
**ICANN Transcription
GNSO New gTLD Subsequent Procedures Working Group
Tuesday, 17 November 2020 at 03:00 UTC**

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[TERRI AGNEW]:

Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures Working Group call, taking place on Tuesday, the 17th of November, 2020, at 03:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge, could you please identify yourselves now?

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

With this, I'll turn it back over to our Co-Chair, Jeff Neuman. Please begin.

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JEFF NEUMAN:

Thank you very much. Welcome, everyone. Yeah, we are a little bit light—oh, we just got one person, so that’s good—but like I said, it’s sort of normal for this time. But before we get started, let me just ask to see if there are any updates to any statements of interest.

I am not seeing any. Okay. So then today’s agenda is on the screen. We’re going to try to get through a number of topics. They’re shorter topics in the sense that there were not too many things that were new that we introduced in the draft final report. You’ll see that ... Well, sorry, with the exception of the fourth one on IDNs. The first three, which are Contractual Compliance, registrar non-discrimination, and registry/registrar standardization. And then registrar support for new TLDs. Those pretty much were as we had it in the initial report way back when, but there have been some updates, of course. IDNs is a little bit more challenging, so we’ll probably spend a bunch of time on that one.

One thing I do want to state as Steve is pulling up the first topic is the ... Yeah, I can’t talk today. That’s good. Let me try that again. Cheryl and I had a conversation with conversation and Becky and have confirmed that they will be available to talk to the full working group a week from today or next Monday’s meeting. I forget the exact time in UTC. I’ll send a note to the list, or one of us will send a note to the list, with the revision to the work plan to show the topics that we’ll talk about. But as we’ve been talking about for a number of weeks, there were a number of Board comments that were filed with a respect to a number of the issues that relate to the newer bylaws as of 2016 and some of the aspects of those bylaws, which may have an impact on things like the public

interest commitments or registry voluntary commitments, as well as the closed generic issue, auctions, and some other topics. So look out for a note, probably tomorrow, with the new agenda for that call—not the next call, which is on Thursday, but for the following call after that, which is next week on Monday.

Any questions before we get started on this subject matter?

Jim, go ahead.

JIM PRENDERGAST: Hey, Jeff. Can you hear me?

JEFF NEUMAN: Yes. I just had to unmute myself though. But yes.

JIM PRENDERGAST: Okay. Thanks, Jeff. I realize we do have that call scheduled for Monday. I believe it's the 23rd. I was corresponding with the staff earlier today. We have at least a call on my calendar and, I believe, their calendar for the 24th, which is that Tuesday around the same time. But it's not in the workplan, so I'm trying to figure out is that in fact a call that's happening, or should I delete that and should everybody else delete that from their calendars? Thanks.

JEFF NEUMAN: That's a good question, Jim. Originally, when we were scheduling calls for the month, we knew that Thursday would be a holiday in

the United States, so a lot of people wouldn't be able to attend. So, originally, we scheduled Tuesday instead of the Thursday. But given that it's not on the workplan and we haven't allocated any subjects to it, I think, although Cheryl and I haven't discussed it because we forgot that that was on there, it's one we can go ahead and cancel on Tuesday. I think it's a lot to do back-to-back. Thanks, Jim, for bringing that up. I probably would not have noticed that until later on this week. So thank you.

Let's get into the ... okay. Cheryl said staff will send out a calendar update. Great. Thanks, Cheryl. And thanks in advance to ICANN for doing that.

Contractual Compliance. There were not too many recommendations in this section. Essentially, we had asked for some more transparency and some additional reporting, but most of the comments that we got back either had no comments or no opinion or supported the recommendations as written. But there were a few that we did receive. If I could put it all into, with the exception of ICANN Org's comments, pretty much into the category of a lot of ... or these groups that didn't support the aspects or the outputs really wanted to see more action or strengthen compliance enforcement within the registry agreement. So that in general was the nature of the comments that we received.

Now, that said, they do want to go over a couple of things that ... For example, the Swiss government made a comment that I thought was interesting in that it was new in the sense that I'm not sure we actually did discuss this issue when we were talking about Contractual Compliance, nor did we mention it really when

we were talking about the registry agreement, which this comment also relates to, I would think. And that is that the Swiss government points out that there's no remedies in the registry agreement, other than a termination for breach. So they bring up the notion of having financial penalties or graduated sanctions. I put that note in the comments, sort of akin to what the registrar accreditation agreement has.

Now, I will note that our recommendations would only impact new TLDs going forward, so this does seem like one of those issues that should, rather than taken up within this PDP, be addressed, if at all, on a holistic basis, like DNS abuse and some of the other topics, where it doesn't necessarily make sense to only have this for the new TLDs moving forward.

