
ICANN Transcription

New gTLD Subsequent Procedures PDP Working Group

Thursday 01, August 2019 at 0300 UTC

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JULIE BISLAND: Welcome. Good morning, good afternoon, good evening, all. Welcome to the New gTLD Subsequent Procedures Working Group call on Thursday, the 1st of August, 2019.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. I just want to remind all participants to please state your name before speaking for transcription purposes and to please keep phones and microphones on mute when not speaking to avoid background noise.

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With this, I will turn it back over to Cheryl Langdon-Orr. You can begin, Cheryl.

CHERYL LANGDON-ORR: Thank you. Went to speak and needed to clean my voice at the same time. My apologies for that. Good afternoon, good evening, good morning, and thanks very much to the stoic few who have joined us at the beginning of today's call. Hopefully a few more of us will gather. Actually, we have a strong antipodean contingent, but that's hardly surprising with the timing of today's call. We will get underway and a few more people will hopefully trickle in to join us.

On today's call, we obviously have some apologies, including from my Co-Chair, Jeff, who's still on vacation. We do know that this is a notoriously unattractive time for parts of the world to join, but we also seemed to have enough people that we can get at least some discussion going. The intention is to complete applicant support running through where we left off at the last meeting. In our main agenda items, we go through the summary documents. Time permitting – I trust that we will indeed have the time to do so – we will leap into the thrill-packed and exciting world of terms and conditions and a call for Any Other Business.

As is our normal administrivia, if there's anybody who has an update to their statement of interest, reminding you all we work under a model of continuous disclosure of statements of interest, you could please share with us now if you've had a wonderful new employment offer or some change in circumstance that affects or may be seen to affect your work in this PDP. Pop it into chat. Of

course, staff are more than happy to help you update your [inaudible] copies of your statements of interest that are lodged for public review on our wikis.

Not seeing anybody, despite by filibustering for plenty of time, pop their hand up to say that someone's given them a brand new contract. That's a pity. Let's move on. If anybody does have any other business they'd like to draw to your attention, then please do so now.

Jeff is an apology. We have had a couple of other apologies come in, which I'm sure Julie has captured. Yes, Jim, you are counting correctly. There are a very small number of non-staff or leadership participants. Look at the quality of you. Each of you represent the worth of at least five others in my very biased views. There we go. All right. Remember, none of these things are totally tied off. We are six for what it's worth. Well done, [Steve]. Upped the ante on me. We're not tying these off forever more, but we may indeed be able to get the general temperature from albeit keen but smallish group on some of the residual things from applicant support to see whether or not we may be making some recommendations for changes. We may of course not.

Steve in continuing on with glowing compliments in the chat. If anybody is listening to this, do read the chat as well. It's effusive.

If there's no objections – I'm not hearing anyone jump in or state too much about objecting to what must be one of the leanest agendas you'll ever see in an ICANN world – let's jump into our document. We will take you back a little [inaudible]. Thanks, Steve or Julie or whoever's screen is happening. Remember, we spent a

goodly amount of our time on Page 18 in our last call – whoops, not too far – and I just wanted to refresh your memories. There weren't a lot of substantive changes that were made in the marking up of this document out of that, but there was a lot of good and healthy discussion.

We certainly benefit from having Krista on the call, who had been part of the leadership team for all of the prior activities that were involved in applicant support. She was able to clarify quite a few things to make sure that we had our general intentions in the right order. We didn't make any particular changes to texts that weren't drawn to your attention at the last call, but just so those of you who weren't on the last call know, we've moved up some language from further down and it's now residing in the high-level policy goals. You'll see later where that was swiped from. We've had some clarification from Justine in some of the language that again was reviewed last week. We also had a little bit of a discussion about the support applicants review panel. We made sure that everyone understood the role, structure, and function of that review panel. We didn't actually progress very much on decisions as to whether or not things like prioritization, things like whether or not supported applicants would need to be processed slightly earlier than the rest of the applicant processes begins if indeed we do recommend – the general feeling was that we would – an applicant who failed to meet the criteria when there was the review could in fact switch to having their string assessed in the main stream.

We spent a goodly amount of time looking at how we could minimize any harms including, I think, some useful notes that

came out of the conversation regarding possible penalizing for blatant and/or willful gaming, if that was seen to be an issue.

With that, we finished going through then the eligibility that was listed as you'll see on the top of Page 19. You can jump down to the top of Page 19 now, if you don't mind. That's the residual part of our work last call on Monday: looking at the eligibility. We didn't particularly have an earth-shattering changes to the concepts of the middle applicants and the applicants who don't fit in the normal economic nomenclature. In other words, there seemed to be reasonable recognition that they could be disadvantaged or underserved communities or interest groups that may in fact exist in an otherwise economically-developed zone.

We had the benefit of the information from ICANN thanks to Mary Wong that there is in fact an active review at the moment about nomenclature and definitions that would be applied of course not only to our work in Subsequent Procedures and in the Applicant Support Program that seeks to define areas – I'm going to try and use the right word if I can – be they communities of interest or bounded by economic development or geography, that may benefit by an applicant support program being deployed and that we would be doing our best to make sure that an applicant support program was beneficial to them.

With that, we've had also the terminology "underserved populations." We've had the use of the global south. All of this language is under current review. I think we've got a side note that says or should say – it's not in the document but it possibly could be (but it is in the notes) – we look forward to seeing the furthering of these conversations so that our language can be uniform and

perhaps better suited to the applicant support program as well as other things like fellowships and such and so forth in constituency travel support.

That said, that's where we came from. You've all had time to adjust your thinking and get your brains firmly into subsequent procedure applicant support mode. We've got a couple more people that'll joined, so yay, us. We're now going to start our substantive discussion with the paragraph that's been highlighted – thank you very much, Steve – which is the methods for selecting applicant support recipients, particularly here with a view to prioritization. If there are more applicants than funds – when we say “funds,” I'm tempted to say funds and resources, recognizing that there was also discussion about making applicant support programs more than just a reduction in the cash value of the application but also to avail the supported applicants with other resources that they may find necessary, ranging from legal drafting to translation services, etc., assistance with writing appropriately detailed business planning and all that sort of thing. So when we say “funds,” we probably should think funds and resources. They will be fixed at whatever value or volume. There will only be so much availability. If we have more recipients than we have funds, we will have to find a way to prioritize them.

