
ICANN Transcription
GNSO New gTLD Subsequent Procedures Working Group
Thursday, 03 December 2020 at 15:00 UTC

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MICHELLE DESMYTER: Welcome, everyone. Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures PDP Working Group on Thursday, the 3rd of December, 2020, at 15:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room. So, if you are only on then audio bridge, would you please let yourself be known now?

All right. Hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior.

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

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JEFF NEUMAN: Thank you very much, Michelle. Welcome, everyone. Today we have a pretty full agenda. Before we get into it, let me just see—well, we have a hand from Maxim, so, Maxim, go ahead.

MAXIM ALZOBA: I have a small statement of interest update. I'm going to be a representative for the Selection Committee for the GNSO for a couple of meetings. Before the end of December, I will step down/back, just to replace the current registries representative. Thanks.

JEFF NEUMAN: Great. Thanks, Maxim. Anyone else with any updates to any statements of interest?

Okay. So thank you, Maxim. Of course, please do continue to keep your statement of interest up to date. It's towards the end of the year now, and everyone should be making sure that they keep that up to date.

Okay. So today's topics are all on pretty much security, stability, and some technical issues. So we have the general topic of security/stability. We have name collisions, universal acceptance, and TLD rollout. We also need to make sure that we keep in mind some of the comments that were raised during the October call we had with the Security and Stability Advisory Committee because they were unable to file written comments. So we're lucky to have them come in and be able to give us some comments orally. So we want to make sure we do take those into account as well.

Before we get started, also I just wanted to mention that there are still some e-mails out there with some responses that are due, I believe, probably right around now. And a couple more e-mails are going to go out shortly. I just didn't want to bombard everyone with too many things that were all due on the same day. So look out for some thoughts on string similarity, some thoughts on the bylaws/the discussion we had last Monday with the Board, and some other topics. So we're continuing to go all through all these. Also, thanks for the comments we got on the community-based application section specifically. I think that that was the bulk of the comments we got back with respects to the drafts that are outstanding.

Before I get started on the specific topics, are there any questions?

Okay. I'm not seeing anyone in the queue, so why don't we get started with the first topic—both Topics 26 and 29? Security and stability and name collision, I think, are both in the same document, so perhaps someone can drop then link in there. I'll wait until that's done because it's kind of small up on the screen for a lot of people. There you go. Thanks, Emily.

What you'll find is that there's not a huge amount to discuss on these topics. There are some, obviously, but in general, most of the comments we got either supported things that were as written or maybe weren't ideal but certainly supported it or that they had no comment. But on the security and stability topic, we had Article 19, which filed a comment that they were not in support of the ban on emojis. So, we're noting that. Obviously, we discussed, and

this is subject to a number of papers and work that has already been done.

So, unless anyone has any additional comment, I'd just rather jump to the new information.

Okay. Tom Barrett had a comment in there that we're just noting. You can read it for yourself. We weren't sure what to do with it, other than to just note it, because they're not asking for anything specific. And we weren't sure exactly how one would go about grouping their application to crowd out the launch of other applications. So we just take note of that.

Unless I see any comments or hands on that one, I want to jump to the ICANN Org comments.

Not seeing anything. Okay. In a lot of the ICANN Org comments, there's some responses in the leadership comment section to some of their questions. I think what I want to go over is what's labeled 3 in the leadership column, which is regarding the rationale for Recommendation 26.4, where there's a question for us. If you look over in the comment column, ICANN states that what we have is that further work should be done on the establishment of an appropriate rate of delegation. Their comment says, "But this guidance says not more than 5% per month." ICANN Org asked a question, "Should this be interpreted that 5% per month is then upper bound, but ICANN could implement a lower bound if it's deemed appropriate?"

The comment we have there is that, at least according to our discussions and going back, it means that ICANN should strive for

that 5% and, if it, for whatever reason, doesn't either want to or doesn't believe it's appropriate to go up to 5%, then it should run that by either the IRT, if it's before the Applicant Guidebook is out, or run it through the predictability framework if it's afterwards. So it wasn't meant to give complete discretion to ICANN, but obviously it does have some flexibility in there. It's just that they should involve the community in any decision to deviate from the 5%.

So the question for the group is, well, first, is that the same interpretation that you all have, and, second, is there some language we want to put into the rationale that would state that point?

I'll stop there and give everyone a second to just think about that.

Okay. I'm not seeing any thoughts one way or the other. Okay, Anne states, "Please state the point [re:] the IRT and the predictability framework." Okay.

Anyone object to that? I think it makes sense.

Okay. So we'll go ahead and do that. ICANN then asks us a question regarding Implementation Guidance 26.6, where they're asking us for clarification, which says, "Does the PDP Working Group mean "larger" by a specific threshold?" Sorry. Let me go back to what the guidance is to get everyone on the same page. It says, "ICANN should investigate and catalog the long-term obligations for root zone operators of maintaining a larger root zone." So then the questions that ICANN asks us are all based on that.

What the note in the leadership column section says is that we got this straight from SAC100, which is the response the Security and Stability Committee had for us to our questions, and we pretty much took their recommendations and thought they made sense. So, to the extent that ICANN wants additional clarification on that, we would probably send them back to the SSAC because, like I said, this is what they recommended to us, and we put it into the implementation guidance.

Any other thoughts? And then I'll get to Christopher's question.

