
ICANN Transcription

New gTLD Subsequent Procedures PDP Working Group

Thursday 25, July 2019 at 1500 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. The audio is also available at:

https://icann.zoom.us/recording/play/5vT-4KymGpjQd7sS9YBGADSHBh-qLfna6bUhWBQi_YxNF120NUiMGulFz3_EeuP6

Zoom Recording: https://icann.zoom.us/recording/play/7anAX1AhqZr7Ubu-GifqVjj8ZVhvRXswhE5SLEyfgK0PEidL_YCKlzsNOAeyVJ0H?startTime=1564066876000

Attendance is on the wiki page: <https://community.icann.org/x/lqijBg>

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

MICHELLE DESMYTER: I'd like to welcome everyone. Good morning, good afternoon, and good evening to call. Welcome to the New gTLD Subsequent Procedures PDP Working Group call on the 25th of July, 2019.

In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room. If you happen to only be on the phone bridge, would you please let yourself be known now so we can mark you for attendance?

All right. Hearing no names, as a reminder to everyone, if you would please state your name for transcription purposes and

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.

please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I will hand the meeting back over to Jeff Neuman. Please begin.

JEFF NEUMAN:

Thanks, Michelle. Thank you, everyone. I know that there is lots of meetings at this time and some conflicts that some people had sent around on the e-mail list. I appreciate all of you being on the call to talk about these important subjects.

The draft agenda as was sent around would be to continue working on the application submission period, starting our conversation on applicant support. I know I have terms of conditions on there on the agenda. As time permits, I don't think we'll get there, but we always put one topic ahead, just in case the miraculous happens and then we're able to get far beyond what we thought. So those are the next three topics.

I just want to ask if there are any updates to statements of interest.

Okay, I'm not seeing anything. One thing you'll notice on these things now is that one of the action items that we discussed on the leadership call was to go back through the past calls and to make sure that we are keeping a running list of action items from those calls. You may be able to see on the screen – I think that's Julie's screen, if I'm not mistaken – that a couple of the action items that we pulled out from last week's calls on there. It doesn't mean we've finished those by any means. It just means that we've

pulled those out and we will continue to have those on there until we complete those items.

One of the action items was to work on some high-level – I think this was from Kathy initially – language to reflect fairness and balance in the legal rights objection language. For universal acceptance, there was some suggested text that we need to rewrite for that section. The third action item from the July 18th call was to just follow up with ICANN org on one of their comments. They may not mean much out of context in terms of looking at this here, but if you want back to the notes of those meetings, you'd see where they are in the context of those discussions. We're not going to reprint the whole text of those notes here but will keep a list of the action items so that don't lose them.

Any questions on that?

Okay. Going back to the discussion we started at the end of the last call, which was on application submission period, I drafted a quick slide just so we're all on the same page as to what we are talking about. So there it is. Thanks to Emily for putting that circle in there.

This is the timeline or the ideal timeline from 2012 if everything had gone as planned. We know that there was a glitch which extended the application submission period. Essentially, this is the period of time between what was supposed to be January 12th, 2012 and April 12th, 2012, which was a period of three months (approximately 90 days).

So that was what we're talking about. We may talk about the discussions that we'll get into. There's also some discussion of the communication period, which was the period of time where the Applicant Guidebook was posted. There was outreach by ICANN to the community. There was a question and answer period. That's what was a communication period. We may refer to that period as well as the submission period combined. Combined, that was a total of nine months: the communication period plus the application submission period. That was July 2011 until January 12, 2012: that communication outreach notice period – whatever you wanted to call that. So everyone knows that the period we're talking about now is really the period called the application submission period. That was from January 12th and was supposed to end of April 12th, 2012 (three months).

Sorry for that little diversion, but I thought that would help: just to see it on the timeline of what exactly we are talking about.

If we can scroll back. We're not quite on applicant support yet. Where we left off – keep going up, up, up. There we go. So we had discussed the application period, a high-level agreement, from the comments and the discussions that we had from the work track, the preliminary report, and comments [and went back in and decided] to support a fixed application window of at least three months. Some below that three months, like we had the last time, is sufficient, while others believe that a longer period may be necessary or beneficial in some or all circumstances. We will get into more specifics as we go through this.

The second high-level agreement that we derived from the comments and the previous work was that, in the event we go with

subsequent application windows – regular, fixed application windows – they should be organized as a series of windows. We should be able to start a subsequent application window in parallel with other steps of a previous round. That’s as high-level as we can make it. There are some comments, of course, as to which elements could be parallel. We’ll get into that.

So these were two items we were able to draw out of the previous discussions.

Drilling down into a little bit more detail on the first high-level agreement, which is the three months, in then comments it seemed that there were some – I’m trying to think of the word – some conflation or some mixing of issues related to a communication period and the application submission period. We got some comments that certainly said that we needed an application submission period long enough for outreach to occur and for groups to be able to develop and submit their application.

The comments we got, for example, from the Registry Stakeholder Group said that a six-month period may be beneficial to allow latecomers to the program to participate. But it was not clear whether that comment was referring to a combination of the communication period as well as the application period itself. The BC said that a period of more than three months may be needed for some parts of the world. There was a note there that will go to the follow-up section, where it said that perhaps we can keep non-contentious applications open if they needed more time to complete.

If we can go to that staff note in the follow-up section ... which that I don't think is it. Sorry. There we go. So we had asked the BC for clarification. What they said is, "Three months is likely not long enough in some parts of the world. Consider this or find a way to keep ...". So we do need to get some more follow-up on that because they weren't able to really understand what non-contentious applications [mean] if they need more time to complete.

