

**ICANN Transcription
New gTLD Subsequent Procedures WG
Monday 25 April 2016 at 1530 UTC**

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The audio is also available at:

<http://audio.icann.org/gnso/gnso-new-gtld-subsequent-25apr16-en.mp3>

Michelle Desmyter: Good morning, good afternoon good evening welcome to the New gTLD Subsequent Procedures Working Group call on 25 April 16:00 UTC. In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken by the Adobe Connect room. So if you're only on the audio bridge could you please let yourselves be known now?

All right, thank you I would like to remind you all too please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. Thank you, over to you Jeff.

Jeff Neuman: Thank you Michelle. Hello everyone. Welcome to the call. And I guess as we normally start we'll review the agenda and then go through the - any changes to the statements of interest if there are any. So on the agenda today we'll do an update on a call that the leadership of this PDP Working Group had with Jonathan Zuck who is the Chair of the CCT Review Team and then talk about

a document that the CCT Review Team has been working on which they sent to us last week.

The - then we'll talk a little bit about the pathway forward to the first constituency comment period. As many of you know one of the first required steps after a working group is formed is to collect constituency input or community input on the subject matter that the working group is working on. We decided early on that we would develop a list of questions that were specific as opposed to just leaving the topic open for anyone to comment on anything. And when we say constituency here don't just mean constituency as we mean constituency stakeholder groups, advisory committees, supporting organizations basically everyone but we're just short handing it by saying constituency.

Then we'll talk - get into the substance on two other subjects from the overall questions. The first one being applications the original recommendation of the - or I should say the policy from the new gTLD Working Group in 2007 stated that applications would be assessed in rounds. So we'll start talking about that recommendation and whether anything needs to be changed.

And then finally or not finally but then we'll be talking about predictability which is another overall area that was in the final issue report which looks to how do changes get introduced into the new gTLD process if changes need to be made versus the how predictable the process needs to be for applicants, and the consumers and the community at large.

Then we'll open it up for any other business. And at this point I don't have any other business but is there anything anyone would like to add at this point? Of course once we get to that agenda item you can ask to add something as well. I'm just looking on the chat. Okay Avri, you have the mic.

Avri Doria: Yes. I just wanted to add one thing that we put both of these topics five and six on the agenda for today but if we don't make it to six that will be a

surprise. It's just that if we did go through five quickly we wanted six to be in line. Thanks.

Jeff Neuman: Okay, thanks Avri. Does anybody else have anything to add to the agenda or any notes on the agenda? Okay great, so then let me just start with is there or are there any updates to any statements of interest as Avri explained on the last call we do this during every - the beginning of every call to see if there's any changes. We also ask that if there are any changes that they be submitted in writing to your statements of interest.

So not seeing anybody raise their hand on the list we will go to the next item which I believe Steve Coates will take which is an update on the CCT Review Team, PDP Working Group Leadership Coordination calls. So Steve, are you on?

Steve Coates: Yes. Can you guys hear me okay?

Jeff Neuman: Great, thanks Steve.

Steve Coates: Awesome. So I know people have complained about my low voice before. Let me know if you guys can hear me okay. I'm shouting right now but I could shout louder if necessary. So as Jeff mentioned late last week we had a call with Jonathan Zuck on the CCT RT as well as Carlos Raul Gutierrez Raul Gutierrez Raul Gutierrez, Avri, myself, and (Julie) and Steve Chan were on there too. I hear every one hears me good, good.

All right, so on the call - it was our first call with the CCT leadership to discuss how we're going to coordinate. I walked away with my notes of their being three overarching principles. But I think it would be first good to just review what the CCT is focusing on, just bringing it up. The goal which is taken from the CCT page on ICANN's site is to determine the extent to which the introduction of new gTLDs has promoted competition, consumer choice and

consumer trust in the DNS, and assess the effectiveness of A, the application evaluation processes and B, safeguards put in place to mitigate issues.

And my take away from that call was exact - that's their exact focus. They're assessing the effectiveness of the application process and the safeguards. And among other things they're focusing on 66 metrics as well as the surveys that were previously done.

I'll try and shout a little louder. Of the overarching principles that I took away from the call CCT plans to finish their recommendations first before us however they don't yet have any timing. And Carlos Raul Gutierrez) if you have any comments please chime in at any time. I'll try and watch the participants. So I think we need to think and plan for that accordingly. I plan - they plan to finish first, Carlos Raul Gutierrez) please?

Carlos Raul Gutierrez: Yes. I hope you can hear me well. This is Carlos Raul Gutierrez) for the recording. Yes Steve as you mentioned we're in the middle of two external (unintelligible) is doing a survey of users and analogies he's doing economic study. And the end of - the end reports won't be ready until two, three months down the road. And I also wrote down what you mentioned CCT review owes to these PDP group timeline of our work. Those are the major points I would say, thank you Steve.

Steve Coates: Thank you Carlos Raul Gutierrez). That was the first principle. The second principle I pulled away from the call is the CCT is focusing on spotting issues in essence and this working group to the extent that there is overlap between the comments between the two groups we will be focusing on policy. So the working group for the CCT will be looking at spotting issues, identifying places where we did a great job in competition consumer choice and consumer trust and perhaps where we didn't focus well.

And we'll be focusing again on policy. And then the third is just a point about where our focus should be when we work with the other working group is

consistency. Invariably we may run into issues where we're not consistent. But I think a constant conversation is going to be important to make sure that our working groups provide a consistent message.