Okay. Christopher asks who the Article 19 organization or group is. Christopher, I did look that up at one point in time. There is a group that has been attending ICANN meetings. It's a ... I don't want to label any kind of groups, but it's a Civil Society group. I think they participated in the Non-Commercial Stakeholder Group, if I'm not mistaken. Yeah, thanks. Emily dropped a link to the organization there. So you can find out more about them there. But I think they started participating around the time of the transition, if I'm not mistaken.

Okay. If we go down, I think you'll see, in #5, we agree with the change in the wording for 26.7, except for the last part of that sentence. So, if we look at it, it says both that the working group rephrased the implementation guidance as a general suggestion to ICANN Org, rather than a specific document. Then they ask us, "Does the PDP working group mean "root zone maintainer?", which is Verisign, which, yes, we do. But I think we use the terminology ... I think we got the terminology straight from ... There was some official documentation that ICANN had that,

instead of saying Verisign, we just put in “the root zone maintainer.”

They state that, “All the parties mentioned here are represented in the Root Zone Evaluation Review Committee, which reviews architectural changes to the root zone. It would seem that RZERC should be considered a forum for how to determine if there’s any impact on the root zone due to an increase in the number of TLDs and, if so, what is the rate of change to consider to mitigate such impact?”

So the leadership comment there is that we agree with the notion of involving the RZERC. One thing we’re just worried about is that that sentence implies that the RZERC would redo all of the work that’s already been done. So that last part[—]“So what is the rate of change?” Since we already have the thoughts from the Root Server Advisory Committee and the SSAC on this and we adopted those thoughts, the last part of that sentence, which basically implies that ICANN Org is asking the RZERC to do redo everything that we based our recommendations on, which we’re not ... I don’t think that’s what we’re implying. We’re fine with the RZERC to be considered a forum to determine the impacts, but not that last part, which says basically to redo all the work that’s been done, which is the rate of change to consider. Hopefully, that makes a little sense.

All right. Number 6 that we have on there is in red because I think it’s one that we need to, of all of these, do some thinking about and also one that’s outstanding, which is that our Implementation Guidance 26.8, which was taken, again, from the SSAC comments to us. Essentially it was asking for ICANN to continue

their work on developing an early warning system with respect to the root zone scaling.

Remember, our draft final report came out before what OCTO released maybe a month or a month-and-half ago on their thoughts on the early warning system and boil[ed] down. They didn't think that an early warning system as thought of by the technical community was feasible, so it published the report, basically stating that essentially those that maintain then root and interact with the root would know if there was an issue so that they can continue to just ... Instead of having an official warning system, it would essentially just be relying on all of these parties that interact with the root zone to bring any issues to ICANN's attention.

That document was out for public comment. I think, at this point, that comment period may have just closed or is closing very shortly. So—okay. Thanks, Jim. It closed on November 23d. Okay. I knew it closed somewhere around now.

So the question is, do we need to revise our implementation guidance, now recognizing that this work is being done? Because we don't know the outcome of it, because we haven't seen all of the comments or haven't analyzed them, do we just basically keep the implementation guidance by just saying ICANN should continue—make it a little bit more passive—its work on the feasibility of an early warning capability and leave it at that? So we would change 26.8 to say, "ICANN should continue working on the feasibility of an early warning monitoring system," or something like that.

There's a question from Anne, who is not seeing Comment 6 in red. I'm not sure what the issue is there, but it's up on the screen, Anne. So I'm not sure what's going on.

Jim, go ahead.

JIM PRENDERGAST: Thanks, Jeff. Yeah, I agree with giving some flexibility here, but at the same time, this sort of issue/subject, I think, is beyond the expertise of just about everybody on this call. So we do need to give some sort of deference to the public comment period and the outcome of that. So I'm not sure how we bake that in, but let me just check the ... I believe the comment period ... The staff report on comments is due September 7th. So that's early next week, so maybe we just table this particular section and see what comes out on that and see if there's any recommendations.

JEFF NEUMAN: Yeah, we could do that. Or, even if there's recommendations, I'm sure that's going to be also subject to community input and thoughts and further work. So maybe we don't use the "feasibility," but we just, in a very general way, encourage continuing work on the subject and just leave it at that. Also, in the rationale, .2, the paper and the comment period and the work that's been done ...

So, as an action item, let's plan on changing the language, and then we can take another look at the staff report that comes out on the root zone. If that causes us to come back and want to reconsider, we could always do that.

Jim, go ahead.

JIM PRENDERGAST: Thanks, Jeff. I was just going to recommend, similar to what you said. Maybe that language that would be crafted around this would be circulated as one of those e-mails that leadership is now sending out that [we're] asked to review. So [inaudible] some eyeballs from others on that as well.

JEFF NEUMAN: Okay, good. All right, let's do that. So we'll put it as an action item. Essentially, the language we're going to craft is an encouragement to continue the work and citing, at least in the rationale, the paper, the comments, etc.

Okay. If we scroll down—sorry—to leadership call comments there. Sometimes it's hard working with Excel. Or I guess this is Google Sheets. Sorry. Okay. I think #7 is just ... We noted it. It's 26.9, which is a little bit lower in the comment section than what's on the screen. I believe, if I'm correct, this is—okay, yeah.

