

---

**ICANN Transcription**

**New gTLD Subsequent Procedures Working Group**

**Thursday, 23 April 2020 at 2000 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance and recordings are posted on the agenda wiki page: <https://community.icann.org/x/py2JBw>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page: <https://gns0.icann.org/en/group-activities/calendar>

ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures PDP meeting being held on Thursday, the 23<sup>rd</sup> of April, 2020, at 20:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourselves be known now, noting that Cheryl Langdon-Orr is on then audio? Is there anyone else?

Thank you. Hearing no further names, I would like to remind all participants 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.

With this, I will turn it over to Jeff Neuman. Please begin.

---

*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

---

JEFF NEUMAN:

Thanks, Andrea. Welcome, everyone. It is Thursday, at least here. I'm sure it's Friday in other places in the world. Hopefully, everyone is doing okay. We're just going to continue on with our normal business for now.

The agenda for today. Hopefully, we'll get to go through a few different topics today, starting with finishing up what was in the old section called accountability mechanisms, now dealing with appeals, and challenges, and then this last part, which is called post-delegation dispute resolution procedures. We may end up changing that name because it's very confusing because of an actual process that ICANN has called the post-delegation dispute resolution policy. We'll talk about that in a minute. Then we're going to go on to reserve names and different TLD types.

Before we do that, let me first ask for any updates to any statements of interest, and then I have a couple of admin things to cover. So any changes to statements of interest?

Okay. Not seeing any hands or any chat in the room, so I'm going to assume that there have been no changes.

From an admin standpoint, thanks again for everyone submitting comments to the first package of final report topics. We're collating them now. They should all be reflected in that document that is referenced right there where it says ... I think that's the link where the comments are being posted. Maybe not. If someone could put that link of where all the comments are being kept in the chat, that'll be great so people can go check and make sure that their comments are there.

---

We are going to shortly—maybe even during this call—release the second package of final report topics. Thanks, Emily. Emily has put, in the chat, the link to the sheet that contains all of the comments. The second package that you'll be getting includes several topics—relatively short topics. One of them, for example, is the registry/registrar separation/non-discrimination. There's also a section on system testing and a section on TLD rollouts. There is fourth one I'm just forgetting off the top of my head. I'm sure someone will put that into the chat. You should get that today. Then we'll do—oh, thanks, for Emily [copying] that—contractual compliance and registrar support for new gTLDs. So that's five sections. Again, they're relatively short. None of them are too controversial, so you could recognize those subjects.

One thing you may notice, if you are reading things closely, is that there are a couple of recommendations that we have removed that relate to either service levels or metrics because we're going to create a new section for the final report that has all those in one place. We noticed, as we were going through the draft again, that there were a number of different recommendations involving service levels, like that ICANN needs to respond to these types of things and in this timeframe or things like that ICANN should .... There's a bunch of them in there. I don't know why I'm blanking because I just reread them again before this call. Anyway, those have been removed not because they're being removed completely but because we think it makes sense to have a separate section on the key metrics and service levels. So, at some point, when we figure out all the recommendations that will be put into that section, you will see that again. I hope that explains it. You might notice it if you go through the redline. So

---

those have not been crossed out. Like the last package, we'll give [inaudible] to respond in that chart format.

Jim, your hand is up, so go ahead.

JIM PRENDERGAST: Thanks, Jeff. Could you just give us a quick overview on, now that we've started to get feedback on the draft recommendations, how will the feedback that's been received already or in the future be addressed? What's the process that we're going to go through to deal with that? Thanks.

JEFF NEUMAN: That's a good question. Actually, it is a topic that leadership is discussing at this point. Essentially what's going to happen is that we are going to incorporate the changes or the proposed new language—I should say it that way—into the next version, and we will dedicate a couple sessions to discuss those new proposals. If they garner support, then that's great. Then we'll merge them into the sections. If not, then we're going to go with the original language. There weren't too many comments, which is good. I was happy to see that. And the comments that were submitted were very narrow to those sections, and everyone seemed to follow the format. So that's really good. Thank you for all doing that.

So short answer—sorry—is we're still discussing exactly how it will display. Essentially we're going to have a couple sessions that will ... In May and June, you'll notice the workplan is lot of TBDs or finalization, and that's where we'll pick up those comments and

---

see if they have support. Great. Thanks. Good question, Jim. Probably should have covered that as well, and the leadership is still finalizing that as we speak.

Any other questions?

Great. Another reminder is that May 4<sup>th</sup> will be our next longer call. I don't think that's next week. Is that next week? No, that's the following, if my timeframes are right. So just please note that May 4<sup>th</sup> will be the next longer meeting. That should be in the calendar invites that you have already. If you don't have that, then let us know.

Great—oh, and the last item—sorry about that—is that, next week, on April 30<sup>th</sup>, we're going to be talking about name collisions. The workplan has been updated. We've invited the chairs of the NCAP discussion group (Name Collision Analysis Project group) to join the call. So far, two of the chairs, we know, can join. The third one is not able to, but we'll have Jim Galvin and we'll Matt Thomas on the call—two of the three co-chairs—and we've also invited Matt Larson, who is the ICANN designee from, I think, OCTO (Office of the Chief Technology Officer). I don't know if I've heard from him on whether he's able to make it or not, but he was invited.

