing to do with this group. The structure, yes.

You could all chapter to see how look like but the content if we don't have the possibility to comment and if we comment, our comment will not be accepted saying that no, no it has not been - it is not clear, it is not quite relevant because it was discussed, it was accepted. So why I spend my time to have a written proposal, send it to you like other people so I think there are some deficiencies, some shortcomings. So once again, please clarify, apart from the structure, I don't see that we have any other authority or opportunity to comment on that, otherwise if I comment and my comment is rejected, rightly or wrongly, why I spend my time to comment on that. Thank you.

Jeff Neuman: Okay, thanks Kavouss. I have a couple questions or comments that came out of your intervention. So first you said, "Have the work tracks seen this material before?" And the answer is yes and no. Yes, each of the work tracks should have seen the content of what is in the initial report in the sense of the preliminary recommendations, if there are any, the deliberation section which just describes what's happened within the work track. So nothing that's in the

initial report should be a surprise from the work track members that have been paying attention and have been participating all along.

We had to put some narrative language around that and put some context in there so that the initial report would flow. And we are also adding additional questions that the work track may have discussed or in rereading some of the material we - certain questions popped out that we thought we should be asking so that it would help us when there were, for example, two or three options that we didn't think the group had consensus - or two or three paths that we could have walked down and there was no consensus on one of those options so we thought we would ask questions that may help us narrow down the choices so that ultimately when we do a final report we can make one recommendation.

So the best way in my opinion, the best way that I think you can help at this point is number one, to - if you've been participating within the work tracks, and you see something in there that is so far out of left field, meaning that you don't remember ever discussing that, that's something you should flag for us. Or, alternatively, if you did have some thoughts on it, you did submit it, you did discuss it, but it's not in the initial report, you should mention that as a comment as well.

To just go back to something you said, Kavouss, we didn't reject any arguments or we shouldn't - it shouldn't like we've rejected any arguments in this initial report. We should be indicating what all the arguments pro and con, or in favor or not in favor of different options, are. So if you see that the section doesn't cover what you already brought up, and it's not something new that you're introducing, but it's something you've already discussed, then absolutely, that's exactly what we want to hear from you so that we can make sure it's reflected.

And then the last item that we really want is for you to help us with the questions that we're asking for input on. So is the questions - are the

questions that we're asking for public comments, are they clear? Do you understand what they mean? Do they need some more context? Do they need a little less context? Do we need to add some questions in order to get - to help us get to a final solution? So hopefully it should not appear like any of your - or anyone else's recommendations or suggestions were rejected. So hopefully it doesn't look like that, but if it does, let us know and so we can make the changes.

That is the primary role of all of - of everyone reviewing this is to really make sure that we have the right material in there. To just go back to the chat, Kristina says, "May I suggest a path forward? To the extent that working group members are submitting substantive comments, answers to questions, would it be possible to have staff arrange for the submission of those comments/answers with the commenter's permission once the public comment period opens with the significant caveat that it's the commenter's responsibility to make sure his or her comments or answers are submitted during the public comment period."

So thank you, Kristina. Let us take that back and let us see if staff could do that. But that does sound like a good way forward.

Okay, anyone else in the chat? Christopher, did we - let me just go back. Christopher, you still have your hand raised, anything? Okay, I'm not hearing anything from Christopher. Jamie, please.

Jamie Baxter: Yes, can you hear me okay?

Jeff Neuman: Yes, thank you, Jamie.

Cheryl Langdon-Orr: Yes.

Jeff Neuman: Jamie, we could hear you when you asked if we could hear you but now we can't hear you.

Jamie Baxter: Oh, can you hear me now?

Jeff Neuman: Yes.

Jamie Baxter: Okay. My apologies. The - if the exercise here is to point out things that may have been discussed in the group but aren't included in the document, I'd like to draw attention to the deliberations for 1.2.2 for predictability. Based on Recommendation 1 and Recommendation 9 that are listed there, we did discuss the issue of community applications being - or sorry, the process for community applications included additional documents that were created by the CPE providers.

And in our discussions we talked about how those documents should never have been created after applications were submitted even though the argument at the time was that they were derivatives of the Guidebook. And I think if we're creating a more predictable process, we should include that in the deliberations because it is very different than the other examples that are provided in the deliberations and it was something that we discussed. So I'm hopeful that this is the sort of thing that you're asking for in this process.