We have new ideas highlighted here that came in from the mixed bag of the At-Large Advisory Committee, the Business Constituency, and the Registry Stakeholder Group that supported looking at some sort of points or a scorecard evaluation of the process. Of course, the viability then of the applications could also be taken into consideration. I guess this is also another way of

reducing some of the risks that some people have articulated inasmuch as, if you have an applicant support recipient who is in such dire need of support beyond the cash value of the application fee being reduced in some way shape or form, the question of, will they have sufficient ongoing financial stability, etc., to keep functioning? That's a question that's been raised in a number of forums. I guess this is something we could also consider might be assisted by having some sort of viability of applications being looked at.

So that's what's on the table as a new idea. I'd like to open the queue on that and any discussions on that. Do we think this new idea and concept of method of selecting recipients where there is more desire for support than there is support of available [is good], or is it simply desirable to do a triage anyway. It can be discussed. Remember, if we don't put forward anything that has sufficient support and carriage to make a recommendation, then there won't be a change.

Let's first of all look at what has been happening in the chat. While I've been covering through that, we've had Justine talking a little more of the revising of the nomenclature being used. She also points out that we have an active member in the At-Large community out of North America who works in the human development area and recommended the UNDP Human Development Index. There's a link there to help those of us who don't immerse ourselves in this all the time to understand better.

Steve, it might be a polite thing to just double-check that Mary and the group that she's working with are aware of that work. I'd be struck if they were not, but let's take a belts-and-braces approach

and make sure that that little nugget of information shared is one that's shared beyond our group and into theirs. The rest of it is just conversational about following up with Mary [and Nat.]

With that, I'm happy to open a queue and call for any input and discussion on how we could, how we should. Is it even merited or do we just run on some sort of buckets system. So do we have a bucket for the community? Do we have a bucket for brand? Do we have a bucket for something else and not look at any meritocracy? The floor is yours, ladies and gentlemen. Please stop me having a monologue.

Oh, come on. You all know where the unmute button is in the Zoom room, do you? You know how to put your hands up. IDNs is a bucket indeed, Maxim. Thank you. Maxim is wishing to use chat because of the unfriendly hour, so he doesn't want to use voice. Yes, indeed, on my very short list of the bucket treatment, IDNs might be a very, very worthwhile bucket. So we could have a bucket approach.

I'm astonished that Kathy or Robin or Tom don't have anything to say on this with putting in a potential for a sifting and sorting, a triage, or a meritocracy. Normally we get people to be concerned.

Well, perhaps then I can assume that none of you are deeply concerned that we should not do it. So it seems to me that what I'm hearing is that some form of triaging/prioritizing/evaluating should occur, the specific methodology of which perhaps needs to still be explored and obviously would have to be explored within at least implementation. If we're going to recommend, we could also give some rationale for potential methodology. So we might take

that as something that we will make a comment on and see whether we can find more details on the list as to exactly how we would be doing the viability and selecting or prioritizing exercise.

Justine asks in chat, “Would it be too complicated to consider both methods buckets for various application such as IDN? Then meritocracy either between the buckets or within the buckets, I guess.” Absolutely no. There would be no problem to consider that at all. The degree of complexity of course would have to be watched in as much as that is all resources – time, energy, and, of course, money – that would be taken away from the program while one did the administration to support the program because I’m assuming that the logistics support funding, etc., would also have to come out of the same funding allocation. So we would perhaps be wise to not make the most complicated of systems that could not be too easily done or assessed.

So it may be that the application process itself may need to be looked at so that the data one is collecting is more suitable for handling to look at the [inaudible], the method of bucketing, and to establish some form of meritocracy or other. I guess, if it’s not a huge amount of applicants, one could even have another sort of hybrid system where there is a more interactive or interro ... When you interrogate someone. I can’t get the rest of the word out. But I have got coffee to hand, so hopefully that will help. A more interviewing/interrogation methodology that would be deployed. If you had a relatively small number of people who were representing the applications, you may in fact be able to support out your viability and meritocracy in that way as well. More work

needs to be done on that, but it looks like this will make it through for further consideration and detailing.

Just before we move onto the next part, “We SARP be reconstituted?” I cannot imagine why the review panel, which was a very important part of the process, would not be a continued part of the process. I think that’s actually one of the parts of the process which was not particularly criticized. Now, Avri was lead in the joint applicant support program, along with Evan Leibovich. I’m going to ask her to correct me if I’m wrong, but I thought that the supported applicants review panel as one of the strengths of the program, albeit the rest of the program was subjected to reasonable criticism for a number of reasons on a number of levels.

Am I right on that, Avri, or am I mischaracterizing it?

I’m sure she’ll tell me if I’m wrong. She usually does. She dropped off when I want to call of her. Oh, that’s cheeky. All right, I’m going to suggest that Avri’s accidental disappearance was just the stars aligning against me, as they do from time to time. It is between solstices, after all, so anything could happen. I am relatively confident that, when she does review what I just said, she will sort me out if I’ve got it wrong. If anyone else who was on that group, other than me – so I don’t have to be the sole spokesperson – can please let us know, but I do think that the SARP, that review panel, is something that would have longevity. Hopefully Avri will come back or we can reach out and see that she might be able to put into the document the confirmation of that if possible.

Right-o. Then we get to, if no one has any more to say about that, the next exiting bit, which is of course the CCT-RT recommendations that the Board did not approve but instead passed through to the GNSO for further consideration. These is Recommendation 32. I'm going to have to switch documents here briefly, unless you can make the text size a little bit larger on your screen, Steve. That's really stretching my little eyeballs here, considering I've been awake for a couple days. That's going to help me a little bit. Okay, thank you.

Yes, Kathy: "Can we get the link to the Google Doc reposted?" When you get that link and you open it, we'll be – thanks, that's so much better; thank you, Steve; I really appreciate that – moving from the bottom of Page 19, Kathy, to the top of Page 20, noting here that the terminology is all going to be subject to review. Where you read "global south," that won't be the language that will be used in the not-too-distant future. I'm happy to go over that again if anyone doesn't understand why.

