
ICANN Transcription
GNSO New gTLD Subsequent Procedures Working Group
Tuesday, 26 November 2019 at 03:00 UTC

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JULIE BISLAND: Good morning, good afternoon, good evening. Welcome to the New gTLD Subsequent Procedures Working Group call on Tuesday, the 26th of November, 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. If you are only on the audio bridge, would you please let yourself be known now? I do have Karen noted. Anyone else? And Anne Aikman-Scalese.

ANNE AIKMAN-SCALESE: Anne Aikman-Scalese on phone only.

JULIE BISLAND: Great. Thank you so much, Anne. Hearing no other names, I would like to remind all to please state your name before speaking for transcription purposes, and to please keep phones and microphones on mute when not speaking to avoid background noise. With this, I will turn it back over to Jeff Neuman. You can begin, Jeff.

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JEFF NEUMAN:

Thank you, Julie. Welcome, everyone, to the call. This will be the only call that we have this week, due to the Thanksgiving holidays in the United States. Many people will be taking off that day, and we thought it would be best to take that day off from our work as well. In addition, just before get started with the agenda, you should have all, I think, in the last couple days, have gotten calendar invites for the December meeting. So, make sure that you've got that on your calendar, so that starting next week ... I can't believe it's December already. It's kind of crazy.

With that, let me ask if there are any updates to any statements of interest. Okay, not seeing any. Let's review the agenda, and see if there's any questions on it. Essentially, today, I think this will take up most of the time, but we're going to go through the rest of CCT Review Team recommendations on that chart, which the link is up on Steve's screen at this point. I'm sure we'll post it—and he's doing it right now—in the chat room. And then, if we have time, we'll go on to the string contention mechanisms of last resort. And my guess is, we'll continue on that on the next call of next week. That's about it for today. Is there any questions on the agenda?

Okay, I'm not seeing any. So, let's then go over to the chart. I'm going to use my copy on my computer, so if I miss someone that's raising their hand, I'm just going to ask for help from Cheryl and from Steve, Julie, to make sure I get them, because that screen is small on the one that Steve has up.

So, I know we covered nine and 12, so rows two and three of the chart. I believe we left off on number 14. Number 14 deals with the Registry

Agreements, and talking about putting incentives into the agreements, including financial incentives for registries, especially open ones, to adopt proactive anti-abuse measures.

We've talked a little bit about DNS abuse in general, and I think this would fit into that category. About two weeks ago, I think it was—three weeks ago? When we started talking about—or the week before ICANN. We started talking about DNS abuse. During that call, we seemed to be leaning towards making a recommendation that the community handle this topic as a whole, rather than trying to just focus on the new TLDs.

So, in other words, what we discussed during that call, and on the email, and in that relevant document, was essentially recommending that the community continue to have those discussions, and obviously, to the extent that anything is adopted policy-wise or contract-wise, that would of course be effective against the ... That will also be implemented in the new registries moving forward. But to just focus on contractual provisions for the new TLDs is really not addressing the current problem that we have, to the extent that there is a problem with DNS abuse.

So, I think we have been addressing this topic. We're obviously going to talk about that again. But I think we have been addressing what the CCT Review Team has been talking about, although not generally focusing on the financial incentives, because of the fact that we're really talking about urging the community to continue the discussions, and not focus only on the new TLDs. So, let me just throw that out—see if there's any questions or comments on that. Kind of a quiet bunch, which is okay.

Paul's asking if this is in our remit. To the extent that there is proposals to change agreements for new TLDs moving forward, it would be in our remit. To the extent that we're discussing all top-level domains in general, that would be beyond the scope of our remit. But again, if you think about coming—the governments, that they want to see the high-priority and prerequisite CCT Review Team recommendations implemented before the next round.

And so, we should opine on that—not necessarily opine on the GAC advice, but opine on the topic of DNS abuse, and whether we're going to address it just for the new TLDs going forward. And on the call, the last time we talked about it, it didn't seem like this group was very interested in only addressing—or tackling this issue only with respect to the next rounds of new gTLDs.

Just looking at the chat, Maxim says, "Do we have a definition of 'proactive?'" No, I think there's not a definition in the CCT Review Team report, but there is some discussion about correlations that, in theory, could be used to predict abuse, or that the community should look at, seeing if there are predictive measures of abuse. And so, that's one of the things. I will also note that this recommendation didn't just go from the CCT Review Team to us. It's also the ICANN Board, the Registries, Registrars, the GNSO, and SubPro, though I think this DNS abuse subject is actually being discussed by the broader community than that.

Paul McGrady says, "Do we want to do more with this than say, 'We agree,' and leave it to the Implementation Team?" Yeah. As Maxim says, I'm not sure we definitely do agree with the notion of providing incentives, nor do we necessarily know what the disincentives are to

encourage registries ... Sorry, I'm reading the wrong one. I'm reading number 12. I should be on 14. We haven't really discussed what could go in the agreements to provide financial incentives to open registries to adopt proactive anti-abuse measures.

So, as Elaine says, what we talked about the last time was that we acknowledge all of the community efforts that are underway, and we believe that the community should be taking steps to address these recommendations through community-wide discussions, as opposed to discussions that focus only on the new TLDs going forward.

Don't know if we can really say too much more than that, other than again, like I said, like we did in those ... If you recall a few weeks ago when we talked about this subject, in that that document, which we will come back to in future discussions, it does talk about all of the ... It recognizes all of the various things that are going on with the community address this. It seems like we at least are okay with that. Seeing some agreement from Paul and Elaine, so I think let's move on, then, to recommendation 15.