Yeah. Thanks, Karen.

Okay, that's it for the admin. Let's go to the first section, which is called, unfortunately, post-delegation dispute resolution because the dispute resolution areas, which include the PICDRP and the Registration Restriction Dispute Resolution Policy (RRDRP), both

---

occur after delegation of a TLD. It's an unfortunate because we have a trademark post-delegation dispute resolution policy that the name sounds similar to, but that particular dispute resolution procedure is covered by the Rights Protection Mechanisms Group as opposed to ours. So we're not ignoring it. We just know that that's being addressed by the Rights Protection Mechanisms.

These specifically deal with the restrictions and the dispute resolution policy [and] the PICDRP. We have not had many either of these. In fact, I believe, with the PICDRP, there's only been two that have gone on to a panel. I'm not sure there have been any registration restrictions dispute resolution procedures, but I'm not 100% certain of that.

In any case, you'll see that this section is fairly short because the work track that addressed this subject didn't really have too many recommendations and, when we went over this with the full group the last couple of times, again, it didn't seem like there was too much, other than affirming both of those procedures, which is the first affirmation, to continue to have these procedures.

Thanks, Karen, on the chat, who said that there have been no registration restriction dispute resolution procedures, but she will confirm.

The first affirmation is just saying, yeah, let's keep these. That's affirming keeping these in the program. The second one is a recommendation—the second part—which says, for the Public Interest Commitment Dispute Resolution Procedure (PICDRP) and the registration restriction dispute resolution procedure, clearer, more detailed, and better defined guidance on the scope

---

of the procedure, the role of all parties, and the adjudication process must be publicly available. While there is some information—actually good information—on, I think, the Compliance site, the way the materials are organized isn't really and wasn't really explained very well in the Applicant Guidebook. So, going into it, unless you actually read all the materials on the registry pages, you wouldn't necessarily have been very familiar with it. Also, when you read it now, it still doesn't necessarily seem like the most understandable process, although I will say that, over time, there have been some amendments made and some new materials since the working group started talking about that. So, if you do look at the materials on the ICANN site, they have gotten better.

Kathy, go ahead.

KATHY KLEIMAN:

Thanks, Jeff. Coming off mute. On the PICDRP, I think it's important here to talk about the trademark PDDRP, which is using the very same words as what we're using here and included "differentiated" so that people know about it. Given that a number of what we're calling PICS are no longer PICS—we've changed the name for them—it might be a good idea for PICDRP, and I think we should talk about that the PICDRP has never been, to the best of my knowledge, created or reviewed by the multi-stakeholder process. Thanks.

But, again, given that it's the trademark PDDRP—we're using the very same words—if we're creating a whole category of these

---

things using the same acronyms, we should point them out and differentiate them. Thanks.

JEFF NEUMAN:

Thanks, Kathy. We're not using the PDDRP abbreviation here. It was just an overall category. I agree. I think we should do something with the wording because it is confusing—maybe even change the name of this section to just be maybe even something like after-delegation dispute resolution policy. Again, it's a category. We're not creating an acronym for this. The acronyms are the different procedures themselves. And the title of this section isn't hugely important. We should make a note in here so as that don't ignore that there is a third after-delegation dispute resolution procedure call—the trademark post-delegation dispute resolution policy—and that that is being reviewed by the Rights Protection Mechanisms. We should probably add that note somewhere more upfront.

With respect to the review, I think, the first time the work track was discussing it, there wasn't even one PICDRP that was filed. Now there have been two, but, even after those two, other than the one recommendation that we put into the base registry agreement section or have discussed about including—I'm paraphrasing it because I know that we had a discussion on it—that committing fraud would be a breach under the registry agreement—I know we're still working on whether that's a PIC or whether that's just a contractual clause—the group that discussed this didn't think we had enough use of it to actually do any kind of review.

I see the chat. I think Steve is making that note. Great.



---

But, Kathy, other than just putting a note in here that there is a third one, you weren't suggesting that we do any kind of work on the PDDRP, right? Just a reference to it, I think, is what you were saying.

KATHY KLEIMAN:

I think we should include a little bit about the history because we're talking about something that was not in the 2012 Applicant Guidebook. I think we should think about whether the PICDRP still applies when it's covering not just the mandatory public interest commitments but the new voluntary commitments.

JEFF NEUMAN:

That's a good point. Thanks. I forgot about that second point. Thank you. So we do we need to reference back the registry voluntary commitments because this PICDRP will apply to both. In fact, it may ... Well, let's talk about it. Does the group want to change the name to something more that would combine the two of them and just call it, like, the registry commitment dispute resolution policy and abandon the name PICDRP? Now, are people are used to the name, so I don't know if everyone will like that. But, technically, Kathy is right that this PICDRP process or what's known as the PICDRP is going to apply to both those types of commitments.

As Anne puts it, "The RVCDRP or just the Registry Commitment Dispute"—well, it wouldn't be the RVC because it's not all voluntary. It's both voluntary and mandatory. So it would just be the registry commitment dispute resolution process.

---

Alan, please go ahead.

