

**ICANN
Transcription
New gTLD Subsequent Procedures Working Group call
Monday, 26 November 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: <http://audio.icann.org/gnso/gnso-new-gtld-subsequent-26nov18-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p5zvfyywe3h/>
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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Operator: Absolutely. The recording has been started.

Michelle: Great. Thanks, Carrie. Well, welcome, everyone. Good morning. Good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on the 26th of November, 2018. In the interest of time, there will be no roll call. We have quite a few participants online. Attendance will be taken via the Adobe Connect room. So if you happen to be on the audio bridge only today, would you please let yourself be known now?

Anne Aikman-Scalese: Hey, Michelle. It's Anne Aikman-Scalese. I'm having trouble with my Adobe, sorry. I'm on the phone.

Michelle: All right, thanks so much. We will note that. And as a reminder, to everyone, if you would please state your name before speaking for transcription purposes, and please keep your phones and microphones on mute when not speaking, to avoid any background noise. With this, I'll hand the meeting over to Cheryl Langdon-Orr. Please begin.

Cheryl Langdon-Orr: Thank you very much, Michelle. It's Cheryl Langdon-Orr for the transcript record. And hopefully you can call hear me clearly. Otherwise I'm sure someone will type at me in the chat and let me know. Otherwise, while just rebooting his computer, I'll take us through the beginning of the agenda today.

So the first thing I need to do is ask if there is any statement of interest updates from anyone. Maxim is giving us an update to his SOI, saying he's not in the GNSO SSC anymore. Thank you, Maxim. That's so noted. Is there any other updates to anyone's SOIs?

If not, let's look at our agenda for today. Today we're going to take a brief look at the subgroup efforts, and of course Work Track 5, as well in that updating (ph).

And then we're going to dive into the significant work for today's call, which hopefully you all have access to the Google doc link that is in your agenda. And if not, it will be displayed on the share space in the Adobe Connect room that many people do find it easier to have the document open and go through on a larger screen, if that's something possible for you to do. That topic will be looking at the issues that we've identified so far in the initial report that are for the full working group's consideration.

Now to that end, we will be going through them not in terribly deep detail. But we would like to make sure we get, first of all, a read-through to make sure that we don't have anything missing and then come into slightly greater depth on a number of them. And yes, we will in fact, need to take some action on these after we deliberate. But I would remind you that there are no decisions made on a single meeting. And we either discuss things over more than one meeting or take it to the email list for any final consensus call for considerations for matters to go into the final report.

With that hopefully taking us to almost the end of our allocated time, we will also have any other business. And to that end, if there is anyone who wishes to let us know about any other business now, please do so. And I'm noting some additional SOI updates from Michael. Thank you. Julie has picked that up. Thank you, Michael. I appreciate that.

So if there's anyone with any other business they'd like to let us foreshadow now, please do so. If not, we will call for any other business before the end of today's call.

Okay, not hearing anything, let's go back and start into our next agenda item number 2, assuming everyone is happy with the agenda. Sorry, okay, Anne has a piece any other business. She believes Jim Prendergast had a question. It was a question, (inaudible) interviewing an auction provider. And I don't know that Emily is responding to that in chat now. But I'm going to rely on the staff to respond there. Oh, Jim is also typing. So we will note that in any other business.

And the final thing before we look back into where we were with the update on subgroup efforts, is to note that of course whilst we are focusing on full group discussions today, that our subgroups A, B, and C have in fact all met now. And some of them have already done two meetings, working through their allocated parts of the public comment inputs. A few of those public comment inputs will come back to us early on, as a full committee for further discussion. In some cases, there will be a matter that we think in each of the subgroups will be better discussed as part of the full plenary. And if that's the case, it will make its way onto this topics list. But there are also going to be -- one assumes observations and recommendations coming out of the analysis of public comment, whereby if there is agreement with, or disagreement with, or total divergence in opinion on, the subgroups will be reporting back to us as we go through, and we will have those updates as part of our standing agenda items in the future.

So with our subgroup efforts on A, B, and C; most of them have gone through at least one of the tabs, or most ways through one of their tabs of work. I would encourage anyone who hasn't joined a subgroup and wishes to, to let staff know.

And I'd also like to recognize that Work Track 5, of course, is still fevering on with its work in geographic names. And I'm delighted to say that the initial report drafting is at a great state. I'm just looking to see who we've got on. We've got Annebeth and probably Martin, if I scroll down. But Annebeth, did you want to just briefly let anyone know where we're up to on that or staff can, in terms of publication date?

Annebeth: Hi. It's Annebeth. Can you hear me?

Cheryl Langdon-Orr: Yes, we can. Go ahead.

Annebeth: Can you hear me?

Cheryl Langdon-Orr: Yes, good, good. We can.

Annebeth: Hi. Yes, I think that we've managed quite a lot the two last meetings to get some progress in the initial report. We have had some discussion after we finished what is thought to be the result. That's been kind of hectic. But we try to integrate that with the good help of the staff. They are doing a terrific job here. And we have a meeting on Wednesday evening, and hope to close the discussion then and get out the initial report during November. So that's our goal. So I really hope that we can do that. Thanks.

Cheryl Langdon-Orr: Thank you very much, Annebeth. Cheryl Langdon-Orr for the record again. And I'm sure everyone in the full plenary is excited to hear that Work Track 5 is tracking pretty much to its proposed time course. So thanks one and all to all of you involved in Work Track 5. So that's a huge effort, as well as the staff and co-leads that are certainly forwarding this drafting process very successfully.

Steve Chan has noted in the chat in response to Anne's piece of any other business, an update on that almost as an action item update that the co-chairs are looking to connect with a provider and then we will hope that the provider will join the work group call in future. And I can assure you that is definitely the case. So we may now take that off perhaps any other business on this end, once further clarification. But it's certainly -- I've been in correspondence between this meeting and our last one on that.

So with that, hopefully Jeff is all bright-eyed and bushytailed to jump into agenda item number 3. And if we can display the Google doc, and those of you who wish to open the Google doc can now do so. Over to you, Jeff.

