

**ICANN Transcription
New gTLD Subsequent Procedures Working Group
Monday 21 March 2016 at 2200 UTC**

Note: The following is the output of transcribing from an audio recording of the New gTLD Subsequent Procedures Working Group call on the Monday 21 March 2016 at 22:00 UTC. 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-21mar16-en.mp3>

Coordinator: The recording has started.

Avri Doria: Okay. Thank you. This is Avri Doria. (Unintelligible) it's one minute after the appointed hour for the New gTLD Subsequent Procedures PDP. Our agenda for today is first we'll start with the roll call and the SOIs.

Then we'll move to a discussion regarding community perspective on PDP progress. Then we'll move to discussion regarding steps ahead where we're requesting input from stakeholder groups and constituencies. Then we will start a walkthrough of (unintelligible) issues and Jeff Neuman will be taking us through that one.

And I'll get to roles and SLA in a second. Are there any comments and then there's any other (business). We have a 90-minute meeting. Are there any comments on the agenda? I see no hands. So we'll go with the agenda.

In terms of roll call, I suggest that we record the name of all the participants listed in the Adobe Connect room as present. And I'd like to ask if there's

anyone calling in that is not there. And I've already seen (Rhonda Scott Truvini) on - as being on the phone bridge.

Are there others who are only on the phone bridge? Okay. Hearing no one, I suggest that and we should probably put a note in the record for this that as people join if they join from the phone bridge, that someone from the staff will be able to read it from the list that is maintained (about) people who called in.

Okay. Now to SOIs. First of all, I want to remind everyone that they need to submit one. I know that we're very close to having 100% submission. Steve, once I finish this little routine, you can tell us if we do have other people pending.

And I'd also like to ask if anyone as an SOI that they need to update or have recently updated. Yes Greg, I see your hand. Oh, your hand went away.

Greg Shatan: No. It didn't mean to. Greg Shatan. As of today, I have changed my employer. I am now a partner at the law firm of McCarter & English in New York about four blocks away from my old law firm.

Avri Doria: Okay. Thank you. And probably congratulations for being a partner.

Greg Shatan: Thanks.

Avri Doria: Anyone else having a change to the SOI? Okay. I'd like to remind people that if the SOI circumstances change to please update the SOI as soon as possible and then later to speak of it at the beginning of a call. Thanks.

As we go into the call, I want to give a first reminder that we should all (give out) our names when we speak. I will try to do so. I've already forgotten two or three times though, so. I obviously need to remind not only others but myself.

At this point would like to go into the first item, which is discussion regarding community perspective on PDP progress. This (unintelligible) (this talk about) the Marrakech meeting and that is that the review that's going on - the CCT review has - indicates our concerns about overlapping work and such.

We had planned to have a meeting with the CCT Chair before this meeting but have not had that. We've also (seen) calls from both GAC and ALAC on dependencies for future gTLDs and subsequent ccTLDs needing to have finished all the reviews before then.

Now this has been a discussion that's been going on now for a couple weeks. Points were made quite strenuously on the - on various communiqués and statements.

So I basically wanted to bring this issue to the group and basically, you know, that some that feels that perhaps (we have been) slowing down. There's some that feel that we should be working ahead (unintelligible). And we have a certain group of people who believe that we should be really working through the (unintelligible).

Now I believe that - and Jeff and I had a conversation with Steve that, you know, we should continue working. I also though suggested that perhaps either through our liaison or through a note from the Chair to the Council we should alert them of this issue just to make sure that they know and not specifically ask for any (unintelligible) but to just notify them that we are continuing to work despite the pressures.

Jeff may want to add - his view was somewhat different than mine. And I'm sure (unintelligible) by him. And then I'd like to open it up to discussion to get that feedback from people on how we should handle it. Jeff...

Jeff Neuman: Yes. Thanks.

Avri Doria: ...pardon me for putting you on the spot.

Jeff Neuman: No. That's okay. Can you all hear me?

Man: (Yes).

Avri Doria: I can.

Jeff Neuman: Great. Yes. No, I think Avri's right. We actually came to the same spot, which is what Avri said about notifying the Council that we're aware of the advice given by the GAC and as well as the statements from ALAC and others that there happens to be some discussions on whether we should slow down or wait for the results of other reviews.

And so to notify Council that we're aware of that but that we're continuing to go anyway and that, you know, we're going to set up meetings obviously with the Chair of the CCT as Avri said so that we can try to find subjects at least at the beginning, which wouldn't necessarily conflict with what they're working on.

But also to see what the Council - how the Council plans to respond to the GAC's advice. It's been the practice of the GNSO Council for the last several meetings that the Council responds to GAC advice in a letter. And so we'll work with the Council to see how they want to respond to that advice.

And but as Avri said, you know, we're not sending a note out seeking permission to continue but just advising them that we're aware of everything that's out there, we're aware of the advice but since we're the GNSO, we take our instructions from the Council; we're going to continue to go unless anyone else - unless the Council feels otherwise. Thanks.

Avri Doria: Thanks. This is Avri again. I have two people with hands up in the Adobe Connect. Alan and (Carlos). Alan, please.

Alan Greenberg: Thank you very much. I'm certainly one of those who would have preferred not to see this PDP start until we had a better grounding on how to go forward out of the review team. But we did start.

And as Greg implied - as Jeff implied rather, we have such a huge task ahead of us. I mean we're really reviewing the applicant guidebook, which took four or five years to create.

Now certainly parts of it are just dandy and don't have to be changed. But there's a lot that we need to review. And there's plenty that's not overlap at all. But I think we can manage our workload unless we (unintelligible) overlap.

I'm hearing a lot of static. I don't know if it's coming through or not. One of the things that dawned on me, and this is based on the experience from the CCWG and the CWG that we've just, you know, not quite finished yet. Do we have a liaison for the CCT Review Team? I would think it would make some sense to have a person who straddles those (two groups).

Avri Doria: We do. In fact (Carlos) right after you is the liaison.

Alan Greenberg: Okay. Thank you. So I think we can manage the process. And we're going to have to be sensitive to people raising issues saying that, you know, pointing out that they believe that some issue that we're trying to come to closure on is linked to things in the review. So what - as long as we're sensitive to that, I think we're okay.