If we scroll back up, just looking at the chat, Christopher said, "Regarding application periods, please confirm that transition delays are outside the three- or six-month periods."

Christopher, are you referring to translation of the Application Guidebook? Because I think you are. Even though you are correct in saying that the communication period started with the posting of the English version of the Applicant Guidebook, the translations took a few weeks or even a month to follow the publication of the final Applicant Guidebook. So the six months of the communication period was measured from the posting of the English version, not the posting of the other versions.

CHRISTOPHER WILKINSON:

Not quite, Jeff. I take note of your concern about the translations of the AGB (Applicant Guidebook). I've always assumed that the application period could not begin until the translations of the AGB are available in all the ICANN working languages at least. You can't open the procedure in English and then assume the rest of the world will catch up

halfway through the application period if and when they get their version in their domestic language.

Actually, what I was referring to was the translations of the applications themselves. If diversity and outreach is going to be successful at all, some people who may be perfectly well provided for financially may wish to prepare their application in their own language and then prepare a translation for purposes of ICANN.

Off the cuff, I don't have an immediate solution to that, but I think, at the very least, if the application being is being made primarily in a non-English language, then there has to be a flexibility in the delays for the application period to deal with the delays of translation. That's what I'm thinking about. Thank you.

JEFF NEUMAN:

Thanks, Christopher. Looking at Jim Prendergast's question, I believe – someone can correct me if I'm wrong – the only language you were able to submit an application in was English. I believe that was the case, although I'm not 100% certain. Someone may correct me if I'm wrong. And I don't think we've discussed different in terms of what language it can be submitted in.

So all applications would have to be in English. What Christopher's point is is that it may take longer to actually submit the application in English because it would have to be translated. So I take that point.

What do others think? Again, if we think about this in terms of a combined communications plus application submission period,

which in total is nine months, does that make a difference? Or do people think that, from the time you have access to start inputting data into the application system to the time where you have to submit it, 90 days or three months a long enough period?

Jamie, please?

JAMIE BAXTER:

Thanks, Jeff. I think it's important that those two periods are not interdependent. As you noted, it's incredibly important to know how long the communication period is before you determine how long the submission period is because I think together they should provide enough time for the chores, so to speak, to get accomplished and also for the awareness and the preparation to take place. Once again, I will specifically point out community applications, which do take time build consensus with the community. So that combined period, I think, is the bigger picture we should be looking at as to how long the communication is and then how long the submission is so that you look at a total amount of preparation time. Thanks.

JEFF NEUMAN:

Thanks, Jamie. I think that makes sense. That could be a high-level agreement if others agree with that – in other words, saying that an application submission period and/or communication period should not be considered in silos or separately but that there should be a combined period of whatever it is, whether that's nine months or a year because presumably, if there was enough

notice with the communications period, then the actual data entry of three months may be enough time.

I'd love to hear other thoughts on that.

Jamie says, "I believe that was" – oh. "I would support the high-level agreement with a description as to why." Sure.

Any other thoughts on that? Then, if we do agree with that [and then] a combined period, what do people think would be sufficient? Is the nine months combined communication period with a three-month application period enough? Is it enough only if, as Christopher's comment sorted of pointed out – or at least as I interpreted it initially – it's from the date that translations are provided? What are thoughts?

I see Paul's hand up, so, Paul, please.

PAUL MCGRADY:

Thanks. Do we have reports of anybody saying three months wasn't long enough? I apologize. I stepped out of the room for the moment, if that was already covered.

JEFF NEUMAN:

Thanks, Paul. We certainly got reports that the total period of time of the communications period and application submission period weren't enough in this case because of issues of things like translations and because it was the first time it was introduced. So we got those comments. I can't say that we got comments that a three-month submission window was not enough, looking at that

in its own silo. If we think of the application submission period as you put in there and as I said as the data entry, then perhaps looking at the communication and application period as a whole is really what we should be doing.

Katrin says that, from her experience in supporting community applicants, raising awareness among the community takes years, so the communication application period is just a small part of the whole process. “I’m not sure if extending the communication application period is really necessary.”

Justine says that, “Communication period aside, specific target audience (read: global south and middle applicant folks) reached is a factor in appropriate timeliness.”

Right. I think, Justine, what you’re saying is, putting aside the actual time, we really need to have an effective communications period. But I think, for this purpose, we have to assume, because the communication period is a separate topic that we’ll get into, for now, that we have an ideal activities occur during our communications period. But I do take the point that there is certainly an interdependence of how well we do.

Donna agrees with Katrin. Paul says, “As a practical matter, we need a substantially shortened window – at least one year in advance – for budgetary purposes.”

I’m assuming, with budgetary purposes, Paul, you’re saying for the applicants’ budgetary purpose, not ICANN’s budgetary purposes, right? Yes. Okay, great.

Katrin is saying, "So this is more a function of how efficient we are and appropriate we are doing the communications period." Donna just asked a question I think I just got clarification on, which is, "Budgetary purposes of applicants."

Phillip is saying, "Aren't we trying to be more efficient this time? So why would we set a longer period?" That's the question, Phillip, I'm asking. If we are efficient and we do things ideally, is a six-month communication period combined with a three-month application submission period enough? What I'm kind of getting is it may be enough. It just depends on how well we do during a communication period. I think that's what I'm getting.

Jamie, please?