Jeff Neuman: Yes, thanks. And sorry about that. My Adobe was a little bit slow. So hopefully you guys can hear me. Before I jump into that, I did want to just add something on number 2, which is that for a number of the subgroup calls, we've had very light attendance. So just a plea for either more people to join the groups and/or more people to try to show up to the calls. We've also, at least with respect to subgroup A, recognized that there has been no one from Asia Pacific region that had signed up for the calls. And the call was scheduled at a time that was very friendly towards those that live in the Asia Pacific region, not so friendly for those in the European and East Coast of North America, which is where the bulk of the people that signed for that group were. So we're going to try to schedule

meetings a little bit better, in terms of where the composition of the group is located.

So hopefully that will solve or at least help with some of the problems. But still to the extent that you can show up and help contribute, that will be great. We did have to cancel one of the subgroup A calls from -- was it last week? I'm getting confused with weeks now, but the last subgroup A call we had to cancel, and we're going to, as a result make the next subgroup A call a little bit longer from 60 minutes to 90 minutes. Okay, sorry about that, enough on that. So just a plea to get people to come and show up.

So changing topics right now to the topic number 3 on the agenda, which if you recall for those of you that were on the last full group call several weeks ago, we had gone through some of the general comments that came back as a result of the initial report. Those general comments that we went over were ones that were not specifically targeted at a particular area in the report, but were more general of nature. And we spent most of the call, or we spent the call, taking most of the items and putting them into one or in some cases dividing them up into the different subgroups where they belong.

There were a few items that we had agreed on the last call that may be more appropriate to discuss as a full working group. And so that's the subject of today's call, is to start on the first two items there. And that includes metrics and data gathering. So just to go over what we talked about the last time, which was that the at large advisory committee put in a comment to the initial report that they believe that metrics should be developed to gauge the extent to which end users have benefited from the introduction and use of new gTLDs and to highlight areas in which improvements to the introduction can be improved for the benefit of end users -- sorry, missed that last point.

This comment was actually echoed by or in the CCT review team's report, the final report, which I know is still out for comments or maybe the comment period ended. I think it's right about now or very soon that the commentary is ending that the board put it out for comments. But the CCT review team also talked about coming up with metrics to measure the success or lack of success of the new gTLD program. And in addition, the CCT review team also had extensive comments on the next subject area, which is data gathering.

So without going into the data gathering section at this point, although understandably very much related to the metrics, I just wanted to kind of throw it out there, and maybe get some input on first looking to us and our group to define success as a new gTLD program. And there have been many measures or many people that have commented in the community on potential measures of success. Some have gone and some people in this group have said that they viewed the program not to be successful. And others have viewed it to be successful. And it's always they'd have a discussion on whether we could as a group come up with an overall definition of whether the gTLD program, whether we can define success metrics.

I'll take a pause for a minute. As people are thinking, so Phil Buckingham says as in competition, consumer choice, and consumer trust. Well, so the CCT review

team looked at those areas of competition, consumer choice, and trust. And they have opined on those. But the question is, what would be the relevant metrics for measuring success? Is that it? Is it only to improve competition, consumer choice, and consumer trust?

And I see Michael and Christopher in the queue. So Michael, please?

Michael Casadevall: Well, there's two different ways we can look at success. We can look at success in the fact of how we're handling the GNSO program -- or sorry, the SubPro and creation of new TDLs, or if new TDLs are then successful. It's really the question is which one of these two metrics are we trying to figure out? Are we trying to determine that have the new TLDs been successful and are fit for the public internet? Or have we determined that the handling of the process itself has been successful? That's the question I don't really understand which one we're trying to answer.

Jeff Neuman: Okay, thanks. Michael, I'll go to that question in a second. Let me go to Christopher.

Christopher Wilkinson: Hello. Good evening, everybody. First of all, I fully support the at large recommendations on metrics to assess the users' interests in the gTLD program. But I must say as a professional economist, if I may say so, it's rather a long-year's standing; I've been quite shocked and surprised at the difficulty that we have had over the collection of data and the design of metrics. ICANN has been in business for 20 years. The staff should have been collecting statistics on all aspects of the activities of ICANN since quite a long time.

I say up front to our registry and registrar businesses, you are exercising a public service on the basis of a collective good. There is no room for commercial confidentiality in preventing ICANN from collecting the statistics that are necessary in order to assess the so-called success or so-called failure of this or that aspect of the program.

We've been through this in the CCT preparatory group, where it rapidly became clear almost two years ago that the data that was going to be necessary for CCT, especially on competition aspects, was not going to be available. Jeff, you've got to tell your colleagues in the registry and registrar community that this has got to stop. You cannot have a public policy on an industry of this scale with so little information about what is actually happening on the ground.

Commercial confidentiality is not in it. You guys are exercising a public service for the general public, on the basis of access to assets which are in the public domain. So please let's not shimmy-shally around this metrics and data question. Get real. Thank you.

Jeff Neuman: Okay. Thank you, Christopher. I do not purport to speak on behalf of the contracted parties on this call or in this group. So if any of the contracted parties want to respond to that, I will certainly let them do so. But on the point, I want to raise in connection with your comment on the types of data gathering, we're going to get to that, as you can see, in the next area. I do want to point out in the chat that Jim has pointed out an effort that's already underway. It's been

underway for some time now, a couple years, where ICANN has sought to try to come up with what they're calling a health index, marketplace health index. And I think that is very good for us to keep in mind that there are efforts going on to measure the health or robustness and the evolution of the TLD marketplace, I think is how they put it, and in an advisory panel that's been meeting.

I know at every ICANN meeting and probably on calls in between, trying to measure a bunch of different statistics from the new gTLD program. A lot of those statistics are limited, as we'll discuss in a minute, i.e. in some cases like voluntary information that's provided by registries and registrars -- or I'd say it's limited by the data that they can gather from third-party sources. And in fact, even the CCT review team reports are encouraging ICANN to try to in different areas measure these types of things, especially those types of things in the marketplace health index by using third-party sources.

But I think that the question here that we're going to grapple with is if we're going to come up with certain types of metrics and then ultimately as Christopher's point is, are we going to ask registries and registrars to provide additional data elements; and if so, which ones? And then how do we deal with the gap between data elements that may be provided by newer gTLDs as opposed to now the 1,200 or so legacy TLDs? So these are all questions that we're going to need to tackle. Hopefully everyone is able to open up the link that Jim sent around, because those are measuring in some cases lots of the things you would think that would be collected, which would be the number of registrations, the number of deletions. I'm assuming in here there will also be renewal percentages potentially, though I'm not 100% sure of that, things like GDRP decisions, URS decisions; those type of elements.