The other problem I had, and I've mentioned this before, is last time I looked and I haven't looked at our membership list in a while, we did not have any GAC members. We had a couple of observers but no GAC members.

And I raised this issue in the ALAC/GAC meeting that I really believe that there needs to be people not (representing) the GAC because they can't do

that but speaking on behalf of those with similar feelings to people on the GAC actively participating in this working group.

It's going to be a large time commitment and it's a moderately heavy load but I really think if we don't want the nasty surprises we got last time, we have to do more than, you know, than just check periodically are the - is the GAC happy. So I don't know how we can actively coerce people to working with us. But I think we really need to encourage them. Thank you.

Avri Doria: Thank you. This is Avri speaking again. Okay. (Carlos), I have you next and please go ahead.

Carlos Raul Gutierrez : Yes. Thank you very much Avri. This is (Carlos) for the record. I think there were excellent exchanges during Marrakech on these possible overlaps. So I'm (for) if we keep communicating, we will sort out any doubts. I think the most important overlap is of course in terms of the review of the applicant's guidebook.

So the sooner this PDP develops its subgroups or working groups the better we can focus on those issues. So I see no need to have a discussion right now. Just keep communicating. And as the CCT Review Team advances and we keep you posted, we will be able to (unintelligible). That's my role on the GAC.

Alan, as you just mentioned, my doubt is not if we have members of the GAC present or (unintelligible) at present. My question is if this PDP is one of the quick look mechanisms PDP or not. We had organized a process in which the GAC will take a very early look at the next three PDP processes. And I don't know if we have used the three slots or not.

It's not a question of having participants. That's all very important of course over the long term, et cetera, et cetera. But my question to Jeff, to Avri is if

we are under this intention to have a quick look of this process by the GAC.
Thank you very much.

Avri Doria: Thank you. This is Avri again. I don't know the answer to that. I ask Jeff or Julie or Steve whether they know. Jeff has his hand up. So please Jeff.

Jeff Neuman: Yes. I don't know that we're one of the official quick look. I do know that it was brought up with Mason and that Mason was supposed to discuss it with the Council. So I don't have a definitive answer. I wish I did on that. But I will - unless Julie has an answer, I will follow up with Mason and with James Bladel who's the GNSO Chair and see if we are on that.

Avri Doria: Thank you. Okay. I've got Tom Dale question up. I have noted - I'll mention Jeff having an action on checking this on (that). Okay. Tom, please. Sure.

Tom Dale: Thank you Avri. I hope that people can hear me okay.

Man: Yes.

Avri Doria: Yes.

Tom Dale: Just to clarify two matters for the GAC. Firstly, as regards to quick look mechanism, yes. This PDP went through that process. The GAC provided some comments at the issues identification (unintelligible) was my understanding is - and there was some discussions in the GAC about (framing in equal spots).

But that was some time ago. And I think we've moved on (from the thing). But that process was used and the GAC participated through Mason as the liaison. So that was helpful.

And the second point concerning the material in the GAC communique for Marrakech to add some further clarification. The one is the general concern

by them was about (unintelligible) of development and review person and (unintelligible).

One of the issues though we've not mentioned it specifically but that is of concern to a number of GAC members is the question of metrics and data where a number of the GAC members are concerned that that work by ICANN in particular concerned with metrics is not sufficiently advanced to I guess inform some of the work of the PDP. So that was another factor as well.

But finally, as some people have noted, there's a practice now of the GNSO Council responding to each GAC communique and the GAC can - we will await that advice from the Council. Thank you.

Avri Doria: Thank you. This is Avri again. I see no other hands. Is there anyone - is there anyone on the phone that can't raise their hand that wanted to comment? Okay.

So coming out of this I am taking (unintelligible) there is no objection to sending a letter to the Council just discussing the issue as was discussed earlier that Jeff will check on whether we're one of the early look (unintelligible) for the immediate future and, you know, (unintelligible).

I guess another action would be those of us that know GAC people who might be interested seeing if we can get them to join as members, you know, totally within their, you know, right but understanding the relation of GAC understanding that they might bring.

Any things that I left out of the summary of that? Okay. I see no hands. So moving on to the next item on the agenda. Discussion regarding steps ahead. As most of you are probably fully aware, most PDPs start out with a solicitation to constituencies, stakeholder groups and other advisory committees on some of the issues before the PDP asking for a constituency

comment on those giving us an initial lead on where the constituencies are on issues and how they see some of the issues unfolding.

Because of the complexity of this one, one of the suggestions that Jeff and I and Steve and such discussed was just filling out initially for the constituency and stakeholder and other fill out comments on the overarching issues that we'll be talking through as we get to the next item in that.

But not getting down into the nitty-gritty points of each of the separate work streams or work (pads) that - work items let me say -- I want to stay away from streams -- work items that we have subgroups that we will be creating.

And that we would go (unintelligible) on those after we had gone through processing the overarching issues, the discussions, the feedback, et cetera. So wanted to put that out - idea out there for people and see if there was any feedback one way or another on it. Thank you Jeff. Please add - please comment. Thanks.

Jeff Neuman: Yes. Thanks Avri. You know, there is a bunch of pros and cons on this approach. So I just want to make sure everyone understood the pros and cons, you know, before we decided to go forward with this way that Avri and I and Steve recommend.

Obviously the pro is that - well, one of the pros is that, you know, we're not going to just issue this blank statement for constituency statements and have them comment on everything under the sun and, you know, just ask them for, you know, books of comments back.

The con or, you know, one of the drawbacks of this approach though is that we may be asking for several - or we may have several different rounds of comments so that constituencies, stakeholder groups, advisory committees are continually responding to requests albeit small requests.

So again, it should make for more focused public comment periods but may result in more comment periods and I know there's a lot of fatigue out there at the comment periods that are going on and, you know, I know the groups are pretty taxed with a lot of these responses. But I do think this is the right way to go. And Avri and I and Steve discussed it and think that this will make for better responses and more focused responses. Thanks.

Avri Doria: Thank you. Avri speaking again. Alan, I see your hand.

