ICANN
Transcription
New gTLD Subsequent Procedures Working Group call
Tuesday, 28 May 2019 at 15:00 UTC
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https://gnso.icann.org/sites/default/files/policy/2019/audio/audio-new-gtld-subsequent-28may19-en.m4a

Zoom Recording: (includes visual and rough transcript. To access the rough transcript, select the Audio Transcript tab) :
https://icann.zoom.us/recording/share/IMBrkk03Da_52QwPKtpOGmhTq5bMgd4QZgcyYgD8J-ewIumekTziMw?startTime=1559055660000

Attendance is on wiki agenda page: https://community.icann.org/x/-xVIBg

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

MICHELLE DESMYTER: Okay. I'd like to welcome everyone officially. Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on the 28th of May 2019. In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room, so if you're only on the audio bridge today, would you please let yourself be known now?

KAVOUSS ARASTEH: I'm sorry. This is Kavouss Arasteh. I'm only on audio bridge for the time being. Thank you.

MICHELLE DESMYTER: Great. Thanks, Kavouss. That is noted. As a reminder to all participants, if you would please state your name before speaking

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

Also, as a friendly reminder to view the documents being shared during today's meeting, if you would please direct yourself to the top of the shared screen. You'll see an option that says "View options." Please click on the dropdown arrow and you will then direct yourself between Julie Hedlund and Steve Chan's documents today. With this, I'll hand the meeting back over to Jeff Neuman.

JEFF NEUMAN: Thank you, Michelle. Welcome, everyone. I hope everyone that had a holiday yesterday enjoyed their holiday off. I know it was not a holiday all around the world, but certainly for several countries, it was. I hope everyone is all ready to jump right in.

So, today's agenda like previous ones, I'll just continue through the overall issues. The topics that we have for today will be the Application Submission Limits and the Accreditation Programs which we are really now calling RSP Pre-Approval and we'll talk about that while it is coming up. And that's pretty much the agenda, other than our normal check to see if there's any update in Statement of Interest.

Any Other Business at this point? Does anyone want to suggest anything? I suppose we could add just as a brief mention at the end of what the sessions are at ICANN and what our tentative

schedule is, at least until the final one comes out. I believe early next week should be the final one.

Okay. Not seeing any hands. Great. So, why don't I ask to see if there are any changes to Statements of Interest that anyone would like to report? Apparently, Christopher has his hand up, so I will go to Christopher. Please.

CHRISTOPHER WILKINSON: Hi. Thank you, everybody. Christopher Wilkinson for the record. Jeff, under Any Other Business, I would appreciate if somebody, presumably staff, would give the meeting an update on the board's decision regarding .amazon. Thank you.

JEFF NEUMAN: If I can, Christopher, defer that until a Work Track 5 call since that's more on the geographic names. And I know we have some other Work Track 5 leads here. So, at least [inaudible]. So, I'm going to ask that we defer that to Work Track 5, if that's okay?

CHRISTOPHER WILKINSON: Well, that's okay for me but I just want to point out that should it be the case that anybody on the PDP thinks that this might be a precedent of – it would have very far reaching consequences way beyond Work Track 5. Thank you.

JEFF NEUMAN: Alright. Thanks, Christopher. Well, we'll defer that to Work Track 5 and see what discussion the leaders want to have, if any, on that.

Okay. So, with that said – sorry I didn't see. I think I did ask but I didn't see just to confirm any changes to Statements of Interest. I'll just ask again just to make sure.

Okay. I'm not seeing any, so why don't we go to the first topic which is Application Submission Limits which is 2.2.5. There's a link to the Google Doc which was just highlighted on one of the screens. I'm on Julie's screen but I'm now going to Steve's document, so if everybody hopefully can see that or click on to the Google Doc. Waiting for everyone to get there. Great.

There are a couple or four policy goals that we've gleaned from the comments. And I know that there are a couple of diverging views, but let me just start with the policy goals. The first one was, if we as a group decided to set any limits – and this is both or either – limits on how many applications ICANN could accept in any given round cumulatively.

Then the second part is, how many applications from any one individual applicant or I should say person or entity? So, if there are any limits, we agreed from a policy perspective there needs to be a clear rationale for establishing the limits. As a working group, we agreed that any limitations must be operationally feasible to implement, so it's not just setting the policy but having some way to enforce it.

The third [law] on policy was that if there are any limits on the overall applications or on the number of applications any entity could submit, the policy much be fair to all applicants and of course any policy we develop should support competition and consumer choice.

So, with all of that said, all of the comments that we got in from both community comment number one and comments to the initial report except for two said that they did not support any overall limits on the number of applications in total per round or did not support – or should I say and – did not support any limitations from any individual person or entity. The two comments that we got in that did not support or should I say that did support placing limits were comments from a group that called themselves the Public Interest Community and a separate comment filed by Christopher Wilkinson.

I see Kathy has her hand raised, so I'll let Kathy speak but I want everyone to just think about what their position is on this and whether there's anything other than what we have stated. So, Kathy, please.

KATHY KLEIMAN: Yeah. Thanks. This is Kathy Kleiman. Hi, everybody. I apologize, my son just started to ring in the background. Before we get to the detail, Jeff – and of course I have lot to share on that – I have a question about the policy goals. I see a policy goal that the policy must be fair to all applicants. Shouldn't there be a policy goal that the policy goal has to be fair to the world? And here I'm thinking that there is a fixed number of new gTLDs we can enter into the root, and if someone remembers what that number is, I really appreciate it. I know SSAC looked at it and others looked at it as well. But at the end of the day, it's zero-sum game. There's only so many that we can add, and so distribution of gTLDs to applicants around the world when they have the ability and the interest – and that interest is I think the ability to raise funds – is

critical. So, shouldn't we have one more policy goal about fairness, not just to applicants but to everyone else? Thanks.