But again, those are the types of data that you can get either from the ICANN reports themselves, monthly reports, or data that you can get as a third party. One of the things I would like us to consider -- or I shouldn't say I would like us to consider. But the CCT review team wanted us to consider are whether there are additional data elements that we should be asking registries to provide. And I stopped at registries, because absent consensus policy, I'm not sure there's a way to get registrars to provide additional data. But let's discuss that.

Jim, you're in the queue.

Jim Prendergast: Thanks, Jeff. It's Jim Prendergast, for the record. So I guess I'm a little confused by what the question is that we're trying to answer. Is it do we think having metrics that measure these items is a good thing, or is it deeper than that? And that is, is this group charged now with trying to come up with what those metrics are and developing a program itself?

So I think that's a really important question for us to tackle as we address this, and I frankly don't know the answer to it. Thanks.

Jeff Neuman: Yeah, thanks, Jim. So let me take -- those were two questions in one. So the first one, if I just remember, you said was do we think having -- sorry. Did you say do we think metrics is a good thing or not?

Jim Prendergast: Yes. I mean is the question to the group, do we think that having metrics that measure the success or failure of the program a good thing, for the benefit to the end users, a good thing? Is it a yes or a no question, or is it a design the metrics. Hey, SubPro group, design the metrics of what those forward (ph) as well? Thanks.

Jeff Neuman: Yeah. So I will -- actually, Steve has got a comment. Then I'll jump in after Steve. So Steve, please?

Steve Chan: Thanks, Jeff. This is Steve Chan from staff. And I guess I just wanted to maybe provide some nuance around what metrics mean -- I guess more specifically what metrics mean to me. So when you look at a subject like this, metrics may not make sense in a vacuum. They are generally connected to something and driven by something. So perhaps sitting above the collection of metrics, it's maybe useful to think about what the goals are for the program itself. Generally, a lot of people think the goals might be around competition, consumer trust, and consumer choice. But that might not be the extent of the goal.

So metrics in my mind, at least, they seem to follow your goals and your success factors. And then you are identifying metrics that help you assess whether or not you're able to meet your goals and success factors. So maybe a layer above the metrics is actually just a -- I don't know if it makes sense to talk about here. But at some point, maybe a discussion about goals and what you're trying to achieve.

And I guess maybe in a connected and helpful way that those will help you assess whether or not your recommendations make sense overall as well. If they're helping you further the aims of the program. So I don't know if that's hopefully helpful. Hopefully this makes sense.

Jeff, if you're speaking, we can't hear you.

Jeff Neuman: Yeah, thanks. Sorry about that. I will just give a quick response and then I see Kavouss is in the queue. Just to respond quickly to Jim, and also to Steve, I think that I would say Jim, it's more of -- I don't think this group is necessarily going to be setting all of the metrics. And I think, as you pointed out, there's other groups out there that are working on this. And in fact, the marketplace or the health indicators is one of those groups. But I do see it in terms of as Steve said, number one is we should be setting forth the goals. And they may just be the consumer choice, trust, competition. That may be right. And then once we do, is to have a policy recommendation potentially of overarching categories of the types of metrics. But I would not expect this group to drill down into the very specifics.

So you've been taking something like the health index and looking at the report that you posted. They had market stability as a goal, which is not necessarily consumer choice, trust, or competition. It's almost an additional category. So that could be an additional one that we would recommend collecting data on.

But let me go to Kavouss and then Christopher Wilkinson. Kavouss, please?

Kavouss: Yes. Good afternoon. Good evening. Good morning and good night to everybody. Yes, I think this is a result of the two years' work and you remember that during the preparations, when we made the comments at the general meeting, we were told that don't do that, because you were not listening to any comments. Because I was not (inaudible) in a position to attend all of the subgroups or all the tracks. I wanted to make my comment on the general meeting, but I was not given the opportunity, and I was told by the co-chairs that no, this is not a good moment to talk. You have to leave your comments during the public comment. So public comment is an important issue. Then we have to have a very -- I would say -- optimized way how to analyze the results of these public comments. So whatever way, whether the matrix (ph) is well-designed or not, I think this is an important issue that we need to be very careful.

I think everybody is looking at us, really. And some of the people, they have been in the ITU (ph) and have they presented a conference guide, and also (ph) they know how these people are divided there, how the problem is facing some countries that really want to be assured of this shared set of resources, and so on and so forth. So I would rather say that if there is an easy way to have a matrix which is well-designed, and the analysis would be very well carried out, and be quite careful. Because this is an important thing that we need to act on.

I heard and I saw already some questions on the paper that you have developed and distributed. And I hope that (inaudible) worked on comes to some of those points, then I would have some further comments to make. Thank you very much.

Jeff Neuman: Yeah. Thanks, Kavouss. Christopher?

Christopher Wilkinson: Chair, this Christopher Wilkinson again for the record. Very briefly, this is not a subject for the full working group participation. There are plenty of precedents for collection, defining and collecting these statistics. The issue and a few qualified statisticians and economists could tell you what to do. The issue, as I've already suggested, on the one hand is the attempt, as I have been told in the past -- I hope it's no longer the case -- the attempt by contracted operators to keep part of the statistics relating to their businesses secret.

Secondly, it is an issue of resources and priority for ICANN Org itself. You guys need to put as much resources into knowing what's going on as you do into contractual compliance, for example. For 20 years I have known that ICANN Org was not giving priority to the collection of data as to the results, the economic and financial results of what we said, like -- I think I knew what you should have been doing-- but what you were doing.

So I would cast this back to ICANN Org. It has to be done as a professional aspect of the management of the large -- it's no longer a business. It's an economic sector and it has to be fully reported, whether that relates to the (inaudible) stakeholder or the site structures that we have created in ICANN, but to the world at large. It's as simple as that and it's as difficult as that. But certainly don't refer it back to this committee. Thank you.