Alan Greenberg: Maybe the last time I agree completely with all of the co-Chairs. It's going to be a bloody pain in the particular body part to do it the way you're describing. But I don't see any other way out.

Until you can bring enough focus to the question to make sure you're ferreting out the answers, you're going to end up continually with people saying but you didn't address some little concern I had because they didn't wrap it into the single statement they made at the beginning of the PDP. And we don't know how long this PDP is going to last. We may go through several generations of people - of community members while we're doing our work.

So I think what you're suggesting is the only way forward if we're like - if we're actually trying to come up with a policy, which we can stand behind at the end. Thank you.

Avri Doria: Okay. Thank you. I don't see any other hands. Does anyone object to us proceeding that way? And if so, I will ask you to explain your objection. I see no one objecting. I see no red crosses. And okay then. Oh, okay. (Unintelligible).

Alan Greenberg: A fire drill?

Avri Doria: I hear a beeping. Okay. (Carlos), you put your hand down. Was that accidental or was it because you were the one that was beeping? Okay. Well I don't see you putting your hand back up. Is (Carlos) still with us? Yes he is.

Okay then. If no one else has any comment and no one has a proceeding that - has objections to proceeding that way, one of the things we may want to do, and we can discuss that later, is add some specific questions to the request when we're forming it once we've got well formed overarching issues and are ready to send out that comments request but don't want to get to that now.

So if there's nothing else on that, we'll move to the main item and the first content (poll) item of this meeting. And we may finish this one today; we may not.

Jeff will be taking us through the issues and the breakdown of the issues that we've got before us. Now these are all issues that we have an immense amount to say. We all have something to say about them I am sure.

I'd like to ask everybody for all of those possible solutions, all of those, you know, difficult complex issues on (holes) and (unintelligible) during this pass through clarification questions.

Now I know sometimes it's difficult (for me) delineate between what's a clarification -- somebody needs to mute themselves -- between a clarification question and (secret solutionism). But I'd request that people try to keep to questions of clarification and I will certainly question anything that I think is going into (solutionism).

I will maintain the queue on this. But I turn the floor over to Jeff to take us through the issues. Jeff, it's yours.

Jeff Neuman: Thanks Avri. And yes, just to stress what you said we're not on this call deciding on any solutions or, you know, trying to figure out what the best answer is to any of these questions. We're just trying to make sure that we have the questions right, that we haven't missed any big areas and to ask any kind of clarifying questions as Avri said on what we mean by certain questions.

Now these are all taken from the final report and from the chart - sorry, from the charter and from the final report that was drafted by ICANN staff that was approved by the GNSO Council.

So I think everyone should have - I know I have control over the slides. I'm assuming everybody has control and can scroll through them. Unless someone indicates no, I'm just looking on the chat to make sure everyone has got control over that.

So just jumping into the kind of the first slide. Now I presented this so (Carlos) may see that this is a little bit familiar. This is what was asked for me to present to the CCT Review Team in Marrakech.

So I've added a couple topics on here or went into a little bit more detail on these slides. But essentially I - this is what we presented to the CCT Review Team.

So if you look at the first slide really is just talking about the original policy recommendations that were adopted by the GNSO Council were designed to produce a systemized and ongoing mechanism for applicants to propose new top-level domains.

Those policy recommendations remain in place for any subsequent - now they used the term subjection rounds. I'm not going to - I'll try not to use that going forward but that was the term that was used in the explanation of the

policy of the new gTLD program unless the GNSO Council would decide to modify those policy recommendations via a PDP.

So essentially the issues to address if you were going to kind of put an overall category, you know, are to clarify, amend or override existing policy principles, recommendations and implementation guidance developing new policy recommendations and supplementing or developing new implementation guidance.

So that's just kind of overall. And we're going to dive really into kind of the different categories. This is a little bit different than the charter and the final report in that we've created these, as you see on the next slide, these overall questions before we divide into work -- Avri I think you used work teams but I may say work streams accidentally, so -- but these different work teams or streams or whatever you want to call it.

We're going to start with the overall questions. And these were the ones that really have kind of a common thread throughout the entire program and ones that I think we can discuss as a group. So I'll go over these overall questions and then stop there and see if there are any questions or clarifications needed on these overall questions.

So the first overall question for us as a group that we have to ask is, you know, should there in fact be New gTLD Subsequent Procedures and if not, what are the justifications for it and ramifications of discontinuing the program?

So in the original policy recommendation, you know, as we discussed, there is a recommendation that or there's an approved policy to have these continued introduction of new gTLDs and there's some rationale in that policy from 2007. If for whatever reason we decided to go in a different direction, we would obviously have to justify that as to why there is a change in policy.

Now assuming that, the answer to that is yes, there should be subsequent procedures. Then, you know, breaking down the rest of the questions it's well, there's an issue of predictability. So one of the things that happened in the last round of new gTLDs in 2012, and I can call that a round, was that there were changes introduced into the program after launch.

There were changes not only to the procedures themselves but to the base contract, to implementations of rights protection mechanisms, to - I don't know what you call name collision that was just a whole new topic that really wasn't addressed during the new gTLD applicant guidebook process although it was in a security and stability SSAC document that just wasn't addressed beforehand.

So how do we make the program more predictable and how do we introduce changes that are deemed necessary after the program starts? So that's one thing we'll be discussing as an overall issue.

The second thing is on there and I have a red mark there saying that that's, you know, CCT Review Team is what that - this is what they're looking at, which is competition, consumer trust and choice - consumer choice.

The question there is did the implementation meet or discourage the goals of competition, consumer trust and consumer choice. This is obviously a question for the CCT Review Team or one that they'll be looking at and one that they will like be using metrics as was discussed before but also I'm sure asking for some input from the community as well.

The third area although the fourth bullet on here which is community engagement. So, you know, how can we encourage participation from the community? How can we do that in a better way and how can we integrate that during the policy development process implementation and execution?

So one of the things that was discussed earlier in this call was that the Governmental Advisory Committee provided lots of advice on things like safeguards and others after the process had started and didn't necessarily go through the same kinds of public comment periods that the applicant guidebook went under.

