

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group
Monday, 17 September 2018 at 15:00 UTC**

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Operator: Good morning. The recording has started.

Michelle: Fantastic. Thanks, Carrie. Well welcome, everyone. Good morning, good afternoon, and good evening. And welcome to the New gTLD Subsequent Procedures Working Group call on the 17th of September, 2018. In the interest of time today, there will be no roll call, since we do have quite a few participants online. Attendance will be taken via the Adobe Connect room. So I know we have quite a few on the audio bridge today due to the audio issues. If you're only on the audio bridge, would you please let yourself be known now?

Sarah Langstone: Sarah Langstone from Verisign.

Michelle: Thank you so much, Sarah. We will note that. All right, and as a reminder to all participants as well, if you would please state your name before speaking for transcription purposes and please keep your phones and your microphones on mute when not speaking to avoid any background noise. With this, I will hand the meeting over to Jeff Neuman. Please begin.

Jeff Neuman: Thanks, Michelle, and welcome, everyone. I notice that we're still having some technical issues with the 1-800 number for people dialing in the US. I had to dial in a couple times, because of the static I got the first few times. But I guess it seemed to work. But if anyone is still hearing static, please let us know.

Our agenda is, as usual, published on -- we sent it around on Friday and it's up on the screen if you're in Adobe. So for those on the phone, we'll start out with, as normal, with any updates to statements of interest. Then the main items are for discussion or continuing the discussion of Fact 90, the paper. And then we'll talk a little bit about a call for volunteers on the initial report, public comment review, which we also started to discuss last week, along with a substantive review of section 1.5 of the supplemental report, which was sent around about a week and a half ago now or almost two weeks ago. And then we'll start a second, if we have time, a second review of some of the sections that have been recent around based on comments that were received in the last couple weeks.

To address a quick comment, I think, that Christopher made in the chat early on that there is an upcoming deadline of September 26th. But that is for the initial report itself,

comments to the initial report, not necessarily for comments on the sections that we've been discussing, although it is our goal to get out an initial report for comments to the public by or around the October 12th timeframe, somewhere around that time, so it's released before ICANN63 in Barcelona. So Christopher, to answer your question, comments are not due by the 26th on these five topics that we've been discussing for the supplemental report, although the sooner you can get in comments on these items, the better.

Okay, with that said, are there any questions or comments on the agenda? Okay, I am not seeing any comments or hands raised. So why don't we ask for any updates to statements of interest? Okay, not seeing any or hearing any, then we can go onto the next substantive item, which is a discussion on SSAC-- or sorry, SAC90. I may say SSAC all the time because I get confused as to why they go with just the SAC90 instead of SSAC90. But that's just my inability to remember. But that said, I know it's on Adobe right now. It's really small. We did send this around to the entire group this chart via email on-- I think it was around September 11th or so. And so it should be in your email and as Steve says, you can download a copy from that Wiki link as well.

I am also going to turn to a PDF copy that I have. So Cheryl and Steve, if you can just keep a look out for the chat, on the chat, to see if there's anyone that has a comment that I might miss. So the focus of this chart is to take the advice that's provided in SAC90 and to look at -- first to describe what it was in the advice, a little bit of background, and then the rationale. But really what I want to pay attention to for our purposes are the last three columns which are entitled, does the SubPro currently address, and then if we do, then how, and then really the last column, which is what else do we need to do on this particular area of advice.

So for example if you look at the first thing of advice, advice item, the first one says recommendation one, the SSAC recommends that the ICCAN board of directors take appropriate steps to establish definitive and unambiguous criteria for determining whether or not a syntactically valid domain name label could be a top-level domain in the global DNS. Our understanding of that issue is helped by a background that was provided by the IETF, special use domain name RFC 6761 which was published in 2013, which calls for the development of a list to reserve names that have been reserved by the IETF and the board accepted that advice and the question is, have we already addressed this in our initial report. And we believe that we have. We have addressed that and at this point the only work that's left to be done is really just to evaluate the comments when they come in. But it's addressed in 2.7.1 of our initial report, talking about making sure that special use domain names are continued to be reserved and that we also add a couple names that were identified on the PTI list.

Any questions on that first one?

Jim Prendergast: Hey Jeff, oh sorry I'm not sure if (inaudible).

Jeff Neuman: No, no, no, please. Jim, please. That's okay.

Jim Prendergast: Hi. Thanks, Jeff. So Jim Prendergast for the record. In column -- the column I guess does SubPro currently address. You know I think that addressing something is one measurement of the work that we've done. But in some instances, there's a lot of holes on what has actually been completed. So we may have addressed it. But there's still, I think, in some areas some outstanding -- not necessarily about this. But this is a general statement overall. It seems like there's future work or outreach that we're waiting on that hasn't been completed yet. So we may have addressed it. But in some instances, we may not have completed the work either.

Jeff Neuman: Thanks, Jim. This is Jeff. And I would agree with you on that. And I think that's the purpose of the last column, I think, on this chart. So if we have a -- we may say that we've addressed it in our initial report, but then in that last column with what other work needs to be done, I think we need to make sure that we capture that in that last column. So on this particular item, I think we have captured it. But as we go through the remaining items in the chart, I think we definitely need to be kept honest and to make sure that we have covered it and if not, or if there's still work to be done, then to indicate that in that last column.

Cheryl: Jeff, Cheryl here. That's very much why we sent this out after our last call, when we went through SAC90. Because it's that last column in particular that we want to make sure we've captured and haven't overlooked anything that still needs to be done. But obviously if there's anything that we haven't articulated accurately in column H, let us know as well. But it is that column I that we want you to pay really close attention to today. Thanks. Back to you, Jeff.

