

**ICANN Transcription
New gTLD Subsequent Procedures Working Group
Monday 16 May 2016 at 2200 UTC**

Note: The following is the output of transcribing from an audio recording of New gTLD Subsequent Procedures Working Group call on the Monday 16 May 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-16may16-en.mp3>

Operator: The recordings have started, you may proceed.

Michelle DeSmyter: Great thank you, (Dane). Thank you again for your patience, everyone. Welcome to the New gTLD Subsequent Procedures Working Group call on the 16th of May, 2016, 2200 UTC.

In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room. So if you're only on the audio bridge please let yourself be known now. Thank you.

I'd like to remind you all to 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.

Avri, you may begin.

Avri Doria: Okay thank you very much, Michelle. This is Avri Doria speaking. So now go to the agenda review. After this we'll do the SOIs, then we'll do the review of action items. Then Steve will lead us on a talk of the draft work plan that he has been putting together and working on for the last couple weeks. It's a very complicated schedule. So we'll go through that.

Then we'll do the second subject discussion on community engagement and then we'll do the second discussion on application submission limits. Both of those going through the notes that were taken last time. And then we'll have any other business. Does anybody have any items of any other business that they want to add to the agenda at this point? Okay hearing none I'll ask again when we get to this agenda item just in case anything comes up in the meantime.

Moving on to SOIs and roll call. The roll call was already done. I'd like to give a chance for anyone that's just joined on the phone to speak up. Okay, hearing no one. On SOIs I'd like to remind everyone that these need to be updated if there's a change in the situation of whether it's new jobs or new interests. Does anybody have an SOI change they'd like to mention now? Okay, hearing none, just like to remind people to make any changes in the SOI online and then to mention it at the next meeting.

Okay, at this point we go to Item 3 which is review of action items. And I turn the floor over to – is it you, Steve or is it Julie?

Steve Chan: Thanks, Avri. I guess it's me. I was trying to add the – or bring up the action item on the screen, one second please. All right so it's on the screen now. I don't know if I said my name, this is Steve Chan from staff for the transcript. Let's see what happened. So there was a completed action item – trying to find the number. So it's Item 16 is the catalog and advice and statements from the 2012 round of new gTLDs.

Those were distributed on Friday. Those are available on the wiki if you want to see the letters that were sent out. I just posted the link in the AC room. Don't think we had much else assigned to that.

Item 24 was our quest to get data on applications received for the 2012 round. Staff found a few links to consider – for the working group to consider. I think it'd be good if members could suggest other sources of data that they might want to look at. I think that's all we had for actions actually. So back to you, Avri, thanks.

Avri Doria: Okay thank you. I'd like to point out one other which I believe is 22, the draft (unintelligible) to develop Constituency Comment 1. Just wanted to give an update on that. And as of today we have a partial first draft that has been put into a Google drive document, and all the members of the drafting team have been informed of that. And we will hopefully work on it over the next week so that next week's meeting we can take a first look at it in this group as a whole.

Any questions or issues on the action items? Anything forgotten about? No? Okay then that's Item 3. We'll move on to Item 4 which will also turn over to Steve to do a look at the draft work plan and to have a discussion on it basically to start discussing the issues of our ongoing schedule. Steve, turn it back over to you.

Steve Chan: Thanks, Avri. This is Steve Chan from staff again. And I'm trying to get the schedule loaded into the AC room right now. And it'd be great if Michelle maybe could help add that if she has it available.

Michelle DeSmyter: Absolutely. One moment please.

Steve Chan: Thank you. So while we wait for the schedule to load, so I guess first I wanted to start with the structure of how this project plan is laid out. I know there's a lot to look at; it's long and it's complicated as Avri mentioned, and it's maybe

more detailed than you all want to look at but I think it's good to help us get a sense of what's ahead of us and perhaps how we want to organize our work. I kind of want to have this displayed before I start going through this. So let me pause here for a second.

Avri Doria: This is Avri again. I also want to recommend to people that you open up the copies that were sent in your email if you can because you may find that you want to enlarge your view somewhat while it's being talked through. So I did make that recommendation while we're waiting for it to open up on the screen.

Steve Chan: All right. Thank you very much, Michelle. This is Steve again from staff. So the way that this is set up is there's a few items that we've actually already completed so the first grouping of tasks, you'll see our – the issue report which is clearly already completed. The next thing is the initiation of this PDP and operations, that's all been completed.