JEFF NEUMAN: Okay. Thanks, Kathy. While I wait – and I see that there are some comments in the chat. So we sent out a question to the technical community which was comprised of the SSAC, the Office of the Chief Technology Officer of ICANN, so that's OCTO is what it's called. We sent it to the RSSAC and there may have been someone else that we sent it to – and Steve or Emily could correct me – I think there was another group. But at the end of the day, what we got back was that there was no upper limit on the number of TLDs that could be in the root. There was a scale at which domains could be or top-level domains could be added to the root, so they basically sent us a sliding scale that said so many could be added from a root level and it was kind of scaled up on a per month basis. It was really a very high scale, so one that even if as you said in previous calls that there could be as many as 20,000, certainly nothing would be higher than that or that number doesn't remotely reach the close level of that scale. So, there was no –

KATHY KLEIMAN: Sorry, Jeff, 20,000 what?

JEFF NEUMAN: Well, you said 20,000 applications. I'm just quoting from a previous. There was no number of top-level domains that the SSAC or the root servers had in their documentation, only a

number that could be added within a given year and that slid up. But then just to read some of the comments.

Donna said, "I'm not sure how we can make anything fair to the world. That's a pretty tough ask."

Rubens says, "There's no real limit, just numbers were speculated and those were deemed as safe."

+1 to Rubens from Katrin. Oops, people are adding comments. Okay.

Rubens says, "Fair to the world. Sounds like world peace for me."

Anne says, "I think we're back to the ultimate question of what's in the global interest. I know I've noted before that technically the GNSO is not required to take the global public interest into account. But Kathy's question raises this pretty squarely."

Donna says, "Isn't fair to the world is captured in the, policy should support competition and consumer choice."

Rubens says, "For reference, .br uses the same technology used to serve the root and currently has four million delegations."

Okay.

KATHY KLEIMAN: May I add one briefly, Jeff?

JEFF NEUMAN: Yes, sure. Let me just –

EN

KATHY KLEIMAN: Because if we look at the comments that talk about the Global South and concerns for the Global South – and again we haven't even reached application limits, just the question of policy here – we know that there are many, many comments that are concerned about the Global South, that are concerned about future applicants, the applicants that don't exist yet and making sure that they have opportunity and ability to enter, to join future rounds. So one of the policies here should be application limits early on to protect the ability of others to apply particularly to apply later on, particularly because the dominance of Western Europe and North America. So, it seems like a fair policy goal. Thanks.

KAVOUSS ARASTEH: Jeff, can I have a comment?

JEFF NEUMAN: Yeah. Was that Kavouss? Yes.

KAVOUSS ARASTEH: Yes. That is me. I'm sorry, it says I'm not connected. Yes. These two questions that you mentioned, they are interconnected and interrelated to each other. And they're also interrelated to the other questions that you have already discussed, and that is the priority of the application. If you have the choice to have six months and then to stop and start again after six months or you have continuous, it depends on this. If you will start with the six months, for instance, and then I will see that in the next six

months I don't have any opportunity, I do ask myself, "I can't base on my financial capability," and so on and so forth, because I may be worried that I would not be able to do anything in the second period of six months which is a silent period. So, I could ask myself if possible, this is number one.

But the first question you should reply, what is the processing capability of ICANN? If they cannot process, there would be a backlog accumulated and how this backlog accumulated will be absorbed? This is one question should be replied and the other is speculations by some people they speculate the things and make the life difficult for the others. If there are many applications from one or two or several sources and then ICANN cannot process them in time and the backlog accumulated, the other one comes after them, they will beyond the backlog and they will not be processed. This is something that I have encountered for other areas when there are applications, when there are so many applications from one or two or three, the others they do not have sufficient opportunity to apply.

So, you have to see these three questions together. They are not separate. First question to reply, what is the capability of the ICANN? Then based on that, you could processing time. That means ICANN is obliged to process [inaudible]. This has not been replied. Simply one or two people community without knowing their names saying that, "No, we don't need any limits here. You don't need any limits there." They should know the consequence of that. But that consequence has not been established. Thank you.

JEFF NEUMAN:	Okay. I do want to respond. Yes, this topic does relate to others. That's why it's in the overall issues, right? Because it does impact other aspects. But the first thing I want to draw people's attention to is there was a comment file by ICANN org, and in their comment they stated that there is not a limit on the number of applications they could process and that they would scale off to meet whatever the demand was.
	So, I don't think it's fair for us to take anything other than that comment the way it is without trying to read into that, whether we think that comment makes sense or not. As one of the Co-Chairs of this group, I have to say that we do have to take ICANN at its word, and so I do not believe that the processing ability is something that we need to consider from at least an ICANN org perspective.
	I see Christopher with his hand raised. So, Christopher – and let's try to keep our comments, if we can, to under two minutes. Thanks.
CHRISTOPHER WILKINSON:	First of all, I've worked extensively in large organizations dealing with multiple applications. If ICANN thinks that there is no limit, basically they're saying that they can outsource the evaluation to third parties of some of whom may indeed prove to be unaccountable and the quality of evaluation will decline even if they've think they hit the deadlines. I'm not convinced. Basically, I'm just not convinced.

Secondly, I take very much the point that the two issues are related.

And thirdly, and most important, there is a suspicion based on the performance of certain registrars in the last round, who should never have been allowed to function as registries in the first place because of the abusively vertical integration decision. There are registrars who on the previous round applied for very large numbers.

If you're going to have entities with external financing on a speculative basis applying for large numbers of top-level domains, you've basically got cybersquatting situation. I would characterize it as cybersquatting in the English dictionary. I'm quite opposed to that approach. Particularly at some juncture, some of these speculative applications, if they're delegated, will not be used for the foreseeable future.

We've got to think in terms of 20 years ahead. We've got to think in terms of several people have said fairness between present and future applicants and avoid speculation of large numbers of words and names. You've got it. Thank you.

JEFF NEUMAN: Thank you, Christopher. Alright. Look, I'm not trying to cut off discussion, but I really think that we have to keep the discussion on processing confined to – especially when we're discussing ICANN org's capacity, we have to keep it at their word, at their comment. And I think Steve just posted – hopefully everyone could see it – that what they say is ICANN.org is capable of

scaling in accordance to the processing volumes and timelines in the Applicant Guidebook to meet demands of a subsequent procedure for introducing additional new gTLDs, be it via a round or ongoing. This would be a minimum processing capacity. Depending on the consensus policy recommendations adopted as well as the implementation guidance for subsequent procedures, ICANN org would likely be able to exceed this processing volume.