I just want to stop there and see if there's any interest in this or get people's thoughts on that one.

Okay. It does not seem like there's much of an interest, at least on this call. I'll note Rubens says that having a breached notice published by ICANN is in fact a penalty.

So then we get into the comments from the, if we can scroll down to group these together, IPC, INTA, and the Global Brand Owner and Consumer Protection Coalition. These three comments ... Although the last one focuses more on DNS abuse, the others relate to the same kind of issue that we've noted, which is that they would like to see stronger ICANN compliance. Unfortunately, there's nothing concrete in these comments for us to act upon in terms of actual recommendations, but we did want to note that for the group.

Then, scrolling down to the ALAC comment where there is ... This talks about more transparency into the actions that are taken. So they do not agree to the proviso that ICANN should not publish specific information about any compliance action against the registry operator unless the alleged violation amounts to a clear breach. So this is what we have in our recommendations—essentially that we supported ICANN—“we” being the working group—continuing to publish information on, at least in the aggregate, the statistics of compliance with the registry agreement. But we specifically stated in our recommendations that we did not believe that ICANN should publish specific information about an individual registry operator unless it amounted to a breach, in which case, of course, as Rubens points out in his comment in the chat, that breach notice is in fact published for the public to view if they so desire.

Now, ALAC states that they’d like to see any Compliance action against a registry operator because they would like to assess the lack of transparency with respect to these items. It’s hard to assess whether Compliance is doing their job and that there’s value to identifying the frequency or volume of complaints leveled against each registry or registrar. So they state that Contractual Compliance should introduce and publish a number of thresholds along with clear guidelines as to how each threshold is to be derived and applied against which each registry and registrar would be assessed to identify patterns of good versus lax operating policies. So this is the one comment that really goes against at least that part of our recommendations.

Does anyone have any thoughts on that one? I will note just that the reasoning or the rationale for not publishing that data is that, if you talk to a contracted party, they will tell you that ICANN is not always correct when it asserts a potential violation and that many, if not most—well, I would say most—of the ICANN Compliance matters are closed without every needing to go that next breach stage. Again, pointing to the comment that Rubens has made, having anything published by ICANN about a negative action or a potential violation is not something any contracted party wants to see up on the ICANN site. It could potentially harm the reputation of the registry, especially in the case where it turns out that ICANN was wrong. So I'll just say that that was some of the rationale behind the thinking of the working group's recommendation.

Paul says, "I kind of think we're meddling in things that are bigger than this PDP." Okay. Thanks, Paul.

Justine, go ahead.

JUSTINE CHEW:

Thanks, Jeff. If I could just [ask] a couple things. One is, well, the essence of ALAC's comment is, in the big picture, we want to know how the program is doing. Of course, the behavior and the actions taken by registries or contracted parties [feed] much into the health of the program itself, which we're asking for the consideration of this.

Now, as to whether the name of the contracted party should be withheld—some sort of anonymity—I'll have to go back to ALAC on this, but I would consider that as a possible action to be taken,

as in to withhold the identity if you're concerned about putting a blank mark against a contracted party without first confirming whether it's a clear breach or not.

But the point that we are more concerned about is we have no clear indications of what thresholds are being used by ICANN Org to assess these things. You said before that, in some cases or in many cases—forgive me if I didn't catch it correctly—ICANN Org got it wrong. So we want to know why they got it wrong and how they got it wrong so it can be remedied, rather than have it just swept under the carpet or not be out in the open and then it continues.

So that is the essence of what we're trying to do, which is to ask for what is it that ICANN Org is using to assess undesirable behavior, if I could put it that way, and to see if there are patterns that can be derived from this sort of assessment, whether it's an incorrect assessment by ICANN Org or whether it's a correct assessment by ICANN Org and therefore show patterns of behavior by the contracted parties. Thank you.

JEFF NEUMAN:

Thanks, Justine. We state in the recommendation that ICANN's Contractual Compliance department should publish more detailed data on the activities of the department and the nature of the complaints handled, provided, however, that ICANN should not publish specific information about any Compliance action against the registry operator unless the alleged violation amounts to a clear breach of contract.

We state that, to date, ICANN Compliance provides summary statistics on the number of cases opened, generalized type of case, and whether and how long it takes to close. More information must be published on the context of the Compliance action and whether it was closed due to action taken by the registry operator or whether it was closed due to a finding that the registry operator was never out of compliance.