ALAN GREENBERG: Thank you. I'm getting more confused by the moment. Number one, I'm not sure why we're even talking about the fact that the PICDRP applies to voluntary and mandatory. It always did. Have I missed something? Is there any reason that we need to bring that up as a novel idea? My understanding is that it always applied to all PICs.

The second is that, on combining another process with this one and changing the name of this one, unless those two processes are virtually identical, I would think we would want to keep them separate and not confuse people by changing the name. I'm not familiar with whatever this is—the T-something-or-other-DRP—but is it truly identical?

JEFF NEUMAN: Yes. During the many discussions on PICs, we ultimately ended up breaking it into two parts: there are mandatory public interest commitments and then there are registry voluntary commitments. The reason we separated those out was because a number of the comments, as well as the members of the working group, rightly pointed out that not all of the commitments made by registries are in the public interest. So, to avoid the whole discussion or debate of whether these commitments were in the public interest or not, the group agreed that the mandatory PICs—the public interest commitments—will still be known as PICs, but the voluntary ones—for example, if a registry were to have restrictions or if a

---

registry were to commit to a block service or other things that you commonly see in PICs right now—will be more appropriately in the registry voluntary commitments, but the dispute resolution process is identical or will be identical. So that’s the whole reasoning behind the change.

ALAN GREENBERG:

Thank you for that. I clearly missed that and the part where I was focusing only on EPDP. Remember, these things were called public interest commitments before we had mandatory public interest commitments, so, to say some of them are not in the public interest? Well, you can question all sorts of things if they’re in the public interest or not, but they are registry commitments.

I guess I see no real problems changing it except that we’ve used these terms all along. To start using new terms in a new contract when we have all the old contracts which refer to them as PICs, I think, is going to be confusing at best, and obfuscating at worst. So I really worry if we’re changing the term halfway through and then we’ll have some contracts which use one set of terms, and then another using another set of terms. But so be it.

JEFF NEUMAN:

Thanks, Alan. Yeah, I understand. I think there have been a number of discussion on this. I think I ... Kathy, do you have your hand raised? Sorry.

I don’t see Kathy now.

---

KATHY KLEIMAN: I don't think so.

JEFF NEUMAN: Oh, okay. Sorry. I was just looking at—oh, I was looking at an old message. Sorry. Some had, I guess, pinged me, and then you had your hand up but that was old. Never mind.

So, at the end of the day, understand that it's a change and that people don't like change. It'll be confusing at first, but I think, at the end of the day, it's probably the right thing to do, just like it was right to change WHOIS to RDDS. I think we're going to have to just get people used to the new terminology.

JEFF NEUMAN: Jeff, to be clear, are we recommending that all the existing contracts be changed to the new terminology?

JEFF NEUMAN: Well, we can't recommend that because we have no jurisdiction over existing TLDs.

JEFF NEUMAN: Therefore, we really have to consider what we're doing. Thank you.

JEFF NEUMAN: Thanks, Alan. We have a hand up from Christopher. Please go ahead.

CHRISTOPHER WILKINSON: Hi. Good evening. Just a note, Jeff, that, as far as I can see, there isn't a consensus on this call, at least for the change in terminology that you're recommending. Thank you.

JEFF NEUMAN: Yeah, Christopher, I hear the couple voices here, but, at the end of the day, we've had many discussion on this. There have been many comment periods on this. It would be difficult, just from the tone of a couple of people on call, not to continue in the same direction. Obviously, if everyone on this call feels like we should not change it, if we go back and the working group decides after additional discussions not to change, then we won't, but we can't just because, on this call, a couple people are raising these comments.

CHRISTOPHER WILKINSON: Jeff, I don't accept that kind of de minimis approach to these kinds of discussions. For the sake of argument, I don't have a strong personal position on this particular issue, but, if you take the same attitude throughout the whole spectrum of issues, you're going to finish up with a registry/registrar interest group ignoring and overriding all the other SO/ACs who have an interest in this.

Personally, I don't regard Alan speaking as a, as you put it, lone voice. Alan has been Chairman of the ALAC and has been involved with this issue than far longer than I have. I don't think

---

---

you can just dismiss these kinds of comments just because there are only two or three people on the call who are supporting them. This is completely unacceptable chairmanship if you pursue this approach for the rest of—

CHERYL LANGDON-ORR: Okay, Christopher. That's enough. Stop now or I will have your line muted. I will not tolerate that type of unnecessarily and personal criticism when there was in no way, shape, or form of taking any such a diminutive approach. What Jeff was saying, however—I too have been Chair of the At-Large Advisory Committee—is reflected by what you see in chat by others, not just those with business and registry interests, I will hasten to add.

Most importantly, when I and Jeff and others have presented over several ICANN meetings now, let alone in the documents we've put out for public comment, the concept of the RVC—I would note, in particular, when we did it to the GAC—was actually welcomed. So I'm pretty confident that, should the landslide of opinion change, we still have time to make an alteration, but I'm equally confident that we are quite okay in what we are suggesting at this stage based on our quite extensive discussion and quite specific outreach and engagement to date. Back to you, Jeff.