I'm going to go out on the limb and say that from a leadership perspective, we really should not be commenting on whether we accept ICANN org statement or not. It really should just be accepted at that face value. I really believe we should do that.

So, other than the people that have spoken up and the comments we've received – and we received a number of comments and I can't scroll through this document that's up but Steve is doing it for me – you had support from on no limitations from the ALAC, Brand Registry Group, Business Constituency, XYZ, Neustar, FairWinds, Registries Stakeholder Group – and I'm going as Steve is scrolling – LEMARIT, Valideus, and then you had the two comments that we talked about with Christopher and from Public Interest Community.

Are there any issues here that we have not discussed on that particular part of the application limit? I see Kathy and Christopher in the queue. Please keep it to under two minutes. And also hopefully it's something new that hasn't been [inaudible]. Thanks.

KAVOUSS ARASTEH: This has not been discussed and that is processing [inaudible] period. If ICANN could not say that, it has an obligation to process the things within X months then we are not addressing the issue properly. We need to have that one as an objective. Thank you.

JEFF NEUMAN: Okay. Thanks, Kavouss. Sorry, Kathy. You're next and then Christopher.

KATHY KLEIMAN: Thanks. It's okay, Jeff. Kathy Kleiman. Okay. So, now we've got the policy issues which should be expanded to include again not just fairness to applicants but fairness to the rest of the community and to future applicants. But now for the details of the procedural issues. As you mentioned a group led by the Electronic Frontier Foundation also signed on to as organizations, not as organization by public knowledge in the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC) which is run by Michael Geist to I'm sure you've heard of, plus others really strongly advocated for limiting applications. That application by a single company partnership prevention must be limited. There are incumbents in the community had the time and resources and interest to submit thousands of new gTLD applications, and that's [at their] strict limits on the number of applications per company and in cooperation with other companies is both fair and allows for adequate oversight.

So, I checked with Electronic Frontier Foundation as promised and as in the note and actually advised fewer than 24 applications

per company. If it's not too late we'd like to propose a smaller limit but they talk about leveling the playing field so that new proposals coming in now and in the future from all over the world have a level playing field.

I've also researched since last week in telecommunications. We have lots and lots of limits just in the United States, the Federal Communications Commission. We have spectrum aggregation limits and we have broadcast ownership caps, how many radio and television stations you can own in a market in across the world. So, not allowing large players to dominate, basic fairness, protecting the Global South, these are all reasons for application limits above and aside from what ICANN can process. We also have to consider what the community can process.

There's a real call here and now you're seeing it across the board from kind of user communities including representatives of the GAC and representatives of non-commercial and public interest groups that there's real concern here, Jeff. And the question is how incorporate that?

JEFF NEUMAN: Okay. Thanks, Kathy. I see Christopher and then it'd be good to hear from some others, if anyone's got any comments. I'll go back to the chat. So, Christopher please.

CHRISTOPHER WILKINSON: Thank you. Thank you, Jeff. May I suggest that the comments that have been received in the public consultation, it would be helpful if the staff could ask each commentator of

whether they have the intention of applying for multiple domains themselves. I pointed out before that it is inappropriate and rather exotic in this concept that the incumbents have primary voice as to who should be applying for the next round. But just as a conflict of interest exercise, which comments have come from companies and other entities who actually intend to apply for multiple names? Thank you.

JEFF NEUMAN: Yeah. Thanks, Christopher. I will note that that question as you said has not been asked of any of them, although I suppose we can also ask the ALAC and the Public Interest Community to see if any of those members are going to apply or support any applications. But I'm not sure as to the value. I mean I think we can interpret comments that we get from organizations the way we would like to. Greg, please.

GREG SHATAN: Thanks. This is Greg Shatan for the record. I for one am troubled with the [inaudible] of the last few comments. I don't see a need for limiting applications, or if we are going to limit them, if the concern is about according to EFF thousands of new applications and let's limit the number of applications at 999. I think that there are a variety of business models and to say per se that any of them involves speculation – and I'm no fan of speculation in the name space – but I don't think we can assume that all users are "speculative" and I don't think we can assume that all interests are "conflicts of interest." These are all loaded terms intended to cloud the discussion or move it in a certain direction.

So, overall, I would be opposed to any limitation. If we're looking for a compromise then maybe 999 is a compromise at least in any given batch, not overall, but I think that there are more qualitative rather than quantitative issues that should be dealt with and the idea of kind of saving applications for later, whether it's geo names or some other string. To me, it's far too manipulative of the market and of the name space. I don't think it's something we should be doing and I see the First Amendment and anticompetitive concerns raised in the chat as well. Thank you.

JEFF NEUMAN: Okay. Thanks, Greg. And, Steve, can you go back to the document? Let's see if we can get to some more specifics. We already talked about the outstanding items, at the bottom it says, action item: ask the Public Interest Community. So, this is a real question, Kathy. So, you've actually just introduced a new number or you haven't said a specific number but you said that there was a lower number. Where did that number 24 come from that was in the Public Interest Community and if we are to entertain the notion of capping the numbers from a particular company or parent company subsidiaries etc., how do we objectively get to a number?

KATHY KLEIMAN: It's a good question, Jeff, and there was discussion before we got to 24 and it had to do with the [sense] anticipating rounds that 24 is a lot of application for a single company and that that would be a fair number. As you can see, if you multiply 24 by a large number of large corporations, you're already getting to a huge

number of applications. That could have an impact on the Global South on the level playing field on the future.

But the concern was that there are incumbents who have the time and resources and interest to submit, potentially thousands of new gTLD applications. Again, the fairness of unlimited applications for some and that two dozen seem to be more than enough for a company in a round that would allow them to expand their gTLDs and not to dominate DNS resources of the future. So, I don't know if that answers your question but there was a discussion to get to the number 24 which seem like an awful lot of applications. Thanks.

JEFF NEUMAN: Okay. Thanks, Kathy. Maxim?