Below that is – we're going to actually track every working group meeting that has been conducted and is planned for the future. The next section after that is miscellaneous working group activities which is things like selecting the liaison for the – between this working group and the RPMs PDP. One of the things we already completed, which was review existing principles and recommendations. That was one of the things we did – one of the first things this working group actually completed.

And so below that is where it starts to come into the substantive elements for this working group. And so where we are right now is this overarching issues and topics section and that starts on Line 37 for those who are looking on the screen or on their own copies. And so within that is the six subjects that we've discussed preliminarily so far.

So below the overarching issues and topics is where the track-based work is found. You'll see four checks underneath. Track 1 is overall process; Track 2

is legal, contractual and regulatory; Track 3 is string contention objections and disputes; and Track 4 is what we are potentially putting forward as a combination of what would have been Track 4 and Track 5. It would now contain IDNs, security and stability and the evaluation process.

Previously Track 4 had just been IDNs and universal acceptance which it seemed kind of like a light agenda for a whole track so one suggestion is to perhaps combine those into single track. And then so below that is what we're calling Phase 2 which is sort of dependency driven subjects.

For instance, there's a number of subjects that the CCT RT had identified that are high interest topics and just something – some of those things like the – I'm blanking on things that have been mentioned but so some of those subjects we would want to perhaps address later in the process after we had gone through every single subject preliminarily. And then something also that might belong there is a dependency driven subject like the evaluation criteria or the base agreement.

And then so finally after that what we're calling sort of a Phase 2 is the initial report and the final report. And so that's just a very high level overview on the structure of the project plan. And so I guess first of all I want to say it's guidance and the project plan goes pretty far out and so I'd say this is not set in stone and I'm fairly certain that we're going to have make adjustments along the way. But I think having this all laid out and having it available for the working group to view and consider I think will actually help the working group decide its path forward.

And so another thing that can maybe move some of these things is there's just a number of moving parts within the community. There's the CCT RT, there's the RPMs PDP. So while staff has put this forward I – we certainly welcome feedback to try to define this and perhaps make it clearer.

And so I want to run through some assumptions that were – I guess the assumptions underlying how this project plan was prepared. So the overarching issues, the six subjects that we've already discussed those are actually dependency for starting the track-based work, the Tracks 1-4.

Currently how the tracks are set up in this project plan is they're all set to run in parallel which is an assumption that they're basically going to be subgroups and there's going to be four subgroups and they will all run in parallel which could be a challenge potentially but we're going to take comments on that.

So the – and so these tracks are largely based on the groupings that the discussion group had established probably a year and a half ago at this point. So we might not actually have the tracks designed how we – ideally perhaps.

So also the duration for each subject review is really a rough estimate based on perceived complexity. We've also made a cursory attempt at sort of capturing the sequence in the subject reviews in each of the tracks. It's really to try to get a better sense of the completion date although we don't really know how quickly we're going to get through each subject and onto the next one and onto the next one so it's just to try to add a sense of that sequence and just to have a sense of that completion date.

And so I think what we would also welcome is the working group looking at the ordering of the subjects. They're not necessarily in a logical progression so we welcome thoughts on that.

And so another assumption that is in here is that the subjects that the CCT RT determine were of high interest, those are actually pushed to the end of each work track. So what that's doing is essentially the input from the CCT RT on those subjects is a dependency for them to be even begun to be discussed by this working group. So whether or not that's the right approach or not is open for discussion.

But what will happen eventually is more precision will be added once we get better guidance from the CCT RT when they intend to complete subjects or their work on the subjects or related subjects and also what their expected outcomes are from the reviews. So hopefully that makes sense. I don't see any hands yet.

But just to try to kick off some of the questions I would pose to you at least to consider, so a test on this but should the tracks run in parallel with sub teams and so the principle benefit that I think that is gained from running in parallel is that the group may be able to move more quickly but the drawbacks are that sub teams are sometimes difficult to manage, the membership may be spread thing and for those that may want to participate in all sub teams they may be overburdened from that participation.

And so that's also a burden on the leadership and staff which includes Julie and I but also the secretaries as well for running all those groups together. And so sub teams are actually generally kind of discouraged by staff because they are difficult to manage. But if the desire of the group is to try to move faster, then subgroups is one way to do that. And so that's actually how it's captured in the work plan right now.

So I touched on this as well, the way that the subjects – the tracks I think it would be good for the working group to really look at the tracks, what's in them, the sequencing of subjects and to really think about if those are the logical way for them to be organized.