Jeff Neuman: Yes, thanks, Jamie. That's exactly what we're asking for. So staff has noted that, I'm assuming, and we will find - go back to the deliberations and include that in there as well as another great example. Thanks, Jamie.

Okay, Christopher, I think your connection may be fixed now. Did you want to jump in?

Christopher Wilkinson: Can you hear me?

Jeff Neuman: Yes, sir.

Christopher Wilkinson: Good. As I was saying, first of all, I think these documents should be signed in the sense that the coleads of the relevant work tracks should appear on the document. Secondly, I'm not sure who is writing these documents. Is it the members of the work tracks themselves or is it staff? Thirdly, reading the document carefully, several very important paragraphs are just absent, they just say "None. None." But some of these are critical issues and I draw the conclusion that the - either the work track doesn't understand the issues that they're addressing or the word "lazy" comes to mind. They haven't done their job. And for 34 pages to produce so little definitive discussion is disappointing.

Then from my personal point of view, although I'm working with you in my personal capacity, there are clearly constituencies who have an interest in what I have to say. And if you produce this document for public comment, I will get questions my God, Christopher, you didn't agree to that. Of course I didn't. The document also contains serious biases and preconceptions which are wrong and will not fly and we are running the serious risk of reproducing something so close to the Applicant Guidebook of 2012 that the world at large will be incredulous. The 2012 exercise produced results which are not acceptable internationally, certainly not to be repeated.

Jeff Neuman: Okay thanks. Thanks...

((Crosstalk))

Christopher Wilkinson: ...is not addressing those kinds of problems. Thank you.

Jeff Neuman: Sure. Thank you, Christopher. Okay, we've taken down your comments. I can assure you that no (unintelligible) has contributed to the writing of this report is at all lazy. I will just take that as you didn't really mean what you said so maybe at some point you can apologize to the people that drafted it. There are a number of people that have been working on it. First of all, there have been a number of documents that have gone back and forth within each work

track and a lot of the language should seem very familiar. If you're on a work track call and you paid attention at all, some of this language should be very familiar to you.

Then, the work track leaders and ICANN staff have been writing these sections, spending a lot of time, and if you think it doesn't take time to write even these 35 pages for this one section, you - well, it took a lot of time. So they're anything but lazy. The staff - the support we get has been incredible. And if you actually read the materials you will see that a lot of work went into it.

With respect to certain sections that say, "None" or "Not applicable" or something like that, then that is exactly what has been discussed within the work track. So if the work track was satisfied with something that happened within the Guidebook, and the way it was implemented, then there's no recommendation, there's no need to put in pros or narrative and make this 200-page document a 500-page document. So rather than just making up an answer for the sake of it, it says "None." I think people can appreciate that.

So we're going to move on with the agenda at this point because we really need to work through these sections and go over the way that this report is structured, at least Section 1.2. So if we can - as you can see, the document is up there. Unfortunately the way that WebEx works we cannot show multiple pages at the same time; we can only scroll within a page. That is a known bug of WebEx. And so I'll have to just ask ICANN staff to just go to the next page when it's time.

So the basic - sorry, can you just go back to the first page? Thanks. So as you can see, the main subjects that we're covering here are the overarching issues as well as the Work Track 1 discussion on RSP preapproval. Sorry, I was just looking - it sounded like someone else wanted to speak. Is there anyone else in the queue?

Kavouss Arasteh: Yes, my hand is up.

Jeff Neuman: All right, Kavouss, is this related to this section or is this more general comments?

Kavouss Arasteh: Yes, the suggestion that I made I don't know whether you accepted or not. First of all, please whatever document you prepare have pagination in the document, page number. Second, each section or subsection please whenever possible put the source of the section or subsection, Work Track 1, Work Track 2, Work Track 4 and so on so forth. Whenever there is no source you put "No source" or you put "Narrative source," the source that you have narrated or someone. And write who has made that.

Still I am not convinced of the answer you've given to Christopher with respect to the "None" because when it asked that community engagement and you say, "None," that means this new (unintelligible) does not have anything relevant to community engagement? What does it mean this? And how the work track came up with this conclusion that for community engagement there is none. There has been many community engagement and when is it that was there any policy implemented say, "None." So why there should be no policy on the community engagement? How the work track came to that conclusion? So there are many things that I don't understand.