This deals as well with DNS abuse. If you read the recommendation in column B, you really see that it's mostly for the ICANN Board. So, like the last recommendation, I think we would say something similar—again, citing what's going on in the community and encouraging that conversation to continue. But most of it really is geared towards the Board, if I were to guess.

Paul says, "I guess we should acknowledge in our report that we read this and understood it—" sure— "but that we think the broader

community discussion is afoot.” Yes, absolutely, Paul. I think that’s right. We certainly don’t want anyone to think that we’re not addressing the subject, or that we disagree with this stuff. We’re not saying we agree. We’re not saying we disagree. We’re just saying that this is being worked on elsewhere in the community.

Justine’s saying she doesn’t disagree with our conclusion on 14, but it seems like a bit of a copout. Yeah, Justine, I see why it could be viewed that way. But again, I think it was ... We can go into detail. If you really want to address the problem, you shouldn’t solve it through only looking agreements for new gTLDs moving forward. It’s almost a copout for the CCT Review Team to suggest that this be the burden for the next round, as opposed to the burden of the community itself to solve this issue, which think the community is taking on anyway. And so, I see you added some language that ... Just really not sure how we can progress it other than saying those things.

Okay, just checking the chat, checking the ... No hands are up. Okay, let’s move, then, to the next one, which also is a DNS abuse recommendation. So, this is recommendation number 16, which states that ... This is really studying the relationship between essentially all the parties involved in DNS—or it could be involved in addressing DNS abuse and DAAR initiatives.

They talk about, really identify the registries and registrars. They need to come under greater scrutiny. And then also, putting in place an action plan to respond to such studies. Again, I think that’s really in line with the current activities going on in the community—similar answer

as the last one. Again, I'm not sure if we need to discuss this one in any more detail.

Okay, I'm just reading the chat. Maxim says, "Financial incentive without proper definition is 'proactive anti-abuse measures' is not transparent, and looks like a provision of benefits without a proper basis." Yeah, I think it's an interesting subject, Maxim, to talk about with the community.

I think their heart is in the right place, from the CCT Review Team, in trying to create incentives for proper behaviors. Financial incentives may be one of those, but at the end of the day, if the only financial incentives you can really give are to reduce ICANN fees, which is kind of the opposite of what we want to do, because you really want ICANN to beef up its monitoring functions, and for that it needs more money. So, giving a financial incentive to registries and registrars to solve abuse is actually taking away money from ICANN to actually do the monitoring and other activities that much of the community wants. So, it's definitely an interesting conversation for the community.

Paul says, on number 16, "Don't think there's anything much to object to here, but if we take the lead, it really has us meddling in ICANN's compliance issues, which is not what we're really supposed to be doing," which I agree with as well.

Okay, then looking on to 17 ... This one is not DNS abuse, although I think it is sort of related in that section, which is collecting data about and publicizing the chain of parties responsible for gTLD domain name registrations. This was also listed as a high priority, and a number of

parties listed as who the CCTRT Review Team thought should address it. This one's also kind of weird for us, as SubPro. I think this is really meat more towards registrars, and ICANN Compliance. And also, with everything going on in the EPDP, and WHOIS, and RDAP, and all of that fun stuff ... Maxim notes that this seems contrary to the Temp Spec.

So, yeah, this one, for us to tackle, really wouldn't be ... It just doesn't seem like it's within our scope. Registrars are supposed to make available their information about their resellers, and that's in the Registrar Accreditation Agreement, so that's a Compliance issue. But really, this should be added to the EPDP or to the WHOIS discussions, as opposed to for us.

Paul, I don't think this was meant to upend the EPDP. These recommendations came out way before the EPDP was even initiated. So, I think it's one of those overlapping areas that I think we should acknowledge, let them know that we understand the issue, cite the fact that some of this is in the Registrar Accreditation Agreements, and then also that we believe the crux of this issue should be dealt with within the EPDP.

Maxim's saying, "The text is too broad." Yeah, I don't think we need to get into that. I think it's just best to let the EPDP, who has all the subject matter experts on this subject, deal with it, as opposed to us trying to delve into the weeds and risk being wrong on this topic.

Okay, now I think we start to get into some things that we can or have been addressing. This next one is ... I'm going to make sure I didn't skip anything. Is the next one 23? Yeah. This one's a long recommendation,

but essentially, it's aimed at looking at the highly-regulated sectors. These were what the GAC had called category one TLDs, that have PICs in their agreement. So, I think this is trying to get at, basically, an audit to look at whether these PICs have been followed, and whether they're effective in trying to address what they were intended to address.

In reading through this full recommendation, and going back to the report, although we are on this list, I do believe ... And I think this is one I put a note in. This does seem to be more of a Compliance activity, as opposed to one that will help us in moving forward. I think the one issue we need to decide as a group is whether to maintain those PICs that the GAC had required for category one top-level domains—or TLDs, sorry—and whether we should include that as being recommended for future sensitive strings.

So, I think in addressing this subject, I think that's the one area we should talk about again, when we get to the subject of PICs. Let me know if you don't agree with me, or you think there is more to this that we should be talking about. But in essence, I think, because most of the recommendation deals with looking at past activities, and deals with Compliance, to me, this boiled down an issue of whether we want to maintain those PICs. And if we do, do we want to collect additional data, or require the collection of additional data going forward?