So, on the emoji issue, ICANN wanted us to have stronger language in there tied to other work that was going on. I think, from the leadership perspective, because we didn't do the actual work in line with Jim's comment on the fact that this is beyond the expertise of a lot of the members of the working group, we don't think that we should change the recommendation. The recommendation is the same as, ultimately, at the end, what ICANN Org wants. It just wants stronger language in there. I think what we can do is take the ICANN language and cite it in the

rationale as to what they submitted, but I don't think it would be appropriate for us. I don't even know how our group would evaluate whether we should have stronger language or not in the recommendation. At the end of the day, I don't think it matters because I don't think the language ... Again, I don't know if what ICANN ... Whether it's stronger or weaker, I think it still says the same thing, and we can just cite it in the rationale.

All right. Did we solve the issue of the ...? Can everyone else that's in the document see Lines 6 and 7, at least in the leadership column?

Okay. Anne: "By making it a little smaller." Okay, that works.

If we go to the SSAC then—the next column—here's just some notes from the conversation with Rod and a couple members of the SSAC Working Party on October 19th. They note that OCTO 15, which is the paper that talks about, I believe ... If I remember correctly, was that the paper on reserving a top-level? Or is that a different one? I have to remember what that one is. They made a comment that it acknowledged that there are different perspectives—some that agree Yes. Okay. So that was the one ... Right. Okay. So that was the one that wanted to reserve from delegation a ... oh, no, no, no. Sorry. This is the root zone one—the early warning system.

So what SSAC said is that they didn't necessarily ... Well, Rod didn't come out and say that they didn't agree with ICANN/OCTO's view on the early warning system. He just said that there's likely different perspectives on that. So, again, that's one of the reasons why we're not making a definitive

recommendation in line with OCTO's paper and just really encouraging the future work.

Then there's some questions on SPIRT. This one has to do with, if there are adjustments to the rate of delegation ... They ask, "Would the SPIRT potentially be asked to address the overarching systemic issues that are technical in nature? If so, how do you make sure the SPIRT has the right expertise to support this work?"

If you recall, in the e-mail that was sent around on predictability, there was a recommendation to offer, at the very least ... It is an open group, but there's also language that we we're recommending adding that allowed the advisory committees to have liaisons in addition to open members—being open to anyone that wants to participate—to the group. So that is one thing. Then the second is that technical experts can always—or any experts—be consulted with or asked to consult the SPIRT on these issues. So these are all questions we talked about during the predictability.

All right. Any questions?

All right. Let's jump to 29, which is name collisions. There's a little bit more to talk about here, although a lot of this is rehashing some discussions that we've already had. There were a number of groups that supported it as written, a number that maybe didn't find it ideal but certainly thought they're willing to support it, and a number of groups with no opinion.

We note Tom Barrett's comment, but I think we've discussed that.

The ALAC has a number of comments that we have discussed before and have been raised by the ALAC and others, which is that all of our recommendations be subject to the recommendations of SSAC, resulting from the Name Collision Analysis Project Studies 2 and 3 having been implemented. So the reason why we have “it’s noted” is because we have discussed this fully at length. Studies 2 and 3 are not fully scoped yet, although 2 is much closer to at least getting in front of the Board. Study 3 now is not even something an outline is ready for after the recommendation from the first study that said that Study 3, as designed, was not fit for purpose.

So, because all of this uncertainty—namely whether Studies 2 and 3 will actually be done—and because the questions that are put in here by the ALAC are not necessarily questions that will be asked and answered by the NCAP studies—well, because primarily of those two reasons—we just note the comment. I don’t think that that changes our recommendation at this point.

Finally, ALAC states that the SSAC should examine the risks of man-in-the-middle attacks stemming from name collisions. Leadership notes that and says that ALAC should direct that comment and send that comment directly to the SSAC or the NCAP [and that there’s] nothing really for us to do with that comment.

I’m going to stop there. Let me see if there’s any questions on that.

Anne says, “We should update the report as to the current status of Study 2. We should reflect the fact that the Board will not be

acting on Study 2 until the issuance of the final report.” Yeah, Anne, we should update the section. I’m not sure if we would be that definitive. We can update it as to the status, but I don’t know if the Board will be acting on Study 2. There’s still a number of steps before it even gets to the Board. And I’m not sure if our recommendations would be affected by the further Board action. I think we’ll talk about it in a second. So take the point that we need to revise the language, I think, at least in the rationale because I think we do refer to Study 1 and those conclusions. So we do need to update that section, so we’ll put that as an action item.

If we go to the IPC comment, I think it’s not a full IPC comment. There are some that support the 90-day controlled interruption period if there’s no new name collision framework adopted by the Board in time for the next round. Then other members believe the SubPro Implementation Review Team should work with the Name Collision Analysis Project to develop the appropriate tests.

Again, I think, for those of you that pay attention and participate in the NCAP Group, the NCAP Group works kind of on their own plan and their own schedule. They’re not working now on developing tests, nor is there any certainty that they will work on any tests. What they’re working on now is really how to gather additional data to look at both data that was given to the Board during the 2012 round when it made its decisions and to compare that to data as it exists today in some of the root servers. So it’s not yet even up to the point where it’s contemplating developing any kind of tests. So I think, at this point, because there’s still so much uncertainty as to what the ultimate outcome of the NCAP

work is going to be, it's hard to do anything other than what we have recommended.

Which brings us to what the Board comment is, which is that, "The working group should provide details on how future NCAP results should be dealt with in future rounds."