JEFF NEUMAN: Thanks, Cheryl. It's as you said, Cheryl. We have to consider all of the conversations that have taken place to date, including the written comments submitted. As Cheryl knows, as a former chair, and even Alan as a former chair as well, that one phone call with a

---

few people speaking does not change all the work that happened before, but, as Cheryl said, if there is a landslide of opinion that comes to a different conclusion now, then we will obviously go with that as that opinion changes.

Anne, you had a really good comment in the chat. I see your hand is raised, so I'm going to let you cover that because I think that might be why you raised your hand. So go ahead, Anne.

**ANNE AIKMAN-SCALESE:** Thanks, Jeff. I just want to reassure those who are unsure about this that this change terminology was not at all attributable to the contracted parties, as some attempt to gain some advantage.

I think really the clarification between the differences between the two types of commitments that registries make is actually helpful in a couple ways. One way, as we were discussing, is that certain PICs are mandatory. The second way is to understand that the voluntary versus the mandatory commitments, I think, as Kathy pointed out, may or may not meet what everyone agrees is a public interest standard. So I think there was an attempt to distinguish the voluntary commitment when it is produced for public comment: that the voluntary commitment isn't automatically referred to as a commitment that's in the public interest. I think, at the time, we said this is a helpful distinction and that both would remain subject to the dispute resolution procedure and we could just clarify that. If we want to change the name of that, we could registry commitment dispute resolution procedure, but the distinction between the two is actually quite helpful to the public

---

and to public interest and to commenters. So I think it's a bit the opposite of what may be being implied here. Thank you.

JEFF NEUMAN:

Thanks, Anne. The option there is we could keep the same name—still call it the PICDRP—but just ... We do have this note in the global public interest section where it talks about registry voluntary commitment, and we do say there that complaints involving the registry voluntary commitments will be handled through the PICDRP. So we could just leave it at that and keep it called the PICDRP and just move on, or we could change the title of the dispute resolution procedure. Either one would work. So we can just ... I'm reading the chat. Cheryl, you're in the queue, so go ahead.

Okay. Sorry. I think Cheryl already made her points.

So I'm just reading the chat. It says, from Justine: "I don't want have a problem with the term "RVC" and am ambivalent about changing or keeping the term ""PICDRP." It's far more important to me to specify that the PICDRP covers all registry commitments, both mandatory PICs and RVCs."

That's a good way to put it. We'll figure the best way to put that in, whether it's in the affirmation or the recommendation—probably more in the affirmation, since that's where we talk about ... Essentially, we're doing the same thing as we did the last time, but we're just now distinguishing between those mandatory public interest commitments and the registry voluntary commitment.



---

If we go down to that highlighted paragraph, I think that's ... I'm not sure why it's ... Oh, sorry. It's only highlighted because Steve put that note in. Thanks. Sorry, Steve.

I think that's it for this section. The other thing we could do, taking note of Kathy's point, is make it more clear that we did not engage in an exhaustive review of the PICDRP and possibly explain in Section B why the group chose not to do that. So I do think that's important. I don't want it to look like we just missed it but rather that it was intentional because, at the time that our review started, there were no cases and then, by the time we finished, there were only two. So I think that might be important just to note.

Paul, go ahead.

PAUL MCGRADY:

Thanks, Jeff. Just so that I understand, what we'll do with the RVCs is we'll amend the PICDRP to make specific reference to them? That's how we're going to solve it, right?

JEFF NEUMAN:

Yeah. I think, at the end of the day, when it's implemented, the only change will be, as you said, that the PICDRP language will change so that it includes the registry voluntary commitments.

Why don't we then go to the next section? We're not going to base registry agreement because we've covered that. We're going to go to the, I believe, reserve names. So just give one sec for Steve to scroll to that section. I think it's Steve, right? Yeah. He probably

---

has to look up where that section is because I know we're not covering this in the order of the draft. There we go.

Section 2.7.1. We've been through this section, I know, a lot of times already. Just keep in mind that, when we're talking about reserve names, there could be two types. There are reserve names at the top level and reserve names at the second level. They could be handled differently.

Let's go through these affirmations. The first affirmation is just one referring to the original 2007 policy, namely that strings must not be a reserved word, and strings may not be confusingly similar to an existing top-level domain. Obviously, Recommendation 2 applies to only the top level, and Recommendation 5 applies to both top and second.

The second affirmation: "The working group supports continuing to reserve as unavailable for delegation those strings at the top level that were considered reserve names and were unavailable for delegation in the 2012 round." Then we put a note there: "Unavailable names referred to in the 2012 Applicant Guidebook as reserve names."

We probably should put in a footnote there at the end of the affirmation—the second one—that just has a link to the section in the Applicant Guidebook that lists all of the reserved names.

The second part of the recommendation—sorry, while it's in my mind (I'm trying to remember if it was later in the recommendations) ... This list has been amended over the years. I can't remember if we cover that later on. If not, we need to affirm

---

but also make sure we include the “as amended” because it has been amended over the years, just as a note. I can’t remember. So the next recommendation, or the first recommendation in this section, is, “The working group recommends reserving as unavailable for delegation at the top level names associated with Public Technical Identifiers (PTI) and Public Technical Identifier”—as one word; it’s the singular and the plural. Again, this is only at the top level. If you looked at the current list or the list of the 2012 round, you’ll see things like .ICANN, .GNSO, .ASO, .GAC—all those sorts of things. So we’re just adding this as another organizational component of ICANN.