And so I – when we first started meeting as a working group staff had actually put forward a slightly different organization where foundational questions are asked first which include things like TLD types, whether or not there should be different ones, accreditation programs. And then pushing dependency laden topics further out to be addressed later in the process. So once again, that might be something that this working group might want to adjust.

And so another question that I touched on earlier is the CCT RT input, should it be a dependency for us to initiate our work or should it more be a dependency to complete work? So those are just a few questions that I would like us to start with. And of course if there's any other questions that working group members have specifically about the work plan I welcome them now. Thank you.

Avri Doria: Okay thanks. This is Avri again. And I'd like to add a couple comments as we wait for people to raise their hands if there are indeed. Some of the discussions that we had in the leadership team on this schedule basically found some of us worrying about how long it took and others thinking that some of these timings were incredibly optimistic. I'll confess to being one of the ones that thought some of the timings were optimistic.

And for example, can we integrate Line 40 input in 14 days or is it going to take longer? If we get very little input certainly 14 days will be fine. If we get a lot, it may take us longer because part of what we want to do on the overarching is arrive at draft text and draft decisions on those overarching issues before we move on.

To fill in a little bit on what Steve said about the CCT RT is that the compromise position we're taking is that we're hoping that by having pushing later in each of the tracks we will have at least seen some of their draft work whether it's issues reports or something like that, and we're still working to try and dovetail those schedules so that, you know, in terms of the questions Steve asked do we have a dependency on them finishing, before we start or not, we sort of chewed it early and say no, we can start once we have a clue about where they're going but, you know, we will have to review anything we do after in that second phase once they actually finalize their work after having gotten their comments. So those are two I have.

The other thing is just to notice that this schedule, which is really a cross between the optimistic and the more pessimistic about timing does have it ending 128 – in Line 128 in August of '18 is when we would reach the agreement on a final report.

The last thing I want to say is that even once we get this first schedule this is something that we will have to review often and once we have the larger leadership team which will include the facilitators from the tracks, you know, we will do periodic reviews on whatever schedule we've got at the time. So having added that content I see one hand, Alan, the floor is yours.

Alan Greenberg: Thank you very much. I'm at a stage of not being able to see the forest for the trees right now so I'm going to make some purely logistic or mechanical comments that may make this kind of chart a lot easier for us to absorb. I'm certainly having a hard time of it and I've got two 23 inch screens beside each other.

This chart can be compressed by about 1/3 at least just by doing things like removing the word "days" from each thing, not putting the time of day in the start and end, compressing the dependencies to a size of a field that only requires three characters in it because that's the longest we have.

I think if you can do those kind of things it may get down to a stage where people can actually look at it and make specific comments on the content. I'm not at that stage right now. But perhaps the next version can be done a little bit easier to process for those of us who are have not been doing this for the last several months. Thank you.

Avri Doria: Thank you, Alan. Yes, we have been talking about ways to make this more easily digested. But there was also the feeling that just seeing it in all of its full glory was a good place to start. But indeed those are good suggestions that...

((Crosstalk))

Alan Greenberg: On a two-year project I'm not sure we need time of day.

Avri Doria: Probably not. Probably not. It may also though have to do with the tool – it may also have to do with the tool that's being used and how to get it to suppress that but we can look into that.

Alan Greenberg: Thank you.

Avri Doria: Any other comments at this time? I know people have not had a chance to absorb it in any way. As I say, I've been looking at it for, I guess two weeks now and do begin to feel that I'm absorbing it but it's still quite overwhelming.

So any other comments at this point or do you just all want to take this, look at it, send a little time thinking through the questions that Steve has proposed and then we'll put it on another meeting agenda in a couple weeks and such. Yes, Steve, please.

Steve Coates: Thanks, Avri. Steve Coates. I think I'd like to build on that point of taking it home as a homework exercise. I think there's a lot of things to absorb here. I don't feel like I've absorbed it all. So the main tenants that I take away from Steve's plan is that, you know, we have five separate work tracks, we're talking about managing most of those sequentially so we're not going to manage these in tandem; we're going to do them all in a row because of workload issues but also because of the magnitude of the topics we're talking about.

There's also things in each work track that I think we have to get our head around in terms of, you know, what are they, what needs to be there and what maybe shouldn't need to be there. And I think that would be a really good conversation for people to have. And it's probably not the most opportune time now that, you know, no one's digested it yet and we could

come back in a week or maybe in two weeks and been able to have a bit more robust conversation. Thank you, Avri.