I think, with this one, it may just make sense to just refer back to what we already have on predictability. Well, first, if the NCAP study results are out and there's recommendations and they need to be acted on, if it's before the guidebook, then great. It can go to the IRT. If it's after the guidebook, it goes through the predictability model. And the reason I'm saying "the predictability model" and not "the SPIRT" is because, if we look at the last sentence here, where it says, "Initiate new policy processes," that would be something the SPIRT would refer anyway to the GNSO. So, at the end of the day, I think we've already built in the mechanisms to deal with any new recommendations that come out of any group, whether it's the NCAP or anyone else within our process.

Jim, go ahead.

JIM PRENDERGAST:

Thanks, Jeff. Specific to the Board comment, I'm assuming it would apply to all rounds going forward and you wouldn't develop a new name collision policy for each round. That [just seems unusual].

But the question I have for you is ... We've come to yet another question from the Board that probably needs a specific response, and I'm just wondering how, in a broader sense—not this just

question—are those being handled, and how is that response going to be crafted? Thanks.

JEFF NEUMAN:

Good question, Jim. I can't remember if we discussed this during a previous call or whether it was a leadership call. We have so many calls a week now. The plan right now is to focus on getting the final report done and out. To the extent we feel like we need to put certain things in the rationale section of the report, we can do so. But I think one deliverable that we'd like to do after the final report is out is to craft some responses to the Board as to why we did what we did if we haven't explained it thoroughly in the report. So, to the extent that we can put the answer to some of these in the rationale section, we'll try. To the extent that it may require a more comprehensive response, we may want to reply after the final report is out.

I'm just looking at the comments. Yeah, to the extent that we can put it into the rationale, we will try to do that. We didn't want to make this final report hundreds of pages more than it already is, so there may be some questions that we might want to choose to address in more detail after the final report is out. But we'll take that as it comes. At this point, I think our focus should be just finishing the final report.

Anne, go ahead.

ANNE AIKMAN-SCALESE: Thanks, Jeff. This is probably a related question. I think it's probably fair to assume that, if there are recommendations coming

out of the NCAP, they may involve policy issues. So, when we talk about referring stuff to the IRT and referring stuff to the predictability framework, I'm once again a little concerned about potential delays where policy issues are involved.

I think there was a lot of public comment to the effect that results of the NCAP study should somehow be considered or included before launching the program. There's a period of time prior to the constitution of an IRT that also comes into question. You talked about referring any of those recommendations that are made to the Board to an IRT or to predictability framework, but isn't there also a period of time ... I know I've always been urging a dovetailing of the processes and that there could potentially be a consensus as developed before launch, given that we're a couple years from launch anyway. For some reason, that keeps that notion of dovetailing with NCAP ... keeps getting rejected.

JEFF NEUMAN:

Anne, I'm not sure, when you say "keeps getting rejected" ... I think, at this point, the NCAP group is not ... Even the SSAC has said—I'm looking at the notes from October 19th (I think that was the date of the call)—specifically that they are not creating any dependencies one way or the other. They're not making any statement one way or the other as to whether any future round is dependent on the outcome of the NCAP. So for us to create those dependencies when they're not creating those dependencies I don't think makes a lot of sense. While there were some comments that create dependencies, there were a bunch of comments that didn't agree with creating the dependencies. So, at

this point, it's not something I think the working group is of one view on.

ANNE AIKMAN-SCALESE: Well, thanks, Jeff. Just to point out that, although the NCAP didn't create that dependency, there's a SAC advisory that does that we've considered as a working group that says that new names should not be added to the root until ICANN fully understands name collision risk. The ALAC has clearly said, "Here." It stated its position on this. Certainly, within the IPC, we're divided. There are two points of view on it. So I guess it's not something that somehow this working group created. It's in SAC advice. It's in the ALAC advice. And there are others who also hold that opinion that there should be a cooperative consensus approach with that work.

JEFF NEUMAN: I want to draw your attention to ... Let me find the ... September ... I'm trying to find the exact date here, but it's questions we asked the ICANN Board. So I think it was September 2019. Let me double-check here. At least that might have been our initial letter. Sorry. I'm looking through the ICANN correspondence page. Where is it? September 2019. There we go. It's actually November 19th, and it says, "The Board" ... Let me put the link in the document. Paste. Okay. So, if you click on that, you'll see the Board letter, which says, "The Board has not sought to establish a new dependency on completion of the PDP work based on commissioning NCAP Study 1."

Then it says, “In regard to dependencies on future milestones beyond the completion of SubPro, the Board anticipates that the timeline for completion of NCAP Study 1 is” ... So it talks up Study 1. “Study 1 is intended as a decision point and an important outcome in deliverables. Study 1 is a recommendation on whether or not to proceed on Studies 2 and 3.” Then it says, “Thus, upon completion of Study 1, the Board can determine, in consultation with the community, whether additional NCAP work is necessary, and, if so, which elements should be a dependency.”

So the Board doesn't say that it is a dependency. It doesn't say that it's not. It just doesn't say. I don't think this working group has a consensus to say that it should be a dependency. So the Board at that time did have the SSAC advice and it did ... Well, it certainly had the SSAC advice. I don't know if it had the ALAC advice.

Maxim has got his hand raised, so, Maxim, go ahead.

MAXIM ALZOBA:

As I remember, there was no consensus in our group about this idea because, when the SSAC was asked about the nature of this project (NCAP), one of the answers was that it's kind of a fishing expedition. We cannot base policy outcomes on such an approach, where nothing is [predicted] and, basically, to say in that ... It's another thing we need to install before the next round. Currently we have three items potentially stopping that. I'm not sure why we should say that there is consensus when not all constituencies agree with this approach. Thanks.