We ended up discussing - having a regular call with leadership between the two working groups moving forward. And what you see here is the draft work tracks that we have prepared identifying the areas where we plan to work. And we sent that over to Jonathan. And he identified areas with the team where the CCT will have a strong interest, a low interest of overlap.

(Michael) can you hear me okay now? Great so we can go through the topics mapping quickly. I just want to confirm that this is still a draft mapping that we sent previously so it may or may not change. But it will give you an idea of where the CCT will have an interest in opining on. So I'm just going to focus on the areas where Jonathan did add a comment of an interest. So you can see under competition consumer choice and consumer trust of course they're going to have a very strong interest in opining - having a little trouble there scroll.

You'll see TLD differentiation. There was a low interest. And I believe that, that was mostly reflecting whether there are any competition or fairness issues with respect to a one size fits all versus a differentiation - different application processes depending on the type of string.

Application fees of course there was a strong interest in the economics of the process and some interest on how fees will affect participation. I think there was a particular emphasis on nonprofits and communities with respect to that point variable fees for those communities and groups. Support for applications from developing countries. There was - we didn't get into weeds there but there's a lot of different aspects to providing support for folks in developing areas, you know, including technical support and those things.

Some interest on reserve names. And of course the registry agreement high interest there. I see (Julie) made a note that my scrolling through the topics mapping isn't synched and unfortunately it's not numbered either so I'll go by the page number. I'm on Page 5 - oh there we go. I think I don't have scrolling access now. Excellent, thank you Michelle.

So TLD rollout bottom of the page there is no general interest but maybe for outreach and awareness. Page - is that Page 6? Second levels of course there's a high interest safeguards. Safeguards is the second main area of focus for the CCT. So they're going to take a large interest to that and the safeguards topic.

Closed generics there was some interest there. Michelle, can you scroll down just a bit? String similarity, so there's going to be a lot of interest there. We're talking about single or plural, string confusion that process is going to be of high interest to them. Michelle, can you scroll down a bit more? Thank you.

Role of the independent objector no current interest but there might be. Michelle, can you scroll down a bit more? Again with the community applications top of that page there high interest, I think that's page are we on eight? Forgive me I'm going to go to my PDF.

Bottom of Page 8 I believe we're on for those following by their own document some interest on universal acceptance for consumer choice. Michelle, can you scroll down a bit more? Go up a one. Area and stability some on the safeguard side scroll down a bit more.

Name collision, I don't remember discussing that particular topic but some interest. Scroll down. That's it. All right that was the gist of the call. We're going to meet every few weeks on a call with Jonathan to discuss topics. I will open it up to the queue for anyone who wants to discuss any questions, comments, concerns?

Alan makes a note in the chat. I would assume that these are areas where there may have something significant to say and presumably we'll have to pay attention. I think that's right Alan. I think that there may be interest there. Jeff, do you want to take over?

Jeff Neuman: Yes I will not take over but just make a statement that I wrote down on the chat. Where they have a high interest and even where they have a low interest they still want to just coordinate with us. So if they have a high interest in something and we also are looking at something let's say we're looking at doing a focus group of applicants, or users or whatever it is they just want to participate and they just want strong coordination between the groups.

So this is not to indicate who has exclusive jurisdiction over a topic. It's just that they want to work together with us and we want to work together with them. So that's, you know, we're going to go every couple of weeks as Steve said to just talk to them and make sure that, you know, let them know what's in our pipeline for topics that we're going to talk about and they'll do the same so that we can coordinate on any joint activities. Thanks.

Steve Coates: Thanks Jeff. Any other comments, concerns (Carlos Raul Gutierrez) anything to add there?

Avri Doria: Steve has his hand up.

Steve Coates: Steve?

Steve Chan: Thanks Steve. This is Steve Chan from staff. And so I just wanted to raise a related point in that the conversation with the CCT leadership it should help us develop a work plan. And so the working group leadership and staff are coordinated to try to wrap up a preliminary work plan that we can share with the working group understanding where these touch points with the CCT are when they will have outputs I think that will be valuable in building out our

work plan. So right now we have a draft one that working group leadership is reviewing. And we'll hopefully be able to share that with the full working group soon. Thanks.

Carlos Raul Gutierrez): Hi Steve, this is Carlos Raul Gutierrez Raul Gutierrez for the - I would only ask Avri to rephrase - no problem Avri stated some general principles on waiting for the recommendations. Maybe Avri wants to rephrase that. That was my only...

Steve Coates: Thank you Carlos Raul Gutierrez Raul Gutierrez.

Avri Doria: This is Avri speaking. I - by rephrase you me I said it wrong and we need to say it differently? I'm not sure what you mean.

Carlos Raul Gutierrez): No, no I tried to write it on the chat but probably you can say it in a much nicer and better explanation than I can do in the chat Avri.

Avri Doria: Oh okay. Yes okay I see the point that's being made. I had to go to the chat sorry. So yes I guess one of the things is that our work is largely divided into two parts. It's the understanding whether it's the constituency for want of a better name comment the two of those that we're putting out or the work that we're doing now on pros and cons understanding reviews and analysis.

And that those - they have to coordinate but they can pretty much go on in parallel but that anything where we actually start creating policy on (unintelligible) we finished our understanding stage on those we really need to wait for recommendations. And I think that was the kind of division I'm making.