Jeff Neuman: Yeah, thanks, Cheryl. And you'll see with this second recommendation that we think we've partially addressed it. But we know that there's more work to do. And that's indicated in that last column. So the second recommendation, which is fairly lengthy, but it's just to summarize that they want all of the lists and everything that we produce and all of the -- I'm trying to generalize this -- but everything to be reflected in the applicant guidebook.

So there's -- just to go to the end of that or the middle of that first paragraph -- it says, the ICANN has placed a small number of potential gTLD strings into a special use domain names registry as described in 6761, a string that is placed into this registry is expected to be processed in a defined special way that's different from the normal process of DNS resolution. Should ICANN formalize in policy the status of the names on these lists? If so, how should ICANN respond to changes? How should ICANN respond to a change that occurs in the middle of a round and so on? And then if you look the question of -- I just lost my place here -- trying to reduce the size of this, actually trying to increase the size of it in some cases.

So on this one, the board accepted the advice. The GNSO is responsible for this and then we have this one down as partially addressed. So what we say is regarding part one of the recommendation, the policy's own process has agreed that special use domain names that are established through the IETF process should be reserved. But regarding part two, that it should be limited in scope and we're not aware of any other list or any other names that would require similar exclusions. We have said that regarding home, corp, and mail; those are out of scope of this particular PDP, because they were applied for in that first round. And then in the course of deliberations on name collisions in section 2.7.8, we do look at SSAC. We do take SAC90 into account, but we have not at this stage formally recognized the concept of private use domains, though we did ask for better guidance on name collision and that we support the efforts to develop a data-driven do-not-apply list, which would seek to prevent names that represent a similar level of risk as home, corp and mail. And as Rubens has added a thing in this chart that says, regarding part three, the PDP considers it out of scope, because this is future looking and I'm just trying to figure out what the exact edit was on this one.

So it looks pretty similar here to what was in there. I don't know if Rubens is on this list that wants to explain the difference in that.

All right, Rubens, please.

Rubens: Thanks, Jeff. Can you hear me?

Jeff Neuman: Yep. Sure. Go on.

Rubens: Thanks. I mentioned that while our PDP is 99.9% forward-looking, we do have two issues that we have in our charter that refer to the 2012 round. One is that -- we will call it look into closer (ph) generics for 2012 round. The other is that we also have in our charter to look into collisions into legacy gTLDs, which goes back to -- I think gTLDs existed not even only to the 2012 round. So we do have two small items that are not forward-looking, but decided those two we don't have any mandates to go into any other topics, so that still applies for .home, .corp, and .mail. We don't have mandates to look into that and we shouldn't look into that. But we do have two items with this characteristic.

The other comment I had is that while .home and .corp are very consensual in the (inaudible) community, that they pose a very high collision risk. There is not that thing remaining now about .mail, which for some people in the (inaudible) from which it would only pose a risk for .livemail, which isn't allowed anyway in gTLDs to have .list TLDs. Others think that mail would be possible with even for the non-.livemail. But the question is that this is not something that is established at the consensus in the community. So that's why I suggested removing .mail, just to not enter into the discussion. Thanks, Jeff.

Jeff Neuman: Okay. Thanks for that, Rubens. Does anyone have any questions for Rubens on that? Jim, please.

Jim Prendergast: Yes, thanks, Jeff. Rubens, it's Jim. I've got some issues with the clarity on the phone. So is there any way for you to just send around the email, the suggested edits that you had and sort of the rationale behind them so at least I and others who may not even be on the call, can take a look at it as well?

Jeff Neuman: And Rubens is typing. So, yes. He said, okay. He'll send the rationale. And on the last column for what work needs to still be done, you'll see that we have regarding part one, that we may want to consider we still have to consider what to do if there's a change to the special use domain name list during the application window. So certainly if it occurs before the application window, we would incorporate that name onto the reserved names list. But if for whatever reason there's a name that's added during the window or even after a registry is approved but before a contract or even, I guess after a contract; we would still need to indicate what needs to happen in those circumstances.

So we will add that to the comments and make sure that we address it when we are talking about that subject after we get back the comments on the initial report. And I see Christopher Wilkinson. Please?

Christopher, are you able to speak? Okay, I'm not hearing Christopher. I'm assuming nobody else can either. So why don't I go to Jim and then we'll see if we can work out the issues with Christopher's line? So Jim, please.

Christopher Wilkinson: Hi, is that any better?

Jim Prendergast: There he is.

Jeff Neuman: There you go. Yes, Christopher. Thanks. Please go ahead, Christopher.

Christopher Wilkinson: Yes, sorry about that. Just a brief marker about reserve names; that word has two distinct meanings in this context. For the sake of argument today I have absolutely no problem with the general proposition that the IECF's technical reservations should be respected.

But my experience with geographical names is that in the event of a large geographical top-level domain, there will be requests for really quite large numbers of reserved names in the sense that they will only be delegated to authorized participants. The best example, take .massachusetts, cambridge.massachusetts, harvard.massachusetts, boston.massachusetts; all those will have to be reserved by the registry for the purposes of those names. This is an entirely different concept to the one that the IETF has used and almost to the point it would be quite helpful if they could find a different name for it. But it will be big. Thank you.

Jeff Neuman: Okay. Thanks, Christopher. Without getting into a discussion on geographic names, so let's not delve into that right now. But the point about this is more of a do-not-apply list. So we're using it in that sense. So I take the point that you can reserve things for different purposes. But this particular one is at least in the initial report as a do-not-apply list, which is why we need to consider things of what happens if there is an application and especially this domain is put on the list by the IETF during the application window. Jim, please?