Questions? Comments?

Okay. The next new recommendation: “The working group recommends at reserving, at the top level, special use domain names through the procedure described in IETF RFC 6761.” For those of you that are unfamiliar with that RFC, which probably is most of the world, there are some names that were from the 2012 round on there or that were reserved in 2012, like .example, .land, and .local. There’s a process in there for adding new ones. The only one that, to my knowledge, has been added is .onion. That was added through the IETF just a few years ago. So it’s a recognition of the ... I can’t remember if it was the IETF directly that filed the comment or whether it was an SSAC comment, but it certainly asked us to make sure that we put something like this in here.

Roger is putting in the chat a good point: “And any successor RFC.”

---

That's interesting, right? Just think about that. I question I would have is then are we giving a backdoor for IETF to create new RFCs as a land grab in some sort of new process that's developed simply because it's a successor? That was the concern that people had. Yeah. Thanks, Roger. So, if there is a successor in that, I think that's going to have to separately come to the groups, whether that's the implementation team at the time if it's before the round or if it's after the round begins and it's a standing panel that we have throughout the predictability [model]. I think it's going to have to go through that process. That's why we did not include the successor RFC language in there.

Roger says, "Good point. Makes sense. Good."

Paul, go ahead.

PAUL MCGRADY:

Thanks. I was not on the smaller group calls when this was discussed, so I apologize. And I'm not trying to relitigate it. I am wondering, though, how this ended up because we're meant to look at the New gTLD Program, not approve or disapprove of other things that ICANN Org does on its own. By enshrining it here, we're essentially that whatever they do gets to bypass all the safeguards and checks that are here as opposed to ICANN Org doing what they think they can do. Then there will either be a community reaction to that or not.

For example, .onion could not have been a better example because there is a, in the U.S., very well-known satirical publication house that makes fun of politicians and corporations

---

and people. It could not be more enshrined in first amendment principles, but yet it's possibility to ever have a top-level domain name is now gone. All the processes that we spent all this time on were sidestepped.

Again, I guess my question is, do we have to enshrine this? Is it really something we should do? Or can we just remain silent on it? Thanks.

JEFF NEUMAN:

Thanks, Paul. I do remember this long conversation because I remember you bringing up the same points. I think what we came to at the end –we did ask for feedback on this one, and the public comments we got were similar to Anne's comment on the chat but also from the SSAC –is that the reality is that the IETF has this right through their memorandum of understanding with ICANN. I think it's an MOU if I'm not mistaken. So I don't think we're saying it's a good thing or a bad thing. If we are, then maybe we can just change the language. It's just a reminder that, to the extent that names are on that RFC list, which can be updated—at least the list of names can be updated—we do not delegate those through the new gTLD process. If someone wants to create and out-of-band process later on—some other way to deal with—they can, but I think this is more of an avoiding-collision recommendation as opposed to supporting the fact that the IETF can go around our process.

Does that make sense?

---

Paul is saying, “Well, why do we need it? Can we change “recommends” to “acknowledges”?”

Sure. We can actually just acknowledge. I think that’s fine. We can call it an affirmation, really. [“]Well, affirming is supporting it.[”] Yeah, I think we just change that to “acknowledges.” I think that makes more sense because we’re definitely not trying to make a judgement call on this. But I totally understand why it comes across that way.

Then we have another affirmation. “The working group supports continue to reserve as unavailable for registration those strings that are currently considered reserve names at the second level as of the publication date of this report and as required by future consensus policy.”

So this covers what I was saying before of the reserved names list having changed at the second level. Maybe I misspoke. I don’t think the top level list from 2012 was changed. So I think this affirmation may cover my comment that I made before about making sure that we captured any changes because I don’t think there have been changes at the top level. I think they’ve all been changes at the second level. And this would cover it. We will double-check that.

The next—I’m just looking to see if there’s any questions or comments—recommendation is updating Specification 5 of the registry agreement to include the measures for letter-letter, two-character labels to avoid confusion with corresponding country codes adopted by the ICANN Board on November 8<sup>th</sup>, 2016. So this is at the second level. We should probably make that clear.

---

“The working recommends updating Specification 5 of the registry agreement to include the measures for”—somewhere we need to put in “second-level labels” because this was not a top-level thing.

Any questions? Thanks, Steve.

Katrin is saying, “Do we want to add a recommendation for strings which had been withdrawn in the 2012 round due to technical issues, like .home?”

We chose to not put those on the reserve list but rather we will discuss those under the name collision discussion. We had a discussion about it and, if you put in the reserve list, it means it's never subject to change. That was not what we were trying to say. The reason those were not allowed was because of either stability or name collision or however you want to classify, but it was not because they have to be reserved labels. I hope that makes sense.

Then we have a discussion of the deliberations. If we scroll down just to see—okay—Emily put in the document, “Note that other similar reserve names were only the acronym form—so GNSO and ICANN but not the full set of words.” Good point.

So should we just do the PTI as opposed to any of the other ones? Because the current recommendation is for all of the labels, but Emily is correct that, in 2012, it was only the acronym version of those. I'm thinking, for consistency, we should just do the PTI, just to be consistent, but anybody else want to weigh in?