Recommendation 32 was one that suggested that the applicant financial support program was revisited. I guess my only nitpick here, as somebody who was involved in the JAS work – I've even still got the badge to prove it. In fact, they even gave us quite nice badges. They weren't cheap and cheerful badges. They were nicely cast badges. Maybe if they spent less on the badges and more on the outreach, it would have been a more successful program. But anyway, I digress; we would think that the applicant support program would not in a new form be merely one of financial support but of other forms of support as well.

The other one is Recommendation 29, which was to set objectives and metrics for applications [forms]. Here's where we get the terminology "global south," which of course is one of the code terminologies used for underserved or underdeveloped regions. The GAC is still using, I believe, "underserved regions," and there is current work to find a more appropriate set of nomenclature to be used.

The resolution of the Board specific to this one regarding ... The Board resolution is there in full. Surely I don't have to read it out to you, but it's there if you want to read it. It does say that we could take on, should we choose, the role of defining the term "global south." Of course, we are delighted to say that we do not choose now and we do not have to because it is work that is currently being done by ICANN, as you will see on the note to the right of that paragraph that was popped in today by Steve, and that we can get far more details via Mary and the team she's working with as their work starts to take off. It's a short-term project. It's one that is just beginning. I believe they are confident we'll be getting results in fairly short order because the new terminologies – [inaudible] agreed terminologies – will be applicable very widely across ICANN. That means that we do not need to choose to do so, that we can leave it to the wider ICANN org work being currently done, which means we can now scroll down a little further to looking at the forms of support.

Scroll this up and take us back to the top of the screen. Thank you, Steve. Perfect. Don't shrink it. I'll cry. Okay. Don't make me cry, Steve. I'd be very moist if you did that. It would ruin my

makeup. That's all that's holding my face together at this time. All right. Thank you. Perfect.

Various forms of support are listed here. They include things that we saw some divergence [on] in the input from public comments. Divergence was shown with XYZ. [They] said ICANN should not provide financial support for application fees if the applicant afford the fee and likely can't afford to operate a registry. This is not a shock horror opinion. It's one that we heard even back in the original days of the joint applicant support working group's activities. We thought on it deeply. It was decided that in fact a strong argument could be made and indeed was made that the seed capital [for a] startup, the [inaudible] of the application fees, may indeed be more difficult to raise because it was a far more blue-sky type of affair that, however, if one had a string that was being processed and had a likelihood of delegation if not a timing for delegation, an applicant could very well find support from third parties or, even in the case of some communities, their communities of interest because of the thing being less hypothetical and theoretical and more concrete and defined.

Obviously, the point also need to be made that there is not a wealth or, dare I suggest, virtually any hard data that could be used to say that, for example, a specific community of interest name can be necessarily shown as a highly successful marketed venture. But that again is one of those that is an "in the eye of the beholder" thing, and it's not up to us to try and do that. it is up to us to make sure that we have a predictable, fair, transparent, and, above all, a very clear and "able to be operated without undue burden" process if we do go ahead with it.

I think, noting that divergence is not an unheard-of concern, but it is one that, in the past, arguments have been made strongly to say, “Well, the benefit of an applicant support program outweighs this risk. However it is a known risk.”

Let me stop there and see whether the concern put in that divergent view is so onerous and is so concerning to you all that you all suddenly are going to be saying to me, “Oh, no, no. We need to withdraw all support from applicant support programs. It’s all too scary and we definitely don’t want anybody to be aided in making an application for a string unless they happen to be independently wealthy from highly emerged economies.” That was tongue-in-cheek, by the way, for the transcript. You won’t hear my sneer in my voice when you read the transcript on that.

[Justine] notes in chat she’s more concerned with the possible additional cost during the application process apart from the fees, such as those associated with undergoing contention resolution auction, etc., if the contention set arises.

Well noted, Justine. Of course, we also note that we haven’t come to conclusion on a whole lot of things about auctions. That would include how any supported applicants or particular classes of strings may or may not be treated in any form of auction or otherwise if we’re going to recommend any changes. So we need to put a pin in the side of this at this point and make sure that we come back to that once any possible recommendations regarding auctions are more crystalized and heading towards final. But thanks. It’s a timely reminder.

Does anybody else want to get on the queue on this, or is anyone so shaken and concerned by the known risk that, “If an applicant can afford the fee, can they afford to be a registry?” that they want to take up the banner of this concern, [which means] we would be reversing all of the work that was done to date on financial or general applicant support? Now is the time to let us know.

Maxim says, “A year of operations cost more than the fee last time in a very, very cheap setup.” Thanks for that, Maxim. That is always the way of it. We did discuss in the joint applicant support work. However, the difference of putting in the seed capital versus putting in a – yeah, I read it as “operations.” Thanks, Maxim. This is getting funds for what would be a more developed, accepted, and being-proceed application that would perhaps be very, very different.

Jim is also mentioning that the application cost is one part of the cost of doing it and that the ongoing cost needs to be planned for. Absolutely. In fact, there may be ways that those ongoing costs can be part of a support package. That’s as much as a possibility as anything else. You’ve got the opportunity here, ladies and gentlemen, if you’re going to be supporting applicant support programs, to build a set of recommendations that indicate that a very broad-brush approach could be taken.

Justine goes on to say that operation viability could be somewhat established to the financial aspects of the applicant support criteria – [bundle] partnerships, etc. Yes. Remember that backend and registry service provision has also advanced significantly in the intervening years. So I’m not sure what possibilities may be out there if we were to look again.

I'm not seeing anybody say we need to withdraw all support for financial support because of this fear, but we do recognize it as a risk. So let's accept the fact that it is a risk and have it as a known, not one of the unknowns. But it is a recognized risk.

A new idea from the government of India was relating to what is known as the "middle applicants," and that is that it is a reduced fee – in other words, some fee relief that is between a fully supported application fee and the standard application fee. An interesting concept. It's up to you now to tell us whether or not you think it's interesting enough to get support and carriage within the plenary. It is, I think, still relevant that it may be, if we were to construct a broad-brush approach to be taken on an applicant support program, that [it] may pick up on this new idea and other things. I'll open a queue if anyone wishes to make comments on that.