So how can we make sure that the Governmental Advisory Committee and others are actively involved in this policy development process and how can we make sure that their concerns are heard early enough so we can get meaningful public comment on all of these different aspects of the program? And again it relates to predictability because, you know, what if there are things that come up after the subsequent procedures start? Is there a way to get the community involved so that it's just not one group advising going to the board asking for a change without meaningful community engagement?

So then there's the overall issue of TLD differentiation. So in this - in the 2012 round we used kind of a one-size fits all approach. And yes there were some provisions in the agreement that were just for intergovernmental organizations and then subsequently there were provisions added for brand, top level domain under Spec 13.

But can we or how do we do the subsequent procedures that account for different types of top-level domains? It is the one size fits all the right way to go or should we provide a differentiated approach where let's say Spec 13 brands or whatever they'll be called in the future have a different process, geographic TLDs have their own process, community TLDs have their own process which leads us kind of to the next question which is the application order should - and I have one here as an example should there be a brand round or a brand acceptance of TLDs before others? There have been some groups that have said, you know, maybe we should take applications from developing countries first before we go to others. Some say that no, it should just be open for everyone and do we do that kind of in a first-come first-serve fashion or is there any other way to do this?

And then last is the overall question on here is should there be limits on the number of applications? So in the last in 2012 round we had some applicants apply for just one top level domain and yet we had others apply for or at least one had applied for over 300 of them. So is this something that we should step into from a policy perspective or is this something we should just, you know, keep silent on?

So that's - those are kind of over all questions related to the entire process that we thought would be good for the entire group to discuss not today but to discuss as kind of the overall questions.

So are there any other issues that people think might fit into this overall category? And again you don't have to answer that now. We may go through the list of in the different work areas and maybe one or two or more we can move to the overall questions. But are there any clarifying questions on this?

Avri Doria: Please raise your hand if you wish to ask a clarifying question. If not we'll definitely move on to the next. Okay I see nobody raising their hands. I see no questions in the chat so please Jeff.

Jeff Neuman: Sure. Okay and Avri I apologize in the slides, I used workstream as the way to go through these different items but we can call it something different. So and on the topic of...

((Crosstalk))

Jeff Neuman: ...calling things differently if anyone has a better name for the subject area than new gTLD subsequent procedures maybe people have asked us to see if there's a better name we could call it, a much shorter name. I know I'm open for suggestions so I just throw that out there, not as something we need to solve now but it's certainly something that we look forward to seeing if there are any ideas.

So on this first workstream or work team area work area we're talking about process support and outreach. And thanks for the new thingies. That'll be on the list of top items to call these. So the first process area deals with the applicant guidebook. So, you know, this is a new thing that was an implementation mechanism that staff, that staff had come up with in creating this guidebook. So is it in fact is the applicant guidebook the right way to implement this program? Is there something else? Should it be more like the request for proposals or should we have different types of guidebooks or different types of parties?

Do we have a guidebook on just for registries, the registry operators or the front end registries as they're also referred to? Do we have a separate guidebook for just registration Registry Service Providers who are called RSPs or technical backend operators is another term we use to describe what they do. And again that may be different based on another issue, a couple of boards down on accreditation programs that may help guide us on whether there should be different types of guidebooks. Also there are escrow providers and should we just, you know, produce a modified guidebook for escrow providers? So there are different ways that this could go and so this is something that the first work area will talk about.

Clarity of the application process, so how do we avoid developing processes on an as needed basis? So in the 2012 round we had this application guidebook. The guidebook had the list of all questions that were going to be asked. And I guess, you know, this is the first time that this has been done in terms of these kinds of questions. So really ICANN the evaluators took the answers that the registry operators or the applicants had submitted but realized that maybe some of the questions didn't ask the exactly what they meant to be asking or they wanted more detail, couldn't judge from the answers whether the applicants met the technical, financial or operational or business qualities or requirements criteria. So they asked clarifying questions. So that was an interesting process because every - pretty much

almost every applicant got clarifying questions. And the clarifying questions were very similar especially if they - a registry used one of the registry back end providers that provided services to others. So working for at the time I worked for Neustar as an example we got the same clarifying questions for over 300 applications. Now that may be resolved by the next bullet point on accreditation programs but, you know, that's one thing that came up in the clarifying questions is that you have to answer the same questions over and over again.

Should there be some sort of or there was actually a change request process. So if you because this process took a fairly long time if you had a change in your board of directors or a change and officers in your company, a change in address, a change in the name of the company all of these things had to go through a pretty strenuous change process that you had to submit your request through this initial application portal. The change had to be approved by ICANN, had to go off of a 30 day comment period. And these were not just changes to, you know, the substance of the application but any change you wanted to make whether administrative or substantive.

So that's is that the right way to go about things? Is there a better way to do it? Customer support is a that ICANN had staff has a little bit of customer support at the very beginning. It was all through email. You couldn't actually call them is there a better way to approach these things? There was I forgot the term that they used but I guess there were these answers. There was an FAQ kind of a site for the applicants that you have to really search and search for the answers for these questions that you have and there was no real good way or they called it a knowledge bank. It's coming back to me. There was no way to actually search this knowledge bank to get the commonly answered questions and answers. And so, you know, is there a better way to kind of administer that?

There have been a lot of changes over the years and they have a much bigger team as was pointed out in the comment period or in the chat

transcript. So yes hopefully and I'm sure ICANN staff has a lot of ideas are not to make this a better process. And they've actually reported on some of that in their implementation review so that's something we'll discuss in the first workstream.

This one this next one, the accreditation program was actually a subject that was introduced before the 2012 round had kicked off. And I think it was if I remember correctly there was a paper done by ICANN staff or at least a question that was put out there should we have some sort of accreditation of technical providers before starting the 2012 round? And I think because there was some support for them from a number of different (unintelligible). but I think there was a lot of ambiguity as to what you would be accrediting them for since nobody knew the types of applications that would come in, nobody knew, you know, do you accredit a backend operator for a registry that is predicted to be up to 5000 names and are there different accreditation criteria for back end registries that would have a million names? You know, what are the different things how does ICANN staff actually or their evaluators evaluate whether a backend technical operator should be accredited for different types of registries or do you have different types of accreditation programs?