JEFF NEUMAN:

Thanks, Maxim. I think that is a view held by a number of people.

Greg says that, "I would not characterize the NCAP as a fishing expedition."

Well, Greg, I think yes and no. Right now, Study 2, if you look at the definition of it, they're trying to develop a root cause analysis of why name collisions occur. They will freely admit that they have no idea as to what data they will find or whether that data will tell us anything or not. They also are very clear that they're not sure that, even once they do get that data, that data will even help answer the Board's questions or give the Board any guidance as to how to assess future potential name collisions.

So, while generally the term "fishing expedition" is used in a pejorative sense as a way of basically undermining something that's being done, I take your point that it's not that kind of fishing expedition, but there's not hypothesis. There's no theory. It's just looking at what, if anything, the data could tell us. So we're not intended to be pejorative here. What we're saying is, how do you come up with a recommendation that something serve as a dependency when that something you're looking to serve as a dependency doesn't A) consider itself a dependency and B) doesn't even know if it's going to be able to develop that thing which you are relying on the dependency for?

Greg, go ahead.

GREG SHATAN:

Thanks, Jeff. I'm not necessarily saying that it should be a dependency at this point, especially given the data points that you've cited and others have cited. However, it could develop into a dependency at a future point base on the results. Then there's Board action that potentially could be taken. My concern was, in part, that the tenor of the discussion and whether "fishing expedition" was being used in a neutral sense, which I didn't think it was, based on its use by some other people or it being used in the pejorative sense as more of a synonym for grasping at straws or basically a blind hope or almost an intent to screw around with things for the purpose of looking for evidence.

So, as long as we are on the record that this is non-pejorative ... It is an explanatory effort at this point without a very specific hypothesis that is trying to be proven. So, in that sense, it's a fishing expedition, but it's not, to my mind, something that should be dismissed as a fishing expedition.

At the same time, even as a non-pejorative fishing expedition, I have to say it doesn't rise to the level of a current dependency. But, as happened the last time, the results potentially could come up and be troublesome. But I don't think we can say now that it's currently a dependency to wait for the work of NCAP. And I'm participating in NCAP. Just to put that out there. I think it's a fishing expedition in the best sense of the word. It's an appropriate exploration of root causes and concerns. In some sense, I wish I could say it should be a dependency because one end of the spectrum is a serious potential for concern. But I agree with where we stand. It's just I don't want NCAP to be dismissed as an

unworthy effort while we're trying to avoid casting it as a dependency. Thank you.

JEFF NEUMAN: Thanks, Greg. If I'm remembering correctly—maybe Steve, Julie, or Emily can correct me if I'm wrong—we don't say [it] one way or the other in the report. We don't say it should be a dependency. We don't say it shouldn't be a dependency. We don't say anything. I mean, we acknowledge the work that's being done. Then I guess all this is is a response to the Board question which is, "Look, we've built in processes already to handle new issues that arise during the process, whether it's before the guidebook or after the guidebook." That's our response. They're handled just like everything else.

Greg, sorry. Is that a new one?

GREG SHATAN: Old hand.

JEFF NEUMAN: Old hand. Okay. All right. Then ICANN Org has a comment on this that we, leadership, asked a question back. We got a response back from ICANN Org and then we've asked a couple questions back to them. But essentially what they said is, "Our recommendation is that, if they're in controlled interruption"—again, this is assuming that another mechanism is not put into place by the time the next round is—"then we would continue to do the controlled interruption."

So, if that happens, what we said is that, if there is an individual label that causes an issue, then we would recommend obviously seeking to figure out what the issue is with that individual label that caused the collision but moving on with controlled interruption with everything else. ICANN's response back was that they're not aware of any major DNS implementations that support a mechanism of wildcarding everything but one domain. We pointed out that it happens today when you have NIC.TLD set up but you wildcard everything else. So, if you can do that, why can't you essentially take a name, have one name returned and NX domain record, and then the others being subject to the wildcard controlled interruption. They came back and said that's not in any plain vanilla DNS implementations. I sent back a question, saying, "Understood, but even ICANN's recommendation with respect to ccTLDs has a provision in it where they talk about taking that second-level name out.

So, if ICANN has it in their recommendations and that's what we're recommending, why is now there a problem with it when there wasn't a problem in 2014? So that's the question back to them.

Anne, go ahead.

ANNE AIKMAN-SCALESE: I think one of our recommendations as a working group goes to the question of developing ICANN, developing some kind of test as to whether a string is high-risk or not/should or should not be delegated. I think what you're saying is, "Hey, nobody can count on NCAP or the SSAC to develop that kind of a test." So what are

we saying about who within ICANN ...? This is prior to controller interruption mitigation. This is about avoiding issues of high-risk strings that really can't be delegated and people shouldn't be spending money on them. How is that test supposed to be developed when you look at what you're talking about—the possibility of no action/no consequence of anything the SSAC or the NCAP does? Are expecting the IRT to develop that test based on our recommendation?

JEFF NEUMAN:

At this point, it is our recommendation that the IRT ... All of our recommendations should be implemented by the IRT. Obviously, to the extent that the NCAP works on it, then the IRT can choose to rely on the NCAP. The NCAP has already said that there's not going to be a definitive test, that there's just going to be a spectrum of risk, and ICANN Board needs to define what level of risk it's willing to take.