I'll note that Maxim has said in the chat, "The only other part of expenses we can talk about is going into the quarterly current payment design." Then he puts in brackets that he doubts that ICANN should pay to the registry, even if this is an effective "payment." So, yeah, of course there's also the matter of how successful is number of registrations and when various points of measured success are reached as well in that system. Again, it's not impossible, if we were to make a recommendation that looked at a broad-brush review of applicant support, that that might also be looked at in greater detail.

So, opening the queue, none of you have jumped in yet. I'm going to take that as, at this stage, indicating that we recognize with our thanks the contribution of these new ideas and the divergent fear

for failure. We recognize, should we have the opportunity in a recommendation to suggest a broad-brush review of what the joint applicant support program outcomes were, that these could be contributed to that activity.

Coming back to the chat, Maxim goes on to talk about, if it was approved, that this would be a growing sink with ten-year registry contracts. Indeed. If we were to take a set of recommendations forward, we would certainly need to recommend that the economic modeling and the consequences of offering the applicant support program and, I guess by extension, the size of the offer of an applicant support program would need to be modeled and considered quite carefully in ICANN's financial assumptions and two- and five-year planning.

Justine points out that things such as the deferment or waiver of reoccurring fees based on registration numbers is a possibility. Maxim actually pops in some of those data points that I loosely referred to earlier where the flat rate exists until you get to a certain number of domains, etc. There are existing methodologies which give a reasonable amount of predictability to the business planning of a new gTLD. [That same] business planning would be appropriate for any applicant [inaudible] workthrough regards whether they're supposed or otherwise, although it may be that a supported applicant may need a bit of peer support or perhaps a little bit of nurturance or mentoring on some of these aspects of business modeling, particularly if indeed they were going to be trying to pitch to other potential funders. They would need a fairly strong, snappy, and meaningful presentation if one perhaps had those skillsets. That might be yet another type of support that

could be offered to the emerging applicant who requires not only financial but other support.

Which is my segue, in the absence of anyone else wanting to jump in and talk, to the next section, which is the additional forms of financial support. Here the Registry Stakeholder Group was quite firm. They diverged from some others who were happy to have additional forms of financial support. They opposed support beyond the assistance with the application fee. So we do need to note that that was a strong and unwavering opposition from that sector.

Neustar – I note we’ve got a representative from Neustar today. Thanks for joining, [Demi]. You were one of my earlier adds. Thank heavens. I was delighted to see you there. It was just you and Heather at one point. Neustar’s comments were saying that ongoing financial support is required to maintain the infrastructure and pay third-party vendors, etc., implement promotional and marketing services, engage with registrar services, and pay ongoing ICANN fees. Very much the type of conversation we’ve just been adding. That is a concern that I think was not limited to Neustar. It’s just that Neustar articulated it in the public comments that we received. It certainly is something that was thought about and discussed during the early JAS Working Group activities. It’s one of those issues that, again, should we be suggesting some changes, we could be suggesting that some blue-sky thinking or some broad-brush thinking went into what type of additional support – waivers or otherwise – might be provided for and, indeed, under what circumstances.

I'm not seeing anybody else in chat now wanting to get anything through, so let's move to the non-financial forms of support. The time just ran out on us when we were putting together the original joint applicant support program. It was done under extraordinarily poor timing, which anyone who wishes to read the review of the program will get all sorts of gory details about.

Suffice it to say, there was strong belief in many of the partners in the JAS (Joint Applicant Support) Working Group that there was benefit from having non-financial forms of support, and these are matters that are now being more fully tested with the Subsequent Procedures work and our initial reporting asking questions about it. This is what we heard.

Non-financial forms, such as mentorship, to ensure better – I would suggest long-term – viability. I'm sure we can actually ensure the long-term viability, but we can perhaps better ensure the long-term viability. We had the Business Constituency saying that the offering of technical and business plan supporting, which would include helping potential applicants decide how to structure their TLD for local impact and growth and take advantages of best practices, would be a good thing. I certainly suspect that anyone who supports applicant support would probably support that, too. But there needs to be a more clear and visible process for [activating] community volunteer mentors and other resources.

Yes, the Joint Applicant Support – Maxim, you are right. I am trying not to use the term “JAS” because the clash with the advisors. So the Joint Applicant Support Working Group did, in its dream list, want to have these forms of registry, a collection/collation/curation of these types of non-financial forms of

support, made available as well. Perhaps, should you wish to make such a recommendation, a next-generation applicant support program may indeed have this as part of its improvements.

Heather notes that she supposes the Business Constituency comment does suggest report for something related to application prep but not applications fees. Indeed. It may not be linked to financial support. It's not impossible to have these sorts of assistances and mentoring things done without reduction of fees at all. I'm probably being a heretic by saying that. I don't mind being a heretic. I've been worse.

We had a divergence from the Registry Stakeholder Group. There they obviously maintained, as they've maintained solidly throughout, that such applicant support should be limited to financial support for the application fee and nothing else. ICANN should not be further involved in the operational, technical, and business aspects of a registry/registrar which will serve as a de facto endorsement of certain registries/registrars. A very viable concern. A good rationale for the divergence that they have articulated.

But is it enough, ladies and gentlemen, to get you to say, "Okay then. We are only going to have applicant support which is going to be of a financial nature in terms of a reduction in the application fee"? If you think it is such an overwhelming that you want to agree, now's the time to articulate that with us so we can take note of it.

You're welcome to do so. However, I'm going to move on [inaudible] as the case may be. We had the—

STEVE CHAN: Cheryl?

CHERYL LANGDON-ORR: Yes?

STEVE CHAN: Sorry. You have a hand up.

CHERYL LANGDON-ORR: Whose hand is up?

STEVE CHAN: From Heather.

CHERYL LANGDON-ORR: Where? Good heavens, Heather. What are you doing all the way up there next to Steve? Come away from the host and come down where I can see you. My apologies, my dear. Over to you.