Do you prequalify certain providers for brand registries which are, you know, one type of registry? Do you prequalify for GO registries? Is that even possible? Lots of issues come up when you talk about accreditation although it was generally some had supported it initially. Others thought that having an accreditation program before the 2012 round would delay that realm by a lot more. So it was not pursued as we have time to pursue it now. So those are our types of things. You know, and under the current process in 2012 you had a number of back end providers being evaluated in some cases dozens of times and in other cases hundreds of times for the same questions. And in some cases the valuations turned out a little bit differently even though it was the same answers given to the same questions when you had them in the hands of different evaluators. At some points they do not all get the same

amount of points or in the scoring. So an accreditation program may help with those types of things.

So if you jump to the next slide and then we'll take questions on this workstream on one area other areas in this work area are the systems that were used for the new gTLD program.

We already talked about the initial application system which was called (unintelligible). The - we had - we have the centralized zone data service. We have the - now it's being called the portal but it started out as just as the GDD portal. It started out as customized or custom software then went to salesforce. There are lots of changes even as we speak today on the different portals and I believe some plans for a new portal to come out in this summer. But how can we make the systems more robust, user-friendly, better integrated easier for applicants to use, ones that could be understood in different languages especially when you're dealing with the developing communities? How do we make sure that everyone can take advantage of those systems in most languages so that we can really not have the systems present a roadblock for receiving different types of applications?

Application fees, so we all know that the current application or the 2012 application fees were set on a principle of cost recovery but no one knew how much the costs would be when we got through it. And so there were costs that were anticipated. There were - there was a large contingency fund for litigation that was developed. I believe once - about 1/3 of the entire application fee or the 185,000 was used for this reserve fund.

You know, what do we need to do in the future? How much is it? Now we have a lot of data under our belt, we know a lot more so, you know, should - what should be without setting the application fees themselves but more the policy of how to determine those application fees, you know, what principles should we have in developing those application fees? Are there - should there be variable fees?

In other words should the type of fees paid vary based on the type of applications? Do you have open registries have one type of fee and closed registries have another type of fee or do you give for lack of a better term volume-based discounts. If you apply for 100 of them should you have to pay for the same types of evaluations knowing that really once you're evaluated once on the technical aspects you don't necessarily need those technical evaluations again or what that, you know, send the wrong message?

So there's lots of different ways we could slice the policies behind the development of the fees. Again it's - I don't believe it's our job and people may disagree. I don't believe it's our job to set the fees but really to have the policy behind the determination of fees so that when ICANN staff goes back to implement our recommendations they have some better guidance than what we gave them initially which is it should be done on a cost recovery basis.

Application submission period this might be a fairly easy one or maybe not. The application period was three months for this last 2012 around. That was, you know, was that enough time? Do we need more time? We also had a I believe it was a two-month communications period that was built in. I can't might have been three months I can't quite remember but it was at least two months where it was basically for just outreach so we didn't start the application submission period for several months based on outreach. So was that appropriate? Was it enough, not enough or maybe it is enough if we do the right types of outreach. So those are just some of the questions. And of course if we don't do the future TLD introductions in rounds and it's just first come first serve how does an application period actually work, you know, how does that whole - how does that integrate with the current thinking of application submission periods?

And then finally and this one's a big one and so I really shouldn't say finally because this is one that certainly generated a lot of comment both before the

last round and certainly afterwards in seeing the results is, you know, was our applicant support program effective? We did not as we all know we did not get too many applications for the applicant support program and even less that actually qualified. Was the criteria we used right? Was it properly designed or was it an outreach issue or was it both wrong criteria, not enough outreach and, you know, was the monetary support that was proposed sufficient?

We need to look into things of even if we get them through the application fee how do we provide for ongoing fees for technical backend services or, you know, escrow services and everything else that you need to do to make sure you can operate a reliable stable of registries? That is going to be a very large area. I know it's only one bullet point on this Workstream 1 but it's certainly one that the community has called for a lot of attention on and it's something that I think will take up a good amount of time.

So with that that's the first work area. Do we have any questions, comments? I know that people have posted things on the chat and Avri I don't know if you want to go over any of those comments. I have not been able to follow along giving the presentation. Thanks.

Avri Doria: This is Avri. Okay thank you. This is Avri speaking. I've been reading through them and it's sort of almost a mix clarification and explanations and such. So I would like to suggest that anyone that actually has a clarification question either put their hand up or just send another message and tag it at the front clarification colon so then I can read it. I'm more than willing to read it. At the moment though I have sometimes remind people to introduce themselves. Alan please?

Alan Greenberg: Thank you. It's Alan Greenberg. My memory may be getting vague but my recollection is during the whole multi-year process of the applicant guidebook developing it the statement was made that the money to do the work was being advanced from the reserve which would then be paid back out of the

applicant fees and of course because of the development process took many more years. The cost was higher than projected.

Did we ever get a reconciliation or do we still owe the reserve money? Was their excess money? Did that work? Because if indeed there is a deficit that is still unpaid then that's one of the factors that has to be added into the applicant fee process.

Avri Doria: Thank you. Somebody online is making some fascinating noises so if possible we can find who it is and mute. When - I don't know Alan if we actually ever got the sort of accounting (reduct) on that whole program. It does seem information that would be worth having.

I know once and I know this while Jeff was speaking and he talked about all the data that we had under our belt I was just wondering how that data was organized and how it was available? I see Jeff put his hand up while I was talking. So Jeff if you're answering (unintelligible) and I'll put it before (Carlos). Jeff?

Jeff Neuman: Yes on the accounting for the reserve fund I believe that ICANN staff feels like it's still in the midst of that process because there are IRPs going on, there's is some litigation going on. So we should ask for I know a year or two ago I released - that's not me. I know a couple years ago ICANN did release an accounting and they do have a budget so it is something we should definitely follow-up with Xavier and ICANN staff on what's been spent.

But I believe ICANN would get the answer to the reserve fund is I believe they're still in that 2012 round and have not refunded any money.

Avri Doria: Okay thank you. Jeff this is Avri again. We probably should make an action item of content affecting Xavier and see what we can get data that we can use. Okay (Carlos) the floor is yours.

I hear nothing other than the extra noise. I also see a note from (Corey) that audio is gone. So while (Carlos) do you have your audio on or people - can people hear me? Okay people can hear fine. So (Carlos) please unmute your...