Paul said can I start again. I'll try to summarize. This recommendation deals with sensitive strings, GAC category one. If you recall, the GAC had required a bunch of PICs be added to what they believed were category one highly-regulated strings. Those were added to the PICs—to the contracts for those TLDs. A lot of this recommendation includes the

collection of data from—or an audit, really from ... And that seems like more of a Compliance issue.

So, I think the things we should be focusing on are should we include these sensitive string PICs—whatever we call then going forward ... Should we have them in highly-regulated areas? If the answer is yes to that, we'll have to come up with some sort of definition for highly-regulated, and potentially, if we do want to include those, to think about what data we might want collected on a go-forward basis, to the extent Compliance needs to get additional data, or a future CCT Review Team would need data that they would need to conduct this type of review five years from now or whenever it's done again.

This includes .bank, .pharmacy ... Maxim says .wine. I think was maybe not .doctor, but .hospital might have been one of them. So, there's a few of them. They're all listed in the GAC advice that was given for category one. Any thoughts on this one? Agree, disagree? Think we should be addressing more from this recommendation?

“Where would this go in the new AGB? Seems more Compliance.” Right. Again, Paul, I think the only issues we need to discuss and decide is whether we make a recommendation to keep these PICs for future quote sensitive strings, and if we do, then the Guidebook would need to state what that definition of sensitive strings are, if we want to request that ICANN get additional data from new registries going forward. So, those are the things that we would include. But I agree with the rest. I don't think any of the rest of the recommendation is for us to address.

Justine says, “Yes to keeping PICs for future rounds. Also collect data on whether PICs have been complied with. What were the weaknesses on protections, if any?” Heather’s saying, “If we’re talking future strings, it’s different to call out in advance what such strings would be. Let’s not box ourselves in with a cookie-cutter definition of highly sensitive strings.

Heather, I think that’s right, but I also think that if there is ... I don’t think it should be decided, necessarily, but the governments after the fact. I think we should try to give applicants some sort of guidance, if they’re going to have to agree to additional commitments. Okay, you agree with that. So, there is a line we have to walk. Maybe it’s not a concrete definition that’s completely objective, but certainly one that will help guide applicants when they apply, to at least let them know that this may be a possibility.

“Refer to GAC for guidance,” Justine says. Not sure we want to do that, Justine, completely, if we can solve it. Let’s see if we can provide some guidance. It makes me a little nervous to just give the GAC carte blanche to just decide what they believe is sensitive. But certainly, their input is important, and if we do decide on keeping the PICs, I do think that part of the comment period that we have should specifically ask the GAC and others to provide guidance as to what criteria could be used. So, I see what you’re saying, Justine, yeah. “Guidance, not rules,” yep.

Paul McGrady says on the chat, “Is there a working definition of sensitive string from the GAC we can tinker with?” Unfortunately, no, other than there’s some language about being in highly regulated sectors, but most of it was focused on naming the particular strings in

category one. And then, the PICs themselves, if you read them, some of them may be self-evident. So, definitely there's areas where license requirements are required, or where there's governing law. I'm going to go to Heather. She's got her hand raised. Heather, please. Thank you.

HEATHER FORREST:

Thanks, Jeff. I'm just wondering, given that we're talking about what can we leverage from the existing AGB here, I wonder if we're looking at something like a high-level definition with a self-identification by applicants, and then a panel of some kind to confirm—something similar to what we had from the Geographic Names Panel. Is that going to be enough, without having to box ourselves so entirely in with a really narrow definition? Thanks, Jeff.

JEFF NEUMAN:

Thanks, Heather. I think that's a good idea. I think if we can provide certain criteria that may be indicative of a sensitive string, like very high-level, so that applicants can be aware ... Let them also check it off, if they think. And then, the last part you said about having kind of like a GeoNames Panel, but some kind of evaluation that looks at that, and tries to, from an evaluation standpoint, see if the string applied for is likely to be one that would fit in.

I know Karen Lentz is on the phone, but channeling Karen, I'm sure she would say that we need to ... It's not an easy thing to evaluate, and the more criteria we could set out for those evaluators, the better. But Karen, I don't want to speak for you. If you want to jump in, feel free.

KAREN LENTZ: Thanks, Jeff. I agree with that. I think it's an interesting idea, and certainly the more thinking behind that, I think the better for [ATLAS] and then all of us to figure out how to handle those things.

JEFF NEUMAN: Thanks, Karen. So, we'll capture all of that in the notes—in the action items. And then, we will also add this discussion to the sections that we've already been talking about with respect to PICs, and evaluations as well, because we've been talking about potentially adding something like this as something to evaluate.

Justine says, "We're talking about criteria that is highly likely to be called a sensitive string?" Yes. I think that's right. I think it's basic criteria to, one, aid applicants so that they're put on notice of what they may have to agree to, and then also for evaluators to assess whether they believe they should be one of those top-level domains that gets the standard PICs. If you remember those standard PICs, they include things like, again, requiring registrants to have licenses for where appropriate, requiring registries to have an inconspicuous place where complaints can be filed, asking registries to establish relationships with the relevant governments to make sure that governments know where to go to, etc.

Maxim, you're absolutely right. "Some topics may be highly regulated in some jurisdictions and not in others." That's certainly something that needs to be taken into consideration. Okay, I think we've talked a lot about this subject anything else on this area?