And so that when we look at this interested not interested we get to the point where we're at the end of our understanding period and it's time to start working on policy. You know, we can do a quick check to see that there's still no interest. But those things where there's no interest and where we don't

see recommendations (unintelligible) at the point then those are where we can certainly start.

But if there's recommendations pending on something we have to take that into account. That's what I was saying during that meeting. And I think that's what Carlos Raul Gutierrez) said. But somebody is bringing a lot (unintelligible) conversation. I'm going back on mute.

Steve Coates: Just a reminder for everyone to mute their phone when they're not speaking.

Woman: Although we are learning a lot I think. I'm appreciating learning about (unintelligible) certainly.

Steve Coates: Yes just a reminder to mute your phone if you're not speaking. I think that was - and I don't see anyone in the queue. And I will pass it back over to you Jeff.

Jeff Neuman: Okay, thanks and now I get to just pass it again this time to Avri who's going to talk about the first constituency comment period. Thanks Avri?

Avri Doria: Sorry I started talking while I was still mute or muted. Okay so I've put together a couple slides. The first one here is on the constituency comment one. As we discussed we were going to right into two constituency comments one on the overall and one on the specific schematic streams. So now we call them constituency comments that's sort of historical but they really are driving constituencies to stakeholder groups and the SOAC. It'll cover only the (OR) issues in the next slide. I missed those.

So what was done was basically circling back from the Helsinki meeting. The presumption at the Helsinki meeting we want to be able to discuss these in a face to face and remote manner. Then - that reference there is a - it's the calendar page the work plan. And you'll notice if you go there that this schedule is in there as a comment for me, it's not in there formally it's a trial.

So anyhow going for the Helsinki meeting and looking how much time we have in between we would need to release these - this constituency comment probably by the week of six June that's week 23. So figuring back from there leaving two weeks for discussing a draft we basically have one, two, three, four weeks now are continuing to frame the issues on the six overall.

We've taken on two. We've got four more to do. So basically – and the way we talked about doing it is we sort of now set a pattern on how to do the initial discussions where there's a bit of discussion on the issues report and its content. We go through a discussion on the call and on the list of gathering the pros and cons and discussing the questions the issues that need to be understood and information collected on each of them.

Now for the two that we've discussed the next step is to basically start holding the framing questions as opposed to doing that kind of wordsmithing in the group the idea is that we're building a drafting team on to graphing these questions. Now not so much formal team making but basically working online with staff, the chairs group, and any volunteers that want to start contributing to the document on these questions we basically start working online on a document whether it's in drive or on wiki we still need to settle I tend to prefer drive because of its dynamic nature and putting snapshots on wiki but we can still work that out. But basically as much as we want to work on this – that's just possible work on this online.

So the overarching issues we've got - yes let me go through those and (unintelligible) question is the two that we've already been discussing should there be subsequent procedures and should there be differentiation among types of gTLDs? I think and I think we discussed in the with the chairs the leadership group what have you that now these are ready to start building the framing questions from the pros and cons that were given.

Yet to be discussed is should subsequent procedures be round? What should be the standards of predictability? And these questions are just markers. They're not necessarily the titles in the document. Should there be application submission limits one of the questions and should there be standards of community engagement?

Those were the issues that were listed among these overall issues. And so going through those we're for basically the next three to four weeks getting the pros and cons on those while we're developing in drafting team mode that text for this quest for community comment. And then the last two weeks go in to actually discussing those.

So what I wanted people, you know, can look at that schedule where basically (unintelligible) I tend to think in terms of the numbers. It helps me keep track of my year. We need to submit this report by week 23 and therefore that we drive that basic schedule just to discuss the scheduling of meetings between now and Helsinki just to have completed the conversation and me being after the submitting the constituency comment request would be a meeting prep week. And then and sort of the customary not have a meeting the week before or the week after style leaving the week before and the week after Helsinki open. And that sort of sets the stage for the meetings through Helsinki.

So I wanted to open the floor to (unintelligible) on driving to that schedule, on that process, and what have you any hands? I'll read now and see if there's anything to read? No I don't see anything yet. So is it okay to assume that driving to the schedule is involved? Are there any objections? Does anybody want to speak against driving to that goal?

And are people generally fine with doing the work online? I think what we could virtually do it is also put an update on what's happening in either these weekly meetings. And when I say primarily online it is possible that the group of people working as a drafting team may indeed decide to have a

discussion. If so we would try and find a meeting spot. We would make it open to all who wanted to participate. It would be archived, et cetera, but at this point not planning on any meetings of that sort.

Okay. Seeing no hands people want to get to substance and away from the scheduling stuff. So if there are no comments and would like to go actually go back to Jeff just as - for punctuation before moving on to the next overarching topic.

Jeff Neuman: So you're turning it back to me just to turn it back over to you? This is Jeff Neuman.

Avri Doria: Yes just in case, you know, something important came up, you know?

Jeff Neuman: Okay, thanks. Just I'm seeing some people volunteer on the chat for this small drafting team. So we'll keep track of that and make sure we go through the chat to document your names. And thank you it's good to see people volunteering and great. So the next subject now we'll get onto some of substance as we - as Avri talked about. We are still on the overall subject. And the next one is going to be led by Avri to talk about applications the recommendation of the or I should say the policy that was approved by consensus from the GNSO and approved by the board in 2008 was to assess applications for new gTLDs based in rounds.