Carlos Raul Gutierrez: Hello? Hello, can you hear me?

Jeff Neuman: We can hear you (Carlos).

Avri Doria: I can hear you now.

Carlos Raul Gutierrez: Thank you very much. I just want to mention that Xavier prepared and gave us an excellent presentation on how the application fronts are being used. It's true they're in the middle of it but he has very compelling numbers on where the money is. The big question from my personal perspective is of course that they never thought they would have 2000 applications. And as Jeff said many of the work on the application was repetitive, et cetera. But you will be able to find a presentation in the wiki of the CCT Review Team and we can work out of there. Thank you.

Avri Doria: Thank you (Carlos). That's good to know. Anyone - oh yes there's a comment that was sent in - okay. And from - and I don't know how to pronounce the name properly so please correct me at some point but (Janix), I'll just go with (Janix). Clarification to the chairs to what degree is this group supposed to provide detailed implementation and guidelines rather than addressing a principal framework with suggestions for things/issues to change or implement? Example is job done by suggested categories and streams and requirements fit for each category or are we supposed to take suggested - to suggest exact criteria for each category -- GOs, brands, cultural and non-for-profit TLDs, et cetera? So that's a clarification question. Jeff did you want to...

Jeff Neuman: Sure. And I think it's a great question and it's one that I'm sure we're going to ask ourselves a lot, you know, moving forward. So in the first - in the last round in 2007 we gave very high - we being the GNSO gave very high level recommendations and policy frameworks but did not provide much in the way of detailed implementation.

I think a number of us that have been through all that decided, you know, or came to the conclusion that perhaps more guidance is needed than was provided the last time. But it's going to definitely be a balance between how much we - how deep we get into the criteria in your question for example versus how high level we stay.

But I will note that since 2007 the GNSO had a policy development process on implementation of policies and really basically provided the guidance that implementation of policies is also a GNSO issue and should go back to the GNSO for review to make sure that staff or whoever's responsible for implementing the policies get it right.

So I think based on from my own opinion and others may disagree I think we're definitely going to get into all a lot more implementation detail than we did the last time. But I certainly think that there is going to be a time in which we kind of stop and say okay we've got about as far as we can go on implementation and now, you know, we direct the staff to take it the next step. And I see Avri has got her hand up. So...

Avri Doria: Yes. I put my hand up just because I wanted to add a few comments. I think - oh, this is Avri speaking. I think part of the work of the Policy and Implementation Group was inspired by the fact that implementation guidelines had been far too general and so we started talking.

The other thing that came out of it which I expect that this group will elect to do -- but of course that's just an opinion at the moment and it's a decision the group makes later -- is to create policy implementation teams at the end of

the PDP process once we have our recommendations so that we can do as Jeff was saying there's currently no a new formalism for actually doing that implementation oversight work.

Okay I'll take my hand down and does anybody else wish to ask a question on Workstream 1? And the only reason I stray away from the workstream terminology as an aside is because it's so prevalent in a Cross Community Working Group. I've been involved with it. Every time I hear it my mind goes to the wrong place. I see no other hands up doing that. We can move to Workstream 2. I'll note that we have about 30 minutes left on this call but I'm not trying to rush things. We will continue this from where we left off at our next call. So Jeff back to you.

Jeff Neuman: Thanks Avri. And maybe we'll just we'll get through this work area and then maybe start on the work area three on the next call because I like you I don't want to rush this and if people have questions on the next call they should feel free to ask as well. So the second workstream and Avri I'll give you the task of trying to find a different term to call these so we can refer to it because I understand your reluctance to use workstream.

So the second work area is on what we call the legal regulatory area. And this deals with lots of different subject items and pretty diverse but I'll hopefully related to legal regulatory concerns. The first one - and this is not in any kind of order as to most important or the order that we need to do it in, same thing with the other work areas but just kind of what we had come up with at that time as a discussion group. So the first area is reserve names list and the mechanisms used to release those reserve names.

So as Avri remembers there was a group that was formed by the GNSO kind of a sub team called the Reserve Names Working Group that basically came out and said that there should be no names that are reserved. I think there may have been a couple but there were very few names that were on that reserve list. That was included as part of the final report I believe and the

GNSO had passed it and it became policy. But somewhere down the line those recommendations were not exactly the way in which the original reserve names working group had and wanted.

As many know now if you look at Specification 5 I think it is of the registry agreement there are lots of reserve names. There are reserve names for technical reasons, things like example, things like WWW are reserved. There are reserved names for two letters, two letters were all or two characters were all initially reserved. They were cut down over the years to only those two characters that are letter, letter. And then subsequently there have been processes to allow for the release of those two letters or so. You know, there have been all these things that have been government advice on it, there has been initially it was the registry services evaluation process that was used. Then there was a different process that was used and now there's another one. So that's one type of reserve names. There is also the IGO or INGO names which are all initially reserved. Now there's another PDP that's ongoing with that. There are the Olympic and the Red Cross names. There are the country names. There are territory names that have been discussed so there's lots of different types of reserve names. Oh there's a whole name collision names were initially reserved so that's a name collision again another topic we'll talk about in a different work area.

So we need to review the work of those of that reserve names working group and need to account for what has happened since 2007 and what our recommendations are going forward. Also on the release of reserve names, you know, the - there's a provision in the agreement that allows registries to reserve up to 100 names for promotional and operational purposes. You know, there's a question as to whether those names in this current round those names do not have to go through the sunrise process, some other issues that have been brought up on that. So those are just some of the issues around the reserve list and the mechanism for release.

We sort of introduced it already but the base registry agreement there is one registry agreement. It was designed as a one-size-fits-all. We're going to review that agreement, determine whether there should be differentiation in other words is the single base agreement the right way to go or should there be a completely separate agreement for brands, a completely separate agreement for closed registries or open registries, geographic TLDs, other types of categories? The process for amending the registry agreement so as many know the registry agreement was - there was a final registry agreement in the final applicant guidebook which was before Fadi had actually become the CEO. Fadi came in as a CEO and decided that he wanted to make some changes to the registry agreement. And there were some negotiations that took place after the final agreement was created. And there was flexibility left in the agreement to amend the other provisions.