Jeff Neuman: Okay. Thanks, Christopher. And then we'll go to Heath in a second. I would ask that when people make comments, if you can try to be as specific as possible. So if there are certain data elements or metrics that you think, or data gathered by contracted parties or others, please if you can be as specific as possible, or at least on a category of data. That would be helpful. Let me go to Heath. Heath, I can't hear you. I'm not sure if you're on mute. Can anyone hear me?

Unidentified Participant: Yes.

Jeff Neuman: Okay. So you can hear me. We just can't hear Heath. Okay. Heath, I'm going to come back to you in a minute. Let me go to Anne and then we'll come back to Heath. Anne?

Anne Aikman-Scalese: Thanks, Jeff. It's Anne Aikman-Scalese, for the transcript. Just in the interest of being specific, I'd be very interested to know in terms of data if there is a way to devise a test method, a statistically meaningful sample to show which registrations actually post content in the new registrations, and which registrations are merely set up to redirect to some existing dot-com or other com page. Because I think one of the measures of success of the program would be in relation to innovation. There are new and different uses of the top-level domains versus just defensive registrations that oftentimes just redirect elsewhere. And I honestly don't know whether the health index or any of the other -- the 28 measures that were mentioned in the chat, actually go to analyzing that question.

And I'm just trying to be very specific. So let's hope nobody says that I'm in the weeds. Thanks.

Jeff Neuman: Yeah. Thanks, Anne. That's not too in the weeds. I just I would note on that one, I believe -- and maybe Steve can correct me if I'm wrong -- in the CCT review team report, they did ask for ICANN to commission a study on at least the parking or maybe the actual decommission study on parking. But I'm not sure whether they came up with a unified definition of parking. So there are some things that are recommended by ICANN Org things that it can do from public-facing data. I don't know if anyone's got any more information about that.

But I do think that I guess the question that I would ask is that. I mean I know the CCT review team looked at that kind of information. Do people agree or disagree with the notion of that would be some sort of metric for success that should be measured? Are there any concerns with measuring something like that? And then I know Anne's hand is up. I'm not sure if Anne, you want to respond, or that is leftover.

Anne Aikman-Scalese: Yeah. I guess, yeah, it's Anne again. I feel as though I'm not sure whether folks who are actually in the business of selling domain name registrations will be super interested in knowing those data. But I think that the community overall should try to measure that data in terms of what is the value of having so many top-level domains. The issue that you have, of course, is if you're in the business of selling domain names that has a value in and of itself. But if a very large portion or a large percentage of those are really merely defensive, then the actual innovation could be lacking. Thanks.

Jeff Neuman: Okay. Thanks, Anne. I think there's some good conversation as well on that in the chat. So Michael, I'll get to you in a sec. Let me just go through some of the chat comments. Well, Michael I'll skip yours, because you may want to address those. But some have said that that kind of data could be of interest, but Susan Payne says, I don't think having an active website versus a redirect necessarily denotes innovation.

Michael, who will speak in a second, says that it's a start. Christopher says we're not looking for success as such. We're looking for facts about the industry. Maxim says, I think it gives registrants more freedom to choose. So choice could be enough, right, as Maxim is saying. And then Trang posted a comment saying, sorry-- it just went up on me. So Jeff, comment about the parking survey. So Trang has listed the parking survey results that were there. And I know that was heavily discussed by the CCT review team.

So let me go to Michael.

Michael Casadevall: So if we want to try and get actual metric data on this, given that the zone files for gTLDs are available, I am able and willing to write a tool that can walk the zone files and do HTTP or HTTPS requests. This is Michael Casadevall, just speaking for the transcript. If this is of interest to the SubPro, I obviously can see it as something being useful to the health community. But this may be a very good way to put hard numbers to the success of the program. And I can take it as an action item to create said tool. It might take me a few weeks, because I have to do it on a time-available basis.

Jeff Neuman: Thanks, Michael. Let me see what others think. Alexander, please?

Alexander: Hi. It's Alexander. I have heard somebody saying that a so-called mere redirection to one of the legacy GLDs like dot-com or dot-de, wouldn't be -- I don't know -- cannot construe a benefit or a success. I want to challenge that. I'm about to introduce a couple of TLDs which do exactly that and nothing else than redirecting, mostly redirecting to existing and it would create a lot of benefit for people. I don't want to lay it out here now. But I just want to caution, and especially if you look at the CCT (inaudible), if you look at a national operating company like Volkswagen or BMW, they have websites just for Berlin. They will maybe not change the URL or marketing. But maybe they're using dot-Berlin in marketing, like volkswagen.berlin or BMW.berlin. Or they might redirect it for the time being to their existing website. And that's actually helpful for people in Berlin who are looking for BMW or Volkswagen.

Jeff Neuman: Yeah. Thanks, Alexander. I'm glad you said that in the sense of, I think -- and that's one of the things I wanted to get out of the discussion is that I think there is definitely a view of some of what innovation or success would be, while with others they may take it as -- point out things like you have that those others aren't thinking about. So like you said, some people may use -- there's a lot of feedback, sorry.

Some people may use -- can everyone mute? Cool. Some people may think that a redirect is not the use of the string, while others as Alexander said, some

brands for example, or not even necessarily brands, but cities or others; they use a second-level registration in their marketing. But because they don't want to necessarily create a whole different site, as Alexander said, they may actually just redirect it to an existing one. So in print or in advertising, you may see the new TLD, but when you actually go to that new TLD site, it gets forwarded to an existing one. That's not something you could see by just looking at the zone and looking for a redirect. That's something you would actually have to look into each individual circumstance. And then the question is, which I'm not going to from my role personally to judge whether that's a good thing or a bad thing. And that's for people in the community to weigh in on. But that is a concern that you need to think about, which is that success -- and one thing I was hoping to throw out in this conversation with more participation was that success is seen by different people in different ways.

Some people have said in the past that using quantity, the number of registrations, is a measurement of success. While others have said, well it depends on the type of top-level domain, because some top-level domains aren't intended to have large numbers. And so therefore the fact that it's got a much smaller number of registrations is not indicative of a success or not in terms of metrics.

But what I do want to turn to, since we're kind of halfway through the call, and certainly related are the comments on the data gathering, to see if we can get a little bit more specific with some of the comments that came in, plus some of the recommendations from the CCT review team report. So for those of you that have read the CCT review team report, there was a recommendation 17, which was a data gathering exercise about collecting data and publicizing the chain of parties responsible for gTLD domain name registrations. And I know on the last call I think it was Christopher had said that we needed more context for that recommendation. Because just looking at that recommendation, it's hard to understand why they were recommending that.