Avri Doria: Thank you. Yeah, and also another thing I'd like to mention is since these tracks won't be starting until after the Helsinki meeting the Helsinki meeting will be a good for us to find out, you know, how people divide themselves among these tracks and which people are interested in being facilitators for the tracks. And as any of you worked in the transition in the accountability teams know, that those facilitator roles are indeed work intensive and it does get quite heavy at times.

So I ask people to think seriously about volunteering in those facilitator tracks and we'll have a conversation on that, you know, in Helsinki or right after but also to be aware of the workload you'd be volunteering for.

Alan, I see your hand again, please.

Alan Greenberg: Thank you. Just one comment. I agree that we have to try to assess to what extent things can be done overlap and how do the people map out over this whole project. There are a number of us who will be in Helsinki but we are also committed to other working groups, other activities as well so we'll not necessarily be in the GNSO PDP sessions in the morning and early afternoon at all times.

So I ask for care in making the decisions like that, make sure you're not restricting it only to the people who can afford to be only in the GNSO. There's a number of people in this working group who, I hope, will be fairly considered when we're making these decisions who are not full time GNSO. Thank you.

Avri Doria: Certainly. Thank you, Alan. This is Avri again. That's a very good point. And I think you could trust that we will be button-holing people that, you know, can't make it to those meetings and also, like everything else we do, you know,

we'll go through things several times and mention it on the list as well so that everyone in this very large group of ours can have a chance to volunteer for the teams, the track teams – oh I like that, the track teams - and we can get a fair distribution of talent across the group.

So, you know, and working groups, even though Greg does say all GNSO all the time, these groups are, you know, working groups of the full community under the auspice of the GNSO and, you know, we will be looking for the best facilitators to suffer through these two years' worth of work.

Anybody else like to speak to the schedule, ask questions about any part of it now that you've had a little bit of time to look through it?

((Crosstalk))

Avri Doria: Before we move on? Yes? Please, I hear someone. Was that not someone wanting to speak? I guess not. So – okay so no further comments on that. Thank you very much, Steve, for putting it together and laying up to deal with this after having traveled all night the night before so I very much appreciate that – both the effort in putting together and the effort in staying up to present it.

And we'll now move on to Item 5, which is Subject Decision 424 on community engagement continued. This is one that I worked through. Can we get the notes brought up so people could see the notes from the last time on this topic? So well I'll talk us through this one. This is fairly easy. And Steve Coates, I don't know if you're up for it but since Jeff wasn't able to join us for this call I'll ask you to do the next one if you're willing. If not, I can take it but going back to the...

((Crosstalk))

Avri Doria: ...one. Okay thank you. On community engagement it was a very brief one. We're looking if there's anything to add. So things that we had collected in the last discussion was maybe some sort of (unintelligible) PDP policy considerations.

Then is there time in the process that we say the Guidebook is out, people have applied that we say no more. Then community engagement would affect the subsequent window. And that was basically is there a time when flexibility basically comes to an end and, you know, we proceed with what we've got there or can that – is that even possible.

Then there was the point if something does come up it can't just be decided by the board, it needs to come back to a policy process. Any advice we can issue to the board, unless it rises to this standard, everything stays as in the process and is allowed to finish. Is there a burden or standard we can establish?

This was basically a discussion of whether we can and want to add recommendations to the policy that we send on to the board about how to handle community – post PDP community involvement especially since this time around we hope that we are coming at the process not perhaps like a cross community but even though it's a GNSO group using the full function that we've been learning in cross community of trying to get buy-in along the way, of including people from all of the SO/AC and larger communities in our discussions. So those were the thoughts that were behind the community engagement discussion we had last week.

I'm – we'll open the floor now to anyone else that has anything they believe needs to be added to this or changes to it or objections to it what have you. So if anybody would like to add something or change something please raise your hand now. Okay, I see no hands on this one. So we'll take this one and basically process it into the CC1 document so it'll be there for further discussion next week when we start to go through the constituency comment

1 request and the questions that we will be directing to the constituencies reminding people that's defined as the stakeholder groups, the GNSO constituencies and the other SOs and ACs.

And with that, seeing that there are no last minute requests for comment, I'll pass the floor on to Steven Coates for the session that Jeff led last week. Steve, the floor is yours.

Steve Coates: Thanks, Avri. Steve Coates. So we talked about this last week, application submission limits. As a reminder, there were no policy recommendations of the 2007 final report, some questions and concerns were raised noting that unlimited applications from any applicant could make it more difficult for applicants with limited funding to compete.

Also, allowing unlimited applications creates more competition for more valuable strings, make it even more difficult for our applicants in underserved regions – geographic regions to also compete. The three main questions that were raised were there questions of fairness in establishing limits?