HEATHER FORREST: Thanks, Cheryl. Look, I think Jim has made a valid point here for the purposes of ... While I appreciate that this is an opportunity to sanity-check what's on this list, I think at the end of the day we ought to be able to clarify in the notes that come out of this call,

which are going to be critical because there are so few people on the call, if you like, an analysis of where these are at because we haven't really added much in the way of new things.

I think Jim makes a valid point, so I had replied to Jim. But as I reflect on it, Jim says, "Aside from the Indian government, it appears that there's no other support for continued financial support for applicants beyond the application fee." Jim, in my reply to you, I haven't really paid sufficient attention is seeing that the idea from the BC came in relation to non-financial support.

So I think it would be helpful to reflect, as one clear point coming out of this discussion today, that, as we look at the list and there hasn't been anything else raised on this call, there is really only support from the Indian government in relation to financial support beyond application fees. By clarifying that point, I think what we can do is give the folks who are not on this call an opportunity, rather than trawl through the whole recording, to challenge it if they say, "No, I misunderstand," or, "I see something differently." I think that's an outcome that ought to come out of this call. Thanks, Cheryl.

CHERYL LANGDON-ORR: Thanks for that, Heather. Certainly I think that's a very good way forward, remembering, when we make that note then, that we need to be very clear so people don't misinterpret that that is not saying that there would be not be any opportunity for non-financial forms of support. In terms of the financial support, it would be limited to application fees, not ongoing operations. Is that [inaudible]?

I'm looking for a yay or a nay here, people.

Well, hopefully that'll shake out. if we can highlight that with the material that goes to the list, please, I think we need to pull it out towards the top of the e-mail that is sent by staff, Steve. I know Julie usually does that and does a terrific job of it. If we can just make a note for her to make sure we're drawing the list's attention to the fact that there are a couple of indicators that we're articulating out of our discussions today that everyone needs to look at and see whether or not it is within their comfort zone or not. if it's not, they need to tell us between now and the next meeting.

Excellent. Having moved beyond the—

STEVE CHAN: Cheryl? Sorry to interrupt.

CHERYL LANGDON-ORR: You may interrupt. Go ahead.

STEVE CHAN: Thanks. I'm looking at the summary documents – well, the public comment review tool, which is the Google Sheets, the big Excel-sheet-looking things. I think there's a bit of a disconnect because there's actually a fair amount of support for the preliminary recommendation, which I'll drop into the chat right now.

CHERYL LANGDON-ORR: The preliminary recommendation was for continuation of financial support for the application fees.

STEVE CHAN: Right, but there's also the one I just dropped into chat right now. It's C.6. This talks about the support beyond financial. I think the reason for the disconnect is partially because I think we've gone through this section over the course of several meetings, which means that – I'll un-pause my screen share here. I was trying to scroll to get my head wrapped around this. If you look back in the high-level agreements section, what results here is that, when there seems to be a high-level agreement for something, it's going to show up in this section. So when you look at—

CHERYL LANGDON-ORR: So the [dark] point at the end of Page 17. "Include financial"—

STEVE CHAN: Exactly.

CHERYL LANGDON-ORR: "their application fees, writing a [inaudible]," etc. etc.

STEVE CHAN: Right. Just to finish – I'll be short and brief – when we look at the section at the bottom, it's generally the concerns, divergence, and new ideas that we're capturing as it relates to this point and any other point captured in these documents. So, yeah, it's a good

idea to take a look at these high-level agreements at some point, just to make sure we have a proper grounding as we look at the new elements. Thanks.

CHERYL LANGDON-ORR: Okay. Thanks, Steve. Thanks for bringing us back to that, although I'm a little less worried about the disconnect than I think you're indicating because here we were back at Page 17, where it did say legal fees, writing, fees, etc., etc. I still think we can classify all of that as non-financial support. It's not a payment for ongoing operational expenses, etc. It's not a waiving of fees due and payable to ICANN from a functioning gTLD.

I think the point that Heather was making – please correct me if I'm wrong, Heather – is that there seemed to only have been the Indian government in favor of making ongoing financial support and waivers for those operational expenses as opposed to what I would classify everything listed in the bottom of Page 17 as application expenses or costs.

So that's my take on it. Jim's hand is up. I suspect he's probably be going to be far more articulately diligent than I managed to be. Over to you.

JIM PRENDERGAST: I don't know about that, Cheryl. It's kind of late here for me. The one question I do have – Justine actually flagged it in the chat as well – is that I can see where things where things like writing fees and attorney fees could be considered in time. I know in the last go-around there was an effort to try and get folks who provided

those services to sign up and offer them pro bono. But the inclusion of ICANN registry-level fees does have very specific meaning. I think that Justine is flagging. To me, that is a financial inducement. That is not an in-kind support. So I'm not sure if we need to call that out, to pull it out of that section and address it specifically. Reducing fees for one registry operator as opposed to others is a financial level of support as opposed to somebody giving you blood, sweat, and equity. Thanks.

CHERYL LANGDON-ORR: Thanks for that. Of course, the other thing is that, as soon as we get to a situation where hopefully more than one or two but several professional services are being offered in the desired and required fields ICANN would need to be in a position of not being seen to prefer or be endorsing one over any other as being a preferred provider with a greater skillset. So some form of it in the implementation of that sort of thing. I would suspect that some form of randomization may even need to be done. So the dating service, for want of a better metaphor, would have to be almost randomized.

That's not impossible. I've seen it within some ccTLD operations, where, to avoid being seen to just prefer some registrars over others, they have a rolling, random selection of people to contact. But there's a lot more to that, as is often the case once you start taking a whiz-bang wonderful and usually well-meaning idea and try to implement the damn thing.

Maxim has suggested in text here, "Such ongoing support might lead to a situation with the creation of "ICANN-subsidized"

registries, which is dangerous from the anti-monopoly agency perspective.” An embellishment on my clumsily-made point, Maxim. Indeed, where we work in a world and not every part of the world does have a problem with anti-trust and monopoly [inaudible]. I come from an area where, in the region, there’s absolutely nothing wrong with a good, healthy monopoly. But apparently it’s a problem in other parts of the world, so we would certainly need to be very concerned. I didn’t mean Australia, by the way. I mean my region. Although ... Sorry. That was a little in-joke for Heather. The point is, we do need to be very, very cautious on what could be perceived. Sometimes the implementation here is going to have to very, very carefully looked at.