And I think in going back to the CCT review team report, it basically talks about -- this is in the section on domain name abuse. And what they were trying to figure out was that they understood that in the -- I'll call it ecosystem of registration providers -- you have registries, you have registrars, but you also have resellers, and in some cases you could have resellers of resellers of registrars. So it's not clear by looking, let's say, at the WHOIS information, even when all of that information was fully available. It was not clear in a lot of cases whether the registrations were bought (ph) by the registrar itself, or by a reseller of the registrar. And so the CCT review team was finding it difficult to see whether this was a problem or that DNS abuse was a problem at the registrar level and/or at the reseller level. Because they couldn't tell whether -- let's say they looked into certain data and I'm making this up completely. But let's say they found 15% of the registrations on a certain registrar were considered abusive registrations. Again, do not quote me on any statistic. That could be not even close to being anything.

But let's say they found 15%. They couldn't tell whether that was all caused by the registrar as a retail registrar, or registrar resellers, multiple resellers, or one reseller. And so they have asked for ICANN Org along with all of the different

groups, including the registrars, registries, and SSAC to see if they could publicize or figure out a way to publicize the chain of parties responsible for each domain name registration.

A few of us on the leadership team have talked about this recommendation. And the first question we have that we want to put out to the group is whether something like this is really within our scope, as the Subsequent Procedures PDP, even though the CCT review team have asked us to weigh in, or whether we think this is more appropriately done either in a separate existing PDP or in a new PDP, or frankly in some other effort.

So I see multiple people are typing. So that's the first question we have. And we didn't want to give you our views on this. We want to hear from the group. Is this the type of activity that we should be looking into, where they're requiring in this case registrars and registries to collect data and publish the data about who in the registration chain is responsible for a registration? It's not the registrant. I just want to make a differentiation here. It's not the ultimate registrant, but who the registrant deals with on a day-to-day basis, whether it's a reseller or the registrar. So Kristina, please?

Kristina Rosette: Kristina Rosette, Amazon. Thanks, Jeff. I think you may have answered my question. So this recommendation, the CCT recommendation then is targeted just at the registrar versus reseller distinction? Because if it's not, I mean most of this data is available anyway. I mean anyone who wants to, can look up on ICANN's website and see who the contracted party, the registry operator is, for a particular TLD.

And for the registries that currently have thick WHOIS, you can identify the registrar. So I guess what I'm not clear on is the problem they're trying to solve here. I would say that I don't think -- if I do understand what they're trying to get at is the identification of the reseller, I don't think that's necessarily within the scope of this PDP. Thanks.

Jeff Neuman: Thanks, Kristina. I think -- when I went back and reread it and maybe others can weigh in and Steve or others (ph). When I went back and reread that section, it was asking really about the latter, the registrar-reseller relationship and making sure that when you did look, when third parties were to look at the WHOIS data, regardless of whether the registrant's information is published, whether they could tell the sponsoring -- I'll call it registration authority -- responsible for that registration, meaning the entity that deals directly with the ultimate registrant. And so that would be the reseller or the registrar, or a reseller of a reseller; whatever the case may be.

So hopefully, Kristina, that makes sense. And so your comment is you think that that's not necessarily within the scope of this PDP? Kristina you have your hand up, or-- thank you.

Okay, so anybody else have any thoughts on that? I see people typing. While people are typing, I will say that Kristina's thoughts are in line with some informal conversations I had with other leaders of this group. But again, we certainly want to make sure we hear from everybody on this.

So while other people are typing, drilling down a little bit more and we're still on this page 1 under the second bullet in the data gathering. There were more specific questions that were asked in the CCT. The review team report, again, it had our name as the Subsequent Procedures PDP as one of the parties that it was directing the questions to. But like the first part, the question is whether this is really within our scope. And the first one is for ICANN Org to do a survey. So that obviously is not within our gambit. But then there's also they want compliance to measure the volume of complaints from government regulatory bodies. They want a review of a sample of domain websites within highly regulated sectors. They wanted an inquiry into contractual compliance, and registrar's resellers in highly regulated industries to determine whether those registries and registrars were complying with the contractual requirements for those regulated industries-- sorry, for the TLDs in the regulated industry.

And they're asking for an audit to assess whether the restrictions possessing necessary credentials are being enforced by auditing registrars and resellers offering these top-level domains.

Any questions or comments, anyone disagree with what Kristina has said in terms of being within our scope or something we should look more closely at? It's also important to note that the CCT review team does say that we should avoid duplication of effort.

Okay. No additional comments on that. Let's go to the next one. The next comment we thought from the full list that should be looked at from a full working group report, which we heard a little bit on during the last call. But now that people maybe have had a couple weeks to sit on this and think about it, there was a comment from ICANN Org that basically said they understood that obviously our PDP can't cover every specific process and policy that's involved in the entire new gTLD program. And so the comment that came out of ICANN Org was that it was-- well, let me read it.

In the middle of that bullet point on page 2, it says, ICANN Org assumes that if the PDP working group does not discuss a topic that it would not preclude ICANN Org from suggesting implementation improvements during the policy implementation phase. It would be helpful if the PDP working group could confirm this assumption. Again, I know Trang is on the call. So maybe if there are any questions, she can weigh in.

It was my understanding and I think Steve had said this during the last call; that ICANN Org was not saying that it should have free rein to determine all of these other policies and implementations all by itself. But it was basically saying that it should be able to suggest implementation improvements during the implementation phase to an implementation review team, if the subject matter wasn't covered by our PDP. Steve or Trang, if I've misstated that, let me know. But in the meantime, I'll go to Christopher.

Christopher Wilkinson: Thank you, Chair. This is Christopher Wilkinson for the record. On this particular point, I must declare an interest of at least 40 years' experience as a (inaudible), whether in the role of bank or the European Union. Obviously ICANN

Org has to have some sort of mandate to rescue any particular debacle from incoherent and inconsistent recommendations. (Inaudible) because I don't think they should intervene to tweak things here in there. But there will be problems. We've seen this in 2010. If it wasn't for the ICANN Org, and for that matter the board's intervention, to rescue some of the absurdities of the 2007 GNSO policy, we wouldn't have had the previous round. The result was not perfect, but it could have been much, much worse.