Jim Prendergast: Yeah. Thanks, Jeff. Jim Prendergast. So I was trying to match all this. It was kind of tough. I printed the document out and had a migraine after reading through it. But one thing I would suggest that we do in an attempt to not have the, quote-unquote, "homework" turned back to us for being incomplete; is in column B, there are very specific questions that the SSAC is posing to the ICANN board of directors which is then funnel them down to us. What I'm specifically talking about is like the second paragraph. Should ICANN formalize in policy the status of the names on these lists? If so, and then a whole series of sub questions. I think it would really behoove us to somehow -- whether it's in the final report, the initial report or a supplementary document, to actually take those questions one on one and develop specific responses to them so that when it does go back to the board, they see that it's complete. And then when it does go back to the SSAC, they see that we've taken the time to address all of these specifically and it doesn't get thrown back to us saying, well, you didn't answer these questions. I think that it's going to take a little more work I think on the front end. But it potentially saves us some delay on the back end. Thanks.

Jeff Neuman: Okay. Thanks, Jim. I think that's good. We should absolutely in the -- wherever we include this response to this, we should absolutely organize it in a fashion like you said, to make sure that we're answering all of the questions. It's also hard if you're reading it in the Adobe room, to see all the questions. Because I think there's a cutoff. So you actually have to look at the document within the -- look in the PDF copy that was sent out in email or to go onto that link.

Christopher, your hand is still raised. I don't know if that's old or new. And Jim, you're up again. So Jim, please.

Jim Prendergast: Yeah, sorry. I forgot while you had me before, just scrolling all the way over to the right, the last item that we have in our column of what else needs to be done -- it says as an overall comment the PDP working group recognizes there may be some overlap with the NCAP project and welcomes additional clarity. How are we actually going to go about seeking that clarity? Thanks.

Jeff Neuman: Thanks, Jim. We're still -- I guess waiting for the NCAP to -- the whole project to actually get approved by the board. I'm not even sure where it is at this stage. I know that there was a session at the last ICANN meeting where they addressed the comments. I'm not aware of any development since the last ICANN meeting. So I guess this is probably a good question for us to put in our discussions for Barcelona, at least to make sure that we can liaise with that group to figure out where they are and what their thinking is. And

as Cheryl said, the timeline for that project well exceeds our timeline for our work. So we just need to discuss this issue first with them. And then once we figure out when that does get kicked off, to make sure to get some clarity from the GNSO Council, who probably will need to get some clarity with the ICANN board.

Jim Prendergast: So maybe -- so this is Jim again. So maybe what we can do is we can start compiling -- I hate to use the term because it gives everybody the shivers -- but clarifying questions that maybe we can get to the SSAC ahead of Barcelona so that they have time to think about it, so that they can answer the questions in Barcelona, as opposed to having to go back and deliberate once we ask the question in Barcelona.

Jeff Neuman: Thanks, Jim. This is Jeff. I think it's a great idea. And we will start compiling that based on these discussions. And anyone who's got some additional comments, if they want to send via email, please do. I guess we need to set a cutoff date for that so we can give the SSAC some time to respond. So I would think if we can get them comments by the end of the month, which is actually not that far away, so let's set a deadline of till the end of the month to get these questions compiled and then sent over to the SSAC. So hopefully they can give us some answers by Barcelona.

Okay? Going into the -- it's still in the last column of that same one. On the part two of the recommendation, one of the questions we'll have to add to this list is -- or sorry, one of the questions we need to add to ask to the SSAC is whether they know of other lists. Because they refer to specific -- or they refer to the fact that there may be other lists out there that need to be considered. So we don't know if that reference is a hypothetical reference or that they have some things in mind that we should be looking towards at this point.

And then regarding number three, which is really the question of whether we took the SAC90 into consideration during deliberations and we do believe that we have and that at this point other than waiting for the comments to come in, there's nothing else for us to do at this particular point.

If we look at recommendation three, the recommendation is that SSAC recommends that ICANN board of directors directly establish an effective means of collaboration on these issues of relevant groups outside ICANN, including the IETF. The board basically accepted that and said -- and the question of whether we address this, we say, partially. We certainly have sought input from the technical community and we have sought information on the name collision topic, especially from the DNS-OARC group, the OARC 28 meeting, as well as the IETF DNS operations team and (inaudible) DNS working group mailing list. Though we have not received input from those communities at this point in time. And we have not yet considered what a model would look like for future engagement with the IETF and other technical bodies. And we're not sure if that's within our scope as a working group to do so.

Questions on that one? Okay, looking at recommendation four, the recommendation is that the SSAC recommends that ICANN complete this work before making any decisions to add new TLDs to the global DNS. The board accepted the advice and said that it will ask us to include a recommendation in our work. Have we addressed this? We say, yes, that we intend to include recommendations on both the reserved names list and name collisions, all of which would be envisioned to be implemented prior to the launch of subsequent gTLD procedures. And then other than addressing the comments as they come in, there is nothing in addition that we think we would need to do at this point in time.

Jim, please?

Jim Prendergast: Hey, Jeff. Thanks. Jim Prendergast. So essentially we're acknowledging the recommendation that this should be completed before the next round. Is that correct?

Jeff Neuman: I would answer that in the way of saying that I believe the working group has acknowledged that our recommendations need to be made before the completion of the next round. I think that could be interpreted a number of different ways in terms of -- and I think we need to discuss whether completion means that there is a process put into place to handle these issues, especially when you're dealing with things like name collision. But I think -- well, let me just -- without taking a position, let me just -- I think the group needs to define what complete means. Because I think completion can mean different things to different people. So I think it's going to be important that we as a group define what that is.

Jim Prendergast: Right. Yeah. And I think it's important too, for the predictability component that we spend a lot of time on as well. So, thanks.