Okay, let's then move on to the next one. Sorry for a little pause. I'm just moving between documents. So, number 25 ... Oh, my Alexa is talking in the background. That's funny. So, number 25 is ... Whoops, sorry. Keeps jumping around on me here.

This, again, is talking about PICs. It basically states that to the extent that voluntary commitments are allowed in the future, which I think we've spent a lot of time talking about, they want applicants to state the intended goal, and submit that during the application process so that there's opportunity for the community to review, and to meet deadlines for objections. And that to the extent that they may have an end date, that should be indicated as well, and there should be a searchable, online database to enhance data-driven policy development, community transparency, compliance, and the awareness of variables relevant to DNS abuse trends.

I put some notes in here from my perspective. From my perspective, I think we've done a bunch on this subject. We've actually just been talking about PICs. But one thing that we've been talking about is whether to still call them PICs. We've also talked about addressing issues of ensuring that there's more transparency, including the opportunity to comment. We've talked about being able to make voluntary commitments as a way to address objections, or addressing public [comment policies], and making sure that if there are voluntary commitments, again, that there's opportunity to comment, object, etc.

We've also talked about applicants explaining a rationale for why they're making these commitments, and if there's an end date, to state that, and to state why. So, I do think that this is one that we've spent a

good amount of time talking about. I think we have been addressing it. Some of this language that was in here, we drafted a while ago, before we have had extensive conversations on PICs, so that's why I added my note in here. Paul, please. Your hand's up. Sorry. I don't know how long your hand's been up. Sorry about that.

PAUL MCGRADY:

Thanks, Jeff. My concern about this language is that they say that they have to be included at the time of application. That eliminates part of the purpose, or in my point of view, maybe the main purpose of the PICs in the first place, which is they're good problem solvers. What happens if you don't anticipate everything—all the reactions to your application—and there is a reaction to it that could be solved with a PIC, but you didn't know that. You weren't able to predict the future entirely, and so you didn't file that PIC with application, so now what do you do?

And so, I do think we should press on that a little bit, to see if we really believe all PICs should be filed at application. Or maybe, what we really believe is that we should try to file them at application if we can, but if a PIC needs to come into existence later, that the community has some opportunity to talk about it. Thanks.

JEFF NEUMAN:

Yeah, thanks, Paul. I agree with you wholeheartedly. When I went back and read the report, I do think the main ... The reason why they stated at the beginning was to ensure that there would be opportunities to comment, and that it could be used in the filing of objections and that

type of thing. I think if we address that point—the transparency, the ability to comment, putting it in objections ... The way I interpreted it, that was more important than making everything be submitted right up front.

So, I think if there are upfront commitments, they should absolutely explain it at application time, but if it's used, like you said, as the problem solver, absolutely, I think the main points are to make sure it's transparent and that there's opportunity to review and comment. So, hopefully, with all of that, I think this addresses their main points.

Yep, as Paul says ... Sorry, just reading the chat. Cheryl says it makes sense what Paul said, and Justine says it has to do with upfront PICs. Paul says, "I'd like for us to parse that out so we don't accidentally cut out PICs as solving problems," and we agree. But I agree with Paul's assessment. So, I think yes to everything that's been said on the chat. I think we need to make sure we do that.

Okay, anything else from this recommendation we should be ... Oh, I also want to ... We should acknowledge the other things in this recommendation. There was, for example, a searchable database of PICs. I guess we leave that to ICANN Org. I don't know if we want to comment on that, and say it's a good idea or not. But certainly, we should not ignore that part of the recommendation. So, we can state that we're taking measures from SubPro standpoint for transparency, and that the online database is really a recommendation for ICANN Org. Thoughts? Okay.

Let me see. Justine says, “Leave to implementation. Together ...” Right, there’s other areas that we’ve called on, or others in the community have called on, to be searchable, so this is another one added to that list.

Okay, so then we move on to number ... Why does mine keep jumping? 29, okay. “Set objectives, metrics for applications from the Global South.” We’ve certainly been talking extensively about the applicant support measures, outreach measures, we could take to enhance the applicant support program, and outreach, and things like that. But we’ve really gotten stuck.

It’s not that we haven’t talked about trying to set metrics for this program, but we’ve ... In, I think it was Work Track One initially, and then in subsequent discussions. It’s really difficult to set objective measurements or metrics to determine whether the program is a success. I actually did talk to a couple members of the CCT Review Team, just about this. What their thinking was behind this ... It’s obvious what their thinking was. They wanted to know what we can do to measure whether the program is successful or not. That makes sense.

But a quantitative assessment, as we’ve talked about in this group and in Work Track One is really difficult, if not impossible, to set. And so, this is one of those areas where they punted to us, and I’m not sure that we’re going to be much help on. Paul says, “Is there another industry that we could benchmark against?” That’s a good question. I don’t know. CCT Review Team didn’t know if there was another benchmark. I think they were not very ...

And Maxim does say that the definition of Global South is not an easy definition to put in objective measurements. If you recall in our discussion on the applicant support program, it's not just the Global South that we talk about. It's anyone in any region that doesn't have the resources, or could otherwise meet the other requirements of the program. So, it wasn't necessarily limited to the Global South, although that is certainly a focus of the program.