So I think ICANN Org and particularly the staff have to have a clear understanding from the community, and here we are. But if necessary, they have to act. Thank you.

Jeff Neuman: Thanks, Christopher. Let me go to Jim.

Jim Prendergast: Thanks, Jeff. Yeah, I guess the one question I would ask and I don't expect an answer now from Trang or from Steve, but are there things that you've already spotted that you think we're missing? I think now is the time to bring those up, so that before we move to the next phase of the report, we can deliberate and we can capture those. I do think -- I'm glad to hear the clarification that was made that ICANN didn't want to unilaterally tackle this on their own, but there would be consultation with the GNSO or some sort of version of the IRT. So I appreciate that clarification. Thanks.

Jeff Neuman: Yeah, thanks, Jim. I don't want to put Steve or Trang on the spot. Obviously if they want to speak, they certainly can. I would draw everyone's attention to the -- and maybe Steve, you can help me with the title of it. But there was a post-mortem review that ICANN staff did that they published. I don't think anyone's gone through that document and compared it to the topics that we've addressed. But I assume that would be kind of a start, where ICANN staff may have made some recommendations on improvements. But for one reason or another, we have not covered it. Perhaps that is a -- and I'll throw it out there to Steve and to Trang and others, whether that's a useful exercise. Because I think the question really is, is there anything that's not in that report, and also that hasn't been discussed yet by the group that ICANN staff or that -- sorry, I'm not saying this the right way. Is there anything -- to rephrase Jim's question -- other than what's already in that post-mortem report that was done, are there any topics that ICANN staff, Org I should say, ICANN Org GDD in particular, believe we have not yet discussed, or anything in their mind on other topics that they're thinking about making recommendations on?

Is that a better way to -- without making you go through everything in that full report that we might not have covered. So I'll leave that as a question. Because we did say we wouldn't put them on the spot. But let's put that as an action item, to see if there's anything in particular.

So one of the questions that I have then, and I think Christopher kind of hinted at that there has got to be at some point a line where there just are things that we expect ICANN staff to be able to do in order to implement the program. Christopher said, things could have been a lot worse. And I think that is -- I agree with that. There has to be things that the GNSO is not going to think of everything. The committee is not going to think of everything. And you can't

necessarily require everything to come back to the GNSO. We are building in subgroup A, we'll be talking about this predictability model. But even then, there's bound to be subjects that aren't picked up within that either.

So I see Christopher and Jim still have their hands up. But I think those are old hands.

Jim Prendergast: Jeff, you may be frozen. My hand has been down for a while.

Christopher Wilkinson: From me too, I have no hand, no hand now.

Jeff Neuman: Thanks. Well, I guess I am frozen, because I don't see any comments either. So can someone maybe -- yes, okay. Now I'm getting the comments. I got it now. So I still see the hands up. So are there any new hands that I'm missing? Cheryl or Steve or Emily?

Steve Chan: Jeff, this is Steve. You have Kavouss and then Anne Aikman Scalsese.

Jeff Neuman: Great. Kavouss, please?

Kavouss: Yes. Someone mentioned that we should assume that the resellers are not natural persons. I don't think that this group needs to go into the details of financial and no natural or legal persons, and so on and so forth. There is the GDPR, the EPDP dealing with the GDPR. We have just started on this, (ph) and you do not talk about the reseller and so on and so forth. And that we should be quite careful that we have data collections. We have data processing. We have data release. We have data transition or transmission, and then we have data (inaudible). That's all. We don't talk about resellers as such. So perhaps we should not (inaudible) to just develop details to talk about resellers, whether they're natural or legal person. Thank you.

Jeff Neuman: Yeah. Thanks, Kavouss. I think that's right. That is a debate for another group. Anne, please?

Anne Aikman-Scalsese: Thanks, Jeff. It's Anne Aikman-Scalsese for the transcript. I feel as though staff, they're asking for a very clear confirmation here where they say, it would be helpful if the PDP working group could confirm this assumption. And yet I think we have some people saying some different things. You tended to emphasize that Christopher says that there's a point at which that ICANN Org just has to be able to go ahead and act. And yet in our earlier call, and in what Jim had to say today, we were talking about appreciations and clarification is that staff should raise that issue with IRT, and whatever suggestions they have, they should make those suggestions to the IRT. So those are two very different things. And I think that what really needs to be said is that if there is something that this group hasn't addressed, it needs to be clarified what we want to confirm to ICANN Org is that they're of course able to propose a resolution or a suggest something to the IRT. And this is very much interrelated to the predictability framework that you've talked about and the recommendation for standing IRT.

I don't think we want to create an impression as a working group either that they would have to send it back to us. That's ridiculous. I mean I agree with those who

think that would be way too cumbersome, nor do we want to create the impression that staff can just develop its own solution and implement it, if there's an issue involved. It should be raised with the IRT and that's absolutely what we should be confirming to ICANN Org. Thank you.

Jeff Neuman: Yeah. Thanks, Anne. I think that's a good clarification. And I see Christopher and I see Trang in the queue. Hopefully my Adobe is back current. So if there's anyone else, I'm sure people will let me know. But I see Christopher and then Trang.

Christopher Wilkinson: Hi. Christopher Wilkinson again, for the record. Excuse me for coming back on this, Jeff. But I would just say that in this current round there are positions in WT5, which is so extraordinarily unrealistic that if WT5 and would PDP buy into them, sooner or later, maybe in a year or two's time; the staff and the board will be confronted with an (inaudible). There's a feedback mechanism here. If you don't want the staff and the board to get involved with correcting the absurdities of some of these processes, get it right first time. I say no more.

I repeat that in WT5, we are confronted with positions which politically and geographically are so extreme that they will never come to pass. And if the PDP goes ahead on that basis, the board and the staff will have to intervene, as they did apparently in 2010, to correct the absurdities of the 2010 policy. This by the way, feeds back into another point, which comes up in the agenda later. (Inaudible). Thank you.

Jeff Neuman: Okay. Thanks, Christopher. Trang?