JAMIE BAXTER:

Thanks, Jeff. I think what was unique about the 2012 round was that there was a lot of discussion about this happening prior to the application submission period opening. So there was already lots of awareness. I concur with Katrin that it does take years for communities to put their application together. I can assure you, though, that it did not take us three months to enter that information into the ICANN system when we were ready to go. But the problem with the 2012 round is that nobody knew when that opening was going to be.

So, if we're working with more solid dates going forward, I think three months is fair. I don't think it necessarily needs to be longer. But you can't be told a month before that that's when it's going to open. So that's why I think it's important that it be taken in its

totality. Especially for this initial round that's going to follow, I do think there needs to be enough time for communication to go out so that applications can be put together. Again, as a single applicant, it did not take us three months to put all that information into the ICANN system.

So, for me, it was important that there be more time in preparation for the application submission than the actual time to submit the application. But, again, I'm speaking again from the position of a single applicant as proposed to a portfolio applicant. Thanks.

JEFF NEUMAN:

Thanks, Jamie. The other note we can add is that there's nothing preventing ICANN from having awareness activities even before the final guidebook is out. So we could put in a note that says that, yes, we should have a formal communication period of at least six months but that ICANN should be and others should be starting to create awareness or that there's nothing stopping the creation of awareness even prior to that period. So I think that also may be an important message.

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

JAMIE BAXTER:

Thanks, Jeff. That's a new hand. I will point out that I did specifically ask that question at an ICANN acronym to [Akram] about why ICANN had not started communicating that there will be future rounds. His direct response was that it's up to the community to tell ICANN that they have to do that. So I wanted to go on record that ICANN isn't going to do that just because we're

talking about it. It is something that will have to be told to them by [inaudible] and funds be appropriated to do that. So I hope that we're all clear on that: that, if that's what our goal is, then we need to take action in order to get ICANN to move on that. Thanks.

JEFF NEUMAN: Thanks, Jamie. It's interesting that you got that response because they did do a press release. Granted, that was in 2008 when they approved the policy. So hopefully, if we do this right and we indicate to ICANN that they should be setting forth dates as we go along and not have open-ended implementation periods and we also are clear on when subsequent application windows may open, that should make things a little bit better.

Alexander, please?

ALEXANDER SCHUBERT: Hi. Can you hear me?

JEFF NEUMAN: Yes.

ALEXANDER SCHUBERT: Okay, great. Having been the co-founder for the .berlin and .gay, and having had to get the community behind us for a very long time, and doing that again, since a year already now for the rest, I think that's very important that, when you're in the process of putting a community together – putting people, sourcing funds, support and the like – you're able to tell those people when it will

happen. There are some entities there already now putting together those applications. It's incredibly difficult to do so when you always have this open-ended. So it would be super, super helpful, if at some point – as we all know, we can do it right now – we can have a projected launch date so that you don't have to go to your constituents time and time again and tell them, "They're still discussing that. They don't know." There are some industries out there that are planning decades ahead, so it's very difficult to explain to the that ICANN just doesn't know. They [inaudible] someday. It might be in a year. It might be in three years. Thanks.

JEFF NEUMAN:

Thanks, Alexander. I do also, just putting a personal hat on, know some that are already starting to plan now, I think, like the last time. But there are others, as Justine points out, I think, that will want to wait until the important details are disclosed in something like a final Applicant Guidebook, like fees and other aspects, so that they can adequately plan.

Let's just scroll down a little bit to some of the other comments. The ALAC supports [inaudible] because they support having additional community-based applications, as well as applications from underserved regions or communities that we really need to make sure that, because of the complexity of the process, whatever period of time it is serves their needs.

Registrars, I think, point out what we've been talking about, which is that we should really look at this as a whole, that the application period is really dependent on the length of the notice/communication period and the complexity of a process.

One of the respondents, a registry – [LAMart] – had suggested five-month period with notice of the application window eight months prior. So that was just a specific proposal.

Before I get into these subsequent ones, it sounds like to me that a submission period of three months should be okay if the communication period is long enough to meet the needs of communities and underserved regions. Really, we should be looking at this as a whole as opposed to just the application submission period in its own silo. I can think we're in a good place on that.

If we move on then to – so now let's say we've done this next application window. If ICANN does its job or we as a community do our job right, one of our recommendations was to have predictable application windows, whether that's time-based or set on a set of criteria. Remember, we had this discussion a while ago.

Let's say people are on notice that the next round will begin a year later or two years later – whatever it is. That's predictable. Do we need a 90-day application window or three-month application window for that next application window, or can we shorten it to 60 days? I think the comments we got back were that we should just have a constant three-months and not do it any differently. I think, as the ALAC points out, even though this may be a second or third or fourth round for ICANN, there would still be first-time applicants and we shouldn't disadvantage them. So it makes sense to me at least to basically say we should have a regular application submission window of three months and not change it for any subsequent rounds.

Does that sound like something we could put at least for now into a high-level agreement, obviously subject to anyone opposing that in future discussions? It seems to me that we did not have agreement in the comments to treat subsequent application periods any different than this next one. Anyone disagree with that?

Donna supports that. That's good. Katrin supports that. Great. Yes, telling us you support is just as important as saying you don't. If you just want to put a note in that high-level agreement that all application submission window should be treated the same for subsequent rounds or however you want to word it. But we'll word it better.

Justine is saying that periods should not be shorter than 90 days. Yeah, Justine. I think if we can say an exact timeframe and get agreement on that – as Donna just put in there ... So you said it shouldn't be shorter and Donna said it shouldn't be longer, which is essentially saying that it should be 90 days, which is fine. Again, we'll come back to this to make sure we're all happy about that combination of the communication period and the application submission period.