So please can we identify the source of this section and subsection whenever you don't have source, put, "I don't know" staff or the leadership or narrator or whatever you want, then we will see the source of the document and then I can go to whatever document that I have in my file and look at the situation what was the discussion and how it has been summarized. I don't know. I need each work track to confirm that this totally reflect the discussions. Thank you.

Jeff Neuman: Okay thanks, Kavouss. So what we got from the discussion and what we've agreed to is we will identify the work track that is associated with that section. So you will know what the source of that material is. As far as the actual person or persons that wrote the section, what you can be assured of is that before any section goes out each of the - well each of the staff members have reviewed it, each of the work track leaders have reviewed their - at least their applicable sections, they could also if they wanted to review other sections, and ultimately Cheryl and I sign off on all of the sections before they go out so they have been through a number of sources.

So let me start over. Just cover this last time and then we'll move on. First, most of the material - almost all of the material actually was discussed within the work tracks and then they were documents within the work track that were discussed on calls. Then staff went and wrote some narrative around those sections.

Once staff was satisfied that they captured it, the work track leaders then reviewed that section to make sure that they understood it and that it captured everything according to the work track leaders and once the work track leaders signed off on it then Cheryl and I, as the overall cochairs, reviewed every single section. So that is - that's what we're - that's what happened. So I hope that makes sense. And I'm going to move on just because I want to talk about some of the sections. And maybe then we can talk about why some of the sections say, "None."

So if we look at 1.2.1, continuing subsequent procedures, now I agree that this is awkwardly worded; it's an awkwardly worded title because that's the way it was in the initial report. So when you go back to the - I'm sorry, the final issue report before this PDP was even constituted. So that there is a mapping between the final issue report and this initial report. This is called Continuing Subsequent Procedures. The way that we looked at in discussing it as the full working group is, should there be additional new gTLDs?

And so if you look at the - I apologize for my phone going off and I can't turn it off so give me one second. All right, unless I pull it off the wall we're going to hear it ring for a second.

So the final issue report does contain the heading, so Continuing Subsequent Procedures is the heading that you will find in the issue report. If you go down, the first Section A, as in every - every single section that we have - discusses what is the relevant policy and that's looking at the 2007, 2008 final report of the GNSO that was approved by the Board. And then if you could turn the page? Sorry, staff, turn the page.

Section B, for all of them, is going to be how was it implemented in the new gTLD program? So you'll see what was in the Guidebook, if there was something different or if like this one it just cites 1.1.6 of the Guidebook. And then in Part C you'll see are there any preliminary recommendations and/or implementation guidelines that the working group or work track discussed.

((Crosstalk))

Jeff Neuman: Oh, someone's - should be on mute. Can we mute that line please?

Julie Bisland: I'm working on it.

((Crosstalk))

Jeff Neuman: Thank you. Section D says, what other - what are the other options under consideration along with the associated benefits and drawbacks? So for this particular topic, there were no alternatives that were discussed that were reflected or that were in for example community comment 1, which asked each of the groups, "Should we have more new gTLDs?" And every single comment that we got back - every one - said, "Yes." Now a number of them had, "Yes, but," a number of different things but they all said yes, there's no

basis to stop the addition of new gTLDs at this point. That's why it says,
"None."

Kavouss Arasteh: Jeff, please kindly stop. I have a comment on B.

Jeff Neuman: Okay quickly, Kavouss, I want to try to make it through this. I know we spent a lot of time so yes.

Kavouss Arasteh: Yes, what do you mean by, "What are the options under consideration?" Option with respect to what? Option with respect to the continuing subsequent procedures? Options with respect to C? Options with respect to B? What do you mean options? What are the options? Options relating to what? And then it says, comma, "Along with the associated benefit and drawback." Still I don't know what the option you're talking about. What are the subject to which these option are referred to? So the text is not clear under B. Thank you.

Jeff Neuman: Okay, thanks Kavouss. The options refer to if we don't have a preliminary recommendation, so there were a number of different paths forward that we could take. Then you will - you'll see it listed as different options under D. So if there - if Part C says, "The group didn't come to a consensus on which path forward we should choose," then in Part D you'll see the different paths that are possible along with the pros and cons, the good things and the bad things about those options.