Christa Taylor says, "We did have some interest—a number who actually applied." Right, so there are some factors, but who applies, who expresses interest in it, I guess, before application, who volunteers to provide services, whether those that volunteer to provide additional ... It's not just money, but it's also other related—either technical services that we talk about, or consulting services, or legal services, application services, etc. we talk about. I suppose we can capture all of that data, but I'm not sure that we're going to be very successful in coming up with universally-agreed-upon objective metrics to measure success, other than just capturing data.

Justine says, the Global South, we've sort of superseded by also addressing middle applicants. So, we can recommend certain data be collected, like the data just mentioned—those who've reached out to ICANN. I know that there's a big effort, or they're talking about a big effort, or they're talking about a big effort with Sally Costerton's team, the Global Engagement Team, that this falls at least partially within their jurisdiction. So, perhaps there's data that they can collect, like the number of organizations that are helping them, or that they're in contact with, and the types of marketing efforts.

So, there is some data that we can absolutely collect. I think we should try to list some of those as illustrative examples. Now, translating that data into whether that makes—the data that we get is quote successful—not sure we can ... Paul does cite to the WE Forum, which I'm clicking on as we speak. "Global Information Technology Reports." They've got 357 pages of material.

So, I think what we should do is try to think of all the different data points that we could think about being collected, and then it would be up to ICANN to go to those with much more expertise in this type of work, to get additional advice on data that should be collected, plus interpretations of what that data could mean. Paul, please.

PAUL MCGRADY:

Thanks. I just quickly grabbed a paragraph from this report. I'm just trying to think about what we could benchmark against. This report is the World Economic Forum Report, I think. It talks about how the Global South has three quarters of world's population but access to only one fifth of the world's income. Obviously, that's a big disparity between the number of people and the income. But would it be outrageous of us to say that a successful outcome for the Global South would be one fifth of the applications were from the Global South? At least it would mirror the horrible income disparity that's out there.

I think it would be great if we could do better, but it would seem to me that if we do worse than the wealth disparity, that we're functioning even below the dysfunctional world. Does that make sense. I'm not saying we need to adopt this tonight, but I think we should cast about

for some sort of standard, so that we can say that we are at least as bad as the rest of the world, but no worse, if that makes sense. It would be even better if we were better than the rest of the world. Thanks.

JEFF NEUMAN:

Yeah, thanks, Paul. Justine says to relook at the Work Track One metrics. I think we should do that. Christa says that as well. So, I guess the long and the short is ... Thanks, Paul for this report. I think we should indicate that we found this, and some of us should skim it and see if there's more things we can pick out of here. That, with capturing the Work Track One notes, as well as maybe making a recommendation that ICANN get advice from experts in this type of area.

We can note the one fifth number, but that scares me a little bit, because ... Yeah, it's hard to compare individual access to technology with industry applications for new TLDs, especially when we are also ... I think I saw it. I forgot what discussion this was recently, unrelated to this, but there was a ... No, actually right. It was on the list. Rubens was talking about the Latin American community. I think this was from Rubens, where he was saying that there's not even a registrar now in the Latin American region, or if there are, there's fewer than there were in 2012, part of it because of the 2013 agreement. So, there's a lot more areas that there's no registrars. Then having a bunch of registries from that area, I don't know. Does that help? It's a tough one.

Alexander is saying, "What's the ratio of gTLDs registered in the Global South to the world?" I don't know if anyone's done that study. Paul

says, “Of course no ... How brilliantly written the next AGB is, if ICANN doesn’t spend marketing dollars, we will so no improvement in our outcome, no matter ...” Absolutely. We definitely need a much more extensive marketing communications program. I think that’s certainly already within our recommendations.

Okay, I think we’ve got some good things on this one. Certainly, we are addressing it. And really, that’s the point of this discussion—not necessarily the solution, but more to acknowledge that we are addressing it, and where we’re addressing it. But I think these discussions have been very helpful, and I do think we can jot down a bunch of these notes in those sections as well. And as Christa said, we can’t forget that we have also expanded the definition to include the middle applicant, so it’s tougher to benchmark, I think.

Anne says, “Isn’t the big issue for Global South applications the sustainability of financing a TLD over 10 years?” I think there’s a lot of issues, Anne, for the global south. I’m sure that’s one of them. It’s not an easy subject.

Okay, moving on then to the next two recommendations. I’m grouping these together, because they’re really geared toward ICANN Org. But they also do relate to topics we’ve been talking about, and we’ve been talking about this in the last discussion just now. So, just want to make note of it that these two recommendations, 30 and 31, although they’re directed solely at ICANN Org, we will also note that we are touching on these topics as well. I’m not sure we need to discuss these two anymore, since it’s not really geared to us, other than noted, and talk about how—yeah, just noted, as Cheryl said.

I think Steve's screen's freezing again, because I'm seeing that nice little wheel. Okay, so let's then move on to the next one. Sorry. I'm just waiting. Or is the screen frozen? Alright, I'll go back to my ...

STEVE CHAN: Jeff?

JEFF NEUMAN: Yep, Steve, please.

STEVE CHAN: Just wanted to make a quick comment.

JEFF NEUMAN: Yep, go ahead.

STEVE CHAN: Thanks. I just wanted to note that these two ... You're right. They're only targeted at ICANN Org. But the reason they were added, and actually why they're also highlighted in this different color, is just to note that I believe these two are actually directed, in some capacity, at this workgroup via the Board resolution, if I recall. Sorry, I did this a while ago, but I think the language here in the Board resolution action references this PDP in part about trying to establish a definition for the Global South. So, like I said, just wanted to note that the reason why these are included is because of the reference to this PDP in the Board Resolution. Thanks.