Jeff Neuman: Yep. Thanks, Jim. Okay. Christopher Wilkinson says on the chat, I think it would be desirable for staff to publish a list of all the prerequisites for a new round. I think that might be, Christopher, I'm not sure if it's staff or whether that's the working group that would do that. But I do think that's to the extent that this working group is recommending that there are prerequisites that certainly that should be included in a final report, if we do view anything as being prerequisite. So I think that's a good topic for this group to include when we get into the final report and our final recommendations.

And Rubens says on the chat, the fact is that there already is a framework. If ICANN finds it to be unfit, it could open itself for a liability. I'm not going to get into the substance of that comment, but just to say I think that's, Rubens, why I think it's going to be important for this group to define what it means to be complete. So it may mean in some circumstances that there is a framework in place and that's complete. For other people, it may mean that -- complete may mean that already there is a framework in place, but everything is put through that framework in order to be deemed complete. So we need to make sure that we're all talking from the same page. So right now I think as a working group, we'll just commit to completing this work and then we'll have to define what we believe complete means.

Okay. Any questions on that before we go over to the call for volunteers? Okay, so thank you for this. And please do submit additional comments that you have into the chart, through email if it's going to be important, especially to develop this list of questions that go to the SSAC prior to the ICANN meeting in Barcelona. Again, I'll just put a deadline of the end of the month. I should probably be a little bit more specific than the end of the month. So in looking at a calendar, the last non-weekend day of the month is September 28th. So let's set a deadline for the 28th to get in comments and get that out to the SSAC by Monday, October 1st.

So comments and questions from the working group by the 28th to help us get that letter out for the SSAC by October 1st, us, being the leadership on behalf of the working group.

Okay. With that said, let's turn to a little bit different topic, which again, we started on the last call. So according to the work plan, it's our proposal that we once the comments come in September 26th and then they are analyzed -- and when I say analyzed, I mean really put into a matrix in these three different areas. ICANN staff -- so that we can create three subgroups to look at the public comments, to analyze those public comments, to make recommendations to the full working group of what additional work is remaining to be done or what trends have come-- or and, I should say-- what trends have come out of

the comments and whether they support the current recommendations, whether they recommend revising the current recommendations, or where there were no recommendations in the initial report where the subgroups believe recommendations we have enough information to develop recommendations and to put those forth to the working group.

I want to say again, unlike the initial report, the full working group will actually be discussing the substance of these issues, discussing the recommendations of the subgroups. But it's our hope that the subgroups can do a lot of the analysis to help the full working group discussion and to make those go a lot more quickly and to provide input into those discussions.

So the three groups which are originally named subgroup A, B, and C; divide up the work into three different categories. This was also sent around -- I should say -- in the email that you got on September 11th and also is on that link that was just put into the chat. The three areas are subgroup A, which deals with overarching issues, foundational issues and three large activities; which is essentially sections 1.2 through 1.4 on that initial report. The co-lead for this group will be myself and Robin. We also have a column in that chart that we sent out last week, which indicates where it appears or where it was discussed initially. But it was in the overarching issues Work Track 1, which most of them fell into Work Track 1. But there was one topic in Work Track 2, one in 3, and one topic that was in 4. So please take a look at that chart.

The second area is the application submission processing and evaluation. So that deals with essentially sections 1.5 through 1.7 of the initial report, which delves into issues that were considered by Work Tracks 1 -- mostly 1 and 2. The geographic names issue is not something that -- although it technically falls into section 1.7. That's really deferred out to Work Track 5 and the IGO and INGO protections. While that is in 1.7 as well, that's really taking into consideration the work that's going on in other arena on the IGO and INGO protections.

And then finally subgroup C deals with the remainder of the initial report, which although has the most amount of topics in it as far as the pages, it deals with the initial report. It's about the same as the other two. And this group deals with the dispute proceedings, contention resolution, contracting, pre-delegation and post-delegations issues. That last group is going to be led by Cheryl and Michael, and I forgot to mention that subgroup B is being led by Rubens and Christa.

So what we're really asking is that within the next two weeks or so that you sign up for at least one of these groups, if not unless you want to do more; you're absolutely welcome to sign up for as many you'd like, but recognizing that everyone has limited resources. Please try to pick the ones that you are most interested in or have the most feedback. And Jim says, how do you sign up, which is a great question. So Steve, if you can -- should we be putting this on a Google doc and letting people fill in their names? Steve, what would be the method that you would prefer for people to sign up?

Steve:

Thanks, Jeff. Thanks. This is Steve from staff. So I have my thinking and I'll let Michelle and Andrea correct me if I get this wrong. But you'll see a note on the subgroup pages on the Wiki to send it -- request the email to Gina so -secs@icann.org. So ideally I think we're considering the suggestion that you send an email to that address and we'll get the pages populated with members who sign up or observers as well. So yeah, rather than a Google doc for self-signup, I think we'd prefer to just have it done as we traditionally do by email. So yeah, that's my thinking at least. And then if Michelle or Andrea, think that at the end of it prefer to have it done a different way that's fine too. Thanks.

Jeff Neuman: Okay. Thanks, Steve. So I think a couple things out of that just to make sure everyone sends an email to that list, whether you want to be a participant or an observer. So this is open to both participants and observers. If you are currently an observer in the full working group, you will need to be a participant; you will need to convert over to the participants in the full working group in order to be a participant in one of the subgroups. If you are currently a participant in the full working group, then you can sign up to be either an observer or a participant in any of the subgroups. Hopefully that makes sense. If not, I can repeat that or we can put some language in the signup area on that.

So Jim, please.

Jim Prendergast: Thanks, Jeff. Jim Prendergast for the record. So could you or maybe one of the subgroup co-leads just give a sense of what sort of the working methods would be like in these subgroups and how frequently would they be meeting and what's expected? And then I'm assuming similar to the work tracks that we had in the previous phase that there wouldn't be conflicts between the three subgroups if people wanted to participate in all three. Thanks.