And so there has been much discussion since then about whether we should do that in rounds, first come first serve or through any other mechanism. And so I'm going to turn it over to Avri to introduce the subject and to start talking about the pros and cons. Thanks Avri.

Avri Doria: Thank you. So as the slides says it's the next slide which starts should the subsequent procedures be rounds, it's Slide Number 4 if people are looking at it off list or off screen. You know, one of the questions that was asked in the issues report and has been asked is has the scale of demand been made

clear. Does the concept of rounds affect marketplace behavior, should factors beyond demand affect the type of application acceptance mechanisms?

There has as Jeff has said been a whole lot of discussion in this group. We've been careful not to presuppose it though, you know, the current policy does say there will not (unintelligible) so if we want to do something different we would need to make a policy recommendation to that effect.

Steve Chan did a - put out a set of excerpts from the issues picker. And this issue was discussed specifically in 4.2.7 of the issues paper. And I wanted to turn it over to him now to basically give us a quick walk through of that excerpt. So Steve can you take it please?

Steve Chan: Sure, thanks Avri. This is Steve Chan from staff. Let me un-synch this document for you all. So as Avri mentioned this is topic 4.2.7 from the final issue report. And it's application just in round. The relevant - or the relevant policy is Recommendation 13 which states applications must initially be set in round until the seal of demand is clear.

And so some of the things that the issue report noted is that as far as our research determined it - the definition of demand for this particular recommendation was not defined. And we also noted that perhaps things other the demand might be worth considering in determining if a different mechanism other that rounds would be warranted.

Some issues that were noted if a different mechanism was used is that for instance if there was a continuously open round where anyone could apply at any time there's a number of downstream effects that could be seen from changing from rounds to the other mechanism. So for instance things like objections and string contention in particular are built on the concept of rounds. And so if a different mechanism was decided upon those impacts would definitely need to be considered and thought through carefully to make

sure that either they're adjusted or different mechanisms or objections in contention and other affected things are well designed.

Another problem perhaps with that particular mechanism of continuously open would be, you know, there would be a perhaps a more extensive cost to retain providers on a continual basis. So some of the particular issues that discussion group members had noted as in regards to rounds was the fact that potential applicants would need to either make the plunge or have to wait an unknown period of time before they could apply in a subsequent procedure I guess is the word.

They also noted that the way that's set up in rounds and if you're in a contention set it can introduce you a delay for your application as you have to wait for all applications in the contention set to progress through the evaluation process. And it - the round format can also introduce rushes around milestones within the process which can be problematic for applicants as well as for ICANN systems and other things. So a very brief introduction to the relatively short section in the final issue report. And so with that I'll the send it back over to Avri. Thank you.

Avri Doria: Thank you. This is Avri speaking again. I had to find my unmute button. So now there were - before I start opening it up and collecting pros and cons there were specific concerns that were listed in the report. I had them both on the slide so we don't need to go back to the slide but they were the specific concerns identified by the drafting group regarding rounds included potential applicants must decide whether they want to commit to applying not knowing exactly when the next round will occur, particular applicants in contention sets may have to wait for other applicants to clear certain phases and it can cause a rush of activities around certain milestones.

So first I wanted to ask people to also in their comments consider whether these are in some form added to the list of pros and cons or not. Now the notepad is open on the screen and I'm wondering who wants to start talking

to the pros of rounds? Still no hands? So there are no pros to doing it in rounds? Okay I see a hand. Oh no I see (unintelligible) saying that there are no pros found. Is that what that was in agreement with? Okay I'll wait for an answer on that and go to (Chris) who has his hand up. (Kurt) the floor is yours.

(Kurt): Hi. Thanks Avri. So my recollection of the history of creating rounds was that because there was pent up demand that many would apply for a new gTLD almost simultaneously. And the way to manage that really was to have a round that had an opening and closing so then the contention that arose about many applying for the same TLD could be resolved in a sort of ordered and planned way.

So carrying that forward the argument would be that we should continue to have rounds until, you know, pent up demand is sort of exhausted and it becomes more like registrar accreditation where as different companies startup they would apply for a TLD.

So I think, you know, that would be the inflection point where we change from rounds to continuous availability was when that pent up demand was relieved. Otherwise, you know, I can't help but say that otherwise we'd wind up in a situation similar to digital archery. That's it.

Avri Doria: Okay, thank you. That's certainly a damning con to not doing it so digital archery of course if I - is seen by everyone as a failure. I'm not sure that it's necessarily the only possible solution but thank you. So (Martin) I see your hand is up now. I apologize for passing by you when it was a check, the floors yours.

(Martin): Thank you Avri, it's (Martin). So I think just to continue what (Kurt) was saying I think the opportunity of continuing on a round basis would be the predictability but there is a caveat to that. There would have to be some informed timeframe to complete the cycles so that if it was a for instance a

year activity from an opening window through to reviewing (unintelligible) objection process and then a phase of contracting and delegation then perhaps if that is something like a 12 month cycle where there is that predictability I think that, that may also help to resolve some of the concerns with an avalanche of applications. So I would say there is a policy for continuing rounds is safe but on a fixed cycle basis. Thank you.

Avri Doria: Thank you. And anyone that speaks please also look at what's recorded to make sure that, you know, you're comfortable with it and either in the chat or to later hand raising make comments on that. We'll run back through these again but just to be – Greg I see your hand up next.