JEFF NEUMAN:

Thanks, Steve, and thank you for pointing that out. I forgot about that, even though it's written right in front of me. But yeah, I think again, this is going to be kind of interesting, because we're not just talking about the Global South here. We're also talking about the middle applicant. So, we're going to have to ... Yes, we are addressing this, as well as the middle applicant. We've certainly talked about ... While they're calling it pro bono assistance, we do talk about that in more concrete terms of technical services, legal services, consulting services, application services, backend services, DNS services, etc. So, yeah, absolutely.

Okay, 32, I think we've just been talking about, so I don't think we need to discuss that again. That was just for us to revisit the applicant support program, which we've been talking about. 33 is another topic I think we've spent some time talking about, which is the role of GAC consensus advice, and making sure that GAC advice is "clearly enunciated, actionable, and accompanied by a rationale, permitting the Board to determine how to apply that advice. ICANN should provide a template to the GAC for advice related to specific TLDs, in order to provide a structure that includes these elements. In addition to the template, the AGB should clarify the process and timelines by which the GAC advice is expected for individual TLDs."

So, this is certainly an area we've spent a good deal of time on. I do believe that we have addressed most, if not all of these areas. I'm looking for my notes here. Sorry. I'm jumping back and forth. There's two things I put in blue here, if you're looking at the Google Doc. We need to make sure that we cover these items, and I'm not sure that ...

These are the ones I think we have to finish discussions on, which is establishing the timelines by which GAC advice is expected. We do reference timelines for early warnings, but we have not really talked about the actual advice, which is a lot tougher, because we can't really dictate when GAC provides advice, but we can certainly, to the extent that—this is already in the guidebook—but to the extent that advice would be the most useful, or to the extent to which advice could prevent certain steps in the process. I think we need to at least discuss.

What I mean by that is obviously, the GAC can provide advice at any time, but the GAC did take several years with respect to certain topics, and those applications were held up because they weren't necessarily actionable, or it took a lot longer for them to become actionable. So, to the extent that we want a more predictable process, where applications are not held up. We need to discuss this part a little bit more.

The second area is, "The CCT believe that there should be a mechanism where individual members of the GAC could object, and means to challenge assertions of fact by GAC members." This one's a little tougher. Obviously, the GAC has a process, or individual members has a process, for filing early warnings. They can file any other type of objection that's already in the guidebook. We've not discussed this notion of individual GAC members being allowed to file an objection.

This, "to challenge assertions of fact by GAC members," I'm not 100% sure I understood that completely. We do talk about—or we have talked about in other discussions—the ability to engage in dialog with GAC members that file early warnings, to make sure that there is a channel of communication—that there's the ability to address those, by

changing an application, again with all the caveats of putting out for comment, etc. So, I do think we kind of addressed this, but I wanted to. And of course, appeals, we do talk about after the fact.

So, let me just look at the chat, and then I'll get to Cheryl. Maxim says that it's not our role to regulate how the GAC works. Tom Dale states, "Aren't these issues of general GAC operations, rather than specific to new gTLDs?" And Paul says, I think in response to Tom, "We need deadlines and require everyone to stick to them. We do not need to deconstruct the GAC advice process in the bylaws." Right. So, I think ... Oh, sorry, Cheryl. You first, please, before my ... You have your hand up. Thanks.

CHERYL LANGDON-ORR:

That's alright. No problem, Jeff. While my internet is stable for a brief moment, I'll try and jump in. I'm not sure we can go much further with this. My rationale there is it very quickly tips into what is GAC business about GAC does its business, and that is not our business. I think what you've outlined, in terms of what we have addressed to the nth degree that we've done that in is about as far as we can go in that. I'm not sure, even the deadlines and the prerequisites, how that would work, unless they were, in fact, designed from a GAC perspective. Otherwise, it simply will be the GAC stepping out and working directly with the Board again.

Remember, they've learnt a lot in the last round, and so they are better prepared, etc. But I personally am ... It would be unsuccessful and not even able to have any weight behind going much further on this. I'm not

quite sure why CCTRT thought we could do. But anyway, that's my knee-jerk and very personal reaction.

JEFF NEUMAN:

Yeah, thanks, Cheryl. I think you're right. I think in pulling out the parts that I think we've already discussed, like making sure it's actionable, and providing and template, and those kinds of things, I think those make complete sense. The one area which is going to be ... A lot of areas in here are tricky to navigate through, but one of the areas is to what extent can we keep this a predictable process for applicants in the community, and balance that against the GAC advice coming after the fact? But I agree with you. I think to go beyond what we've already discussed is probably not advisable for us.

Justine states, "Perhaps we need to clearly distinguish between early warning and GAC advice," which I think is right. I think we do. "We can propose timelines for early warnings, but not anything to do with GAC advice." So, I think we certainly can do GAC early warning timelines, although remember that they exceeded that the last time. I think with respect to GAC advice, where it plays in is, we also need to say, "Look, if there's no GAC advice filed by a certain—by the time that initial evaluations are done with applications, then ..."