Trang: Thank you, Jeff. This is Trang for the record. So I just want to give a little bit of clarity in terms of why we had put this comment in the ICANN Org feedback document. At the time that this was drafted, the Subsequent Procedures PDP working group had started discussions on a couple of topics, such as application, comments, and change request process. And so we didn't want to preclude the ability to suggest potential improvements to those, and any other things that maybe the PDP working group hadn't touched upon, but there could be improvements made. And we didn't want to preclude the ability to be able to do that during the policy implementation phase. So this is why this comment was put in.

And this is not to say that ICANN Org would go ahead and do something without the proper consultation. Obviously during the policy implementation phase, which I defined as once the board approves the policy recommendation and prior to the opening of the application window; during that period, I call that the policy implementation phase. During that phase, any of the implementation-related work that ICANN Org does would be in consultation with the IRT. So if there are - - if ICANN Org identifies any areas where potential improvement could be made, but maybe those areas weren't specifically discussed in the PDP working group. We wanted the ability to bring that up for discussion during that phase.

And very clearly, in the draft initial report that the PDP working group published, it indicated that after the opening of the application window, there shall be a standing IRT. And these are sort of the rules that would govern what gets

brought back to the standing IRT. And so we would be operating in accordance with those guidance once the application window opens.

So this is not meant to say like some have been implied here, that ICANN Org would go off and do whatever we think should be done without any kind of proper consultation. Thanks. I just wanted to provide that clarification.

Jeff Neuman: Yeah. Thanks, Trang. That's helpful for a couple -- I mean it's very helpful for a lot of reasons. One is the context in which we hadn't, the topics we hadn't already been talking about and to the clarification on absolutely that we would follow the processes which we intends to the follow the processes, including if there is a standing IRT and any other implementation that's set out by the group. So I think that's helpful clarification and I think that will help us respond over to ICANN Org's comments.

Any other questions or comments? My Adobe still shows Trang's hand is up and that may just be frozen. So if there is anyone else in the queue, Steve or--

Steve Chan: Jeff, you have Jamie Baxter in the queue.

Jeff Neuman: Okay, Jamie, please? Sorry.

Jamie Baxter: Thanks, Jeff. And this is Jamie Baxter for the transcript. I think something that I would like to flag here, and to keep in mind as we go through. I do agree with the previous sentiments that definitely an IRT needs to be involved in any recommendations or suggestions that may come from the staff as we move through the program and evolve some of the processes. And that is that it's important to remember that the staff will change over time. Yet the policies created in a certain spirit and sentiment when it's created. And that needs to be preserved when future recommendations or suggestions are being made. And they need to be reminded, the staff, the people making these recommendations need to be reminded of these discussions that we're having right now that will be affected in the years to come in subsequent rounds. Because I think disconnecting from the sentiment and the spirit of our conversations raised now is where we fall into problems.

And I think when we look back at what happened specifically around community applications, putting staff in place to make these decisions about community applications that we're sort of disconnected from the spirit of community applications when the GNSO policy was created many, many years back; I think is what created a problem in that area. So I think what I'm trying to say is that what we're talking about now in the discussions we're having and the spirit we're having these discussions in, cannot be thrown in the garbage in five years from now when a new recommendation or an interpretation of a concept of a process or of a policy is revisited. So hopefully that makes sense.

Jeff Neuman: Yeah, I think it does, Jamie. I think there's certainly concerns like yours. But hopefully we can address those through -- and we have addressed those through the predictability model and other areas where we can build in some protections. And if not, make sure that we are, I guess.

I'm going to ask if there's anyone else in the queue, Cheryl or Steve. Again, I have no reason why I can't see any new comments or hands raised. So--

Cheryl Langdon-Orr: The queue is clear at the moment, Jeff. Cheryl speaking.

Jeff Neuman: Okay. Are there any comments, Cheryl or Steve that we should read out? And Steve, if you're posting a comment response to that, I'm not going to see it.

Steve Chan: Possibly, yeah, that's why I was going to just interject here. This is Steve from staff. And there's a comment that's wrapped in the comment tag from Anne Aikman-Scalese. And she says, a lot of issues arose in the 2012 round after the application window closed. That is one reason we need a standing IRT. ICANN Org should make a suggestion to the IRT closed comments.

And so while I'm speaking, I'll just speak to this real quickly and say that perhaps the response to ICANN Org about providing clarity about how they could treat things that are perhaps not talked about by the PDP is maybe something we could handle in the preamble or just part of the body of the final report to say that the expectation is that if stuff that the working group does not discuss, then to the extent ICANN Org wants to make suggestions about the implementation, then it needs to be done in consultation with the regular implementation review team. And then I think as Jeff provided context around the predictability framework, if things come up after program launch and actually (inaudible), those things would be under the context of the predictability framework, assuming that ends up as a final recommendation. Thanks.

Jeff Neuman: Yeah. Thanks, Steve. I think that's a good idea to have something in the preamble. I think that works. Okay, so going on to the next subject on the bottom of page 2, I think this is important as well, which is as there were a number -- to give a little context -- there were a number of things that happened in the 2012 round that were not specifically set for in the GNSO policy and may not have even been subject to areas in which we have commented on in our report. And so ICANN Org's comment here is that some of the recommendations which we do have reflect actual implementation of the 2012 round. ICANN Org assumes that in such cases the preliminary recommendations are to codify the implementation of the 2012 round for subsequent procedures, for clarity during the policy implementation phase. It would be helpful if the final report could clearly state which policy recommendation implementation guidance sections of the 2012 applicant guidebook or processes implemented in the 2012 round, should stay the same, and which ones the PDP working group is recommending changes.

So I think this one is important. It's kind of a corollary to the other one. Basically instead of saying ICANN is free to recommend implementation changes or improvements, this one is saying, look, if we're not commenting or if we do comment on it and say it's okay to remain the same, or if we don't comment on it at all, is it okay to codify or to say that the way it happened in 2012 is fine. Hopefully that makes sense. My queue is clear. But that could just be me. I'm going to ask Steve or Cheryl or Emily if there is anyone in the queue.

Cheryl Langdon-Orr: Christopher has just raised his hand. So if you want to go to him now, Jeff. It's Cheryl speaking.