Jeff Neuman: Yeah, thanks Jim. That's a great question. And we're still talking about it with the leadership team. So I'm going to ask if we can have a week or two to get to something formal and written up on the working methods. But just to respond to the last part. I think because Cheryl and I are probably going to be taking turns and just being in all three of the groups, we will not have them conflict with each other. But I think if you go to a week or two, then we can get to you all a working method document that describes how we will work. But just reading the chat, Rubens says the subgroup B will meet twice a day. I think he's kidding. I'm hoping he's kidding. But yeah, so we will come out with those things with a schedule of meetings and I think that's a great question.

Okay, I think to answer that last part, which I do think is a good question. We will try to engage in the subgroup rotation or the rotation of meetings for the subgroups just to review for the full working group, regardless of where the leads are located. Okay, so please do. We'll send out another email about signup and then we've taken it as an action item to come back to you all with our plans for the working method for these groups.

Okay. Great. So now with the remaining time, let's turn to section 1.5 of the supplemental initial report and the preface that we did for the last -- the first review of 1.1 through 1.4 applies here. This was a first cut of trying to get this on paper so that you can review it. We are taking comments on the substance of what's in here as well as the organization or additional questions that you may want us to ask. So please do weigh in, not only on this call, but also on email. And like we have with 1.1 and 1.4, which we may get to talk a little bit about, we will certainly send around shortly the note from this call as well as any revisions we think that need to be made for those sections based on the call.

So just to remind everyone what this 1.5 is and I've never been a huge fan of what we call this, as far as a title. But it's Registrar Support for new gTLDs, which is really dealing with what happens in the case where the new gTLD registries find it difficult to attract registrars to, for whatever reason, to participate in distributing their TLD.

And so on this one, the only relevant policy that we have from the last round in 2012 was that recommendation 19 says that registry is only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars. And so how is this implemented? So even though this recommendation was agreed to by the GNSO, we did have some comments to that final report in 2007 that indicated from the registrar perspective that these registrars recognize the opportunity that new gTLDs

presented to it, but that there's cost to implement the new gTLDs and so that registrars need to determine on its own what new gTLDs it wants to carry and which are appropriate based on the registrars' business model. And the registries is kind in a little bit opposite direction, because that they supported this recommendation 19, but that it cautioned that it hasn't always worked for the small specialized gTLDs and that there could be an adverse impact on the smaller registries where they may be at the mercy of registrars who may not for their own business judgment determine that they don't want to carry or devote resources to some of these new TLDs. And so they wanted to engage in dialog on what solutions could be sought.

I'll note that this really never happened that the 2012 process started. But other than the changes that were made in for the brand TLDs in specification 13 and in specification 9, which recognized an exemption to the code of conduct. Basically the requirement of using only ICANN accredited registrars is still in effect. And only limited exceptions is the registry able to do registrations directly, which is for the 100 promotional names or is the registrar able to discriminate in favor of one or a few registrars in the case of brand TLDs.

So what recommendations does this group have at this point in time? There were a number of proposals that were discussed and some had felt that they should go into their preliminary recommendations part of this report. I'll tell you that the leaders, that Cheryl and I felt that some of these proposals weren't really discussed in enough detail to put them into the preliminary recommendation. But we did therefore put them all into section D, which are options. What are the options that were under consideration along with the associated benefits? And so we list those options in section D, which includes the -- sorry, to give one more element that was discussed as an issue was the ability of registrars -- or the inability of some registrars to deal with in every currency or registries to deal with that in every currency. And so some of the proposals that came up were that ICANN could select a last resort wholesale registrar that would provide resellers with the ability to sell TLDs that lacked market interest in order to not burden ICANN for initial deposits. Only registries allowing post-payment terms would be eligible for this resource. There's a discussion in -- above there in -- yeah it is. Sorry, I forgot where I was. But it is actually in section B, going back up, a discussion on what prepayment versus post-payment is and what registry models there are. So this option deals with that discussion that's above in section B.

Other recommendations in theory are that ICAAN could provide a clearinghouse for payments. A third option is some assistance for small registries to allow the registries to initially do registrations on their own and then only then after once they, quote, "get off the ground," would they be required to use ICANN accredited registrars. The applicant guidebook can encourage potential applicants to communicate with ICANN accredited registrars before submitting an application so that the applicants can understand any market issues. And then some members of the working group also proposed that the registry contract should bundle the capacity of becoming an ICANN accredited registrar. In other words, include one of the things that ICANN said and the registrars had said is that the registrar accreditation agreement contains a number of important protections for registrants and that's why you need to use only accredited registrars. So some have proposed a launch to take those provisions that's in the registrar accreditation agreement, put them into the registry agreement, and therefore you're taking care of the registrants in that one agreement.

Again, these are brainstorming ideas that came out of the session. They are options and they are all options that we are seeking feedback on. Christopher, please? Christopher, I'm not -- you may still be on mute. Christopher, are you there?

Christopher Wilkinson: Okay. Jeff, I have quite a lot to say about this and I will -- I almost certainly will be writing a short paper for the list, because I'm quite sure you don't want to listen to me for about 20 minutes now. But first of all in my experience in observing this over the past 10 years, the problem arises essentially because you have this combination of specification 19 and the vertical integration decision and the way it was turned out, which has created a number of these problems. I think that needs to be revisited. Because the present situation cannot be allowed to reproduce itself in the rest of the world, where notably in areas where the registrar coverage is weak.