Are there any antitrust implications for ICANN and possibly restricting competition for a scarce resource? Number 2, what is a reasonable limit on applications per applicant? And, Number 3, with the use of shell companies and consultants is it feasible to restrict them?

The underlying rationale for the policy development was that application limits were not discussed in the 2007 final report. If we decide to undertake to review this, we may need to consider defining what application limitation – excuse me – what application limitation mechanism should we define and create for assessing and resolving this particular issue.

So there were several comments that were made last week. We talked about pros and cons of having limits in general and then what that limit per applicant would be. I'll go through them really quickly.

So overall applications, the pros of having limits or if you were dealing in rounds you would get through them more quickly. You could limit the numbers per applicant. Number 2, where it possible there might be limits – might be that limits might keep the application fee down. Number 3, might keep application fees down – oh there's some duplication there.

Cons of having limits, Number 1, if we create a limit one can create several applicants and get around the limits. Number 2, any limit seems anticompetitive could stifle competition. Number 3, limits in the number of applications or time to apply may favor those who are closely following the process as opposed to others who may require outreach. Number 4, may not be able to enforce. Number 5, can be gamed. Number 6, affect how and when applicant support is implemented assuming any form of applicant support is actually limited.

Then the second topic was the limit per applicant. The pros of having limits, Number 1, if you were dealing in rounds you would get through them more quickly. Limit could be numbers per applicant. Number 2, allowing unlimited applications to an individual organization per applicant potentially advantages monopolies. Number 3, might keep application fees down. Number 4, reduce the number of applications from applicants could conceivably reduce demand.

Cons of having limits. If we create a limit one can create several applicants and get around the limits. Number 2, any limit seems anticompetitive.

Number 3, adds complexity and uncertainty to the process. Number 4, can be gamed. Number 5, any limit seems anticompetitive, could stifle competition. Number 6, affect how and when applicant support is implemented assuming any form of applicant support is actually implemented.

Number 7, more cost effective to apply for multiple applications. Number 8, multiple apps and economies of scale are clearly supported by the fact that biggest volume and successful TLDs are portfolio applicants.

So I'm going to open it up to the chat room and for conversation about whether anything should be added to this list before we move it over to the document.

Avri Doria: Is there any hands?

Steve Coates: Seeing no hands, Greg.

Greg Shatan: Thanks. Greg Shatan, not anything earth shattering, and I see it's already being taken care of in the screen. The was just a redundancy there. So having nothing sparkling to say I'll stop talking.

Steve Coates: Thanks, Greg. Any – I saw Alan in the chat but he's disappeared. Greg, that's an old hand, right? Seeing nothing further I'll pass it back to Avri.

Avri Doria: Okay. Okay, I see a question from Alan. "Is limits competition different than stifle competition?" I would assume that stifling was a degree of limitation but there may be limits that don't quite meet the standard of stifling but I have no idea really. I see people are typing. While waiting for what people have typed that was our agenda for today.

Okay, Julie says "probably could use just either one." I would recommend using a more neutral term, limits that has ranges but, you know, we have time to do word-smithing. And Greg says "Stifling competition is a bit different from being anticompetitive." So Alan says, "It's been a long day, I'm just being argumentative." I will not comment.

Okay so if that's the end of that discussion we will probably bring this meeting to a close quite quickly. We still have any other business. And oh and Greg is

adamantly disagreeing. So did anybody have any other business or anything that was discussed earlier in this meeting that they have need to speak to before we end the meeting early? And I apologize for ending the meeting especially to those of you who, you know, stayed up to come to the meeting.

I see no – oh yes, Steve, I see your hand up. Please, you have other business.

Steve Chan: Thanks. Thanks, Avri. This Steve Chan from staff. And I just wanted to make sure everyone is aware that the next call on the 23rd of May is going to be the first of our trials at a new time so just be aware it's 1300 UTC so make sure that gets into your calendar. And you're aware that's at a new time for us. So that's all I wanted to say. Thanks, Avri.

Avri Doria: Okay thank you. And I'd like to say to those for whom this meeting is ending early but who volunteered for the drafting team and who just got the indication for the draft, you've got 40 minutes you could devote to the draft. So, you know, I apologize, I'm pushy.

So hearing nothing else, seeing no hands up, I thank you all for this call with the difficult start we had and but it ended up and I wish you a good use with the 40 minutes you got back. So thank you very much and talk to you all next week.

Cheryl Langdon-Orr: Thanks, Avri. Thanks, everyone. Bye.

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