Okay. Why don't we propose changing that to just the acronym? If there are commenters that want the full version, we'll address it

---

again then, but I think, for consistency, it makes sense to just keep it as the acronyms.

That's it on reserve names that we have here. If you scroll down, we did have a discussion of other types of names and acronyms, but ultimately—you'll see this in the new issues that were raised—in the group, it didn't seem like there was support to include these other types of things, like the Bank of International Settlements or anything like that. Then we noted that there are opportunities, of course, of GAC advice to raise objections if they had one.

Can you scroll down? We did include in the initial report, in the last paragraph there—I just want to draw attention—that we could remove the reservation of two-character letter-number combinations at the top level. We considered that, but it ... Well, I'm going to ask. There were some comments that were in favor of it. There were some comments that it might need to be looked at from the security/stability standpoint, but it just didn't seem like it rose to the level of a recommendation. There are some, to use Paul's trademark analogy, companies like 3M or Level 3, which uses L3, or the O2. There all sorts of marks that could be two-characters that wouldn't be confused necessarily with a country code, although keep in mind that there were some comments from country-code operators that some of the numbers look like letters and therefore could be very confusing, like that a 0 looks like an O or that an L looks like a 1 or an I looks like a 1. So there were all sorts of issues that got raised, and I think that's why this recommendation went from a recommendation in the initial report to a lukewarm "Maybe we shouldn't include it."



---

I'm not sure if everyone is just in total agreement or these are such interesting topics that you guys are all just mesmerized by it. All right, since no one is talking, I'm going with the latter. You're all just mesmerized and just don't know what to say. That's awesome.

All right, Christopher—there you go—go ahead.

CHRISTOPHER WILKINSON:

Thank you, Jeff. For the record, I think we're making a big mistake in ignoring the currency codes. I think that is a wrong decision, and I do not share it. That's all I need to say about that in this [inaudible] in that context. Thank you.

JEFF NEUMAN:

Thanks, Christopher. That's noted. Ultimately, when we do a final-final report, we'll ask for minority views, so, certainly, you can put that in as a minority view.

Let's go to just the last thing on this one—Section B—which notes that there is ongoing work on this subject, namely the IGO-INGO stuff and the Red Cross/Red Crescent stuff. That's more at the second level. So we note that as dependencies or relationships with other things going on.

Let's go then to third topic for today. We'll give Steve a chance to get there. Different TLD types. This one I think, probably of the three topics, we have had the most conversation on over the years. There were lots of people with strong opinions on a number

---

of different aspects. What we think we have here are what we believe everyone or most of the people in the group agree with.

The first recommendation is “The group recognizes that there may be circumstances where it makes sense to have differential treatment for an application based on either the type of string, the type of applicant, or the registry focus. Such differential treatment may apply in one or more of the following elements of the New gTLD Program.” It lists all the different elements: eligibility, evaluation, process requirements, order of processing, string contention, objections, and contractual provisions.

We’ve put these in three different—I hate using the word “categories”—areas. We have those TLDs that differ by application type. So we had a standard application in the 2012. We had a community-based application—well, at least some of the questions applied only to community applications. We had a geographic names application, and then we added a Specification 13, which also have different provisions and things that apply to it.

Anne, let me just finish going through this first recommendation and then I’ll come to you.

Then we have different TLD string types. So we have geographic names as one type of string. IDN top-level domains is a type of thing. With that, the real difference between IDN TLDs and regular—I should say non-IDN—TLDs may be in processing, and that’s if we adopt the proposal that’s been going around the mailing list, which is why I’ve highlighted it: if we agree as a group not to have any kind of priority or don’t accept the proposal, then that may not be on this list. Of course, IDN variants are treated

---

differently. And types of strings receiving priority in evaluation. Then there's Category 1 GAC safeguards. Some of these we still have finalize recommendations on, so the final list of these will change depending on how we come out on certain issues.

Different applicant types. If you are an intergovernmental organization that applied, there are a few different contractual provisions. If you applied for applicant support, then you have to go through a separate evaluation, and different fees and thing will apply to you all. What we say there is ... Well, let's go to Anne and Paul, actually.

ANNE AIKMAN-SCALESE: Thanks, Jeff. I just wanted to mention that, in the recommendation language on the third line, where we use the term "registry focus," I think that's a very imprecise term. We need to really stick with what we listed below, which is application types, string types, and applicant types because I think "registry focus" is a very wishy-washy term.

JEFF NEUMAN: Yeah. Thanks, Anne. I think that makes sense. So we should say: based on the type of application, string type, or applicant type.

ANNE AIKMAN-SCALESE: Yes. Thank you.

JEFF NEUMAN: So we should make it just reflect the list, yeah. Paul, go ahead.

---

PAUL MCGRADY: Thanks. Sorry about that delay. I see that geographic names appear in both the first dot and the second dot, for different application types and different string types. It's not super obvious to me—the difference between an application type and string type—since it seems like the string drives the application type.

Setting that aside, at a minimum, I think we need to tighten up what we mean by geographic names because we don't mean any geographic name/anything you can find on a map. What we're talking about there are geographic names that have some additional obligations to get governmental support as defined in the guidebook. So can we clean that language up for both of the times it appears?