So, in general, the answer is that any of our recommendations are expected to be implemented by the implementation review team, and it's up to them if they want to rely on the NCAP or not.

ANNE AIKMAN-SCALESE: Okay. Well, are you at all concerned that this is a policy issue? Do you really think it is an implementation issue? The reason I ask that is about delays, as policy issues cause delays.

JEFF NEUMAN: I think the policy issue is that there should be a creation of a test. Then the implementation issue is to implement that test. If they come back and say there is no test, then the spectrum issue would or could be a policy issue. Sure. And that's something we'll have to confront when and if it comes up.

ANNE AIKMAN-SCALSE: So would you expect then the IRT to put out an RFP on this question? How do you see this unfolding as somebody who has a lot of technical knowledge? How do you see the IRT operating with respect to development of the test for high-risk strings? RFP or what?

JEFF NEUMAN: That depends on if the IRT can get the resources from ICANN. An RFP would cost funds. I think the IRT needs to converse with the NCAP and with the Board and SSAC and figure out what can be done. If they come back and say they can't implement it, then they'll have to come back to the GNSO and explain. Then the GNSO will have to decide what to do with that.

ANNE AIKMAN-SCALESE: Well, that seems very reasonable. Could we state that in the report—what you just said?

JEFF NEUMAN: Well, that's just my interpretation.

ANNE AIKMAN-SCALESE: [inaudible] implementation guidance.

JEFF NEUMAN: You asked me for my interpretation. I don't know if everyone would agree with that.

ANNE AIKMAN-SCALESE: Well, I don't know why anybody would disagree with that. It's just that we haven't really provided any guidance on how the IRT would work in this area of high risk. We just said ICANN should develop. What you said is perfectly reasonable.

JEFF NEUMAN: Let's take that back and see if there's something ... We'll discuss that with the leadership team and with staff and see if there's something we can write in there.

ANNE AIKMAN-SCALESE: Okay, great. Thank you.

JEFF NEUMAN: Then Donna says, "How was it decided that home, mail, and corp had a high likelihood of name collision?"

Donna, that was explained in the JAS report, as Maxim puts there, but I think one of the things that the NCAP is looking at is whether there is data out there that could indicate other potential strings that have that high likelihood for collisions. If you looked at the

scale, especially with corp and, I think, home, those were sort of off the charts as compared to everything else. So, if you looked at a chart, even just [by] eyesight, you could go, “Okay, those are in a different league.” I’m not sure the same is true for mail, but I think they had an outside vendor come and do an assessment, the Board adopted that assessment, and that’s how we got with corp, home, and mail.

Paul—I’m just looking at the chat; sorry—says, “I don’t think all of us agree that this is an actual high-risk area.”

Paul, I don’t think—Anne, correct me if I’m wrong—Anne was saying it’s a high-risk area. I think Anne was saying that one of our recommendations says that we should develop a test to determine if there are any high-risk labels that, if delegated to the root, would cause substantial name collisions, and, if there is or if there are labels, then our recommendation is that that should be known prior to the opening of the application window so that people don’t waste money on developing applications. So it’s a lot of “ifs” in there, a lot of contingencies, that there are such strings, but there may not be. So, Anne, I think that’s what you were saying or we were saying, not that there’s a high risk that there’s going to be a huge amount of name collisions. We don’t know that.

Yeah, Paul, there are some strings that ... Some people have already been looking into the data. Verisign operates two root servers. ICANN operates one. So there is access to some data, although that data is not public. But there’s access to some data that shows that there are some strings that, if applied for today, may cause an issue. But that same data shows that that could easily be rectified even before a round actually even starts, that

there's some misconfigured servers out there that that problem could be handled [with].

Yeah, Paul. Right. "It's hard to make policy on non-public data." Exactly. At this point, there's no policy to make on that.

Anne, your hand is up. I don't know if you ...

ANNE AIKMAN-SCALESE: Yeah. I just want to clarify that I wasn't talking about the whole area of all possible scope of name collision risk. I was just talking about our consensus recommendation regarding the fact that ICANN should develop a test that prevents possible needless applications being filed. And we have that consensus recommendation, and it has been that way for quite a while. I was just asking about how it gets implemented because we haven't provided much implementation guidance, and we're now saying, "Well, hey, we don't really think we're going to get any from NCAP necessarily."

And Cheryl remarked in chat that we could get some language along the lines that you suggested in terms of your view of how it's going to work, Jeff. I think that's fine, but it was limited to our recommendation about that test. It wasn't any broader in scope than that.

JEFF NEUMAN: Thanks, Anne.

All right. Can we now jump then to the next topic? Because I think we already talked about the SSAC comment there. So the universal acceptance. This one is an interesting one too because there are lots of comments here, but they were more to the point of that more work should be done. So, for this one, it's not that we agree or disagree with the fact that more work should be done. It's just that that comment is more meant for the UASG and the universal acceptance work that's already ongoing than for us. So that would be the response to the Swiss government.

Then there's some comments on universal acceptance metrics. The ones from Article 19 I was a little confused about because I wasn't really sure what data they think that registries and registrars have on universal acceptance. But then I went down to the ALAC one because they're a little more specific there. From what I gathered, the ... It says, "ICANN must include a metric on UA adoption by third parties as a measure of success of the New gTLD Program." So it's that last part, especially for me, I was a little uncomfortable with.