MAXIM ALZOBA: Actually, I believe we need to make the factual-based decisions and to say that, "Okay, 5 is too much, 2 is too much, 20 is too much," it should be based on something. And to say more, if we're talking about Global South, for example, in some countries in Asia, you can have more than 10 ideas in the same country. Yes, they have laws of different languages and it's not the reason to say, "Okay, you are restricted to two languages. That's enough for you. We support Global South so we effectively prohibit you from having all those ideas." I'm not sure it's a good idea to limit on the basis of someone thinks that two is enough. So it should have some kind of justification, not set of beliefs. That's it. Thanks.

JEFF NEUMAN:	Thanks, Maxim. Sorry, it took me a second to get off of mute. I have to mute my line, otherwise, we get an echo. So, sorry for taking a second there.
	I think using Maxim's comment about factual basis, and I see some other things in there about some other comments, some discussion going on about comparing this to broadcast, there's some discussion about ICANN motivation – I think we need to be very careful on.
	Paul talks about some more about actual bandwidth limitation, some good conversation on that.
	Katrin says, "Why should we prohibit a company with 44 brands to apply for all of them as a TLD?"
	Greg says, "What makes 24 a lot?"
	Cheryl says, "Not sure how we can assess what is or is not enough for any particular unknown business model in the future in any fact-based way."
	Okay. So there's a lot of conversation back and forth on this. Really, we are not any further along on this than we were with the comments. It seems like we're still getting the same comments that we got without any kind of factual basis of how to set a limit, much less how to enforce that. But Kathy, please.
KATHY KLEIMAN:	Okay. Now, for the first time I'm actually discussing limits. So let's discuss what a reasonable limit is. We've talked about the policy

goals. We've talked about why on a procedural level, on a fairness level, consistent with the policy goals, we should be adding why conceptual limits makes sense. We've talked about limits that exist in other related areas of telecoms.

So now let's talk about limits here. What would be a reasonable limit? "24" has been thrown out. That's a number that has been discussed by the Public Interest Community and by senior attorneys in the field. Why would anyone need more than 24? And then what's a reasonable limit that then allows us to think about some of the overall processing capabilities of not just ICANN but the community and the people who will be commenting in the whole process as well as well as fairness to future applicants and the Global South? What's a reasonable number? Thanks.

JEFF NEUMAN: Thanks, Kathy. There's a lot of hands raised now, so I will go down the list. Donna, please.

DONNA AUSTIN: Hi, Jeff. Donna Austin from Neustar. Can you hear me okay?

JEFF NEUMAN: Yes, great. Thanks.

DONNA AUSTIN: Okay. Thanks. I find this conversation typical to have in isolation because I think there's other parts of this puzzle that come into play as well. So if we're just going to have one more round, then I

think it's difficult to set a limit. If we're going to have 10 more rounds then maybe limits make sense, but only in the sense that if those rounds happen every six months or so, not every 10 years or so. What's the cost to the application going to be? Are we staying with 185,000? And he said, "Okay." Are we going to push it up so we don't have so many applications? Or are we going to reduce it so that we make it fair for everybody?

I find this conversation difficult to have in isolation because I thought we were on a pretty good place that we wouldn't put any restrictions on the limits. But I would be willing to think about whether limits make sense if we're talking about the next four or five rounds that open every six or so months. But if we're talking about application limits, the rounds that open every six or seven years, then I wouldn't be in favor of it. So I find the concept a little bit hard to get my head around at the moment because I think there's other variables to the conversation. Thanks, Jeff.

JEFF NEUMAN: Okay. Thanks, Donna. So there's always going to be lots of variables. That's always true. But if we answer every question on the overall issues, it depends on how everything else turns out, we'll never make a decision. So I completely understand that.

Where we were heading on the rounds, discussion was that there will be multiple rounds and that most of the people supported some sort of formula-based setting of the date for the next round. We haven't necessarily gotten an agreement as to whether that means a certain number or percentage had been delegated or a certain number or percentages of applications have been

evaluated. That's still TBD. But we are certainly talking about multiple rounds and some predictability as to when the rounds will happen. As far as cost, we're not there yet, because again everyone is going to say, "Well, it depends on all these other variables."

So we have to, at some point, start making decisions about these. I completely sympathize with the fact that there's tons of variables but we have to, at some point, put some stakes in the ground. We can revisit them but we need to start saying, "Okay, this is what we want." Greg, please.

GREG SHATAN: Sorry about that. Trouble getting off mute. Thanks. I don't think there is a reasonable number to talk about when we're talking about limits. I think the fact that some people may have discussed some things does not mean that we somehow now got no point where we're having a reasonable discussion about limits in the way one has a reasonable discussion about price after determining that a house is going to be sold. At best, we could have a discussion about future criteria.

I think so far, the discussion has not been evidence-based. If anything, it has been fearmongering-based. The idea that there could be multiple applicants going after thousands of names. When we had single largest applicant went after just over 300 names, and that was a very significant amount of money. At that point, the idea that somebody would triple, that there would be multiple companies out there that would triple that. Well, it could happen. And if so, then the question is, what's their market

scheme? If we have concerns about speculation or traffic or just hoarding or cybersquatting at this level or the second level, I think we need to deal with those as such and not by limits.

I see Vanda's comment as well that some applicants from the Global South had to drop out because of expenses related to challenging rejections. That's an issue that needs to be dealt with directly too, but limits wouldn't really solve that either. Limits by themselves I think just don't make sense. So far, I haven't heard any evidence-based reason why there should be limits. If I hear something persuasive and fact-based, I'll listen to it. I'm still waiting. Thanks.

JEFF NEUMAN: Thanks, Greg. Again, just friendly reminder, let's try to keep our comments as brief as possible so we can get through some more material. I have Anne, Maxim, and then I want to go through the chat and sum up where I think we are. Thanks.

KATHY KLEIMAN: If Anne is speaking, I can't hear her. This is Kathy.

MICHELLE DESMYTER: This is Michelle from staff. Anne, I have unmuted your phone line.

JEFF NEUMAN: Okay. Why don't we go to Maxim and then we'll come back to see if Anne has got the issue worked out.