JEFF NEUMAN: Yeah, Paul. This came up on another section, too.

PAUL MCGRADY: Yeah.

JEFF NEUMAN: I think we agreed to use the guidebook definition of geographic names. So why don't we capitalize the geographic names and then put a footnote to—well, actually, it wouldn't even be just for this one—on the community-based and another footnote on the geographic names. A lot of these would have footnotes to different definitions because we list them and it's not really clear from the

---

context that these have been defined and that they're not in the generic sense, like a generic community or a generic geographic name, as you said. They're very specifically defined. So we'll include those definitions. I think that's good.

Again, the Category 1 GAC safeguards is on there. We haven't made a decision on that yet, so that's why a number of these are highlighted: we ultimately need to reflect ... Well, in the darker yellow. In light yellow at the bottom, under Section Applicant, we've highlighted where we need to put in a reference, but, in the darker yellow, these are ones that we have to see how we come out at the end of the day on this different sections.

Karen and—let me see if there's anyone after Karen ... Well, Karen, go ahead.

KAREN LENTZ:

Thank you, Jeff. I Wanted to bring up a question just around the way that this recommendation is worded. If you could scroll back a little bit, it says, "The working group recognizes that there may be circumstances where it makes sense and such differential may apply," which I guess is a little different from saying that all of these types need to be recognized or continued in a similar way that they have existed. I don't know if there's a reason why it's worded this way exactly, but, just for purposes of understanding the expectations, it's something I wanted to flag. Thanks.

JEFF NEUMAN:

Thanks, Karen. I am trying to remember why we did it this way. Can you, Steve, scroll down for a sec? I'm trying to remember if

---

we formally recognized those later on or if, at one point, we did and then moved things around. Yeah, somehow it got lost between drafts. So you're right, Karen. We should be making that more of a recommendation that we continue to recognize. I think that's right. So we will change the wording to make it clear or just add a sentence at the end stating that we recommend that the following application types, string types, and applicant types be recognized for subsequent rounds. Of course, we'll take out any one if doesn't apply, depending on how we come out at the end.

Paul is saying, "Under applicant types, should we parse out public companies from private companies?"

I think that's a little too granular because I think that's only, like, one question in the evaluation. Or it's not even a different question. It's the same question in the evaluation. It's just, if you're a public company, you don't have to provide certain things.

Donna is saying, "It's too granular." Cool.

If we scroll to the next implementation guidance that follows this chart—yeah—"Other the types listed in the above recommendation"—essentially—"the working group believes that creating additional application types should only be done under exceptional circumstances and it should be done via agreement by the ICANN community. Creating additional application types, string types, or applicant types should be done solely when differential treatment is warranted and not intended to validate or invalidate any other differences in applications."

---

So we're not saying you can't ever create new categories or new string types or applicant types. We're just saying that it needs to be done via agreement by the ICANN agreement, which I know is a very ambiguous or very vague term.

Paul, is that a new hand or an old hand?

Okay. The next implementation guidance is, "To the extent that, in the future, the then-current application process and/or base agreement unduly impedes an otherwise-allowable TLD by string type or applicant type, there should be a predictable community process by which potential changes can be considered." Then we say that this process should follow the predictability framework discussed in Section ... We'll have that number in when we have that final numbering. Then it also references the base registry agreement.

Questions on that?

Okay. Then we have a deliberations section if we want to scroll down. As Emily notes there in the document—oh, sorry. Can you scroll up a little bit? I was just ... A little bit higher. So where was that? Why was that ... It might have been the low one. TBD outcomes based on outcomes ... Actually, a number of these are based on outcomes, so I don't think it's a new comment. Never mind. We don't need to cover it. It's just that what Emily says in the document is that, depending on other discussions, some of these sections [and] the rationales may need to be altered. So it's just notes to us to make sure we do that and come back to the section.

---

If we want to go further down, there's a lot of discussion here about the kinds of issues we raised during our discussion. Then we cite some of the GAC advice that had been provided on this. So we make sure we're addressing this advice. The new issues ... It goes on to note that there were additional types that we had in the initial report, but it didn't seem like we got any kind of consensus to adopt any of those categories, like verified TLDs, non-profit TLDs, etc. So basically we say that we're not putting forward any recommendation to recognize these other different types of TLDs in the future or at this point.

If we end up adopting some form of Category 1 protections or, as we discussed previously, a potential objection process for validated or verified TLDs and we end up all agreeing that we should have a process on that, then we would also include that type of TLD on these lists. If we don't, then we won't.

Anne, go ahead.

**ANNE AIKMAN-SCALESE:** I wanted to focus for a minute on this phrase: "The working group determined that any additions to the existing framework should be done on an exceptional basis." That language is less precise than in the previous reference to using the predictability framework for any changes.

I'm trying to understand what the working group is saying here about not ruling out differential treatment through "community processes" or whatever. Are we saying that, in the next round, differential treatment might be established through the use of



---

either the predictability framework or the GNSO processes that apply after the AGB is published? These are vague.

JEFF NEUMAN:

Yeah. When some of this was drafted, it was before we had all the predictability model. We still have to go over that, and we will on a call soon. We probably should make it clear that it should all go through the predictability model. Now, remember, the predictability model also includes the GNSO processes, so that's all included in one grouping.