Greg Shatan: Thanks, it's Greg Shatan for the record. One of the pros is that it groups and this is mentioned by (Kurt) I believe is that it makes (unintelligible) into first application into contention sets for identical applications I mean a first come first serve type of situation so I would view that I think as a pro. Thanks.

Avri Doria: Okay, thank you. (Martin) I see your hand is still out. Is that the old hand or okay it's gone, thank you. Okay Jeff you're the next hand.

Jeff Neuman: Yes, thanks this is Jeff Neuman. So I think I'm not sure where I would put this as both a pro and a con but I guess with rounds contention resolution is much more easy to manage. If you had first come first serve I guess your contention resolution would just be whoever is first but I'm not sure that first in time is actually the best way to resolve competing interests in a string.

Avri Doria: Okay, thank you. Steve Coates I have your hand next.

Steve Coates: Thanks Avri. I'm coming at this from a maybe a company or technological interest but also specifically a marketing interest. I think that if we do subsequent rounds that it will create time barriers for entry much like the first round. And company's it's very difficult for them to create things with huge gaps of time.

So for this sense of expediency ongoing rounds would be I think more preferable for companies that have to remain flexible in terms of their naming, in terms of their branding in terms of what they're building to be able to compete and create new innovations in that space. So I think that a con would be these artificial time barriers that we would create invariably as each round would happen. Thank you.

Avri Doria: Okay, thank you. I see Greg's hand up but before that I want to read through the two that are in the chat just to get them in. And then if they need to be spoken to those folks can raise their hand. One was (Ruben) besides noting whether doing rounds or not as a steady state procedure. There's a different question of whether the next instance should be around even being the last round. Probably like to ask for some clarification on that. I'm not sure I fully understand it.

And then (Kieran) has it seems like it's the nature of commerce. And I...

Steve Coates: Avri you broke up there.

Avri Doria: Sorry Greg, please?

Greg Shatan: Thanks, Greg Shatan. First the point I made the last time seems to have been captured to some extent in number six but it's not just that identical applications being put into contention sets are easier to manage it's also at least arguably more fair to have contention sets rather than first come first serve.

And I think that's as (Julie) mentioned in terms of cons I think rounds creates kind of artificial scarcity and artificial demand at least the idea being that if you don't get in now you may not get in for years, you know, tends to push those of the fence into applying in some cases. And I think we saw that, you know, particularly with some DotBrands.

And I don't know if the black box reveal type of thing is what we're going to talk about now. I don't think that had to be a feature of rounds. You could have an open pre-application list. Maybe I won't get to the issues of that now but at least in artificial scarcity artificial demand okay?

Avri Doria: Thank you, Avri speaking again. So basically that does - I have a question on this I guess. In terms of talking about (unintelligible) we spoke at the beginning of about we don't really understand how to define/measure demand. And one of the things we've talked about is pent up demand. And from your last question I would gather that there may be some mixing in sort of pent up demand in the raw state of commerce or nature here where what is the demand today versus what is the demand as soon as one announces a round with its limitations?

So the definition of demand is possibly somewhat flexible or is problematic in that flexibility that what do we mean by the demand? The demand we create or the demand that currently exists? And I'm wondering whether sort of defining that nature the nature of that demand is one of the problems that we need to ask about and we need to work on later in our process defining that. Are there any other hands? Have I missed anything from the chat that should be there? Okay, I see a hand Carlos Raul Gutierrez) please?

Carlos Raul Gutierrez): Yes, thank you Avri. This is Carlos Raul Gutierrez) for the record. I notice we are focusing on the right issue by focusing only on rounds. I want to repeat something Jeff said about competing interests. I think if you have competing interest you have to find a solution how to assign to one and not to the others as long as there auctions are different. But if there are no competing interests let's say if we have registered brands or registered trademarks that have been assigned previously so there are no competing interest then I think we should proceed or discuss it differently. Thank you.

Avri Doria: How should we discuss it differently? I missed that point.

Carlos Raul Gutierrez: If somebody has well and if somebody has a brand like the name of a river it might not be the best case. But if you have a registered brand and there is international recognition for this brand and this trademarks then there should be (unintelligible) interest. This has been solved in WIPO.

So if you have a registered brand and everything is - and is not a competing one because it's not the name of a river, or the name of the city then it has been solved, so why should these people have to wait longer?

One possibility of course is having shorter predictable rounds not as long as the last one. But I get the feeling that the question rounds or not rounds is just a procedure. I mean we have to take a step back and consider if it applies to all possible applications. And some applications are not pure generic words. Some applications are communities some applications are brands.

Avri Doria: So and pardon me for asking another question part of this looks like it would be some of the discussions we would have later when we were talking about rights and such. But part of it also looks about whether rounds need to be general rounds or whether they can be specific towards a type or kind of demand. Is that implied by your question?

Carlos Raul Gutierrez Raul Gutierrez Raul Gutierrez: Yes, yes I think rounds are appropriate if we have these competing interests as just defined by Jeff Neuman. If we don't have these competing interests we should consider other alternatives.

Avri Doria: Okay, thank you. Alan I have your hand up next.

Alan Greenberg: Thank you. I guess I don't understand it creates artificial demand in artificial scarcity. My understanding of no rounds means you just apply whenever you want. It's not that we're never going to take applications again it's that applications can come in anytime you want. So as soon as you have a new

brand if you want a TLD you apply for it. So I'm not quite sure why that creates scarcity or demand? I would think it's just the opposite.