MAXIM ALZOBA:	Actually, I object to Kathy's recommendation to go to the justification for particular numbers. To go there, we should first agree that limits have some sense at least because it's kind of a loaded question. We shouldn't answer the number question before we agree that we need to set limits at all. Thanks.
JEFF NEUMAN:	Thanks, Maxim. Then let's go back to Anne and see if we have any issues worked out. Anne, are you able to make your comment?
	Okay, I'm still not able to hear Anne. So let me go through some comments on the chat because I think there's a good discussion going on.
	There was some discussion about – just going back, Maxim said, "There's no consensus in the group about limiting."
	Susan says, "What do you mean 24 has been discussed? 24 is proposed by one group without any basis."
	Paul McGrady says, "Kathy, a reasonable number is whatever the free market will bear. Anything else is meddling."
	Greg says, "Susan, it's a rhetorical tool to say it had been discussed."
	Ruben says, "So, for the record, 24 has not been discussed."
	Okay, I'm going to skip ahead.

Paul McGrady says, "Round 2 is supposed to be right after Round 1, and here we are."

Vanda says, "I agree with" – I think that's supposed to be Paul McGrady – "but when you see several applications from south hemisphere be challenged and lose due to the cost, we may need to think about limits."

Rubens says, "I think the report reflects the current consensus of not establishing limits."

Sorry, just a lot of same comments over and over.

Donna says, "At this point, I'm not in favor of limits."

Sorry, I just don't want to cover things I've already covered. I see some muting things.

Okay, Justine says, "Speaking personally, I think Global South applications and/or Middle applicants and/or applications which intend to benefit underserved communities are better supported through prioritization, applicant support, partnerships, rather than limiting application numbers."

There's a couple of +1s to Justine.

Kathy says, "How many applications are people/companies considering? It's making me worry … 24 is a lot." Kathy says that "24 has a basis. It seems reasonable per round."

Anne says she's got problems with her line. "Comment is that a lot of these issues could be solved with establishing priority windows for certain types of applications."

EN

Kathy says, "As Donna noted, it's not a cap in perpetuity. Just for one round."

Then Maxim says, "One big company can have presence worldwide and want different languages."

There's another +1s to Justine. Sorry, a lot of comments.

At the end of the day, again from the comments that we got in and even on this call, there does not seem to be a consensus of the community asking for some sort of limits. Going with the default that's going happen the same way it happened in the last round, that's where we are. [Absence] getting this group and the comments and others to agree on some sort of limitation. But at this point, there is no agreement on that.

With that said, I have a couple more hands, but please again just keep it brief on this topic. I'm going to try to get in again. I don't know if Anne's – this is a new hand or the old one still trying to make a comment. So I have Anne, Kathy, and Christopher, then I'm going to move on – sorry, then Vivek – close the queue and then move on to the next topic. So, Anne, let's try one more time. Okay, not hearing anything from Anne, so let's go to Kathy and then Christopher.

KATHY KLEIMAN: In an ideal world, I would agree with Justine possibly that that coupling other mechanisms plus reasonable limits would support Global South and diversity and future applicants. But we really screwed up in the first round in terms of education applicant support. And so, it makes thinking about limits all the more.

So, question for you, Jeff, how do we reflect the depths of breadths of concern that's been raised in this call, which I think is pretty deep coming from an array of the user community? And how do we reflect it so it gets passed on and continues as a discussion topic in the community? Thank you.

JEFF NEUMAN: Yeah, thanks, Kathy. Well, ultimately, you reflected in a minority statement unless of course I'm failing to read the consensus of this group. Yes, there have been some strong vocal proponents of limits, but at the end of the day, I don't see any of the groups that filed comments opposing limits changing their view. The ALAC which is the official representatives of the user community has a view against limits. So at this point, Kathy, unless you're able to change minds of the other groups, it would just really be a minority statement at this point.

Christopher then Vivek.

CHRISTOPHER WILKINSON: Thank you, Jeff. Very briefly, I must preface this comment by the fact that I've been in this business in one aspect or another of it for the past 20 years. I do think I know what I'm talking about but that's irrelevant in this context. But what would be relevant would be the co-leads and all the members of this group reflect on the international political implications of what we're discussing. You've got to look beyond this bubble of including its quite self-interested incumbents and take of reasons and sensible views to how what we do here will be perceived and practiced elsewhere. I

see very little of that in this group and it will be trouble in the future for ICANN – not for the group but for ICANN. Thank you.

JEFF NEUMAN: Okay. Thanks, Christopher. I have Vivek and then we'll try Anne last time to see if she's able to get on. So, Vivek.

VIVEK GOYAL: Thank you, Jeff. I have a quick question actually for you, Jeff. Given all the discussions we have had now and you saying that we will revert to default and there will be no limit, how does the action item that is noted here – if you do get an answer for it, how will it impact the decision or reverting to default that we have just done? Once we get the answer, are we going to revisit it again and on the basis of the answer have another round of discussion? If not, then what's the point of having that action item? Thank you.

JEFF NEUMAN: Yeah, thanks, Vivek. That actually was an action item from the previous calls that we've had with the other group that reviewed the comments. But at this point, yes, I think if we get an answer to that and that answer that the group wants to discuss this issue again or wants to do some more research into it, we could discuss it again. But otherwise, we really need to operate by a consensus basis as a group and it's up to those that want to change the way things are to really try to convince those that are opposed as to why we should take this up again. I know it seems a little draconian to do things this way but at some point we have to

move on and realize that we're not going to get a consensus on any change.

So, I see Anne and then Vivek's back in. Anne, let me try going to you to see if you have connectivity now.

ANNE AIKMAN-SCALESE: Hello, Jeff. Can you hear me now?

JEFF NEUMAN: Yes.

ANNE AIKMAN-SCALESE: Oh my gosh. Okay, that's crazy. Okay, I'd like to propose something that's sort of a last stab at developing a third alternative because I see that there's some chat with respect to possible ways of processing applications that would differ from the last round that might address some of the concern but expressed by those that you're referring to as minority statement. Background-wise, I'll try to keep this short.

Certainly, applicant freedom of expression is a principle and a guiding principle of the entire program and it is I think very different from FTC bandwidth because FTC bandwidth is a much more limited space. However, all these new gTLDs are competing with one another and what we have is an overarching concern about some lens of the public interest.