So for example, later in this document you'll see a discussion of should we proceed in rounds or first come first serve or some other method? You will see that other than the group saying that the very next introduction in - the very next introduction of new gTLDs should be in the form of a round, other than that, you'll see that the group did not reach any consensus on which was the appropriate path forward. So in the Options section, you will see we could, A, do rounds forever; B, we can do one round, and I'm just doing this from memory so I might not have the right order, but it could be - Option 1 is -

I'm sorry - Option 1 is we do one round and then we just wait and see what happens. We do reviews just like this time and we don't announce a definitive date for another subsequent introduction.

Option 2 is no, we announce today that we're going to do a round - this initial round and then a year from that date we'll do another round. Option C or 3 could be we're going to do this round and then we're going to wait six months and we are going to do a first come first serve. Each of those were options that were considered by the working group. And in that section we will talk about - or we did talk about, you'll see, the pluses and minuses of any one of those options. So that's what it refers to. But when it's in a section like this where we have a preliminary recommendation you may not see anything else under D, under Options.

Kavouss Arasteh: Where these option are? Where are these options you mention? Where they can see these options you mention that the rest of options but there was no agreement on any of them, where we can find that? Thank you.

Jeff Neuman: Okay, so while I ask staff to go to the part of the - the sections that talks about the different options, if you could just scroll ahead to that on the section of rounds and while you're doing that, Christopher, or Anne, I'm sorry, Anne has her hand raised then Christopher. Anne please.

Anne Aikman-Scalese: Can you hear me now? Can you hear me now?

Jeff Neuman: Yes. Now I can.

Anne Aikman-Scalese: Okay sorry. Turns out you have to have both your phone and the mute thing on WebEx unmuted in order to speak, even if you're on the phone. But I think - just to get this past third hurdle of the issues that, you know, Christopher and Kavouss have raised, I think we need to be a bit more careful about one of the phrases that's used in this draft and that is the phrase, "The working group recommends." I do want to step back a little bit, I

think that Kristina's suggestion is very constructive but I also want to step back and remind people that for years we've had this complaint against the GAC that they do not participate early on in PDPs, right?

And so now we have active participation but we're somehow, you know, not so pleased that they're objecting to a certain type of procedure. I think that it might actually be clearer if we adapted some phrase other than the, "The working group recommends," because that's what I'm hearing not only from GAC representatives, from others that these don't really constitute working group recommendations in the normal form that we find them in an initial report. Is there any other phrase that we could choose that would satisfy leadership that we can get timely, you know, report - interim report out but that does not state, "The working group recommends"?

Jeff Neuman: Okay so thanks, Anne. So Cheryl, do you have any suggestions for that text? I will say that we did go over some documents and some conclusions and even on this issue and during those discussions everyone at least on the call and in the emails afterwards, the notes, they didn't object. So when we - we don't use "recommends" that often but when we do it was our judgment, the - our being the work track leaders - and where appropriate the working group chairs - cochairs. But if there's other language you want to see us use then please, yes, suggest it and if that makes it better let us know.

Paul McGrady says he's confused. Isn't recommending what we're supposed to do and let the community react to that recommendation in public comments? Yes, so Paul, I mean, that was where the group actually was making recommendations that's why we used the term, "The working group recommends," because we went over it within the working group or the work track, whichever - wherever the discussion was and the emails afterwards. And we said, "Does anybody object? This is what we're going to say? Does anybody object?" and no one objected, so we actually do think these are recommendations. But again, if you disagree with what we're labeling as recommendations, please speak up.

Christopher Wilkinson: Yes. Okay...

Jeff Neuman: Yes, Christopher.

Christopher Wilkinson: Thank you. On these first few pages may I say first of all on predictability, the discussion is very interesting but it's entirely from the point of the view of the predictability from the point of view of the applicant. We discussed this in San Juan, and it was stated, and I agree, that the predictability concept has to be extended to other parties than the applicants. It's the predictability of - for communities, for users and indeed for governments, but I must remind Anne, who I think suggested that I'm speaking for the GAC, I'm not, it's more than 10 years since I had anything to do with the GAC.

The - and on the rounds, on previous plenary calls we have discussed, and I remember very specifically a discussion between myself and Greg Shatan where we agreed on the merits of small specific rounds. Greg called them "batches." And I called them specific rounds for particular characteristics. This is not discussed. For practical purposes I would say I disagree with all the options presented for rounds. I think the rounds have to be smaller, quicker and focused.