Steve, can you scroll up to the implementation guidance? So we do say it should follow that, but, if you look at the implementation guidance above, we really should only have it handled through a one-way. So I think the first implementation guidance was really trying to set the notion that it really is an exceptional type of thing and that it shouldn't be done. It really needs some[thing] bigger if we're going to do it. That was the intention of the first part. The second part is the process by which it would be done.

So we need to, as Anne said, reword the first one to really just have the second sentence, really, which is, "Creating additional application types should be done solely when differential treatment is warranted and it not intended to validate or invalidate any other differences."

I think the rest of that implementation guidance—the sentence above it; I can't see the whole thing right now on the screen ... I think what we could do is we could end the first sentence after "exceptional circumstances." In that first sentence—yeah—if we

---

did a period there and then deleted the rest of that line, then I think that makes more sense, Anne. Right? Because then the first part is just saying that it really should only be done in exceptional circumstances. Then the second part is: and when you do it, it has to do go through this process.

I'm just reading the chat. "The council could initiate a PDP."

Right, which also is recognized in the framework. The predictability framework recognizes all of that. That's why don't need to go further and say both the predictability model or the GNSO process: they're both in there.

Paul, your hand is up. I'm not sure if that's an old hand or new hand.

PAUL MCGRADY:

New hand. Jeff, is it possible to—there's an old word I'm looking for—to at least put brackets around the predictability framework wherever it's mentioned because not everybody is gung-ho about that and we've not talked through it in a final way yet. But it does seem a fait accompli unless we mark that it's not. "Humor me"—that's what I was trying to come up with. Thanks.

JEFF NEUMAN:

I think the notion of a predictability model has been supported by lots of discussions and all the comments. Now, the different things in the model may not all have complete support, but I think it is pretty clear that there will be a predictability framework. Some of the details, I think, are still under discussion.

---

I see that Donna is supporting Paul's suggestion. I think, if we eliminated a predictability framework at that point in time, we can go through and take it out. I think, at this point, to bracket it is not the right thing to do because it will follow the predictability framework. If that predictability framework only includes "Go through GNSO processes," that's what it is. I just think that we should keep it.

Sorry. I'm reading the chat. "But I do think it's possible that the predictability framework could address an issue of GNSO Council [inaudible] expeditious. The GNSO Council can always decline this predictability framework and use its own procedures."

Right. That's all part of the predictability framework.

So we'll keep this as the text. If for whatever reason we eliminate the whole predictability framework completely, then we'll at that time go through the exercise of finding everywhere it's referenced. But, at this point, I think there is going to be a predictability framework, but what it says and the complete details are still under discussion.

Does that make sense?

All right. I'm not seeing comments. People are tired.

I think that's it. I think, if we scroll down, we've covered these three topics. Just scrolling down—yeah.

On the next call, we are going to look at IDNs, I think, if I'm remembering correctly—yes—and the security and stability section, which, in the initial report, also had name collisions in it.

---

We're going to treat them as two separate conversations. So, for the next call, it would really be just look at the security and stability section other than what's in the name collisions. Really that looks at things like root delegations, like root scaling—I'm trying to think what else—and the string review. So it's not meant to point out the name collisions. It's not a security and stability issue. We're going to just handle those in two separate ways.

Paul has acknowledged. "When we start the predictability, the presupposition is that everyone is on board."

Paul, that's a good statement. When we do have that call—that will be in a couple weeks; you see that's for May 7<sup>th</sup> (most of the meeting on the 7<sup>th</sup> and all the meeting on the 11<sup>th</sup>)—I would like people to make sure to come in with the specific parts of the predictability framework that they think needs work or don't agree with. That would be much more helpful with just saying that no one is on board with the predictability framework because I think there are elements that everyone is on board with of the predictability framework, and then there are elements that may not have everyone. So I think it's much more granular than that. You'll see when you rereview that section.

Also, what I'll say during this call—I'll send an e-mail as well—is that, for those of you that are working on revised language with the GAC advice early warnings section—you know who you are—if we can please have text that you would like us, as a group, to review by May 1<sup>st</sup>, which is, like, a week from now, that would be beneficial so that, when we do start those and we do have that discussion on May 7<sup>th</sup>, it's really going to be limited to that one or two things that people had said they wanted to go back and think

---

and redraft something on to see if they can get some support. So it's not the whole topic of GAC advice early warnings again. It's really just the one area or two areas that people said they wanted to think about and provide some language for. So, if you can do that by no later than May 1<sup>st</sup>, that would be great. If we do not get anything by May 1<sup>st</sup>, then we'll take that off of May 7<sup>th</sup> and only deal with predictability on May 7<sup>th</sup> and May 11<sup>th</sup>. I hope that makes sense.

The next call is on April 28<sup>th</sup>. That is a Tuesday because, I believe, it is 03:00 hour call. We don't do those when it's Sunday in the world, anywhere. So that is a Tuesday as opposed to a Monday at 03:00 UTC.

Thank you, everyone. I think we got a lot of stuff done today. I'm happy with what we covered. Everyone have as good a weekend as you can have in this environment. Stay safe. Talk to you all next week.

**[END OF TRANSCRIPTION]**