So how do we - is that the right way to do it or should we - is there a better way to amend the agreement? Plus if we do decide that changes need to be made how do those changes apply to or do they apply to the registries that have already signed registry agreements? You know, do we create some sort of differentiation of TLDs simply because of when they were - when the registry agreements were signed? So I know that the registries have raised a comment on that in their comments to the discussion report. So there's lots to consider when talking about potential changes to the registry agreement.

Registrant protections, so two of the protections that were put in for registrants to protect against failure on the registry were the EBERO which stands for Emergency Backend Registry Operator and the whole letters of credits which for those of you that were applicants know that it was very difficult to get the types of letters that were requested by ICANN staff for the applications. In fact one interesting antidote that people have told me are even the banks that try to apply for letters of credit have very difficult times getting letters of credit because they couldn't find another bank to give them the letter of credit that ICANN had wanted.

So, you know, what sounded great in writing initially before the rounds had started has proven to be an implementation hurdle that a lot of even large established companies, Fortune 500 companies had a very difficult time to meet. So going back to principles, you know, what is the principle that we were trying to guard against? How were we trying to protect registrants and is there a different way that we can if we still believe in those principles is there a different way that we can implement those protections? So and (Ruben) is correct on the chat as well, data escrow is another registrant protection that was put into the agreement and we can evaluate that as well as to whether it served that purpose.

I will note that are other registrant protections that were put into the agreement and perhaps one similar to ICANN staff can put a link to the recent paper that came out on Friday I think it was on or last week on DNS abuse. There were - those were designed as registrant protections and so those are some that we can look into as well. I know that report was designed to give to the ccTLD Review Team but it's certainly good reading for all of us to look into as it relates to the registrant protections.

The - a huge issue that was discussed and one that I was very much involved in back in 2009, 2010 and 2011 was the registry registrar separation or vertical integration. Prior to the 2007 round - I'm sorry 2012 round it was a prohibition that registries were not allowed to be affiliated with registrars. It was a very strict prohibition. As there were many registrars that were looking to get into the registry business or industry there was a large movement to try to break down some of the barriers to allowable registries registrars and registrars to be registries.

There were lots of discussions there were some papers from economists and there were some restrictions that it was not an unfettered relaxation of the vertical integration rule. But there are some restrictions. There's a code of conduct and so I expect that this group will look into the code of conduct, will look into what the goals were in relaxing the registry, registrar the vertical

integration rules and, you know, did it achieve its goal? Should there be further relaxation or alternatively should there be more of stringent rules on ensuring separation? There is no preconceived outcome so we're really going to look at reviewing what happens in the 2012 round.

We move on to the next slide registrar nondiscrimination. So this is related to the registry registrar separation issue but this is a requirement that I believe it's 2.9 in the registry agreement that says that registries must treat all registrars equitably in the provision of registry services. So you may not, in other words you may not discriminate in favor of any particular registrars especially ones that you own but even not others that you may have no affiliation with. So as an example many registries would love to run certain marketing programs with only certain registrars that show certain types of interest in that registry. But the current rules require that marketing programs be offered to all registrars equally or at least equitably. Is that the way we - it should be going forward? Is that the right process? Should there be some exceptions made do that?

Should a registry be free to select its own channel and work with only registrars that it wants to work with or should registries have to work with every registrar that meets the criteria to provide names in that TLD? And I will tell you that this is even an ongoing debate between registries and registrars where some registries feel like, you know, in the outside of the domain business if you're a grocery store, or a store that carries different brands you are allowed to put certain brands on certain shelves and not carry other brands if you don't want to carry those. So that's very different than the environment here which requires equitable access or nondiscrimination. Again I have, you know, I'm not trying to - I hope I'm not presenting any kind of view on that but and it's certainly an area that some registries and registrars wish to discuss.

The rollout of top level domains did we in the agreement allow enough time for registries to roll out? The registry says that the agreement says that -

sorry the agreement says that registries must delegate within 12 months. It does provide for an exception basis if ICANN agrees but essentially you must be delegated within 12 months after you sign your agreement. Is that a good practice? Should we allow some more flexibility or less flexibility?

Fees, so one of the other interesting aspects is that ICANN allows or you did not have to pay ICANN your initial registry fees, your first year registry fees until or I should say first quarter registry fees until you're delegated. Now that led to, you know, did that lead - I shouldn't say that did lead. Did that lead to ICANN pushing for registries to be delegated more quickly in order to get those fees in or does it encourage that type of behavior? So there's just a couple of the TLD rollout issues.

I have on here the second level of rights protection mechanisms. That was in the discussion paper, obviously extremely important. It's really at this point a lot of it is reserved for the new PDP that just got underway. And I believe today there was a call for volunteers for that PDP to talk about all the rights protection mechanisms. But there was in the resolution that was passed when our charter was approved basically said and (Mary) or someone could correct me if I'm wrong but I believe it said something to the effect of anything not addressed in that PDP and the RPM PDP that we believe relates to the subsequent procedures should be addressed in this PDP.

So I my assumption is that once this new RPM PDP is actually kicked off and has the first set of meetings in addition to a - their leadership they will select a liaison to liaise with our group so that we can make sure that we know what each of the groups are working on.

I will likely sign up for that group just because I want to know what's going on in that group. And if anyone in this group has interest in working on those issues the call went out today. So as (Mary) said maybe if they can put a link, (Mary) if you could put a link on where to sign up where the form is you can sign up for that.

The next thing is GAC advice global public interest in safeguards. So we need to talk about in this group the issues that were identified in GAC advice on safeguards for subsequent rounds. I use that term. I should have to put money in the money jar, subsequent procedures to talk about how to deal with the safeguards that they've recommended and also any new safeguards that may be discussed.

Also on PIC, Public Interest Commitments and how they were incorporated into the registry agreements the PIC CRP, was that the right way to deal with violations of PICs or is there some better way to deal with enforcement of PICs?

The next subject IGO INGO protections I think we mentioned it. Are there any left over issues from that PDP? To be honest I believe that it was already went through the - it went through the GNSO it was passed by the GNSO was sent to the board and I believe the board is now working on how to deal with the difference between the GAC advice and the GNSO.