Since I've still got the floor and nobody's commented, for example, on Page 25, we have this very interesting categorization of different classes of TLDs. Good. Each of those could very reasonably be treated as a separate batch in a separate schedule by the application process. But it is already quite clear that the IDN TLDs will have to be treated as a category and the geographical indications will have to be treated as a distinct category from the IPR point of view closer to brands than to geo names.

These are deficiencies in the document where the people who wrote them clearly haven't followed the political and practical discussions that have already taken place. I'll go on mute.

Cheryl Langdon-Orr: Jeff, if you're speaking we're not hearing you. You may be muted. Okay, Cheryl here then. And if people could mute their line, unless they're Jeff, who should be coming back to speak to us. If we look at this page that's currently on you also see that in the section where the working group has had the opportunity to take some in depth deliberation, the pros and cons of each particular issue will also be outlined. So if you can scroll down on your page, unless you're using full screen, to the section on this page, which lists pros and cons, and this goes of course to some extent on the comment that Christopher has just made and the discussion that's going on in chat with Greg and Susan.

Jeff, are you back? Okay, Anne, I see - Cheryl Langdon-Orr for the record again - I see your hand is still up, is that an old hand, Anne? Can anyone hear me?

Anne Aikman-Scalese: Old hand, sorry, Cheryl.

((Crosstalk))

Cheryl Langdon-Orr: Okay, Anne, thank you. I was just thinking I was talking to myself out here in the (unintelligible) that's all. Christopher, you went on mute so I'm quite sure what your hand is - is still an old hand? So if there's no one who wishes to speak more on the pros and cons as listed, remember what we're doing here in today's call is just doing a read through of this section to whet your whistle, so to speak, on it.

If we can now move down to the next page of the document please? So let's move past Section B, C and D and let's go through another one to - thank you, 1.2.2, Predictability. Now Jamie, you had a comment on this earlier. And

we did capture some of the language or I certainly hope we've captured, if not we'll be listening to the recording of this because you had some language you wished to contribute into this Predictability section.

Jamie, is there anything else you want to say while we have this section open for discussion? And I'll take a queue on this section as well.

Jamie Baxter: Yes, Jamie Baxter for the record. I think I've covered it - the key difference in what I mentioned, which is not included in the current deliberations noted, is that this was additional guidelines that came out that were used by the evaluating team. They were not published until after applicants submitted their applications, which is why I believe it's part of the Predictability section here.

It's important that if there - if there are going to be additional guidelines it actually makes it a little bit unfair I guess is the word I would use for the applicant. When the only expectation would be that they would be evaluated based on the Guidebook information which is how they wrote their application. And so my purpose for bringing it up in the group discussions was that this is a practice that should not ever happen because it doesn't align with goals around predictability.

Cheryl Langdon-Orr: Thank you, Jamie. Cheryl for the record again while we're desperately trying to get Jeff to reboot computers and get back into WebEx and be able to talk to us. So I shall continue on here. What you've said there I think would resonate and I think you're being very polite with using the term "unfair" would resonate with a number of the applicants I'm sure. And I think it would indeed be remiss of us to not perhaps take a little more time in the text to focus on that.

So I know our fabulous staff will have captured the essence of what you've just said but what I might ask you to do is in an email if you don't mind just put in writing some of what you just said with the suggestion of where you

think it would be best to put it because it was indeed the intention of the Subsequent Procedures PDP to look at what was meant to happen, what actually happened, and see if there are any aspects of any of those things that need to be reviewed and modified and this is a classic example of exactly that.

Now we do realize as Christa was just saying, that because we've been releasing these things in sections, there may be things that are covered in other parts of the document that you are not aware of because you haven't got to read that part yet. And if that's the case we'll make sure that that's highlighted when we gather your input. And it might be that - sorry, pardon me - that - I'm the one who needs the drink of water now. I do apologize. It may be that suggested text might end up being seen in another section rather than in this section. Jeff, do we have you back on the call yet?

It doesn't seem like it. So let's look at some of what's been happening in chat. And I'm just going to adjust my screen because I've had chat so small because I needed to see the hands. So thanks, Jamie, you've accepted by challenge, I appreciate that. Anne has just raised an issue in - issue in chat with reference to a discussion going on between Paul and Susan. The question is whether these are in fact recommendations of the working group when the requirement is in the PDP Manual that the initial report requires a consensus call.