Sorry to make you multi-task, Emily, but is there a way we could scroll back to where we were? There was some discussion of doing an overlap between the communications period and the application submission period. That did not seem to get support. In fact, it got specific divergence from INTA and the Registry Stakeholder Group. Neustar had in its proposal as a phased application system. We have not seemingly adopted that at this

point. We'll put that one to the side for the moment. Jamie Baxter also presented some concerns, especially for newcomers.

So I think, again, there is high-level agreement that an overlap between those periods is not something that we support at this point in time. Is that a correct assumption?

Christopher Wilkinson and then Donna.

CHRISTOPHER WILKINSON:

Than you, Jeff. I put my hand up a little while ago and you've already covered some of the points I wish to make. I just want to clarify that I support this tentative conclusion, clearly on the understanding that it's on the basis of phases windows for specialized applications. For example, later in the document we have one group opposing a phase for developing countries. Elsewhere, we have the proposal to include the concept of phases or separate windows for specialized purposes. So my support is qualified by that comment. Thank you.

JEFF NEUMAN:

Thanks, Christopher. Donna, please?

DONNA AUSTIN:

Thanks, Jeff. Just on the overlap, we might need to be careful how we state that because, if we have a 90-day application window, then I could foresee that the communication period would actually overlap with the application period there still may be communications going on. So I think what some people have said

that, once you get to inputting the application, it doesn't take all that long. So the communication period could actually overlap with the application period.

I hope you understand the point I'm trying to make. It shouldn't be simply that we have a six-month application period, that stops, and the application window starts. I think communication period could go through the first [two] months of the application period as well. So I think we just need to be careful of how we phrase that in terms of overlap. Thanks.

JEFF NEUMAN:

Thanks, Donna. I think that is an important point. I think what we're saying is that a communication period should commence at least six months prior to the opening of the application window. If we word it like that and also specifically note that we're not saying that communications needs to stop once the application window opens, we're just saying that the communication period should begin at least six months prior to the window opening. Hopefully that's a little bit better-worded. I'm sure it can be even better-worded than what I just said. But I think that's the concept.

Jamie concurs with that. Essentially, yes, although we have this designated period of communications, it should not stop just because the window has opened.

The next part talks about rounds following the next round of application processing delegation occurring in parallel with the new window. The INTA states that all application windows must be clearly identified to make sure controls are in place to ensure

that a later application for a TLD is not given priority to an earlier one.

I think we've already addressed this subject several times. I'm sure we will again. I believe there was a high-level agreement that no application for a string in a subsequent round should be – I forgot the exact wording – evaluated or considered prior to an application in a previous round for that string. I think I just did a terrible job wording that, but I think we've already reached agreement along the lines of the INTA concerns. I'm trying to remember what section that was in. Maybe we could just make a note in that to refer to whatever section that's covered in so we can say that that concern is being addressed.

The next I think we also covered. This was on the notion of fixed application windows. The ALAC talked about batching applications. The Registry Stakeholder Group was still, if we recall, talking about supporting a first-come/first-serve application period. I think, from previous discussions, it appears that there's high-level agreement to not have first-come/first-serve application periods. So I'm not sure we need to address that new comment at this point.

Let's scroll down. The follow-up we have in there is that we have to follow up with the BC on their comment. Just referring this next one from the ALAC to the next subject we're actually going to be talking about, which is under applicant support because the ALAC essentially says that the submission period is a function of how well applicants can understand or comprehend the requirements and prepare their applications in the time needed to do that. I think we'll get into that in the next subject.

If we scroll down, I think we are ready to start applicant support. But, Jamie, your hand is up. So just before we do, please.

JAMIE BAXTER:

Thanks, Jeff. That last little bit about not processing an application in future round if one in the previous round is still under evaluation just made me think of something that I'm not sure we discussed. If we have, I apologize. Has it been talked about what will be done with those application fees? Because I think it needs to be clear to someone who is applying for a string that already does have an application in a prior round as to whether they will get a full refund if the one prior to them does go through if there is a portion that is intended to be kept by any part of the process? It seems like there needs to be some transparency around that.

I understand that they want move forward and evaluate it, which obviously means they're not incurring expenses. But I think there's needs to be transparency about what happens to your application fee if you have applied for a string after somebody else did in the following round or a future round and then ultimately yours doesn't move anywhere. Hopefully that makes sense. Again, if it's been talked about, that's great. It certainly jumped out at me when you read that. thanks.

JEFF NEUMAN:

Thanks, Jamie. I don't believe it's been talked about. You've just, in my mind, raised the whole point that we haven't talked about refunds in general. In certain cases, we've said that refunds should be made as we've gone along, but we probably should

have at least an e-mail discussion and then on a call to discuss not just the point about refunds that you've mentioned, which is that, if someone has applied for a string, that has not been resolved from an application in the prior round – that's your point, and I take that. That's an example, but in general, refunds have not been discussed. So we need to put that in as an action item and include your example.

Okay, so we will do that. Thanks, Jamie. I think that that's important. We'll try to fit that in – again, not just your example but all of the refunds – because I just can't remember if that's already in a subject area or if ... So "I don't know" is the short answer, Jamie. I don't know if we've discussed that yet.

Alexander, please?