So, Justine, if I'm interpreting what you're asking for, then it would just be to add potentially something in that recommendation where we say more information must be published on the context of the Compliance action. We could add a few words saying what you just said—including the threshold ... I'm trying to see the exact language here. I think a couple words could be added in there if that's something the working group wants to do. I think we can add that in there so long as it's not publishing any specific information about the registry operator.

Let me go to Paul and then Justine.

PAUL MCGRADY:

Thanks. Are we talking about building two separate Compliance programs then? One for the oldest of the legacies and the 2008 and 2012 round and then a completely different approach to Compliance for future rounds? Because obviously we don't have the ability to reach backwards, so is that what's being proposed? Because it sounds like that's what's being proposed. And is that better than putting this out for the hopefully-soon-formed DNS abuse PDP? Thanks.

JEFF NEUMAN:

Thanks, Paul. I would agree that, if we added the ALAC recommendation on publishing information about a specific action against the registry operator, that would create that kind of bifurcated compliance. But if we just put in there, along the words ... In the sentence that talks about that more information needs to be provided, if we added a couple words, such as the thresholds used by ICANN in taking any Compliance action, or something like that, I don't think that would be the type of change that would ... My assumption is[,]because that's something ICANN would be doing[,] it would probably be the same ... We're not asking it to change its practices, so therefore it would probably not be something that would bifurcate the Compliance system, if that makes sense.

But let me see what Justine feels about that. Justine may hate that idea. So, Justine, go ahead.

JUSTINE CHEW:

Thanks, Jeff. It's an interesting comment by Paul. Insofar as this PDP working group's jurisdiction only applies to new gTLDs, obviously we can't make policy or recommend policy that's going to affect gTLDs that are already in existence.

But what you said in terms of introducing the terms of standards or thresholds into our recommendations to make it clearer, I would support that. It is actually more towards understanding the work of ICANN Contractual Compliance and how they come to a decision that they come to in any complaint or in dealing with any complaint

or any audit of issues against Contractual Compliance. The idea is to be able to have as much data as possible in order to inform future policy development processes. That's it. Thanks.

JEFF NEUMAN:

Thanks, Justine. That is actually in line with the recommendation that we already made here. So I think we can address that by just adding a few words into the recommendation without ... And I think that just adds clarity as opposed to changing the nature of what ICANN does already. So we'll put a couple words in there to see if that helps with adding some clarity, but I don't think that would, as Paul said, create a whole new system.

If we scroll down, just some new information. The World Intellectual Property Organization basically asked ... It was just interesting that they would like a provision stating that a registry operator shall not operate its TLD in a way as to have the effect of intentionally circumventing the mandatory RPMs. We noted this recommendation, but this is really for the RPMs Group as opposed for us endorsing any of that. So what we say in the leadership comments is that we note it, and if it's got consensus within the RPMs, then it'll be implemented by that specific IRT.

Scroll down a little bit more. Let's get to the ICANN Board. The ICANN Board, and ICANN Org to some extent, also make the comment ... They're asking us to question whether the current dashboard that Compliance has covers our recommendations. I think that—well, ICANN Org sort of gets at the same thing—our recommendation stands on its own. We'll let an IRT work out whether the current dashboard needs any additional

implementation in it to align with our recommendations. I don't think that that's necessarily something we should be doing at this point. I will note that ICANN has updated their Compliance dashboard a number of times over the years that we've been in existence. So, at the time we first came up with this recommendation, the dashboard was not nearly as comprehensive as it is today.

ICANN Org asks us ... They say, "It would be helpful if the PDP working group can provide specific examples of the type of data they would like to see published." Again, I think this is really more for the IRT to follow our guidelines and to make an assessment as to whether the current practices of the dashboard live up to our recommendations. Then they state that—I'm trying to find the exact language. [If] ICANN Org ... Let's see. It's somewhere in here and I'm trying to find it. I think it's there. Yeah. There we go. ICANN states that more information must be published in the context ...sorry. With respect to our statement, ICANN asks for clarity as to why the working group believes this information is relevant only to the next round of new gTLDs. And we're not—kind of what Justine said—saying it's only relevant to the next round. It's just that our jurisdiction within our working group is really on a go-forward basis with new gTLDs. So, to the extent that ICANN or the community thinks it should apply to the existing TLDs, that's something that could be taken up at that point in time.

Okay. I think the BC comment is very much in line with the IPC. If we scroll down, that's it. So there you go. That's Contractual Compliance. Not a huge amount in there. I think our action items on that is to look at potentially adding some language on the

thresholds for Compliance action within Recommendation 41.2, just to add some clarity on the type of information that we're seeking.