And Anne, that goes back to some of the issues that you and others discussed in our last call. We assured you all, and - that we will ensure that there is appropriate preamble and materials in the text in this document, not as a supporting document, in this document which explains exactly what our process was and what the level of consensus is and the fact that no consensus calls have gone out for this material. Obviously we will be making consensus calls on recommendations as associated with any final report.

Jeff, are you back in yet?

Jeff Neuman: I am back on audio but WebEx will not let me in.

Cheryl Langdon-Orr: Oh, WebEx is a delight. Might I suggest, Jeff, if it's a password issue if you've got any form of auto fill capability on your computer that is possibly what is mucking it up. You must make sure that the auto fill section which has the password from the link, it remains sacrosanct and don't just do a return carriage on things like your name. Otherwise it just might randomly put in a password from another call so type your name and then move carefully to the next section. It is a little clunky I can only say I've suffered similar.

Now, regardless of whether or not the concept of a consensus call is a requirement in a final report or in other reports, we will of course look and ensure, and Jeff should be in a fairly good position seeing as he was a pen holder on the methodology of all these reports, that we are in compliance and we will make sure that we are in compliance with all of the requirements.

But what we will be doing now is moving on to the next page unless anyone has anything to say about what we're looking at in Section 1.2.2 on Predictability? So let's move now to what I think is a rather exciting aspect of the work you've all done. And that is something that we've discussed as a committee as a whole, it was the work track action, this is an overarching issue and this is the predictability framework.

And I'm rather sad that at this stage Steve as staff support has had to move onto another call that he's required to attend because this particular part of our work he has been an incredible contributor and mainstay to make sure that we had something that is a workable predictability framework as opposed to the slightly fluffier stuff that all of our ideas were going to be contributed. We now have something that we believe is robust as a framework and in fact has even been stress tested with an example.

Jeff, do you want to take us through the predictability report and - predictability framework? Thanks.

Jeff Neuman: Yes, thank you. And sorry for losing access and, Cheryl, you were right, I somehow had auto filled with something it should not have filled in and saved that password. So good tip.

Okay, predictability framework and we talked a little bit about it when I think it was Jamie had made a comment on the communities and going back to add in as an example the fact that it needs to be predictable not just to the applicants but also those participating in the objections and other processes. But you'll see in the predictability framework we talk about here as - well if you want to go to the next - oh, sorry, no, I'm on the wrong page - so the recommendations are to adopt this predictability framework and we also make it clear that our goal is not to replace the GNSO processes and procedures but it's to be additive to that in cases where situations or issues arise after the launch of the program.

And so we do point out later on, you know, those terms to be defined and to what launch is. But the predictability framework is in Section D, it's fairly lengthy, it's probably the good - a good part of this 35 page document. And if you want to scroll through - or you can't scroll through the pages but if we can just go to the next page.

You'll see the detail, Phase 1 and Phase 2 are really from the - lifted from the GNSO consensus policy implementation framework. I know Anne, you mentioned that a number of times, and we're making it clear that this still applies. But then we get to a Phase 3 which deals with - more with operations and administration of the new gTLD program after the launch. And this is really at this point recommending a panel, a Standing Implementation Review Team and many of you have seen all this before discussed on a number of different working group calls.

Do you want to scroll to the next - until we get to the next section? You'll see more of the predictability framework. Again, this was all circulated on the email list. I don't believe there have been any changes to this. So if you can just go until we get to - sorry, I'm looking at - can scroll one more page or at least until we get to the next letter section? ICANN staff. One more. You'll see all of these here are the pros and cons of different notes.

This section, I think Section E is pretty important and these are the points and questions that we have - we've suggested go out for feedback on. If you have anything to add to these questions or any questions to ask that would be beneficial in helping us refine this new predictability framework, then please let us know. First we ask the general questions, there's a whole concept of this new predictability framework makes sense?

We ask whether, you know, what's the criteria that we're going to use to make sure to know whether it should be handled by in Phase 3 a standing IRT. And then what criteria would they have in order to determine the next steps. And there's a bunch of open questions related to the standing IRT that are discussed in Section F below in the deliberations. And once you go to that you'll see those. And we're seeking feedback on those issues.

Anybody have any comments on this predictability section? This is one of our major adds to the process so to the extent you have any comments or questions on the clarity of this section or we've left something out let us know. Kavouss, I see your hand up but I'm not sure if that's an old or new hand. Okay, I'm not hearing anything new...