Indeed. Maxim could not help himself. He’s placed the following in, and I will read it to the record. “[We’re] all policies effectively set by ICANN, which looks quite similar to a historically-based monopoly.” I’m not even going to make a comment. I have just read it to the record. Thank you for that Maxim. I bet he’s got a great big smile on his face, even at this time of night.

All right. So it appears then that we need to be very clear and concise in what we are saying and how we are saying it if we are going to be looking at the differences between the simplest version of applicant support, being that limited purely to the cash value of the application fee, to either further financial support or additional forms of financial support and even the provision of non-financial forms of support. We do need to look very carefully at the consequences of any such recommendations. Remember that we were working for a principle that the applicant support

program would be one that would be one that would continue, would be one that would be modified, and would be one to be made successful this time around or in a future around. So we would have to make some guidance for implementation if we were to reach those objectives.

I've got Justine. Have I got anybody else? No? Over to you, Justine.

JUSTINE CHEW: Thanks, Cheryl. I'm just reading the government of India comment again, and it strikes me that this comment fits under variable fees more than ASP. I don't know if anyone else shares that thought. Thank you.

CHERYL LANGDON-ORR: I'm going to ask staff. Did we duplicate this in variable fees or not? We did duplicate a few things in a few places, but I can't for the life of me remember if this was one of them.

JUSTINE CHEW: I suspect that they put it into their comments on the ASP, but the concept of what they're trying to say, to me, fits more under variable fees rather than the Applicant Support Program.

STEVE CHAN: This is Steve, whenever I can butt in.

CHERYL LANGDON-ORR: I was going to ask you [inaudible] to answer.

STEVE CHAN:

I'll see what I can do. My impression here – at least it's just my understanding – is ... Actually, I'll take a step back. For the middle applicant, there's a question about not only targeting just the global south but also considering the middle applicant for potentially receiving applicant support funds.

I think what the government of India is suggesting here, given my reading, is they are suggesting that, rather than getting the same discounted rate as other applicant support recipients, they get something higher. So something between whatever it was -- \$47K – and the \$185K. So something different, something in the middle, so to speak, I guess.

So I don't think that is necessary variable fees. I think it's probably specific to the ASP but a variation on the ASP. That's the way I understood it. Thanks.

CHERYL LANGDON-ORR: Okay. Thanks, Steve. Justine has responded that that means two levels of ASP fee reduction. That seems to be what that's reading according to Steve at least. I have no problem with that reading.

I do, however, have a problem with the level of complexity that would be starting to be designed into this. If we want to go back to our buckets and our meritocracy, either between the buckets and within the buckets, if we're now going to have the A band and the B band and, hey, why not a C and a D band? Whoa, hang on a

minute. Are we trying to build a dinosaur here or what? So it gives me pause to tinker with too many things. Perhaps [their] levers that might be introduced that might be introduced in a future applicant support program review. But let's take that as noted.

Let us move on. The non-financial support we covered. We did the big C, which was the business plan, local impact, etc. We did do the divergence of the Registry Stakeholder Group. That's where we ended up with the other comments from the government of India, which was also where I think where we looped back to Heather's intervention, where the government of India was agreeing with having non-financial forms of support. But they were articulating that perspective applicants should be able to get an estimate of the costs associated with applying for and running a TLD, filing also support resources towards this with the applications process, mentorship, aid in filing, objection, support in post-delegation operations, and capacity building on running a registry.

Justine, you're going to have to put what you mean by EFGHI in full, even if it's in private chat to Jim so he can follow.

I think that their ideas are in some way, shape, or form, are often picked up by others as well, so I'm not sure we need to do very much specifically with this, other than recognize it as a resource to look at if we do recommend some form of broad-brush approach or review to the existing Joint Application Support program because, when we have a response in public comments which is XYZ – I can't help myself and start alphabetizing. Justine has worked with me far too long, I think. But there we go.

I'm sure we could come up with an appropriately astonishing set of meanings for it all. Perhaps that can be a little challenge for you in quiet moments, just to confuse everybody else.

Moving on, the last part before we get into the general section here, and being aware of the time, is the local consulting resources. There was some suggestions that are listed here as new ideas in the main. The ALAC proposed that the leverage of ccTLD operators could be given. The Business Constituency talked about regional ICANN managers involved [and] community members and perhaps having partnerships in different parts of the world. That would of course have the advantage of being regionally specific and locally relevant. The Registry Stakeholder Group asked why can't we ensue local consulting resources offer opportunity for consulting resources in the community to offer free or reduced price services. Absolutely no reason why not. it's just that we would have to make it so in the implementation of a rejigged and revamped and revitalized Applicant Support Program, which I'm assuming you're still going to be recommending. But if not, then all of this is moot.

Then there was a general new idea from the At-Large Advisory Committee, who clearly wanted the last word on some of these things, that resources should be applied to systemically identify and address barriers to applications. I'm sorry. I'm feeling like motherhood and apple pie, but okay. Thank you, ALAC.

Justine, is there something I'm missing here? What does this mean? We need to do a good job of it? Yes? What are you trying to tell us here, ALAC?

JUSTINE CHEW: I believe it's meant to say that ICANN should do something about finding out what the barriers are to applications and then addressing those. Thank you.

CHERYL LANGDON-ORR: Ah. So some data-driven decision making. What an astonishingly refreshing idea that would be. Okay, fine. Thank you for that clarification.

Now, you'll now see, if we move down, a bunch of text which is redline because it's being moved elsewhere in the document. Scroll down. Thank you, Steve. A whole lot of text which [inaudible] not is I think in the main, just moved around. Then we get to the matter of the business plan evaluation. I think these are fine-tuning proposals. These are assuming that the Application Support Program will be going ahead, that applicants will need to be well-evaluated. These are suggestions on refinement on the methodology of evaluation.