ALEXANDER SCHUBERT: To follow on Jamie's, this is a larger point because, as you remember in the last round, some even managed to apply for strings that were explicitly not allowed to be applied for. I think it was Google – three strings like .and. So in general it would be nice that, in this round, when you're going to apply, ICANN would look into the application before they even start to make a big pick evaluation and immediately notify the applicant: "Hey, you're going to apply for something that create a problem because ..." Like Jamie said, maybe there's still an application evaluation from a former round, or you're applying for a string that you can't apply for because it's not allowed to be applied for because of, let's say, a country name. So ICANN would inform those immediately so they can just withdraw their application completely, including

getting all of their money back. It's not a normal refund, like it was last time, but such an application would be immediately stopped in its tracks. Finished.

JEFF NEUMAN:

Thanks, Alexander. We do have something like that in the systems topic. We did discuss that. I think, at the end of the day, it was one of the implementation guidance, as it's nice to have if we can do it, especially with those terms that are reserved, but it was one of those that was, again on the list of "This would be great to have but if it makes things too complex and too costly to put into the system?" That was not one of the priority ones. So we do have that in there and discussed in the system section.

The other thing it brings up is that I don't believe we had agreement – in fact, I think there were more people saying the opposite. When the topic came up with applications and we asked the question, "Should you be able to apply for a string that is still pending in a previous round, or should that term be reserved?" the answer we got back from most people was that you shouldn't be prevented from applying for it but it shouldn't be considered unless the previous round applications for that string do not succeed. So it seemed like most people did not agree with placing a reservation on it but more with that it shouldn't be considered unless and until that one is disposed in the previous round. So that is already covered.

Donna says, "Is it possible to just have a list of strings that cannot be applied for?" Donna, I think having a list is one thing. Having a

system that prevents an application from letting you do that may be a whole other issue.

So these are things we do have in our systems topic. They are implementation guidance, but those are more in terms of that, again, if I doesn't make things too costly and is feasible, we should do these things.

Donna, please.

DONNA AUSTIN:

Thanks, Jeff. This might be a little bit of a red herring, but there are a number of TLDs that were delegated but have since – well, actually, some were delegated. Some were contracted but then not-contracted anymore. So I assume that those strings are, so long as they're not delegated, available, even though they were successful in the 2012 round. But since then, the applicant or whatever has withdrawn from the process. There's no longer a contract with ICANN. So I assume that those strings would still be available. There'd be nothing stopping that. I don't think we've touched on that, but I just wonder whether we should.

JEFF NEUMAN:

There is something in Spec 13 for brands that does have a quiet period type thing of, I think, two years from, if it's delegated, the date that it's pulled out from the root. Other than that, there is nothing that we have put in here which says you can't apply for a string that was previously applied for that was either withdrawn during the application period or never delegated or was delegated but is terminated for whatever reason. Unless people think it's

something we absolutely should address, I'm not sure that that is – it also, I believe, may be one of the name collision subjects, but I'm not 100% certain of that. I know it was discussed in the smaller group, but I can't remember if that showed up in the definitional section at this point.

So these are all good comments. Let's move onto the applicant support because this is an important subject that I know we'll continue conversation on on Monday. This is a subject that we actually covered many times. It was specifically in Work Track 1. It was Community Comment #2 first, and then there was Work Track 1 and then obviously the initial report and the sub-group after to review the comments. We also tried to engage the GAC on a number of occasions with their Underserved Regions Committee. I'm probably not getting the name of that committee right. We did reach out to them on several occasions. We reached out to people that were formally on the ... I think they called the group JAS, not to be confused with the consultants, JAS. It was called, I think, Joint Applicant Support Committee.

So we've done a lot of outreach to try to get – thanks, Rita, yes. The Underserved Regions Working Group. So we've done a lot of outreach. We've gotten a lot of information as to why what happened in 2012 was not sufficient. We have some recommendations and goals here.

You'll see that – well, this at least me personally speaking. I don't feel like we have gotten as much in terms of concrete recommendations for the next round as I think we should. So I really hope that we have some good conversation on this. As Cheryl said, At-Large has discussed this at several meetings, too.

The more we can drill down and improve this, I think the better. Again, I think we can all agree that what happened in 2012 was not sufficient. Understanding that, I don't think we need to spend that much time on recapping, other than on how we can improve.

So, from a policy goal, what are we trying to achieve? This is something I think we need to discuss for a couple reason. One, it was in the CCT Review Team report as well, as well as we need to try to set a goal or set metrics or set something in place so that, when someone reviews the program after the fact, we can see whether we achieved our objectives.

So we put this is as a policy goal – although you'll see it's very undefined – because it is something we need to have as a policy goal. So we all know we want to do better. We all know we'd like to increase – now, what are we saying? Increase the number of applicants? Increase the number of successful applicants? Do we want to serve specific populations? Do we want to see more applications with specific characteristics? If we do, is there a certain amount? Is there some other aspirational goal that we have? I think this is important?

Vivek, please?

VIVEK:

Hi, Jeff. A simple question. What is the GAC definition of an applicant? Is this a [inaudible]? [inaudible] has some questions, or is this somebody who has started entering data and has some questions? The definition of an applicant will help us make sure that the metrics we pick is accurate.

JEFF NEUMAN: I don't know if we've specially talked about a definition of an applicant, other than a person or entity – well, it couldn't be a person, actually, according to the rules. So it was an entity or organization that submits an application for one or more top-level domains. That's what I'd say is the definition.

Justine says, 'Yes. An entity that has submitted one or more applications.' Right.

Vivek, if it's defined as that, does that help?

VIVEK: [inaudible] include [inaudible]? Because I'm sure we will provide support to an applicant when they're in the process of applying. They might not complete the application, but they would still be an applicant and would be receiving support from ICANN.