Regarding the text in front of us at the bottom of the first page -- no page numbers, staff. At the bottom of the first page, I've been exposed to questions of structural separation in the past. I think it would be justified to ask for a footnote or another paragraph explaining how structural separation in the first round has been audited and reported upon. I think it's potentially extremely difficult when I look at the business model of somebody like Donuts, it boggles the mind how they would organize structural separation in that context. I think we need to know a lot more about how structural separation has been audited.

In the middle of the next page, there's this prepayment business. I've no problems with prepayment in principle. After all, that's exactly how the .eu registry got launched in 2006. But here it says that registrars establish deposit accounts for each TLD. Now that's okay if there's one TLD. But take a company that has 50 TLDs and is dealing with 100 registrars. Does that mean that the registrars together have to pay \$5,000 prepayment deposit? That's wrong. Companies who have more than one TLD will have to bundle the prepayments, otherwise they're really squeezing the market.

I have a few other comments. But that's all I want to say just now. Thank you.

Jeff Neuman:

Okay, thanks, Christopher. And please do, if you could submit those in writing that would be great. Just a note and maybe we should put this in the text that registries were free to establish whichever model they wanted to establish or still are free to establish whatever model, as long as it's provided in accordance with the rest of the agreement. So as long as it's equal access and all that other. So how registries choose to do it, whether it's per TLD or per group of TLDs is certainly not something that's currently regulated in the agreement at this point. But it's certainly good to get comments back from some registries on what they do and perhaps comment on the different models that are being suggested.

So in addition to just commenting on the proposals or the brainstorming options, I should call them, are there any other -- we're asking in section E if there are any other proposals or ideas that others in the public have to make things a bit more palatable for the smaller registries? Does ICANN even have a role is an interesting question that some have brought up. Is it within ICANN's mission bylaws or mandates that ICANN even provide any form of assistance with the registries or registrars? And one of the interesting areas that was discussed certainly in Panama was, okay, so let's say we do come up with some proposals for these registrars with low market performance or things that can aid them. How do we identify which registries would qualify for such assistance? And so that's going to be something that the working group would like some feedback on.

Any other questions on what's in here? I do want to stress that there is a deliberation section here that talks a little bit more in depth about some of these proposals and options and please do, as Christopher said, he's going to submit some comments in writing. If you could that would be great, so we could update this section. And speaking of updates, since there is no further comments, on Friday we sent around a revised second reading, I guess, for sections 1.1 through 1.4, which have the edits that we made based on the comments. So I don't know if staff, you can put that up on the Adobe screen or whether that's -- I think we've done a little bit more than we may have thought that we

would get through. So I'm not sure. Do we have a version that you guys could put up?
Okay, good.

Great. So if you look upon the screen right now, there should be now I'm just trying to look to make sure this has all of the edits, because this looks like a clean version for the most part. Oh, okay. There are some edits. Let me just look at my own copy of this and you may want to look at your own copy. Because I'm not sure Adobe is actually displaying everything.

Steve, is Adobe displaying the comments that were on this too? Steve, please? Steve, you may be on mute?

Steve: Sorry. Thanks for that, Jeff. This is Steve from staff. And so the way I understand it, so actually this document that you're looking at in the Adobe Connect screen and what was shared on the agenda email, it's intended to take the input received on the two calls. So I wouldn't really expect it to have comments in line, so to speak. It should basically be redlines and capture input received. So I don't think you'd expect to see too many comments on the slide. So it would mostly just be the red lines. I hope that helps.
Thanks.

Jeff Neuman: Yeah. Thanks, Steve. Okay, I know that sometimes when we put it up on Adobe, if there are comments it doesn't always print it. But okay, cool. So really if we look at this section 1.1 and this deals with the -- just to go back to the subject matter to refresh everyone -- it's auctions or mechanisms of last resort, which is really dealing with the ICANN auctions and basically everything kind of leading up to that ICANN or call it a public auction in that the results are made public and that the money goes at least for this last round, went to the specific fund that there's now a cross-community working group that is considering what to do with this money.

So really the only changes that came out of the discussion were in the deliberation section, which that's section F, starting on page 3, where we talk about the working group discussed the possibility of having basically a request for proposals that could be used to resolve contention sets. Such an approach could potentially involve third party evaluators. So remember, this was the case of re-looking back at whether auctions were or are the most appropriate way to as a last resort to resolve contention sets. This is not dealing with the private auctions at this point, but just the main one.

And so one of those options as was looked at before the last round, was doing a qualitative analysis to resolve contention sets. So that change was made to just reflect the discussion that you could do a request for a proposals process, but they we discussed the potential of using a request for proposals process that involves third party evaluators. Sarah, please?

Sarah Langstone: Thanks, Jeff. Sarah Langstone for the record. So my comment really refers to how we might consider managing contention resolution across the board. So by default, it kind of includes both last resort auctions and private auctions. But I'm now of a mind that a draw might be the fairest way of resolving all of these contentions and maybe a deliberation draw or something like that could take a lot of the unresolved issues off the table. So first of all, if the contented TLDs were awarded by a draw, then you wouldn't have to be the applicant with the deepest pockets to win the rights to operate a TLD, which has been a concern for some of us as we talk through this.

Secondly, a draw would deter folks from participating in the program just to make money or fund themselves by losing private auctions. Because there would be no financial benefit for losing an auction. And thirdly, it would avoid comparative evaluation,

sometimes known as beauty contents, which again several of us have expressed concerns about. Because you wouldn't have to worry about a TLD being awarded subjectively. So as I read this and the more that I thought about it, I thought that a draw could actually be the fairest way of resolving contentions, whilst preserving fairness.

Now I understand that some publicly traded companies have expressed some problems participating in a draw. But I seem to think that most of us who are able to resolve that when we participated in the prioritization draw earlier on in the program. So at this stage, with so many open issues around auctions and contention resolution, I have to say that I would be in favor of contentions being resolved by a draw, because it would appear to be simple, effective and fair. And although it doesn't solve all of the open issues, I think it does get us closer to solving many of them.