Neustar has indicated that applicants need to demonstrate a business case. They should submit an expression of interest. Indeed, that is exactly what they did. In fact, they [inaudible] application for application support. If they have promise, which of course is what SARP did – the review panel did exactly that – then they receive the seed funding to develop an application. Here I'm assuming that Neustar is suggesting that the seed funding to develop an application is the financial support for the application [fee]. If the application passes initial evaluation, the application fee

is waived. A limited cap number of applications should be supported in this way. I think the last part of that proposal from Neustar will also be limited by having a specific dollar value of cash resourcing and resource availability for none-financial support being made available to any given applicant support program anyway. But we might need to separate those two things out.

The Registry Stakeholder Group had cautioned about ICANN evaluating business plans to make any sort of determination on the value of the business plan. They were suggesting that participation in an applicant support program should not empower ICANN to somehow determine the viability of a plan.

So we have two almost diametrically opposed opinions there. I guess you could all flip a coin, but before you do think about flipping a coin, you need to decide as a plenary whether or not we are rejuvenating, rejigging, and remodeling the existing Applicant Support Program. If we are, are we changing the evaluation criteria that are currently set. The business plan presence and absence thereof and basic determination of the [inaudible] of its component parts – in other words, its completion as opposed to its viability – was, I believe – I'm happy to be corrected if I'm wrong – part of the review and evaluation process.

Maxim notes he has a hard stop in 15 minutes. I'd like to have one in 12, so that's even better. Let's see, however, if we can get ourselves through the next bit if nobody has anything they want to say about that. There was some proposals then on the outreach and learning strategy. This was something which was sorely criticized in the review of the Applicant Support Program that was

running the 2012 round. The Registry Stakeholder Group indicated the primary hurdles to use of the Applicant Support Program was that the awareness, [inaudible], and education program was rushed and not well-publicized. There should be improved outreach and publication of an applicant support program and the resources it provides.

However, extensive promotional activities are not needed. ICANN should build relationships and share information about future new gTLD releases in a timely manner with business associations, such as the national and regional chambers of commerce so they can disseminate this to their members to raise awareness. ICANN should not target outreach to any specific population without data.

I think that's all well-noted and something that would come into any implementation of any rejuvenated applicant support program that was run.

Let's move now to the top of Page 22 – thanks, Steve – with the rest of the new ideas. ICANN org noted that the initial report stated that it has been noted that there was no outreach for the New gTLD Program in developing countries in general, not just for the ASP. However, the program implementation review report provides data on that outreach within the five ICANN regions. Work groups should provide goals and [inaudible] factors to support effective implementation. In other words, please don't complain. Please don't pick on us. We did something in the name of each of the regions because we said so. But it would be really nice to have some form of performance indicators provided by you so we can perhaps do a better job of proving it next time. I think that just gets taken as read. Thank you very much, ICANN.org.

The Business Constituency – and I'm not being flippant there. There is no tongue-in-cheek. The new idea from the Business Constituency is to increase effort to connect actors who can speak the language of a given region. Create discussion [inaudible] by regional players to gather concerns and establish strategies. Of course, this does fit in with the utilization of the regional offices and the existing regional outreach and engagement planning and platforms that is being mentioned elsewhere. Again, I think we take that as read and just appreciate it for the good advice it is, should we be running an applicant support program in the future.

There was concern about agreement from the ALAC and the Non-Commercial Stakeholders Group regarding the insufficiencies of the outreach related to the ASP. ALAC went on to suggest the matter of the developing in underserved regions and middle applicants with some priorities on, for example, particular groups, such as indigenous tribes on various continents being pulled out as specific examples by the ALAC.

[inaudible] Non-Commercial Stakeholder Group talked about some of the tools they suggested in terms of webinars, mailing lists, and open calls, etc. Again, I think this is all very good. Take it as read. Pass it on to the implementors should we be needing to implement something.

Jamie Baxter from .gay indicated extending the outreach to places and groups that might not have considered applying due to the costs and other barriers and include case studies that can inspire innovation and creativity within populations, initiatives, communities, and sectors that may not see a common or productive link to a new gTLD. Yeah, all good advice and

something that a regionally focused strategy that had better interaction with the local communities' needs. We would probably be in a good position to do so. So thank you, Jamie, for that.

The government of India again talked particularly about specific outreach to middle applicants with a strong practical benefit of focus. Again, I think the links forged by the regional offices and the engagement offices are probably one of the primary tools here to work with these middle applicants.

Welcome back, Heather. We're hopefully going to spend a couple more minutes just talking about program funding and try and get these four off our backs so we can move on to something fresh and rewarding for our next meeting next Monday.

Let's move down now, having thanked all of those people for their input. But I think we just pass that on if we need to. Correct me if I'm wrong people, but I think they're all good comments, just not ones that we need to analyze.

Sources of funding had some new ideas coming in from various people. Again, I'm not sure we need to get into the gory details of all these. There's, from the ALAC, that the funding for an upcoming round could come from excessive application evaluation fees or auction proceeds. The auction proceeds final report is only just coming out now. These are all moot points, really. Some support for an extra component of the application fee in funding the program. Yeah, all very nice, but we haven't actually finished talking about that anyway. And some support for excessive fees from the next round feeding into future ASPs.

The Registry Stakeholder Group looked at incorporating a revenue-neutral model for each round and was concerned that surplus from one round should not pay for applicant support in a subsequent round so that any round or whatever model it may be, if it's not a term that we would call a round ... The Registry Stakeholder Group was concerned that we were not banking a surplus from one to kick off applicant support for a following. I think what we can do there is note that as a concern.

The new idea regarding evaluating the potential funding partners for an applicant support program came in from the Registry Stakeholder Group that supported evaluation of potential funding partners but disagreed with any attempt to earmark or limit the use of any such funds for specific applications or regions. I think they were concerned about a dis-equity there if things were kept too parochial within a region, which is a valid point. They also indicated that funding should not be from funding partners that were existing contract parties, new gTLD applicants, or other entities under contract with ICANN. Neustar made the point that, in their view, this was not ICANN's responsibility.