JEFF NEUMAN: I don't think we would define it as – well, Justine is saying that would be a potential applicant. I think anyone that submits an application is an applicant, and anyone that applies for, as Justine said, applicant support would be a potential applicant. So, if you – I'm just trying to think of how best to say this. As Jim says, if you pay the fee, you're an applicant. Or if the fee is paid, you are an applicant, whether it's paid for through the support program or paid for by the entity or by ICANN or by the Applicant Support Program. If you don't submit, then as Justine says, you're not an applicant.

Once we have that defined then – yes, Donna?

JEFF NEUMAN: Sorry, Jeff. I want to understand a little bit more why Vivek is asking the questions because I'm not sure the issue is the applicant – the criteria – for how somebody might become eligible for applicant support. So I'm not 100% sure that I fully understand why Vivek is asking the question because I'm not sure we're getting to where he wants to get to.

JEFF NEUMAN: Vivek, please? Go ahead?

VIVEK: Donna, my question came when I saw the metrics service's number of total applicants, number of successful applicants. If somebody is thinking about applying and [they get a log-in/password and answer a few questions] but does not submit the application, is that considered an applicant and is counted as an applicant? But then, because they did not complete it, they're not a successful applicant? If we use that as a criteria, then we could have very skewed metrics. Every applicant support service that we provide will be a cost for ICANN. So we need to define what is an applicant and where does the support start in the application process. That would be helpful when they [introduce] the implementation stage.

JEFF NEUMAN:

Ah, okay. I think I might understand. I think what we're talking about here – actually, thanks, Vivek, because it is a little bit confusing – and, if I get this wrong, please, Emily, Steve, or Julie, jump in – are the applicants for applicant support. So we probably should come up with a different term than applicant because here we're talking about increasing the number of those that apply for applicant support. So that might be behind the conclusion. I don't know if I'm just tired, but I can't think of a specific term we could use right now.

Emily, your hand is up, so please.

EMILY:

Thanks, Jeff. I think the purpose of having this paragraph that's highlighted here is not necessarily that these are actually proposals for goals but just to start the conversation of what is the structure of what a policy goal could look like that is actually metric-oriented. So I think not getting too caught up in the specific language [is good] because this is not going to be the goal. This is just a way to start the conversation with the group to say, what are we looking at? Are we looking at the number of people who have applied to the Applicant Support Program? Are we looking at the number of people who applied to the Applicant Support Program and were granted applicant support? Are we looking at the number of people who attended outreach events and considered applying for applicant support? This language could certainly change, but it's just a broader question about what does this group think is important to measure to demonstrate success.

I hope that's helpful. I think getting too hung up on the language here might not actually move the conversation forward, but I can try to clarify here. Justine says, "The first two." I'll let Justine speak for herself. Thanks.

JEFF NEUMAN: Thanks. Cheryl is in the queue, so, Cheryl, please.

CHERYL LANGDON-ORR: Thanks, Jeff. Just to help with Vivek's question, Vivek, I think you're making the assumption that we're talking about assistance to applicants to throughout their application process. In fact, what this is specifically referring to is something known as the Applicant Support Program. The Applicant Support Program sought to quite specifically aid and abet certain types of applicants. Those types of applicants were those who demonstrably could show that they were from an economy or an underserved region that would find the dollar value of the normal application outside of their ability to meet or that may have particular challenges with the appropriate level of drafting or things like business plans or aspects of their backend service provisions, sourcing, and that sort of thing.

So it was to act as an aid to applicants who were going to be disadvantaged compared to applicants who are without any demonstrable difficulties. Thanks.

JEFF NEUMAN: Thanks, Cheryl. I think we're going to spend a lot of time just to support that. We're going to spend a lot of time talking about the

additional services. If you look at the next bullet point, it does say that one of our policy goals is to provide financial support and services – so it’s not just financial support – to qualified applicants in order to serve the above goals, once we establish those goals. The last one is to ensure that information about the program and participation in the program is accessible to the target audience. I don’t think anyone would disagree with those last two. I think the action item that we can come back to [after] is to figure out how we can set metrics or even provide guidance to an implementation team to set those metrics. We don’t necessarily need to all of that within our group, but we could give some guidance to an implementation team to come up with metrics if we define the policy that they should set those guidelines to.

From a high-level agreement, there are a number of items that the community did seem to agree upon in our discussions and in the comments we got to that. Commenters generally supported or did not oppose that the Applicant Support Program should do the following. First, it should continue to open to all applicants regardless of their location as long as they meet all of other program criteria.

I know Rita had suggested that maybe we call them underserved applicants, but at this point it seems like there’s high-level agreement not to just limit the support program to underserved regions. So that’s why we can maybe, as I think Justine said – ASP applicants? Yeah. Well come up with some kind of term to distinguish them from regular TLD applicants.

It says in the second that there seemed to be high-level agreement not only to target the global south but also consider

what was talked about as a middle applicant which are struggling regions are further along in their development compared to the underserved or underdeveloped regions. There should be longer lead times than we had in 2012 to create awareness. Draw on regional experts to leverage tools and expertise to evaluate applicant business cases. We should include financial support beyond the application fee, such as including application writing fees, related attorney fees, and ICANN registry-level fees. By that, we mean the fees that are owed to ICANN on an ongoing basis like the \$25,000 minimum fee to ICANN per year as required under the existing registry agreements.

So those were additional financial support areas. Then of course: Consider as a measure of success the number of successful applicants to the program – again, successful applicants to the ASP program. To do that, we should look at the number of applications to the Application Support Program itself.