So what I'm wondering is if our issue is not really the question of the speed of processing applications and people not wanting that

to be slow and people not wanting the public interest type applications and individual application to get stuck in the ICANN system while the big dogs who know how to get things through quickly and are doing everything they can policy-wise to make sure that those get through quickly, get ahead of everybody else. Could we somehow within staff in ICANN dedicate a unit to a different type of application? The type that is individual application or the Global South application just so that there's a fairness in the speed with which these types of applications that are coming to market and all competing with each other can be processed. Could we recommend a policy that would address the concerns of the minority that's listed here by having a dedicated unit internally within ICANN staff?

JEFF NEUMAN: Okay, thanks, Anne. I see Trang has raised her hand. So, let's see if Trang has got a response to that.

TRANG NGUYEN: Hi, Jeff. Thank you. Anne, with regards to your last comment, I think it is one of the recommendations from this working group that applications are prioritized for processing. So it's not like ICANN org just pick and choose which applications we want to process first or last. Everything is done via a prioritization process, so if there is a particular group of applications or type of applications that the PDP Working Group believe should be prioritized for processing that is certainly a policy recommendation that could be made, and then based on that we would prioritize the applications for processing appropriately.

The second comment that I wanted to make is that there has been a lot of discussions about ICANN org's processing capacity. I want to also remind the PDP Working Group that there is also something called the rate of delegation which is currently set at a thousand TLDs per year, and so it doesn't really matter how many applications ICANN org can really process to some extent because that is currently the limiting rate upon which new gTLD could be added to the root. Thank you.

JEFF NEUMAN:

Thanks, Trang. We did discuss that a little bit earlier. The root servers and SSAC and others did file responses and the thousand limit was according to them not set by the root servers or the SSAC but was set by ICANN after considering their views. The SSAC and RSSAC – I'm forgetting which comments came in – are now of the view that it is more of a sliding scale that the thousand was kind of an arbitrary limit that now they believe, given what's happened prior, that it's more of a sliding scale that could increase at a certain rate. So, just to correct that. It's not a thousand a year. At least that's not the recommendation. Sure, we as a group could discuss that, but at least the technical community has weighed in on that.

The other thing, we do have a subject in here on application processing which we'll get into. It's a little ways down the line in terms of discussions but we will be discussing issues about prioritization of processing applications in a later subject. So I do want to just put a stake in the ground to say that that is going to come up not for a little while yet but that is a topic that we do have.

Alright, I want to switch gears here at this point to go to the next subject which is on the Pre-Approval Program, which I know is formally called Accreditation Programs. Actually, I'd love to change the terminology and forget the fact that we used to reference it as accreditation because that caused a whole bunch of issues on terminology and I think once we got past that, we were able to make some progress. But essentially, this was a topic that was first addressed in community comment #2 and then addressed later on obviously in the initial report where some recommendations were made.

There were three policy goals that we gleaned out of it and I added a note to discuss the possible fourth. The first three were operationally feasible and appropriate. Efficiency should be realized in the technical evaluation of registry services without compromising the goals of the program such as diversity, competition, and security of the DNS. Second policy goal where a single RSP (which stands for registry services provider) provides registry services for multiple TLD applications, duplicative evaluation and testing should be reduced. A third one is to the extent that there is testing as part of the Pre-Approval Program, testing must be consistent of objective and, to the extent possible, predictable.

One I propose we add – but obviously it's subject to comments so please do comment on this – that RSP Program should avoid processes and structures that show undue preference to incumbent RSPs versus prospective RSPs and should be equally available to both. This was a comment that was made by Google and supported in comments by MarkMonitor, Lemarit, and seem

to have support when we were discussing the comments on subgroup A, which is see the link has now been put in there on the top background documentation section.

So my question is should this be a policy goal? And if it is, that may change some things below where there's high-level agreement or not. What does everyone think of that statement? That the program should avoid processes and structures that show undue preference to incumbent RSPs versus prospective RSPs and should be equally available to both.

I see Anne. I'm not sure if that's a new or old hand. But I see Anne and then I see Susan and Donna. So, let me go to Anne first and see if that's a new hand. No. Okay, Susan, please.

SUSAN PAYNE: Thanks, Jeff. I'm not sure if it's entirely on the same point but I think our comments from [inaudible] probably would support this too. There were a number of areas where we made the point that we thought it was important that either something shouldn't be done but if it was, then it should apply by two existing incumbents and also to others who perhaps have chosen not to go down the pre-approval path. And again, we made a number of comments that said that there's a need for equal treatment of all, and I think that would tend to support this kind of comment as well. I think it's very important.

When we were talking about this in the work track previously, I don't think it was ever an intention that somehow RSPs who have been active already should somehow have a shoo-in for the future

and be given a priority and preference. It was seeking to address the fact that, since many people were using the same backend provider, they were being asked to repeatedly give the same information multiple times, which was increasing cost and complexity. It was about simplifying the process but it wasn't about cutting anyone out who's able to meet the standards.

JEFF NEUMAN: Okay. Thank you, Susan. Thank you. That does seem to be in line with the policy statement. I'm going to go to Donna and then read a couple of things from the chat.

DONNA AUSTIN: Thanks, Jeff. Donna Austin from Neustar. If we're assuming that the program means Pre-Approval Program, the RSP Pre-Approval Program, then doesn't necessitate that what would happen if it is the choice of those who want to be an RSP, whether they're incumbent or not that they would have to go through that Pre-Approval Program? And I'm not sure where you get undue preference as a result of that. Business reality will be that coming next round I assume that those that are interested in TLD when they go looking for their third party provider for backend may be looking for someone who's done this before, so in a business sense, they are going to have some kind of undue preference I suppose because they're tried and true. But somebody coming fresh into the business, that's going to be a little bit more difficult. So I'm not sure that this is necessary if the idea is that the Pre-Approval Program will mean that incumbents and new entrants all have to go through that pre-approval process to be eligible for the

applicant or they would tick the box to say they have an RSP that's been pre-approved.