Jeff Neuman: Yes. In fact, Cheryl, why don't you take over, if you can, take over the queue until we get to the next area, and then I'll introduce the next area?

Cheryl Langdon-Orr: I'm happy to. Christopher, over to you.

Christopher Wilkinson: Well, thank you, Chair. This is Christopher Wilkinson again for the record. I have two contradictory comments on this particular proposal. First of all, yes, the ICANN org has to codify those aspects of the 2012 application guidebook that have been implemented. And if they're not changed by the PDP, then at least the staff have to have the right and the authority to -- I don't know what they exactly mean by codifying, but to implement them. My concern is that there are aspects of the 2012 texts which clearly no longer correspond to the economic and political reality of the domain name system.

So if we go in this direction, you're asking the staff and the board to be particularly imaginative and sensitive to the reality of the situation, because they will assign some aspects of the 2012 texts, which are no longer acceptable to the community. So yes and no, but as long as the staff and the board understand that they are operating under a yes and no environment, I think this text reflects part of the reality. Thank you.

Cheryl Langdon-Orr: Thanks, Christopher. You now have Anne. Anne, so over to you.

Anne Aikman-Scalese: Yes, thanks, Cheryl. It's Anne for the transcript. I'm assuming that a lot of what is going to affect the next round will be reflected in changes in the drafting to the applicant guidebook. And so just to talk about staff's role in that, I'm assuming that that is a document that ultimately is going to be approved by the IRT. And if questions arise in the new revised applicant guidebook that need to be raised with the GNSO, they will be raised. I mean the applicant guidebook itself is one of the primary ways that we effect the results of our policy work here. So I don't know if my assumptions are correct. Perhaps Jeff and you and staff could comment on that.

Cheryl Langdon-Orr: Thanks, Anne. Jeff, two things have happened. The queue is clear and for whatever reason, my chat is now absolutely empty. So I'm unable to let you know whether there's anything worth reading into the record, because at the moment there is a blank on my screen. Any help from staff who might want to jump in there? I'm sorry. Trang has just put her hand up. Trang, please go ahead.

Trang: Thank you, Cheryl. This is Trang for the record. I also wanted to provide perhaps a little context to this comment. The intention behind this comment is that to the extent that the PDP working group could be very clear about what part of the implementation of the last round it wants to remain the same and which ones it wants changes to, to the extent that that can be very clearly specified, we think that that's going to really help provide clarity during the implementation period, so that we know what areas to discuss and debate, and what's just not open for discussion because the PDP working group has already determined how it was done -- last round is how it should be done again next round.

So that would be -- that's sort of the intent behind this comment, and to the extent that it is doable. Thank you.

Cheryl Langdon-Orr: Thank you, Trang. Cheryl, for the record. Anne, is that hand a new hand or is that an old hand?

Anne Aikman-Scalese: Yeah, Cheryl. I'm not sure that my comment -- I'm not sure that what -- I'm really asking who's writing the applicant guidebook revisions. When are they being written and who's approving the final version of the applicant guidebook for the next round? Those are my questions. Thanks.

Cheryl Langdon-Orr: Okay. Trang, back to you then, and obviously I'm attempted to say something myself. But go on, Trang.

Trang: Thanks, Cheryl. Sorry if I didn't answer the question. So Anne, it would be during -- the writing of the applicant guidebook is part of the implementation work. So therefore ICANN Org will be drafting the applicant guidebook during the policy implementation phase, and confirming that what is in the guidebook is consistent with the policy recommendations with the IRT. And then ultimately it would be the board that would approve the applicant guidebook and also the launch of the next application window, as was done last time.

Cheryl Langdon-Orr: Thanks, Trang. Cheryl, for the record. That's very clear to me. And I appreciate how articulate you are over what would have been waffling from me. But of course we can't forget the role of the GNSO Council here on this as well. Jim, your hand is up, and I just want to note the time. I do believe that the point of any other business that Anne raised at the beginning was dealt with. So Jim, go ahead. I don't think we have any other business.

Jim Prendergast: Okay. Thanks, Cheryl. Just Trang, just to follow up, as part of that drafting process, do you anticipate a round or two of publish and then public comment and then publish again, reflecting public comment, similar to what we did, but hopefully not 10 versions of it? Thanks.

Trang: Hi, Jim. This is Trang. Yes, absolutely there will be a public comment process. How many rounds of it would depend. As I mentioned, to the extent that clarity could be given as to what changes are being recommended and what are to stay the same; I think that would definitely make things easier during the implementation period. But yes, definitely there would be public comment on the applicant guidebook.

Cheryl Langdon-Orr: Thanks, Trang. Cheryl for the record. Sorry, Jeff-- (inaudible), sorry. I was just going to say looking at the time that I might rule this queue to a close while there wasn't anyone else's hand up. But I also thought I'd make a comment that of course whether or not there's 10 rounds of such public comment like we all suffered through last time, hopefully will be a reflection of the quality of the work this PDP process also does.

I notice Christopher has his hand up now. Christopher, you will need to make an extraordinarily short intervention. And then back to you, Jeff, after that.

Christopher Wilkinson: Thank you, Chair. Christopher Wilkinson for the record. I understand that it's not possible for (inaudible) team to get through the whole of the document. But I do want to draw your attention to the third bullet under emphasizing (ph) certain models. This is a fundamental problem for the future of ICANN. We have to solve the problem of what is described here. This is the capture of the process by incumbents. In bold terms, that's extreme. But there's a very strong element of it, and insofar as what we are looking for is diversity and competition, it has to be addressed. Thank you.

Cheryl Langdon-Orr: Okay, back to you, Jeff, to close off.

Jeff Neuman: Yep. Thank you. That was what I was going to just do. Thank you, everyone. Our next call is two weeks from today or is it three weeks -- if someone can -- I believe it's two weeks. Because I think we just did the three weeks (inaudible). So that would be December 10th, if my math is correct. So we will continue with this list in two weeks, and then please pay attention to the email. And again, a last plea that the subgroups will be meeting over the next several weeks. So if you could please attend those subgroup meetings that would be great. And with that, I think we can close the meeting, so we can stop the recording. Thanks, everyone.

Cheryl Langdon-Orr: Thanks, everyone. Bye for now.

Michelle: Thank you, everyone. The meeting has been adjourned.