I'm trying to think of a good way to say this. We shouldn't hold up the process of moving things forward. What am I trying to say? We shouldn't hold up moving things forward if we're not sure whether there's going to be GAC advice or not. We should make sure that everything keeps moving, and when the GAC files advice, it just needs to

be addressed at that time, recognizing that it may be harder for ICANN Board to address GAC advice after certain things have happened. But that's, again, not our problem or for us to address. It's just something that I think the GAC, ICANN Board are going to just have to deal with, if GAC advice comes after applications have proceeded through different steps.

Paul states that, "I think the deadlines for GAC advice were important, and their breach led to lots of chaos. I don't think stripping them out will lead to greater predictability for applicants." Cheryl states that, "It was also ..." Oops. Yep, wait. Oops, it just jumped on me. Oh, Cheryl states, "It was also a system being run and built at the same time, or almost in reverse in the last round." Justine says, "plus one Jeff. We should stick to GAC early warnings as defined activity in the guidebook."

Anne Aikman-Scalese states that, "In terms of recommending timelines for early warning in the next round, would this be gauged in relation to the number of applications that need to be reviewed?" Anne, we do delve into that a little bit with early warnings—not just early warnings, but public comments and objections—not just for government. Whoops, sorry. I just dropped something. Not just for governments, but also for the community. So, there's a lot of things, in terms of timelines, that may need to be a little bit flexible, depending on the number of applications that are filed.

I am not playing Jenga. I am trying to keep my dog occupied while I'm on this phone call, so I just dropped one of her toys so that she can go get it. Because Jenga, I am terrible with. Sorry. Trying to get back into

what we were doing, here. Heather is saying hi to my dog. She says hi back.

Let's see. I know what I was going to say. It's interesting, Cheryl. The GAC has been through it once, but if you look at the composition of the GAC, much like the composition of the ICANN Board these days, very different than what it was in 2012, or even in 2015. So, while there's been some learnings, I think because of a lot of turnover, I think that there'll be a lot of new faces and new things. But hopefully ICANN staff—the GAC support staff—can make sure that the lessons learned from the last round are at least documented to help the new GAC members. Tom says, "Maybe the GAC will look at their early warning, as they frame a response to Work Track Five." Okay, thanks, Tom. Any other discussion on this?

I think the next one might relate as well. No, actually the next one is completely different. We're changing now to community top-level domains. The CCTRT states, "A thorough review of the procedures and objectives for community-based applications should be carried out, and improvements made to address and correct the concerns raised, before new gTLD application process is launched. Revisions or adjustments should be clearly reflected in an updated version of the 2012 Guidebook." I think we've been addressing this all along, and so I'm not sure how much we need to discuss this on this call, as we've indicated in that column that we are currently addressing it.

There is a note here that says that, "the CCTRT recommendations consider a higher rate of success for such applications to be a measure of success." So, that might be something we want to think about, as to

whether we want to offer our opinion. Does a higher level of success in community application scoring mean that there is more of a success in getting community applications? I don't know.

This is something I think we should certainly think about in all of our areas for coming up with metrics. I'm not sure that that's necessarily a correct assumption, because we don't know what the applications are going to be in the future. We don't know if there's going to be a high level of applications in our file that don't meet the criteria, and wouldn't have met the criteria in the last round. So, it's a difficult one, but certainly it's data we should absolutely capture.

Maxim states that, "Last time, mostly rich community applications survived." I'm not sure, Maxim, what you mean by "rich." Are you talking about wealthy—that the entity applying was wealthy, or that it was more economic communities, as opposed to linguistic, cultural, or other types of communities? If you can just clarify that in the chat. Okay, "backed by wealthy organizations." Thanks, Maxim. Any other thoughts on this one? Like I said, we've been addressing this one all along, so I think we're good on addressing the CCTRT recommendations.

And then finally, the last one that we think is related to our work states that, "The PDP should consider adopting new policies to avoid inconsistent results and string confusion, etc." I think this one, we've been addressing as we've been going along. I put a note, which I can't read. Hold on.

So, I do think we've certainly tackled the plural/singular issue. We've certainly tackled an appeal mechanism for that number three that's in

there. We've also talked about other things that may be considered similar—not saying that we've adopted those by any means, but we've certainly had discussions about exact translations. We've had discussion about homonyms. We've even had discussions about synonyms for highly regulated strings, and whether there should be an objection for synonyms of those high-regulated strings, if they don't adopt similar types of restrictions and standards.

So, I think we have been addressing this. We are going to continue to address this in our discussions, so I don't think this is one that we need to add to our discussion. But looking at the notes that were put in this document ... Steve, if you could scroll over. Yep. I changed the language in this, because it said "the working group may want to consider," but I think we have been—so, "the working group is also considering additional recommendations relating to string confusion objection—" so, like translations, homonyms, synonyms. We just talked about.

And then, because we've already addressed or been addressing plural and singular, I sort of crossed that out, because that doesn't need to be done. We've been doing it. And then, we're talking about the appeal mechanism. I think we've been addressing, and will continue to address the CCT Review Team recommendations. Thoughts on this?

Let me ask one final question. I think we're doing pretty good, in terms of addressing the CCT Review Team recommendations. I think that if we looked at the GAC advice at ICANN 66, which talked about ... They used the word "implementing" the recommendations. If by implementing the recommendations ... Sorry. I'm going through two things in my head.

The GAC advice stated that, “Before launching a new round, ICANN should implement the CCT prerequisite and high-priority recommendations.” The word “implement” is kind of interesting in there. I think they should have used the word “consider,” because basically a lot of the recommendations weren’t necessarily meant to go straight to implementation. A lot of them were meant to be discussed by our PDP, RPM PDP, ICANN Org, etc.