Jeff Neuman: Thanks, Sarah. That's -- do we -- I'm just looking at this deliberation section. Do we even have anything in there on a draw? I thought we did, a randomization process. So I'm just trying to look and while I am looking, does anyone else have any comments on that proposal or that option, I should say? Assuming we could get around the potential lottery implications of a California corporation of doing this by draw, which again would probably be similar to as Sarah said, the issues that we were able to work through for the prioritization.

Rubens says, I guess what if you filed 100 applications for the same TLD? So I'm assuming not to put words in anyone's mouth. But I'm assuming that there probably would be a limit of one application per company. Again, how you do that is interesting. Trying (inaudible) was your -- Sarah, was your suggestion for a draw apply to all contentions including when there are two community applications for the same string?

So just to reword that, Sarah, you're talking about basically having that as the ultimate last resort. You still have the community prioritization. But if there were two communities that qualified or anything else, it would still -- so that's where you would do the draw. But you would still have the community prioritization before you would do a draw?

Sarah Langstone: Yeah. That's what I'm thinking.

Jeff Neuman: Okay. Thanks, Sarah. Yeah, Jim is saying, judging by the last round, it's hard to see more than one community getting through. But that may be the case, Jim. So does anybody else have any comments on that? I mean it was an idea that was not fully examined, I think, in the last round I think probably because of the lottery concern. But assuming we can get around those, anyone have any thoughts?

Great. So what I will then propose is we will put in the -- let's say if we go back up to section -- I don't want to bury that in the deliberation. Because I do think it's important to get feedback on. So I would put that in the -- at the very minimum, options considered. So let's see. If we go to page 2, do we put that in the -- well, why don't we put, at least put that in the options in section D? Because this is just raised on a call. For now we'll put it in part D and then we'll seek feedback on that in part E. And depending on comments, because from the last discussions that we've had, it seems that most were in favor of keeping auctions as a last resort in place. But I do think that depending on comments we get in the next couple weeks, at least we should put this in part D and then ask questions on it in part E.

Jim agrees. Just put it in the report. Let's see what the community thinks. In a way, it does neatly cover many of the concerns raised about both types of auctions.

Okay. Any other comments? Thanks, Sarah. I think that was a great add. And we will make sure that that's in the next version. Still drawing people's attention to the -- just to show some changes we made in the deliberation section page 3 at the bottom. It says, one working group member suggested a system of graduated fees. And so we added a paragraph on that. We also added a sentence at the end of the next paragraph on another working group member stated the process developed in 2012 was carefully designed to avoid the beauty contests. And then finally we added at the very end of that section, two paragraphs on discussing the issue of auction proceeds and the relationship of the auction proceeds worked and the impact on this working group's perspective on the role of auctions. So there was at least one member that suggested that depending on the recommendations of the auction proceeds cross-community working group. If the community -- well, depending on those recommendations that may impact how some members of this group feel about whether to recommend auctions in the future. So we added that in the deliberation section.

Okay. We are still seeking feedback on that section, as all of them. So please do make sure you get your comments in. I will thank some working group members that have already submitted or that have submitted comments that have hopefully contributed to these sections of supplemental initial report.

If we go to 1.2, now this is specific with private auction. So assuming it's not a draw model and assuming that public auctions are the way forward or I should say ICANN auctions is the mechanism for last resort; then this section is dealing with private auctions, so those that resolve these contention sets privately through an auction provider where the funds are generally distributed amongst the contention sets as opposed to the community. And so here the changes that we've made for the section, for the preliminary recommendations, a number of working group members expressed concern. So it wasn't a -- before we had it worded as the working group. And so we note here that it's some members of the working group expressed concern or a number of them.

We have also in the deliberation section made a series of changes. So starting on page 8, we note that some working group members consider private auctions to be a form of gaming the system that they believed it was a defect in the program that did not serve the public interest. Those who opposed restrictions on private auctions pointed out that there is currently no data supporting the idea that applicants submitted applications with the sole purpose of profiting from private auctions. I believe outreach to the private auction providers may be warranted. Just on that note, the leadership team is in the process of reaching out to the private auction providers to get some information from them to see if there were complaints that they had heard of from those that participated in the auctions.

We would also encourage if you all participated in these auctions or know of others who participated in the auctions to please provide us with data. Please do send it to the full group. There was one person that has submitted something to the leadership team and I need to get back to that person that pointed to an article that was published. I'm going to ask that person to publish that to the full list, so that everyone could see those comments and then see what kind of allegations there were. So that should be -- we'll make sure that that gets to the full list, so everyone can see that. But if you do have any feedback, please do provide it.

Also from the discussion, we added some paragraphs on page 8, raising concerns of the reputational harm that private auctions could bring to ICANN. Some working group members stated they don't support restricting the use of private auctions that they think it's appropriate to -- it's not appropriate, sorry. It's not appropriate to (inaudible) the freedom of parties to privately resolve as they see fit. And from another perspective, even

if it were desirable and possible to restrict private auctions, this would not prevent one applicant in the contention set from paying another member of a contention set to withdraw an application, which might be similar to a private auction. So these were some comments that we have had that were raised that we have added to the deliberations section.

Any other comments or questions on this? Okay. Obviously this was provided on Friday. So you have plenty of time. Please do review this and get us your other comments. Section 1.3, this is a role -- what role do comments to the application play and what recommendations do we have for on public comments and their role? The changes we made here in this section were in section E. So that's on page 11 of the document. We -- question that we're seeking feedback on -- so in the first question, the working group noted that while there is a cutoff for application comments to be considered by evaluators, the cutoff for community priority evaluation, (inaudible) leader in the process, allowing for much longer period of time for comments to be received. The longer period of time allowed was due to timing of CPE. Is this or other factors valid reasoning and/or fair to have the comment period for CPE spend longer than for initial evaluation?