Avri Doria: Thank you Alan. I thought -- and this is perhaps my understanding -- was the point that one of the cons around is that they by their nature of being long lasting and closing the door for a period of time is what creates the artificial demand and scarcity, but perhaps I misunderstood.

Alan Greenberg: Okay I...

Avri Doria: So I'll ask people that said that to comment. And Greg you have your hand up.

Alan Greenberg: Yes. It's Alan just to clarify. I thought cons was why we should not have rounds. Maybe I misinterpreted the word then. Thank you.

Avri Doria: Right. Well if I can clarify we've already been discussing whether we should have gTLDs. This is a discussion of in having them are we continuing along as the current policy is in terms of a succession of rounds or at least the next round or are we going to try and come up with some subsequent procedures that are not rounds? Greg?

Greg Shatan: Thanks, Greg Shatan. I think first we're talking about the cons to rounds. So this is a number five or two of what I think are cons to having rounds. So we're not talking about hopefully that's clear by now to Alan and others that the idea is that by, you know, closing the door, you know, it's almost it becomes almost like, you know, late night TV commercials, you know, buy now and we'll throw in an extra set of Ginsu knives but only if you call in the next 15 minutes after that the round is closed.

So that's kind of artificial demand and artificial scarcity. That's the point I'm making is it's kind of to some extent its market manipulation. I'm not saying that that's, you know, illegal or immoral but it is kind of a marketing concept

that you want. If you're trying to sell things sometimes you do create demand by having limited windows of opportunity to buy or to buy at a particular price. That's why sales are popular. So, you know, this is all about someone said this is kind of marketing behavior here.

You know, and we should also think and I don't think we have any if there are technical pros and cons to rounds since we're talking more about kind of policy and marketing. And the fear of the - what the potential applicants are thinking about, just a thought thanks.

Avri Doria: Thank you. Looking at the question now I see (Mark Krekenberg) had a question how is having rounds like digital archery? I think the point was being made is that we don't have rounds then we are putting ourselves into a subsequent procedure that may have attributes that are similar to digital archery and that rounds helps prevent that in some manner is I think the point that was being made.

Okay, let me look. I don't see any other hands up assuming Greg's hand is an old one. And looking at this before we close this exercise for today and one of the things we did last time in our process was at the beginning of the next meeting we went through the pros and cons having had the list open for a week, having had online discussions if possible not online I mean on list discussions if possible that we came back to it and another quick pass through it to make sure that it was worded well and that it was sufficiently inclusive. So are there any more comments on the pros and cons as they are listed here now?

I keep telling my sound comes and goes. And I'm sorry I'm sitting in one place with the microphone. Hopefully that's me - not me. Okay there's more comments being typed. There was a pro above that was not added. Please if it gets missed in the comments we will go back and look for it but also feel free to speak to make sure that it's clear and understood conversationally, any other hands?

Okay draw a line under this for the moment. We will come back to it again at the beginning of the next meeting. We will open discussion on it to the email list after the meeting. People can continue to collect statements in the chat though I would ask that if people (unintelligible) in the chat on this topic just prefix it with something like rounds colon so that if the comment is somewhat ambiguous people can tell what subject it belonged to.

Once again last time asking for hands on this one before we move on? Okay moving on, Jeff I know you're going to pass it right back to me but I'll pass it back to you for formality sake and just to see if there was any other issues that needed to be brought in at this time before we proceed to the next discussion which was six.

Jeff Neuman: Okay, thanks Avri. This is Jeff Neuman. The next topic is on predictability. And as we talked about weeks ago this topic really as it's getting put up is really talking about how the - in the final policy from the GNSO it said that the new TLDs should be introduced in a predictable manner. And as we know that there were a number of things that changed even after the quote final guidebook came out. In fact the final guidebook that came out was not even the final guidebook.

The final, final guidebook actually came out in June after applications had already been submitted and due. So this topic really is to talk about how we can ensure that TLDs can be introduced to make predictable manner, predictable or applicants but also predictable for the community and those that may want to object. So how do we do that while at the same time balancing the need to introduce changes into the process where it seems absolutely necessary? So with that Avri I will turn it back over to you. Thanks.

Avri Doria: Thank you. You covered much of what I had on my slide which is great thank you so that we don't really need to go back to the slide but to bring up a section I guess it's 422 of the excerpt of 422 that Steve prepared and asking

to basically take us through the issues that were discussed in the issues report that led to the chartering of this group. So Steve the floor is yours. No Jeff you did not steal my thunder. I was just marking that it got done so I don't need to. So Steve the floor is yours.

Steve Chan: Thank you Avri. This is Steve Chan from staff again. Once again I've put up an excerpt from the final issue report. It's for Section 422. And so Jeff touched on this but the specific recommendations and one principle that are in regards to predictability that staff filed the connection to was Recommendation 1 which is you should see on the first page of this excerpt and Recommendation 9 and then Principle A. And there may be others relating but these are the ones that staff identified for the final issue report. And so these two recommendations and the principal were, you know, focused around transparency and predictability making sure if things are pre-published the process should be orderly and timely.

And so the discussion group had identified predictability as an issue because it can impact the way that they plan for things and it can obviously lead to problems for applicants and for ICANN as well actually. And so what are some of the causes for why predictability became an issue for the 2012 round?