So, if we interpret being implemented as actually having the conversations, and addressing those in our report, I think we’re doing pretty well, in terms of quote implementing these recommendations. But let me throw that out to comments from the group. Paul, please. Thanks.

PAUL MCGRADY:

Thanks. Isn’t this a question for the Board, rather than us? We do our work. We send it the GNSO Council. They do their work. They send whatever out of the Council they want to ... They send on whatever they want to the Board. And then, the Board decides whether or not—whatever we sent up, ultimately—whether or not that implements what the Review Team suggested, and then whether or not it wants to take the GAC’s advice on holding up a round.

Does that make sense? I’m not being very artful, because it’s kind of late. But I’m kind of thinking that we shouldn’t be paralyzed in our work. Let’s do our work, and let’s let the Board decide whether or not they want to take the advice of the GAC on moving forward with something, even if, ultimately, it’s not implemented before the next round. Thanks.

JEFF NEUMAN:

Yeah, thanks, Paul. Absolutely, 100%. It's ultimately for the Board. I guess—and I'm not very artfully saying this either—I want to make sure that our group is satisfied that we could honestly say to the Council that, "Yes, we have been tackling those recommendations that will [inaudible]." Cheryl and I, as the Co-Chairs, could certify to the Council that we believe we've done our work, with respect to these recommendations.

But absolutely, what you said is 100% right, that ultimately, it's going to be for the Board to address. But if we can certify to the Council that we've done it, the Council can then certify it to the Board that we've done it, then it's out of our hands, absolutely.

Anne states that "Regarding important definitions, such as DNS abuse and Global South, which definitions can be implementation definitions, and which would require policy work? Is there any way to put DNS abuse into an implementation bucket? What does the Board resolution say about this?"

Steve, the recommendations on DNS abuse, have any of them ... I should know this off the top of my head, but were any of those recommendations adopted yet, or are they still ones that are under consideration? I don't believe they have.

KAREN LENTZ:

Jeff, can you hear me?

JEFF NEUMAN: Yes. Thanks, Karen.

KAREN LENTZ: You're correct. The set of DNS abuse recommendations are still in the pending bucket on the Board.

JEFF NEUMAN: Yeah, thanks, Karen. So, I think all we can do in terms of those categories is, again, as Paul saying, talk about what we've addressed, the conclusions we have made, if any, or why if not, and the rationale. I think, ultimately, it's going to be for the Board and the GAC. So, again, before we close on this subject, and then probably close up for the night, or the morning, or afternoon, wherever you are, let me just ask again if here is anything, or if the members of this group are comfortable with how we've addressed these recommendations, or if there's anything else we might have missed. Or are you satisfied that at least we're on a path to be addressing all of the recommendations?

While you're thinking about that, Paul states that, "I think all we can do is spell out what we looked at—that we looked at them, understood them, did what we could with them, but whether it satisfies GAC advice is not up to us." Right, absolutely. But I would love for this working group to be on the same page, so that we can all look at the Council with a straight face and say, "We've done what we could." Paul's saying it's late. Yeah, I agree with you, Paul.

Rather than start a new topic with 13 minutes to go, let me just ask if there's any other business. While you're thinking about that, let me just

state again that there is no call this coming Thursday, but there will be a call on ... I'm sorry. When is the next call? It's on Monday, December 2nd, 15:00, for 90 minutes.

So, any other questions, comments? And continue the discussion, by the way, on the mailing list, on all of the topics that are on there. The leadership are reading every single email, even if we're not necessarily responding to all of them. What we're trying to do, without taking any opinion, is trying to sum up the nature of the discussions that are taking place. We may inadvertently be missing some of those comments, but not intentionally. So, if we send around the summary email, if you could look at that and respond if we've correctly captured the summary. I think the discussions have been really good, and so keep that going. Steve, please. You have your hand up.

STEVE CHAN:

Thanks, Jeff. Actually, towards the point you were making, I was going to actually offer a suggestion for you as well—for the working group members, as well. Just to say that it might make sense to freeze this document we're looking at, and update it based on today's discussion, and the latest and current events that have taken place within the working group, and put out a new version for consideration. It's sort of combination of what you were saying, and then just a next-step evolution for this document, just to make sure it's current with where we are as a working group, and then also what took place today. Thanks.

JEFF NEUMAN: Yeah, thanks, Steve. Why don't we say, why don't we put a freeze starting on ... I want to give people a chance to listen to the recording, if they couldn't be on this call. So, why don't we put a freeze on this by the close of business—well, for those that are having business, by the end of the week. We'll put a freeze on it then, and then it will allow some people to make some comments on the list and in the document if they want, but then freeze it at the end of the week, and then put out a next version. Okay, thanks, Steve. Good recommendation.

Anyone else with anything to add? Okay. Thanks again, everyone. Great call, as Paul said in his note. And look forward to talking to you next week. For those in the US, have a great Thanksgiving, and make sure you celebrate with the ones that you love, or maybe the ones that you might not love, but they're family anyway. I'm kidding, as my family is downstairs. Thanks, everyone.

UNIDENTIFIED FEMALE: Thank you.

JULIE BISLAND: Thank you. This meeting is adjourned. Have a good night, everyone.

UNIDENTIFIED MALE: Thank you. Bye.

[END OF TRANSCRIPTION]