Certainly, where there's a metric you can use on adoption of UA ... I don't even know if that's even possible because, again, it's relying on parties that are not part of the ICANN ecosystem. Most of the universal acceptance issues—99.999% of the universal acceptance issues—are at the application layer, not at the domain registration DNS layer. So therefore the second part is judging the success of a new gTLD program based on whether third parties not part of the ecosystem. That doesn't make sense to me. Like, how could you judge the success or failure of a program as a whole on the basis of things that are completely outside of the

control of the program? So, if Microsoft e-mail (Outlook) doesn't support (which it does now, but let's say it didn't support) all languages and all scripts, how could that be used as a metric to say that the New gTLD Program is or is not successful?

There's also the issue of whether registries and registrars that offer registration services themselves have applications that are accessible in all languages and scripts that they offer. So you could possibly do something on that from a Compliance level, but as a whole, it didn't make sense to me.

I'd love to hear other thoughts on that. Many of you on here are from registries that have IDNs. Not to pick on anyone, but I do remember all of the ... Donna was part of AusRegistry at the time that did the first IDN [/]new gTLD IDN. While the registries and registrars could certainly handle it, the problem was on the third-party applications. So that was what was confusing to me a little bit about some of these comments.

And Maxim's point is taken, too—that ICANN's platforms are not fully UA-compliant.

So all of this just corresponds to, if the group wanted to adopt something that says that ICANN would strongly encourage registries and registrars to be UA-compliant ... You could sort of do that, but again, registries and registrars also rely on third-party software or applications like e-mail and others that are only as compliant as the third party itself is. So forcing a registry or registrar, let's say, that uses Outlook as part of their infrastructure, to ensure that Outlook is compliant is not necessarily something we can do.

CHERYL LANGDON-ORR: Jeff, you've asked Donna to respond, and she's got her hand up. Perhaps we should let her speak.

JEFF NEUMAN: Oh, sorry. Donna, go ahead. I was scrolled down on the list. Sorry about that. Donna, go ahead.

DONNA AUSTIN: Thanks, Jeff. I find it interesting that the focus of these comments are on IDNs, where there is also a problem, perhaps not so evident anymore, but also with strings that were more than three characters at the top level because they seem to [have] developed an algorithm. So, if you had a TLD that was beyond the .com or the .net—the traditional three letters—that was also a challenge.

With IDNs, I think AusRegistry was one of the first to have an Arabic TLD, and one of the challenges that we experienced was that registrars weren't necessarily willing to carry the TLD. So that was an initial challenge.

But one of the ways to potentially get across this is through the communication program because I think, in 2012, registries had a long-haul position that their communication wasn't done adequately or globally to ensure that people understood that these new gTLDs were coming. So there wasn't a global understanding of what that meant.

Also, for some of these platform operators, there's a business decision for them as well. So, if most of their traffic is .com, .net, or the traditional cc's, then what's in it for them to change their processes? But I think some of that has been done, and it has become better.

But I just wanted to make the point that this isn't only applicable to IDNs. I still have trouble sometimes when I use my e-mail address, whether it be .neustar or .godaddy. There are challenges with some web applications—that it's not acceptable, that it's not a known or a recognized e-mail address. So this isn't an issue just for IDNs. It also applies to others.

But one of the ways that we could potentially look to overcome this is to ensure that there's an adequate communication program next time around. I think the UASG has probably already made considerable ground in this area as well. Thanks, Jeff.

JEFF NEUMAN:

Thanks, Donna. Very good point on that it's not just IDNs. It happens with longer strings. It even happened at the very beginning with three-character strings, with biz, because they were hard-coding their system as opposed to pointing to the root.

But at the end of the day, I guess the point is that our recommendations refer to the work of the UA and on continuing that work and continuing to support that work. There's nothing in here that would change those recommendations. I was simply pointing out that for the ALAC to judge the success or failure of a program—the New gTLD Program—based on things that are

completely outside of the control of the program just didn't seem appropriate.

But, that said, certainly, if we want to collect certain data—there [are] specific types of data—then I would strong encourage, as we do—and I believe one of our recommendations does to the IRT—is to ... Is there any other data or any other metrics that should be created?

Cheryl?

CHERYL LANGDON-ORR: Thanks, Jeff. I just wanted to point out—some of it now has been covered with that last intervention you made—what the recommendations and work product was—the supported work product that was out of Track 4, which was where the UA and indeed the support for the ongoing activities of the UASG were articulated. We worked quite extensively and we were briefed on several occasions by the UASG. Of course, this working group was well apprised of that as we worked through that activity. I know it's a long time ago. Whilst it is not the most important thing in some people's lives, universal acceptance is a particularly keen focus for many people, not just the industry who are trying to implement it—at least those who are based in the industry who are trying to implement properly—at all the levels. But nor is it a sacred cow. So we need to keep it in perspective.

To that end, I believe what the ALAC was suggesting, noting the three points that we agreed to after significant discussion in the leadership team, which is articulated in the leadership comment—

noting all of that, because all of that is true ... The potential for metrics without saying it's in some way, shape, or form a gating mechanism for ongoing rounds after the next round ... But the UASG work does in fact now have considerable metrics. The UASG work that is ongoing at this time is also focused on collecting more metrics and a comparison of a snapshot of where the UASG success is now pre next-round and where it may be post-next-round is a piece of data that, if nothing else, would be valuable for those of us interested in UASG. I will declare that what I'm stating there is not just from Work Track 4 interests but my continuing work in the E-mail Universal Acceptance Subgroup of the UASG. So I'm kind of aware of what goes on there. Thank you. I think that's what the ALAC comment is talking about.