So one of the maybe perhaps obvious causes of this is because this was a new program while there were concept rounds proof of concept rounds they were not to the scale of the 2012 round. And so it is in fact possibly very difficult to plan for every circumstance that can be imagined so some of the things that have come out from the 2012 round have been designed to try to mitigate some of these things that were experienced in the 2012 round. And so one of the outcomes of the issues that people experienced was Non-PDP Policy and Implementation Working Group, and I think I see a couple of folks or members that were a part of that working group. Some of the things that came out of that were to try to develop a more predictable and collaborative

way of implementing policy recommendations but as well there were also new mechanisms created for ways to provide input.

And so there's the GNSO guidance process. There's the GNSO input process and then there's also the expedited PDP. So there is these mechanisms now that exist that help try to mitigate issues that are discovered later in the process. So even if there are problems that are not or I guess things that are not identified in – earlier in the process there's ways to better mitigate it after they're discovered midstream.

Issues with predictability can also be perhaps driven to the lack of specificity in the 2007 final report. And I - so I also sort of touched on this but the existence of implementation review teams that didn't exist on - at the point when the new gTLD program was implemented. And so that's actually something that'd essentially required at this point out of every policy development process.

A couple of other things that are - have been introduced that should also help with predictability issues are more specific engagement with supporting organizations and advisory committees which include liaison. So the GAC liaison a concept that didn't exist previously that now is something that is part of the GNSO processes.

The GNSO processes that I had mentioned that helped course correct and then also the IRTs. So there are some things that are already in existence that should help some of the predictable - predictability issues that were experienced. But of course this working group is obviously welcome to try to find - think new things that can help the issue. I think that's all I wanted to cover and I'll pass it back over to Avri. Thank you.

Avri Doria: Okay thanks. So we come to the point of trying to collect this list now. We've been working on pros and cons. And I think that perhaps there are some pros and cons to predictability. But I think in terms of this question there may be a

third aspect that we need to look at. And that is the standards for predictability is what really should be expected by applicants and by often the community.

And I think the discussion of mitigation for, you know, the exogenous factors the things that change in the world, you know, needs to be dealt with. So we may want to -- and I don't know if anybody has any objections to doing that -- to having not only pros and cons for predictability when balancing changes in the process but also standards for predictability and mitigation for exogenous factors. So I don't know whether those are categories that we want to add to this collection but I'll asked people to raise their hands and start contributing. And I'll take a look at the chat to see whether there's any comments that need to be read in. But I see that Jeff had his hand out first, so Jeff please?

Jeff Neuman: Thanks. And I'll offer this as an opinion of (unintelligible) but not as chairs of this group. So this is a personal opinion. But as I said in the chat I believe that one of the reasons there is unpredictability was on ICANN's part lack of decisiveness to stick to what was in the guidebook. So if a group complained whether it be the GAC or another group ICANN was always open to listening to it and to dragging it on.

We saw this issue with name collision. We saw this issue with certain GAC advice where the guidebook was clear in certain circumstances and yet ICANN kept allowing things to be revisited so I think that led to predictability. So I think we need some sort of standard in the new process that, you know, unless there's some compelling interest and, you know, we'd have to define what compelling interest was but unless there is a truly strong compelling interest whatever the rules are set out at the beginning when people apply need to be stuck to no matter what absent that compelling and substantial interest. Thanks.

Avri Doria: Thank you Jeff. And I did add the two categories to the note. And I actually did put Jeff's comment sort of in there though I'm not sure I phrased it right, (Martin) please.

(Martin): Just to follow on, it's (Martin) here. So just to follow on from what Jeff said I think there is some caution though in that as you introduce new players into the market there are invariably different models introduced. So I don't think that the round that we're talking about actually (unintelligible) for those new entrants. So I think there is that cautionary tale and that perhaps advanced thinking before another round is entertained would actually alleviate some of those problems too. Thank you.

Avri Doria: Thank you. I don't see another hand. We do have one comment from (Jay) legal and application processes are still being worked out and argued. So it's nice to have predictability by having those issues worked out ahead of time. There were reasons for – I'm going back sticking to what is the guidebook. Okay that I caught under standards seeing as it wasn't a pro of predictability or a con it was a standard for.

Predictability this is from (Janik). I suggest ICANN Board analyzes and makes decision on GAC's input, the final AGB principal, and agree with GAC not to change rules for applicants after applications have been submitted. In this way we would not experience such things as sensitive strings (unintelligible) to letter really.

So this might be another condition that would fall under standards to be expected or perhaps even a mitigating factor. So between the two that you mitigate some of these changes by making sure that, you know, I's are crossed and T's are dotted up front.

There was another reason for unpredictability was GAC advice. And that relates to the previous comment any GPC response. And there's (Jay)'s comment I already read. Comments on the new CEO but that is an issue we

hopefully won't have in the middle of implementation next time or maybe we do hope I don't know.

Predictability offers to improve the communication that was put in the way those issues of competing interest are resolved (unintelligible) as well. So Steve Chan is that – where does that one fall? Was that a standard that needs to be formed that needs to be developed?

Then there's (Jorge) (unintelligible) elements to enhance predictability is to develop adaptations to policy based on a community effort from the start. We have (unintelligible) and work on silos is slowly being superseded by cross community efforts - by cross community work.

And indeed the way we're creating these new sets of policies with a very full set of community participants to contribute and reaching out to everybody on all of these issues is indeed a cross community change that wasn't there when we created the last set of recommendations. So already I think that but we need to look at that the standards for predictability (unintelligible) we're doing enough. Jeff is that a new hand or is that still the old hand?