((Crosstalk))

Jeff Neuman: Oh sorry, go on.

Kavouss Arasteh: May I talk?

Jeff Neuman: Yes, sorry. You're a little faint though.

Kavouss Arasteh: Yes, sorry. Yes, I was saying that either you wish that you go step by step in this document you comment because from Section 1.2.1, we jump to the predictability. No problem, but we left many between the two. Or you want that after this meeting we sit down, each of us individually, if we so wish and comment on part of this document. In that case, this document is a PDF format or I don't know, Google format, it cannot unless we start to create a new document. Would it be possible to put a document in a way that we could directly put our comments inside the document?

Jeff Neuman: Kavouss, we will look into that. We started to discuss this towards the beginning of the call so we will look into that. In the meantime there are PDFs at this point. You should have the copy in your email, it went out to the list during the weekend. And the reason we're jumping quickly through the topics now is not because we expect your comments during this call, it's that we just want to go over - we know you haven't had time to read it, we just want to go over the structure so you can see how it's laid out. So we understand that you'll need more time to make some comments on this.

Kavouss Arasteh: So if you allow me I have one comment just may be useful for you for future. If you go to Section 1.2.1, then under number D, there are, "What are the options under consideration?" And we say, "None." I think the proper explanation was that not saying, "None" at the very beginning; we say that various options were discussed and then see Section XYZ and then at the end saying that none was agreed by the group. So this is the proper way of presentation. There were options, you mention option of one round, stop and do nothing and next time, one round, one year, one round six months, one round six months plus first come first serve. These are the options.

But this should be (unintelligible), see Section so and so forth. And at the end one could say that none of these options were agreed upon. That is the proper presentation, otherwise the people that receive that many people

unless they ask you to explain them one by one they don't understand and you do not receive proper public comments. Thank you.

Jeff Neuman: Okay, thanks, Kavouss. Well let's take that - we'll take that back offline and see how we can incorporate those comments in. Going to the chat, Anne says she cannot see where the specific reference is made to GNSO input, GNSO guidance expedited PDP. If not, it should be added. I think in order to not make this document even longer than it is, Anne, what we refer to - and if we can go to that page - we referred to the - and we linked it - to - it's called the Policy and implementation Consensus - I'm forgetting the full name now - the framework. And so we cite to that in the applicable section.

But we don't go into the individual options that that GNSO has once the GNSO gets it. So if you go to the framework, ICANN staff, can you go forward a page? Yes, so you'll see - okay, go - in Phase 1 you'll see that - sorry, it's not Phase 1, it's Phase 2, you'll see the Consensus Policy Implementation Framework referred on that page. And then you'll see in the Operations Administration then it gets down to the more details you will see that it talks about the standing IRT has the discretion then to see - no this really should have gone to the GNSO and it's ultimately the GNSO that will decide whether it needs an expedited PDP or I forgot right now all the other options open to it.

So we don't go into detail, you're right, because we didn't want to make the document too long. If you think that we should point that out somewhere, if you could suggest a good place to put that in, Anne, that would be helpful.

Anne Aikman-Scalese: Sure, I'll do that, Jeff, in a follow up email. I do think it's important enough to mention though on the call that this is not just, you know, something that exists within the GNSO; this was actually adopted as formal Board policy. The input guidance and expedited PDP, those are officially adopted by the Board, I don't see that in here.

Jeff Neuman: Okay. It is a consensus policy so all right we make some reference...

((Crosstalk))

Anne Aikman-Scalese: Well consensus policy is what's recommended to the Board; policy is what's adopted by the Board. It's very important that the Board actually adopted that process and that needs to be noted.

Jeff Neuman: Okay, we will make sure that in the first place it's mentioned that we make sure it is - was adopted by the Board. We'll do that. Okay.

Anne Aikman-Scalese: Thank you.

Jeff Neuman: I think we've - I'm seeing people drop off so running out of time. We're going to - please take your comments to the email list. Thank you for the valuable comments today. We will continue to be releasing sections this week. And we will have another call next week so we're having calls weekly now so that we can go over this stuff. And for the next call we're not going to spend the first 45 minutes on what we're trying to do. If you have any questions on that please save it for the email list and we will do our best to answer them as quickly as possible. Thanks, everyone, and have a great day or night depending where you are in the world. Thank you.

END