So, popping my other hat back on, I'll be a more neutral Chair again.

JEFF NEUMAN:

Thanks, Cheryl. No, that was fine.

So, if you scroll down a little bit in the leadership comments, those are our comments. One of the things that Cheryl was saying towards the end is that one of things we could do is put in there—maybe this is for the implementation team—just a note that we think it would be useful to have metrics comparing the data collected by the USG before and after the next round. That could be something that we could put in there.

Thoughts on that?

Okay. So we'll take that as an action item. We'll do that and put that in the redline. Then, if you have comments at that point, let us know.

Is there any other comments on this one? Can we scroll down? Sorry. I know that there's others, but, yeah, I think those are all kind of noted.

Can we got to the last one, which I don't think will take us long at all? It's on TLD rollout. Donna, I'm glad you're on this call because I think the main comment here that we need to discuss is to the GoDaddy registry comment. If you recall, basically all we say in the report is that the TLD must be delegated within the year after they sign the agreement. We had extensive discussions as to whether there could be another use requirement or how you could judge it or whether ... There were some that commented similar to, within the working group, what GoDaddy says here—that a perception of warehousing of TLDs ... So GoDaddy recommends that, "Registry operators be required to use of the TLD or at least active plans for use of the TLD within one year of the delegation date." This is a new proposal.

We'd love to hear working group thoughts. I guess, when leadership was discussing this, it just seemed ... First of all, we've had these discussions, but second of all, it would be so subjective to look at what is the definition of use or active plans. Thinking about what Avri and Becky were saying last time or last week—that ICANN doesn't really want to have in the future these very vague, subjective criteria to measure in Compliance ... But let me ... Donna and Susan ... Well, Susan, let me give Donna a chance first, and then I'll come to you, Susan, if Donna wants.

DONNA AUSTIN: Thanks, Jeff. I guess the idea here was that we were looking for active use as opposed to passive use. So you've got a TLD that has been delegated for some period of time but is not actively being used. In a lot of cases, I guess there was a redirect from the existing TLD that an organization or an entity used. So this was just trying to be a little more proactive, I guess, and less passive about what we mean by "use." Thanks, Jeff.

JEFF NEUMAN: Thanks, Donna. Susan, go ahead.

SUSAN PAYNE: Thanks, Jeff. I see that the leadership team has designated this as a new proposal, but to be honest, I don't think it is. I feel like we talked about this quite extensively in the context of our discussions about whether there has or hasn't been some squatting and warehousing. So I don't see this as a new proposal. I see this as something that we've spent quite a bit of time on and made a decision on.

But I'd like to reiterate that there were different reasons for applying for a TLD. In some cases it may be that, for example, you have a brand which is incredibly valuable to you and you want to safeguard and secure it. Whether you then put it into a level of use that someone else feels is adequate within a specific period of time isn't a reflection of the importance of that TLD to you. Really, should be pushing companies to be making spurious use within

twelve months in order to get over some unnecessarily hurdle here?

We also know that, in the case of some applicants, they may well have plans to launch. They may well have very innovative uses that they want to make. But again, some kind of a twelve-month cutoff is unreasonable, given that a TLD may not want to launch in the noise of everyone else launching, for example. The way that we're doing applications in rounds tends to lead to that. There may well be applicants—or, by that point, registry operators—who want to be able to launch in the quiet space—two or three years hence—when they're the only TLD launching rather than being forced to do something in order, as I say, to get over a spurious requirement.

JEFF NEUMAN:

Thanks, Susan. So I think, Susan, you've summarized the discussions that have taken place well. I think you're right in the sense that it's not necessarily a new proposal. The only reason I guess I called it new is that it was some specific some language.

But does anyone else have any thoughts? Agreeing one way or the other?

+1 from Paul to Susan's comments. Maxim ... yeah. So there's a lot of reasons why a registry may want to delay, some of which could be by choice, and some of which, as Maxim says, could be because of necessity. So I think that there's ... yeah.

All right. So it doesn't seem like there's a huge amount of support for that new use requirement, but of course, if anyone does want to comment on the list, they sure can. And please do.

With that, we've covered the four topics for today. Our next call is on Monday. Someone will post the time of that. The next subjects will be ... I did have this document up. There it is. We'll talk about the applicant terms and conditions and registrant protections. We'll again talk about metrics and monitoring. We will also touch on the issue of closed generics. So please do take a look at all of the materials well in advance. There's not a huge amount of comments on the first several topics there, although registrant protection does bring in the PICs. So we may talk about that. Closed generics, of course, is one of those issues that I'm sure that we have a lot to think about.

But also please do look on e-mail. There's going to be some e-mails coming out shortly with some of the topical questions that are outstanding. In fact, I'm almost ready to send the next one out. I have it up on my screen. That's on string similarity. So do look out for those. They have short turnaround dates before we produce redlines on those sections. So please do keep a look out. We're getting closer to the end.

So thank you, everyone. Thanks for being on the call and paying attention. And thanks in advance for the hard work over the next couple weeks. So I think that's it.

Is the time for the next meeting—was that posted? Sorry. Yes.

MICHELLE DESMYTER: 20:00 UTC on Monday.

JEFF NEUMAN: Great. Thank you, everyone.

[END OF TRANSCRIPTION]