JEFF NEUMAN: Yeah. Thanks, Donna. I guess this is foreshadowing some of the comments. It seemed to be general support for the notion of that this be a voluntary program. So you don't have to be pre-approved in order to be listed in an application for a TLD, but if you're not pre-approved then you do need to go through the process and we'll discuss whether the process has to be the same. I think you'll see general support there too that, really, the only difference between the Pre-Approval Program and the Approval Program is a question of timing. So we'll test that theory as we go through this. So if it's a voluntary program where new RSPs and incumbent RSPs can all participate in the pre-approval if they choose to do so, I guess the question then becomes not undue preference in terms of what eventual applicants will choose because they can use as their own business judgment whether they want to use someone that's tested or that's operated others or not but more undue influence from ICANN that they're put on some sort of status higher than the others. I think this really permeates through this.

Just to go through Paul's comments … we've got a bunch of comments here. Okay, Paul said, "Support in theory but we'd like to tighten up the language to make clear that ICANN doesn't need to change what already works just because incumbent RSPs are already set up to do what's working." It may help, Paul, if you submit some language or I'm not 100% sure what that comment is supposed to say. Sorry.

Anne says – this is still on the previous topic.

Jim says, "Paul, we learned at the GDD Summit that multiple registries had multiple problems passing PDT and although we haven't had an update in the few years, there have been close to 40 EBERO triggering incidents in the first few years in the gTLD program. ICANN decided, however, not to invoke the EBERO at the time."

Alright, I'm going to skip the discussions on the previous topic.

Anne says, "Wow. Jim, when do we get that report on EBERO triggering events? It seems pretty significant."

Susan says, "Donna, I agree that those who are looking for a provider will make a decision about the weight they give to prior experience. I was viewing this only as intending that those without experience could be approved, that they meet the standards."

Donna says, "I don't think this is a policy goal. It's more of a principle."

Jim says, "I believe the last reporting on the EBERO triggering events came from Francisco. Maybe Trang has got more information."

Yes, Paul. Please, you're in the queue. Thanks.

PAUL MCGRADY: Thanks. Donna asked me for what my source of statistics are but I don't know what that question is for. I think that might've been meant to be directed to Jim. All I'm trying to say is that what we

don't want is an RSP that is not currently an incumbent to come in and claim that they have some disadvantaged because the incumbent RSPs are already doing things the way ICANN wants them to do things. So, therefore, the playing field is not level. In other words, ICANN doesn't have to change the way that it is, what it's expecting from RSPs in order to re-level the playing field for everybody. Hopefully, that makes sense. It's what I was trying to give Anne the text. Thanks.

JEFF NEUMAN: Thanks, Paul. I think another way of saying it is a comment or concern that was raised by some – we don't want to cater to the lowest common denominator. We want to make sure that yes, we have a level playing field but there still needs to be strong basis and security and stability and all the other good stuff and by having a Pre-Approval Program, in essence, we are trying to create a little bit more of a level playing field in the sense that multiple operators will have the opportunity to be pre-approved whether they're an incumbent or not so that may actually encourage competition I think is the goal.

Sarah says, "Due to the number of EBERO triggering incidents that incumbent RSPs are creating, it's not in the interest of security or stability that incumbent RSPs are grandfathered into any new potential RSP Program." That's from Sarah Langston.

Sarah, that's a good comment. That will come up a little bit later in this document. And a +1 from Justine on that.

Whether this is a principle or a policy goal, I don't think that there's disagreement with the notion of making sure that we don't have anything that – I'm trying to give a better way to say it – but essentially that our structures and processes should treat all RSPs, whether an incumbent RSP or a new one in some sort of equitable manner. I think it's fair to say. Christopher, please.

CHRISTOPHER WILKINSON: Thank you. I hope you'll be pleased to know that I'm much more relaxed about this aspect of the business and I appreciate that, the document that's being prepared. I think this is primarily a technical issue and I don't think this group is really competent of a duplicate on that. Secondly, there is a competition issue if there are not enough of registry service providers worldwide, but I think that can be resolved. And thirdly, at the limit, it's a security issue. There will always be more of TLDs than registry service providers. There are several other aspects of the Internet where this principle is also true, whether it's the Internet exchange points of the nameservers for the ccTLDs, etc. The security issue which ICANN is equipped to deal with if they have a look at it is that beyond a certain point, registry service provider that is servicing a large number of gTLDs is vulnerable and we have to be very sure that the security against hacking, against malicious intervention of any kind that the security aspects of the registry service providers are very carefully assessed on a permanent basis. But beyond that, go for it. The world at large will never be able to provide individual registry service providers for the number of gTLDs that we've been talking about, even the modest [inaudible].

JEFF NEUMAN: Okay. Thanks, Christopher. Just focusing a little bit on … so Maxim says, an RSP is [only an] informal definition now, defined in internal ICANN documents. I think Maxim has a good point. Maybe one of the things we'll take as an action item here is to come up with a definition. It's also assumed now that an RSP is one entity. It could be multiple entities I suppose that form one RSP or that provide different functions – the five critical functions.

With respect to what Christopher refers as a technical issue, I actually do agree – and if you scroll down, Steve, to the outstanding items – let me see where I put it here. Hold on. Actually, it might be further down, sorry. I don't remember where I put it now. I probably [inaudible] the referrals to other sections. Yeah, it's a long section here.

In the referrals, what I do say is that at the last bullet point I added this in, again, it's subject to comment from the group. But essentially, to the extent that the working group adopts the notion that all RSPs are evaluated in the same manner using the same processes except that the pre-approval process happens earlier in time, then all of evaluation requirements should be referred to the applicable sections that we discussed these issues.

So, 2.7.6 where we discussed security and stability, in 2.7.7 where we discussed applicant reviews, we can defer the technical conversations until we talk about those two sections if that assumption is right that we're going to apply the same standards, whether you apply in the Pre-Approval Program or whether you wait and submit it with another application.

Just looking to see if there are any comments on that. Sorry, Steve, if you could scroll back up, I just wanted to point that out so we didn't get into some of the technical conversations here but certainly will be tackling those to the extent we tackle them for all applications.

So, going back to the public comments summary, there was large support for calling this a Pre-Approval Program and there was some support expressed for the idea that the process should have the same technical requirements equal to the technical and operational capabilities evaluation. Or not "some support," there was support for that. There was some comment. There's also the consideration of an RSP's overall breadth of registry operator support while others believe that the measurement of overall breadth of registry operator support will be difficult to assess.