All right. If we can jump to the next topic, which is the registrar non-discrimination and registry/registrar standardization. Steve has put the link in there. I would say most of the groups that responded to the comment period actually did not provide any opinion on this, but there was a substantial amount of support for the outputs. There was also support in the form of, "It was not ideal, but we're willing to accept it."

There were a couple comments, however, that were made by some of the commenters. The first one is the Brand Registry Group, which supports a complete exemption for a dot-brand TLD. This is an exemption to not having to use registrars at all. This was discussed by the work track. Leadership's view is that we will note this comment, but it's not something we need to address or need to change. So we could just refer back to the work that was done earlier on this.

The new information ... The registrars ... Actually, Steve, is there a way we can pull up the recommendation? It would be probably easier for this one to look at the recommendation first. So that would be ... yeah. I know you have to scroll through this. Yeah. Thanks, Steve.

So this recommendation states that registries must only use ICANN-accredited registrars in registering domain names and may not discriminate among such accredited registrars. This is what was approved in 2007. So we are proposing adding the

following language at the end, so it should now state, “unless an exemption the registry code of conduct is granted as stated therein, provided, however, that so such exemptions shall be granted without public comment.” So this really codifies existing practice, even though it was not part of the recommendation. So it’s not really a completely new concept.

So let’s go back to the registrars. Actually, wait. I’m sorry. I think in the question for community input, which this may go towards as well, we asked the question—we’ll get back this registrar comment, but I think it should all be viewed in the same vein ... So the question we put out for community input was that we discussed—the working group discussed—circumstances where it may be appropriate for ICANN to grant code-of-conduct exemptions. And, in particular, we consider the proposal—I’m going to paraphrase now—that, if a registry makes a good faith effort to sign up registrars but is unable to sign up any registrars to offer the TLD to the public, after a showing or demonstration of that, the registry should be eligible to get an exemption to the code of conduct, meaning that it could serve a registrar in the TLD without needing separate books and records, etc. That’s in the code of conduct.

If we go back to the registrar comment, the registrars are not ... Sorry. Is there a way you can—oh, it’s copied. There it is. Yeah. Okay. Registrars aren’t necessarily completely opposed to this, but they want to make sure that registries truly demonstrate that they’ve reached out to registrars and were unsuccessful in getting them to sign up and that the registry must administer the TLD in exactly the same manner in which they represented to the

registrars. In other words, the registrars were concerned that, if a registry went out to registrars, and registrars didn't want to sign up to offer the TLD because the policies were way too onerous for the registrars to implement, and then the registry gets this exemption and immediately the first thing it does it get rid of those policies that were so onerous to implement, the registrars would not want to see that happen just so the registry can get around this requirement. If that were to happen, then the registry would have to go back to ICANN to see whether those changes would result in the loss of the exemption.

Hopefully, that makes sense. I think it's a ... Well, first of all, we need to discuss whether we adopt this exemption, but if we do, then I think what the registrars have added is more clarity as opposed to a whole new kind of recommendation.

So let's spend a couple seconds on that. How does the group feel about this exemption and the registrar add-on?

Jim, go ahead.

JIM PRENDERGAST: Thanks, Jeff. Based upon the comments that I've reviewed, I don't see strong support for the exemption. In fact, I do see some questions about its efficacy or how it would be implemented.

I go back to my original concern within that, which is that ICANN's role in this is to make the TLDs available. It's up to the applicants and/or operators to make them commercially successful. That's not ICANN's role. So I think what we see here on paper is not

indicative of moving forward with the recommendation. But we'll see what others think. Thanks.

JEFF NEUMAN:

Thanks, Jim. I think that's a fair assessment of the comments that we got in. It was lukewarm, right? They were all worded as, "Well, we don't oppose it, but we have some concerns." But you're right. I don't see anyone coming out and saying that they are completely in favor of it, either.

Does anyone else want to weigh in on this?

Paul, go ahead.

PAUL MCGRADY:

Thanks. I guess this then goes back to what the BRG said because commercially successful dot-brands specifically don't need a registrar or don't want a retail registrar. So I agree that ICANN's job isn't to make sure that every new gTLD becomes a commercial success, but for dot-brands, that's why, if we are going to do away with the idea of this exemption generally, which I think would have scooped dot-brands in, it still makes sense for us to look and say, "Well, okay. Commercially successful for a registry [inaudible] second levels is one thing. Commercially successful for a dot-brand which is only available to affiliates and licensees is another thing." So, if this is going to die on the vine, I think we really should give the BRG's comments a look before we just say, "Yeah, we've already talked about that," because we talked about it in the context of this potential exemption coming into being, which it sounds like it may not. Thanks.