The final part of this page, I believe – scroll up to see if it is the final part of this page – and it is – is the evaluation on whether additional funding is needed to the Applicant Support Program. The Registry Stakeholder Group indicated that additional financial commitments to any ASP and a benefit analysis needs to be looked at before additional commitments can be supported. We need to be aware that there was very little of the funding utilized last time because there was an appallingly low update of the Applicant Support Program for a whole lot of reasons that were

analyzed in the report. And we need to be very concerned about using what could be highly biased data for other reasons as the basis for assumptions on future funding rounds.

Kathy, over to you.

KATHY KLEIMAN: Can you hear me, Cheryl.

CHERYL LANGDON-ORR: [inaudible]

KATHY KLEIMAN: Terrific. Thank you for guiding us through all of this material. Good session. I want to go back a page or two to the outreach and learning strategy. I think it's more than implementation. I think we have some high-level agreement here that needs to be reflected in a high-level agreement that we are looking for much more awareness and education with appropriate timing. I think that's what we're seeing from the comments on the bottom of 21 and 22. Again, I think it's more than implementation. I think we've got some more policy goals and directives here.

The reason I was delayed in getting this to you was flipping up to the top to take a look at this. So I'd like to suggest we do that. My guess there isn't going to be any objection because everyone seems to support it. But I think, if we put it in as a high-level agreement, it will get good attention in implementation. Thanks.

CHERYL LANGDON-ORR: Thanks, Kathy. That would go along with the other financial information that Heather earlier suggested goes to the list, just to draw attention to it as a new addition to the high-level agreements. Although I agree with you. I don't think it'll be a controversial add. Then I would still argue that a lot of these new suggestions and gory details can actually still then aid any implementation. I don't think we need to analyze, but we do need to have it as resource material available for whatever happens in the next steps. Of course, we may indeed give particular guidance along with our recommendation.

I believe that's finished – this block – but I might be wrong. Scroll down. Keeping going. Okay, keep going, keep going, keep going. The metrics. I'm going to suggest that the question on metrics goes to the list, please. Again, a lot of this is things that quite seriously are either things that should become part of a revitalized program, assuming that we're going to recommend we have a revitalized program, so that we do have data for future continuous improvement. We do have the link back to Recommendation 29 out of CCT-[R]T. So that's taken care of as well. So we've got that tied up.

I'm also going to ask that we [inaudible] have any of the additional considerations punted to the list under the same heading that we think this is embellishment to a revitalized Applicant Support Program that is intended to meet the high-level principles as articulated. [inaudible] the list's attention to the comments on dedicated round for applications from developing countries because, in fact, that has a nexus with other parts of our review work.

With that, Maxim is heading off. We're all about to follow you, Maxim, because I believe that is a section completed. We will [inaudible] terms and conditions on Monday's call. I think you'll have been well rid of me as your [inaudible] shepherd by then. [inaudible] Jeff back with dulcet tones. Of course, I'll be typing actually in chat as I usually do. The next call is on – oh, it's Tuesday because of the time of day – the 6th of August, at 03:00 UTC for 90 minutes.

With that, we can stop the recording. Kathy, I'm assuming that hand is one you've just left up, not that you're desperate—

KATHY KLEIMAN: No, no, no. It's a new one. Sorry, Cheryl.

CHERYL LANGDON-ORR: It's a new one? Damn it all, but okay. Go on.

KATHY KLEIMAN: Sorry about that.

CHERYL LANGDON-ORR: [inaudible] at the 90-minute mark. Grr.

KATHY KLEIMAN: It's whether we can continue with funding in the next call. I know we want to move onto new things, but it seems like funding is the foundation of everything that we're talking about here. If we don't

have appropriate funding, the Applicant Support Program won't take place. So does it merit a little more evaluation of some of the new ideas, of some of the comments, so that we can make some more concrete recommendations?

CHERYL LANGDON-ORR: Well, Kathy, I'm going to argue that that is something that can be quite productively done on the list, particularly since the only new ideas is the opportunity for partnerships. There are some proposed restrictions saying, "Don't take it from new spaces," recognizing that the ICANN Board made a dollar amount available last time, which we know none of it was accessed or utilized—

KATHY KLEIMAN: But it wasn't utilized because there was no notice. So one of the—

CHERYL LANGDON-ORR: That's was my [inaudible]. My caution is there is, let's not use that lack of use of the funds made available [inaudible] based on data, but I'm not sure what needs to be discussed about that. I think we could probably recognize that on the list. Then, when we come to drafting recommendations, we can make sure that that is highlighted as consideration.

KATHY KLEIMAN: I don't ...

CHERYL LANGDON-ORR: Because, really, partnerships are the only things that're new.

KETHY KLEIMAIN: I see a lot of new ideas. I see new ideas from ALAC. I see new ideas from registries. There seems to be a number of new ideas under program funding.

CHERYL LANGDON-ORR: All right. Well, go through them. We'll pull them out. We won't necessarily do it on next week's agenda. I will pull them out and do it on the list first. I think a number of those new ideas, unless I was in some sort of fugue state when I last read them, are more telling us what we shouldn't do than telling us what we should do. The only opportunity of partnerships and what restrictions of partnerships we should be doing in and the benefits of localization/regionalization so that we leverage known business connections, working local languages, and run out of local funding pools, "local" being regional and not necessarily country-based. But I could be wrong. Let's shake that out on the list. We could always come back to it.

KATHY KLEIMAN: Great. If staff could start that one, that would be great because that will remind everybody to do it. Thank you [inaudible] Cheryl.

CHERYL LANGDON-ORR: Not a problem. Okay. All right. 34. Dear me. Four minutes. My humblest apologies. Pretend I'm done on a bended knee,

apologizing to you all for taking four or five minutes more of your time. That's all right, Kathy.

With that, thank you, staff. You've as ever been fantastic at keeping up with all the scooting and scanning that has to go on with these documents moving up and down in the Zoom room. Thank you, everybody who joined us for the call. We look forward to a healthy and vigorous discussion on the list. You can stop the recording now. Thanks, Julie. Bye for now.

JULIE BISLAND: Thanks, Cheryl. Bye, all.

[END OF TRANSCRIPTION]