So Jamie, you have your hand raised. This was in response to, I think, your comment. Please?

Jamie Baxter: Yeah, Jamie Baxter, for the record. Not actually in response to the adjustments that were made, but after another read through, I came across a concern with how the opening sentence of the last paragraph in the deliberation section is framed. For some reason the point is framed as, quote, "one working group member raised a concern about the public comment period for community applications," end quote. As a reminder, I'm probably the only participant in this group that is from the community application side. So that's a weird framing. But it is true that I am one member and I did raise the concern. However, the transcript shows that (inaudible) dialog on this topic and some shared concern was registered. So I just don't want the record to appear or improperly suggest that the concern was unshared or unsupported within the working group. I think the record should probably state that the working group members raised and discussed the topic, as it does with preceding paragraphs in the deliberation section. Thanks.

Jeff Neuman: Thank you, Jamie. I think that's a good fair suggestion. So we will revise that accordingly. Just for the record, that is page 12 of 18. That is the paragraph just before G, so it's in section F. The last paragraphs states, "one working group member raised concerns." So it's in that paragraph there. Jamie, is that correct? That's the paragraph you're talking about?

Jamie Baxter: Correct, yes. The last paragraph in the deliberation section.

Jeff Neuman: Great. Okay. Thanks, Jamie. Any other questions or comments? Okay. And then to the section that we discussed, 1.4, on the last call; change request. There really wasn't many comments that we received on this one that would change any of the recommendations. But we did get additional questions in section E. So if you look at page 16 of 18, and this is under the topic that says, section B outlined above, possible changes that could be allowed in the new SubPro and corresponding implementation guidance. And so the first question is, do you agree with these types of changes or allowing these types of changes? Why or why not? And we've added a sentence here that says, the implementation guidance asks that ICANN provide better clarity on what types of changes will or will not be allowed and also what changes may require reevaluation. Do you have suggestions on how to provide more precise guidance? Would this guidance replace or complement the seven criteria which are talked about in section B above? So

do you have any comments or to complement or replace that guidance that was provided by ICANN in 2012, I think it was?

And then finally there's a -- in the deliberation section, there's somewhere -- basically towards the middle on page 17, a working group member had expressed concerns about the details of joint ventures. And you probably saw a couple emails. I know that there was an email sent and then I attempted to respond to that in my personal capacity. So please do -- so look at that so we can make sure that that's included in this deliberation section.

I don't know if people are tired. Okay, just going back to the chat. So Jim put a comment in. Okay. Thanks, Jim. He had pointed out an article Jim had sent out to Cheryl and I. But now he's pointing it out to the list. This is an article that was, I believe, put out by Verisign, I think, or on Afilias and then I think there was a response. Jonathan has put a response out on that circle ID link. So if you all want to look at those to see whether you have any comments on those and whether that would change any of the material in here or add -- I shouldn't say just change -- but you want to add materials here on that based on these articles.

Of course additional feedback is welcome. So if you want to provide those -- if you participated in private or public auctions for that matter or the ICANN auction (ph), please do provide us with any input that you would like us to include in this report.

Okay. I think we have gotten through all of this. Obviously we just went through our first reading of 1.5. So we're not going to go through any revisions at this point in time. So I will open us up for any other business. What I probably should say is that I have seen a revised draft of the ICANN63 schedule. I can't remember whether that was -- I saw that on the GNSO Council list or where I saw it. But I believe it still has our group meeting on the first day, Saturday. So Work Track 5 being much of the morning, and work tracks 1 through 4 being the afternoon.

And Kristina has noted that it is unfortunately because of the EPDP deciding to meet on the same day as all the GNSO working groups, there is a conflict between the EPDP and our session. That was unavoidable from our perspective. We apologize for that, but we would appreciate the cardboard cutout of Kristina in our meeting. Hopefully we can get that through customs okay. So, sorry Kristina or anybody else that has to participate in the EPDP. I wish we could have avoided that. But the good news is hopefully the EPDP will be done by the policy meeting next year. So we shouldn't have those conflicts again, other than this year.

And also just as a preview, the plan for the technically we have three sessions for work tracks 1 through 4. I say three sessions. It's really separated by breaks. And then those sessions, it's all the same day. The plan is to spend one of those going over the comments that we've received and having discussion, spending another one of those possibly split out into the three subgroups and then the third one is still a little bit up in the air as to what we're going to do. But our thinking is to potentially have a looking-forward session, meaning what are the steps that more of an implementation type discussion and inviting ICANN staff to that to talk about how we can work things in parallel, finishing up the work of this group, while also starting implementation and discussing a little bit in advance how with the council, how we can set up an implementation review team, when we could set that up, and doing all of those things sort of in parallel. So that's the thinking for the three different sessions.

There will be remote participation for with the breakout groups. We are working through what's the best way of doing that. But between the three subgroups, hopefully that will make it easier to get three different remote participation rooms or three different things

set up. I know ICANN staff is probably now shaking its head, going, Jeff don't make that promise. But we'll do our best to see if we can do that.

Okay. Any other business? Well, great. I will give everyone back a couple minutes on their time. Remember, we do have a call next week, next Monday. So please do check the schedule. Thank you very much. Talk to you all next week.

Cheryl: Thank you very much. Thanks, everyone. Bye for now.

Michelle: Thank you so much, meeting has been adjourned. Operator, please stop the recordings for us and disconnect all remaining lines. Have a great day, everyone.