This is the question of when you pre-approve a registry services provider, do you pre-approve them for a certain number of top-level domains? Do you approve them for a certain number of second level domains within the top-level domains? Are you approving them based on the query traffic of DNS services? All sorts of things say you could, in theory, pre-approve someone on, and there was mixed support in the community about whether ICANN should or whether it was capable of being tested. We'll note later on, I believe ICANN org does agree with the notion, however, that the breadth of registry service provider support should be assessed. So we'll get to that in a little bit.

Most of the commenters that supported the notion of RSP Pre-Approval expressed support for the idea that the process should be voluntary. The one exception was the Business Constituency

where they said that the Pre-Approval Program should be mandatory but didn't provide any other rationale. Other than that, we did ask during our discussions to see if there is any more information but no other information was submitted. Support from commenters of this program should be self-funded or should be cost recovery basis. And while there were different perspectives expressed about whether periodic reassessment should be required for pre-approved RSPs, there were some support for the idea that if you did require pre-approved RSPs to be reassessed then that same requirement to be assessed should also be to RSPs that are not part of the Pre-Approval Programs. So if someone decided to not do a Pre-Approved Program but was approved through the regular, normal application process that if – basically, the test or reassessment should be for all, not just for those in the Pre-Approval Program.

In here – which I think we can confirm, so I just want everyone to make sure that I'm stating this correctly – but ICANN org seeks confirmation from us that the only difference between the pre-approved RSP and the one that is approved during application evaluation is the timing of when the approval takes place. All criteria and evaluation – and I don't know why they said RST but it should be RSP testing are the same.

So, my comment is, does this have high level agreement? If so, keep here. Anyone disagree with the notion that the only difference at this point between pre-approval and the approval of RSPs is a timing issue? Anyone who disagrees with that? Donna, please.

DONNA AUSTIN:	Thanks, Jeff. I'm okay with that, the inclusion of that language. But I think RST has a different meaning for ICANN, so you may want to check that. I know RST is an acronym that they use in connection with this topic, so I think we best check RST before we take it out.
JEFF NEUMAN:	Thanks, Donna. I do not know that. So let me go to – Maxim, if it's okay, I'm going to go to Trang because she might be responding to that notion, if that's okay. Trang?
TRANG NGUYEN:	Thank you, Jeff. Yes, RST is I think the new – we name process for PDP. If you look at our comments or input in totality, I think you'll see that the suggestion is that as part of this RSP Pre-Approval Program, it'd be considered not just for the technical evaluation but that certain aspects of RST or PDT could be performed on a per RST [paid] basis as well. There's certain obviously components of RST or PDT that needs to be done on a per TLD basis, but those components that could be done on a per RSP basis, we also suggest that the RSP Program would allow for that as well. So it is correct that that mentioned is meant to be RST and not RSP. Thank you.
JEFF NEUMAN:	Thanks, Trang. Can you just put on the chat what RST stands for? I think you said it's the same thing as pre-delegation testing but maybe not. Okay, so Christine put it in there. Thanks, Christine. Registry Services Testing. Is that still only contemplated pre-

delegation or is that ongoing testing? Someone could put that on the chat. Just make sure I understand that. Alright, while they're putting it – oh okay. Donna is saying it may also apply for swapping out an RSP. Got it.

Okay, let me go to Maxim.

MAXIM ALZOBA: Actually, this term RSP it just got out of the discussions with ICANN about the procedures for evaluation for the registries from the technological perspective. And since the beginning of conversations, we have a large pool of registries who act as backend providers for themselves while under the constant SLA monitoring. Mind you, the measurements are done each minute for the years, so they were considered to be good for the initial pool of RSPs, and I don't see anything like this in the wording we have. Thanks.

Basically, the backend providers, while good to work for many years under the constant SLAs, should be regarded as valid RSPs. Thanks.

JEFF NEUMAN: Okay. Thanks, Maxim. I have Trang and Christine. I don't know if, Trang, your hand is still up or that the other comment … nope? Okay. Now I see no hands. Okay, so let me just go to the chat. There's a link there to the testing process. Sorry, scrolling down.

Jim responds on the RSP incidents which will come up I think a little bit more – I know we're getting towards the end of this call, so we'll be talking about that a little bit more.

Kathy says zero limit to the number of frontend registries that a backend registry can host.

Alright, I'm going to stop here because I think this is a good stopping point and definitely take the action item that we need to define RSP and especially in terms of RST, whether that testing is a component of the RSP Pre-Approval Program. That's something that we need to consider. Hopefully, we can get some comments on e-mail. And please, I would like to see if we can get through the subject through e-mail and very quickly summing up on the next call and then go to the next subject. I do agree that the letters RSP and RST are confusing, so may have to define those terms.

Before we get to the end, however, I believe that I've seen a high level schedule for ICANN65. I've seen it sent around to a couple of different groups. I don't think one was sent around to this list. But from what I have seen, we have sessions that are scheduled on – here it is. On Day 1, we have a couple of sessions scheduled for Work Track 5 in the morning, and then for the rest of the SubPro, there are a coup0le of sessions that are split between the first day and the second day. We can get some exact times. We can forward that to the list. But do plan on talking about these subjects on the first two days. So hopefully you'll get there ready to discuss more information next week on what we will be discussing. Okay, any questions on that?

There's still some discussion on the SLA monitoring, which is important. I'd like to keep that discussion going on the e-mail list especially as it refers to whether pre-approvals can be removed or whether certain entities – well, I should say should a pre-approval be removed if there are certain violations is certainly an important thing. So, definitely keep those conversations going.

Maxim, I see your hand is up but I'm not sure if … okay, there's a question on the small working group it's on the IRT but [unpredictability]. Yes, there's not much ongoing on that list but I plan to stimulate some discussion this week on that. We should get that small group moving a little bit and hopefully relying on others to weigh in.

So, thank you, everyone. I'm just looking to see if there's anyone that's got any last comments. Nope? Okay. Great. Thanks, everyone. Talk to you all on –

MICHELLE DESMYTER: Thank you, Jeff. The meeting has been adjourned. Have a great day, everyone.

[END OF TRANSCRIPTION]