If anyone's got more information I see (Collette)'s got his hand raised. Does anyone have more information on how those relate? There's a hand raised.

Avri Doria: And (unintelligible)...

((Crosstalk))

Avri Doria: ...you're going to answer that question or if there are general clarifications I'd like to wait until the end but if someone's going to provide a specific answer to the questions just ask.

Jeff Neuman: Well (Mary) has provided something on chat. The board adopted the IGO INGO reqs that are not inconsistent with GAC advice and they're working on reconciling the remaining recommendations. Okay, so we'll have that to guide

us but are there any left over issues from the high level principles that were passed by the board or that still remain so there's implementation issues that will come from that. and then (secondly) the issue of - and this is a large issue so again not in any kind of order but the whole notion of close generics.

So in the 2012 round what some had not foreseen was that companies would apply not only for their brand as a top level domain but may apply for a generic term or a keyword wanting to have that keyword all to itself to use. And that keyword is relating in some ways to their business. So whether it was .music, or .grocery which was initially applied for but I believe they may have dropped that application .book, .- there were a whole .food I think was applied for or yes it was applied for by the Food Network and there's still ongoing.

So, you know, it was definitely a lot of comments submitted that there shouldn't be closed generics in the 2012 round but I think this group will have an opportunity to examine that issue further to say okay was that the right decision or was that not the right decision and how should we - is there another way to allow perhaps closed generics but with appropriate protections? Or is the current policy the de facto policy the one that we should have going forward?

So again it's a large area. It was one that I believe, you know, the new gTLD Program Committee decided based on the information it had but there really is a policy decision and one that we should as the GNSO have jurisdiction over that type of issue to provide our advice on.

So I noticed there's eight minutes left in this call. Those are the legal regulatory issues that have come up are there any we missed or any clarifying questions and Avri I'll turn it back to you.

Avri Doria: Okay. And (Collette) I see your head up so please.

(Collette): Yes. I think there is another point in the regulatory work we - that we probably need to add in our discussion is the reduction where the new registrar, the new registries in fact will be signing up with ICANN.

This is a - the discussion I think it's important which now we have different legal entity, i.e., if I understand of ICANN one in Istanbul and one in Singapore. So this question of with whom the registry will be trying to I think this mechanism should be also looking up by our PDP.

Avri Doria: Thank you. I think that's a good addition to the list jurisdiction.

Jeff Neuman: Thanks.

((Crosstalk))

Jeff Neuman: And if I could also kind of add to that not only with who the registry should sign but also the governing jurisdiction, you know, was the controlling law. You know, right now it's pretty much I think it's silent on that although assume that it's California because you're signing with the California corporation. So I think that also goes hand-in-hand with the question that was raised on the 0 which entity the registry should sign with. Thank you. That's a good addition.

Avri Doria: Okay thank you. Are there any other...

(Collette): I have another.

Avri Doria: Oh sorry.

(Collette): Another...

Avri Doria: Okay please go ahead (Collette).

(Collette): Sorry. So in fact my question it's also an important in a way that someday probably in one month, six months, one year, two years they (unintelligible) branch of ICANN that would decide to operator (unintelligible). So it's important for us to define what is the mechanism for the applicant to decide on what jurisdiction it will be he will be choosing his application for. I mean we have three today but we will be having probably more in the next future.

Avri Doria: Okay. Thank you and I'm not certain that we'll have more but you're right that's a possibility. And that would seem to be one of the sub issues of the jurisdiction issue to me so thank you for that amplification. Anyone else have a clarification on the first two workstreams at this point? If not could I please ask whoever is not on mute to be on mute, to mute themselves?

Basically one of the things I did want to point out is that not only is there the list where people can continue with any clarifications things that occur to them after the call ends but I'm going to suggest when we put together the agenda that before we start the link to Workstream 3 we open it up to any pent-up clarification questions that either came from the people attending the meeting who thought of them (unintelligible) or those that have listened to the recording and have come up with questions. Jeff I see your hand raised.

Jeff Neuman: Yes. I just wanted to - (Ruben)'s raises a good question in the chat which talks about bringing legal into the PDP to sort out this question are we allowed to do that? So the answer to that is yes we can invite whoever we want to join these groups. And in fact even if there are experts outside of staff or representatives from the community we as in any PDP have the right to request experts join us.

So we can certainly and I it's particularly for this Workstream I would think it would be very beneficial to have ICANN legal join us based on their experience. And in the other workstreams I would hope that other ICANN staff join us I would hope. And I know Karen Lentz has talked about wanting to join us and talk about it, Christine Willett would love to talk - sorry Karen

not on the legal parts but on the other work areas. And I know that Christine Willett and her organization and Maggie in compliance would have also volunteered to help us out.

So when these groups get working I believe the first item will be, you know, who do we want or who can we get from ICANN staff and others to help us to provide us information we need and also to participate because they know these areas just as well if not better than us. Thanks Avri.

Avri Doria: Okay thank you. I see no other hands at this point. I want to go to any other business just in case there is any in the last three minutes. And I also want to ask either Steve or Julie to remind us of when the next meeting is. So before going to any business Steve or Julie can you remind us of the next meeting?

Julie Hedlund: Hi Avri. This is Julie Hedlund. I'll check. I don't have it off the top of my head but I'll get that.

Avri Doria: Okay. Thank you. And sorry to just spring that on you. If I had had it up on my screen I would have just done it. Okay I'll probably ask that at the end of the meeting just so everybody is reminded. Did anybody - okay Steve please.

Steve Chan: Hi Avri thanks. This is Steve Chan from staff. The next meeting will - is scheduled to be on 28 March and it should be at the 1600 UTC time as opposed to this 2200 time.

Avri Doria: Thank you very much. Okay in the last minute or two left does anybody have any other business or any other comments that they wish to make in closing? If not, I thank you all for your participation. I thank the staff for the support and I think Jeff my co-chair for his presentations thus far. We will start again next time with any open questions and then continue to Workstream 3. Thank you very much all. Bye-bye.

Woman: Thanks everybody. Thanks, bye.

Man: Thanks bye.

Man: Bye.

END