Jeff Neuman: That's a new one.

Avri Doria: Okay please.

Jeff Neuman: Okay yes. So I think it also as a pro or what needs to be reflected and I'm sure we'll get comments from applicants again this is kind of a comment as an applicant not as a chair. There were a lot of entities whether businesses, or nonprofits or whatever that applied that lost a lot of money due to the delays and the changing rules of ICANN.

That they applicants who were asked to provide a business plan and they did and applicants were gearing up to what they believed would be an

appropriate launch timeline given the application process and what was in the guidebooks. And that - those business plans often were delayed by years.

And so there were like I said entities. And I'm not just saying businesses but whoever they were that applied lost a lot of money, they hired up to make sure that they were employees there. And then they had to either fire those employees or not pay them for a period of time.

And so the lack of predictability caused a tangible effect on applicants that they lost a lot of money. And I will also say that the lack of predictability interestingly enough with the number of applicants, brands and otherwise there were complete turn over in staff at those applicants whether it be brands or whatever. Different sponsors of that top level domain where by the time the TLD was - the contract was signed and the TLD was ready to be delegated these companies, and nonprofits or whatever lost interest in the top level domain so all of that lack of predictability had a real tangible effect on the number - on the applicants themselves.

Avri Doria: Thank you. I've seen a little discussion going on all about what was meant by cross community. And (Jorge) says he's not asking at least I understand not asking that this become a, you know, formal thing called a cross community working group but acknowledging the need for us to kind of do what we're doing but make sure that we pay attention to the cross community aspects of it.

And I think I understood. But, you know, it is something that is very (unintelligible) last time. But that still doesn't mean that we don't have to be careful all the way through that we are keeping all those cross community communication lines open.

Now there's no cons in this list to predictability. But I think one that I did hear is that too much predictability may affect flexibility in a harmful way. And that that's sort of the other side of the equation. And while I am a fan of complete

flexibility I can – I mean of complete predictability with flexibility up and until the activation period opens as was said at the beginning the exogenous factors in the world the things that weren't thought of can never be completely covered.

We certainly can do a lot better than was done under the previous methodology. But, you know, you have a balance if you're trying cover every issue of predictability then the policymaking period is extended. So finding that balance between where you've discussed enough and it's time to move on and where you've left too much ambiguity and you need to consider discussing is probably another issue that falls in the con in terms of to cover everything requires delaying policy forever. Put perhaps too bluntly but that could possibly be another con.

Okay, I see no other hand. Anybody take a look at this are there any issues that they see the need to be added now? As I say we will come back to these next time at the beginning of the meeting to go through. I encourage people to discuss them further on the email list. I again encourage people in the next 12 minutes we have before this meeting ends to continue adding comments here. And, you know, I see some have already started out with standards colon to indicate that they're talking about the comments related to this the comments related to predictability.

Is there anything that I need to read out loud before closing this topic? I don't see any. Any last hands before I hand it back to Jeff? Okay I want to thank everybody for contributing to these two. And Jeff the floor is back to you for...

Jeff Neuman: Thank you.

Avri Doria: ...I guess any other business. I will raise my hand for one element of any...

Jeff Neuman: Okay, thanks Avri. Yes as Avri said we are getting close to finishing up the call. I'll do an issue a call for any other business. And Avri you're the first person. So what can I do - what can we do?

Man: Oh you guys can't hear me at all? Hello?

Woman: Yes. We can hear you.

Man: Oh okay. Okay good. Sorry he said that he couldn't hear me. Avri can you hear me? You're on mute. You're...

Avri Doria: Yes, I can hear you. Yes I could hear you and in fact I even heard you before I was talking muted. So one of the things I wanted to bring up that I think we need to add quickly to our agenda is action items review. And as this meeting was started I realized that perhaps, you know, we had action items from last time that I for example hadn't done in terms of for example crafting and sending out a letter to all of the SOACs requesting their issues from the last from the 212 round.

And so - and I wanted to note that there is an action item list on our wiki page which the staff has been keeping up. I just put it in the chat so people can look at it. We're keeping a running list there. I asked people in the group to check it periodically see if something is missing, see if something's status is right or wrong, to make comments these pages all have comment fields for people to fill in comments.

They're not in line comments like you'd find in some other tools but they do allow for comments. And that we should have a quick review of action items at the beginning of future meetings so that anything that was due that week or in progress could just have a quick status update. That was my item.

Jeff Neuman: Okay, thank you Avri. This is Jeff Neuman again. The only other thing I think action item that we need to get back to the group on is the timing of calls. I

know that this week it was pretty inconvenient the call for those in the Asia Pacific area of the world. So thank you for those that have attended and we'll continue to look at the times.

Right now the next call is scheduled for next Monday, May 2 at 22:00 UTC Time. And we'll continue to look to see how we can equally inconvenience everyone for these calls. So with that anybody any last comments anyone have? No? Well I want to thank Avri, and Steve, and ICANN staff as always and everyone for attending this call. We'll see you next Monday. Thank you. We can stop the recording.

Woman: Thanks Avri, thanks everyone. Bye.

Man: Bye.

Avri Doria: Bye-bye everybody. Thank you.

Man: Bye all.

Michelle Desmyter: Thank you everyone. Today's meeting has been adjourned. Operator again please stop the recording and disconnect all remaining lines. Enjoy the remainder of your day everyone.

END