Some commenters – this is not yet to the level of high-level agreement, although we put it here but really for discussion as to ones we think could meet a high-level agreement. Something we talked about was that applicants who did not meet the requirements of the support program should be provided a limited period to pay the additional application fee amount and transfer it to the relevant application process associated with their application.

What this means, for those that may not remember, is that, in the 2012 round, if you applied for applicant support and you did not get applicant support, your application was thrown out. In other words, you did not even have any time or any ability to pay or

come up with the fees to pay for your application. So it was basically, if you failed in getting support, you essentially failed your application.

Most of the commenters on this subject said they didn't think that that was right and you should have some limited time period to pay those fees if you can and then move into that relevant applicant process. So, if you're were a community, then you should be able to pay your fees if you can and get into the community evaluation and all that other stuff.

As Cheryl says – oh, sorry. Going back in the comments – sorry about this. I missed a few. Then I'll get to Donna. Let's see. Sorry. Just jumped on me here. Cheryl – oh, before Cheryl, actually, Christopher says that writing fees should include cost of translation. So that's important to include, which means the translation of the applicant's language into English if English is the language that's required. Katrin says, "I'm in favor of letting applicants which do not meet the requirements move to the regular track." Cheryl says, "Yeah, you can not apply at all. The risk was too great to take for some aspiring applications."

Alexander is saying, "Why not have the support application up front?" I think, Alexander, that is a great suggestion. I think in the last time it wasn't able to do that because we just didn't get our act together in order to do that. But I think that's something that's ideal. In fact, [it] probably should go as an implementation guidance as to the extent feasible. We should start the support application program prior to the application window opening.

Justine says, “Christopher, I think writing fees would include anything to do with writing up the application. I don’t see a benefit in being so specific.” Alexander says, “The application for applicant” – oh, [to the] terminology – “support.

So – oh, Donna, I’m sorry. Donna, please?

DONNA AUSTIN:

Thanks, Jeff. Just to the point of applicants that do not make the requirements, we provide a limited period of time to transfer over. I don’t think we’ve discussed as part of this – what about the string? In what point in time would that happen, and would the string be known at that time? Because I guess what I’m concerned about is one of the concerns we had about this: people take advantage of the Applicant Support Program. Does the Applicant Support applicant get priority in any kind of string contention set resolution? Or does it just go into the mix with everybody else? Because that conversation would impact my thinking on whether this transferred over and at what point in time that would happen because I think that the string is really important in these discussions as much as providing the funding. If the string ends up in a contention set, does the applicant support application get more weight than another? Thanks.

JEFF NEUMAN:

Emily was quite right to scroll down. There’s some discussion of that in the applicant support, but I think most of that discussion happens in the contention set resolution, especially to the extent

that auctions are employed. So at this point I think we should just focus on the—

CHERYL LANGDON-ORR: Jeff, it's Cheryl.

JEFF NEUMAN: Yes, please. Sorry, Cheryl. You go ahead.

CHERYL LANGDON-ORR: Thanks, Jeff. Just in response to Donna because in fact, in the last Applicant Support Program, there was no prioritization at all planned. In fact, that is the reason why the line about the highlighted line that Emily has got on screen is the new idea from ALAC, which indicates that the ALAC at least is suggesting that perhaps there could be a priority given that is something that may or may not get any sort of support. But what that is doing is ensuring that my memory of what we had set up during the joint applicant support program development did not give any prioritizations. So hopefully that helps your thinking.

JEFF NEUMAN: Thanks, Cheryl. I knew it was discussed somewhere and I'm glad you found it pretty quickly.

Justine, yes, please.

JUSTINE CHEW: Thanks, Jeff. Just to add, since Cheryl brought up the ALAC comment, if I could just provide some context. The basis behind this new idea is the fact that, if an entity needs to apply for applicant support, the obviously we could make assumptions that that entity is disadvantaged somehow. So if we don't give priority to an applicant who was successful to the ASP program and that entity still has to go to string contention, then they still have to incur further cost in the contention resolution process. Again, that's another level of disadvantage that ALAC wants to see alleviated. Thank you.

JEFF NEUMAN: Thanks, Justine. I think we'll get into that discussion because there's a number of factors to consider with that. I first want to go back and make sure we have a good understanding of who would qualify for the program before we talk about all the benefits of the program. If we can just go back to the notion that I'd like to put as a high-level agreement, which is that applicants who do not meet the requirements of the program should be given some period of time to pay the additional fee amount and transfer to the relevant application process, I think we have high-level agreement on that. But I wanted to test that out.

Justine, please?

JUSTINE CHEW: Sorry. Thanks. I was going to type my intervention into the chat. I think ALAC also suggested that the applicants who don't meet the

requirements be given the choice of whether they want to stay or withdraw their application altogether. Thanks.

JEFF NEUMAN:

Thank, Justine. The way to phrase it in line with the ALAC comment is: applicants who don't meet the requirements of the ASP should have the option to withdraw or to pay the remaining application fee and transfer and so on because, at least under the 2012 – the reason I say “remaining fees” – process, there was a portion that they did have to pay even to enter the Applicant Support Program. Now, whether we keep that or not is still something we need to discuss through. At least in 2012 it was in there.

Right. As Cheryl said, there was no choice the last time. So let's make sure we word it as a choice as opposed to just a one-size solution.

Okay. So I'm not seeing – oh, Donna, please?

DONNA AUSTIN:

Thanks, Jeff. I think there's a little bit of a timing element to this as well because, if we're going to agree to this, then I guess my question is, at what point in time is the evaluation done for applicant support in relation to the full application period? We've got a three-month window for an application period. When will the Applicant Support Program evaluation be done? When will people know whether they're accepted or not? Because, if we're going to do down this path, then they would at least need some time to submit the application proper during the application window.

JEFF NEUMAN:

That is an excellent point, Donna, especially if we're thinking about including application services in with applicant support. I can't remember if that's covered in these comments. I'm trying to think if it is. If it's not, can we make a note of that? Because we definitely need to cover that in our timeline. So let's make a note of that for now. Let's move this last statement into a high-level agreement and then – yeah, we definitely have to address the timeline aspect, especially if we agree that application funding and others should be covered. It may be that it's a reimbursement, depending on when we're able to get the program kicked off. Let's certainly make sure we cover that.

The next comment that it is in here – it seemed like there were a number of comments that supported that ICANN should seek funding partners to help support the ASP, the program. I guess this was saying that ICANN shouldn't have the burden alone of bearing the costs of the Applicant Support Program. There should be a recommendation that ICANN try to reach out to other entities to see if there would be others willing to contribute to the program. Of course, this is separate and apart from the previous discussion we had, which said that potentially excess fees from one round may be used to fund the Applicant Support Program in a subsequent round. So there was that that was discussed.

Of course, this is completely and separate and apart from the notion of taking funds from the auction funds because that's subject to a completely separate develop-policy process.

Christopher, please?

CHRISTOPHER WILKINSON:

Thank you, Jeff. Just a quick comment. First of all, as an ex-World Bank [worker], I must take credit for having proposed ICANN seeking funding partners at least a year ago, if not before. So be it. We have to become clear as to whether or not this follows inside or outside the idea of a cost-neutral program as a whole. I personally have some doubts about the possibility of having a reasonable application fee and cost neutrality if you also want to have a significant Application Support Program.

I think, following Phil Buckingham's comment to the list, it would be helpful if, between now and our next discussion of this question, ICANN would outline more precisely the budget parameters for the application support system.

Regarding funding partners, in recent years most international development agencies have extended the scope of their operations to information technology and applications in infrastructure in general. So I think it's quite appropriate for ICANN to approach them and to make sure that the application and infrastructure for new gTLDs would be supported within the framework of those kinds of programs. Thank you.

JEFF NEUMAN:

Thanks, Christopher. I do want to also note that there are some comments about gaming later on that we'll get into. We'll get to those most likely on the next call. We do need to keep those in mind and how to stop potential gaming if we're just going to move

those applications into the regular pool. So I think that's something we have to cover.

As far as the budgetary stuff, I think we have a chicken-and-egg problem here. We need to know much budget there is, but I would say that the Board would need to know from us what the program looks like. So we probably will have to construct our recommendations without knowing the full amount that's in there and set up the ideal program but then obviously state that budgetary restrictions may limit some of this or – who knows? – may expand it.

I think that covers our high-level stuff. I don't know – Trang, yes? Trang is in the queue. Great. Please.

TRANG NGUYEN: Thanks, Jeff. Can you hear me?

JEFF NEUMAN: Sure can, yeah.

TRANG NGUYEN: Wonderful. Thank you. My apologies. I joined the call late due to a conflict with the EPDP call, so I'm not sure if I'm making this comment at the right time or if this is yet to be covered or if it has already been covered. Since we're talking about the ability for Applicant Support applicant to pay the remaining fees to continue on with the program, I just wanted to note an ICANN org comment on this, which is just to raise something for the working group so

that it is aware as it continues its conversation on this topic, recognizing that, if the ability for Applicant Support applicants to pay the additional fees to continue on in the program is provided, that would likely encourage a lot more applicants to apply, which may not be a bad thing. But from an operational and implementation perspective, we just wanted to flag for the working group recognition that that would mean that there would be a lot more applications that would need to be processed by Applicant Support (likely) and that the timing of the overall program would need to be considered if there is a time allotted for evaluations to be completed and then, for those that did not meet the criteria, to pay the remaining applications and then for those applications to join the remaining pool and evaluations to get started.

So there's some program timing considerations that the working group should be aware of, as well as a potential for the larger number of applications that would be submitted under the Applicant Support Program and additional program resources that would be needed to evaluate those applications. So we just wanted to raise those operational and implementation considerations for the working group's information as it continues to discuss this topic. Thank you.

JEFF NEUMAN:

Thanks, Trang. We do discuss that a little bit later on in the document. What I'm going to do is I think we can move that section up and probably start with that on the next call to talk about, since we now believe that the high level principles should be offering the opportunity to put your application into the standard process or the applicable process, the concerns that you raised

and that were pointed out here as a logical next discussion item. So we're going to move that up and start there on – let's see. On Monday. Sorry, I was forgetting what today was. So let's do that: start there on Monday.

We can break here, but let me just ask if there are any other – sorry, Trang. Is that an old hand? Yeah. Okay. Are there any other items that we want to cover at this point?

Okay, great. So we're going to break here. if we could just point the timing of the next call out, which would be on Monday the 29th, if I am remembering correctly. Can someone post the – at 20:00 UTC. Now, I actually might not be on that call, so I would likely ask in advance Cheryl if she could do it because I am actually going to be on vacation for once. So thank you—

CHERYL LANGDON-ORR: Aww [inaudible] Jeff. I might want the day off. No, of course I'll do it.

JEFF NEUMAN: Thanks, Cheryl. Everyone else, please show up if you're not on vacation. Thanks for the great discussion today. Talk to you all on Monday. Thanks.

[END OF TRANSCRIPTION]