JEFF NEUMAN:

Thanks, Paul. Let's just try to think about where we are. With dot-brands, we've never proposed getting rid of the exemption that's in Specification 13. In Specification 13, it does state that brands can opt to use up to three registrars, but it does still have to live up to the code of conduct if it wants to ... Actually, wait. I'm trying to think before I say that. I'm thinking as I'm talking here. I know that brands are exempt from having to use all registrars, and I believe that they may also be exempt from the code of conduct. We'll have to double-check that. So I'm not sure that these—we'll have to look into this a little bit more—questions out for community input would affect brands. But I think what the BRG proposal is that, not only should the brands have an exemption as to the number of registrars they use, but basically brands shouldn't have to use registrars at all, which is a little bit different than this question for community input.

So I think the action item here is probably for us to provide a little bit more clarity of the impact of not adopting this, if any, on brands. Does that sound right, Paul?

Okay. So Spec 13 registries are exempt from the code of conduct, which means that they can have separate books and records. So brands do have to use an accredited registrar, but what BRG is asking for is that they don't have to use accredited registrars and they can just all be the same entity without having to sign up to a registrar accreditation agreement. That's not something that this group adopted when it was in the work track. I forgot which work track it was in.

So, Paul, does that help at all or make you little more confused?

PAUL MCGRADY:

Thanks. In fact, I was just typing in, "Thanks. I don't want to belabor this." At the end of the day, if there's no stomach to make the change to cut dot-brands loose from having to have really what many would view as an unnecessary contract with a registrar and therefore an additional vulnerability in the ecosystem, there's nothing to be done about it, I guess, at this late day. I just don't see why we wouldn't give the BRG comment another look. But if you say it has already been asked and answered, then some of these things we have to live with. Thanks.

JEFF NEUMAN:

Yeah. Thanks, Paul.

Okay. I think we can ... I just want to ... Let's see. For the last one, is there an ICANN Org comment on this one that we skipped over? Can we scroll up? Yeah. Okay. Yeah, we forgot to come back to that. Okay.

One of the things that we talk about in that section is that we wanted a registry to be able to secure both the TLD as well as a registrar accreditation within the same application. ICANN Org is not in favor of that approach. They believe that, because the registrar application is open on a rolling basis, any entity can apply for registrar accreditation at any time. Therefore, if you were interested in using its in-house registrar, you don't have to wait for the TLD application to have completed its review. You can file that at any point in time. But ICANN Org believes that mixing or

combining these processes may impose unnecessary complexities.

Steve, can we go to our recommendation on this one, too? Or at least it might in the rationale.

STEVE CHAN: Sure, Jeff. I was actually typing in the chat about the fact that this wasn't actually a recommendation. But I'm sure you're about to talk about that.

JEFF NEUMAN: Yeah. I think this was more as a new issue that came up but not one that made it to a recommendation. So the way to handle this is ... I think ICANN's comment makes a lot of sense. We didn't really have enough support within the group to make it a recommendation. So the fact that we didn't have that kind of support initially and ICANN Org's comment pretty much leads leadership to believe that we should not elevate this new issue to a recommendation. And that would also be ... I think, InfoNetworks—is it InfoNetworks; yeah, InfoNetworks—makes a very similar comment about that perhaps the state of affairs is that we should have consolidated registry/registrar agreements going forward, but that's a much bigger issue than I think this PDP needs to tackle.

All right. Moving on. Let's go to registrar support for new TLDs. This one actually, I believe ... Did we have any recommendation in this one? I think this was a discussion, if I'm remembering correctly. So this is Topic 38. I think the only recommendation

here we had was to affirm existing practice that it's up to a registrar to determine which gTLDs it carries. That was our only recommendation. We went through a bunch of proposals but ultimately, at the end of the day, came up with not making any additional recommendations. So I would say an overwhelming view or all but one comment either support or had no opinion.

Just a comment from InfoNetworks, which is interesting—not necessarily completely related to this topic, but I'm not sure where else it would fit in. But for those of you that are familiar with this, when a registry wants to modify its registry/registrar agreement, it must not only go through ICANN to get its okay on making those changes, but ICANN also forwards those modifications to the Registrar Stakeholder Group and provides the Registrar Stakeholder Group to weigh in on those changes. So the registrars do get a copy of all the proposed modifications to registry/registrar agreements.

What InfoNetworks is proposing here is that is shouldn't go to the Registrar Stakeholder Group as a whole, but these changes should only go to those registrars that are actually signed up to be a registrar in that particular top-level domain. So, if there's a registrar that is not signed up to distribute, let's say, dot-music, then that registrar should not necessarily have any input into whether a modification is allowed to the registry/registrar agreement for dot-music. This is a new idea. If anywhere, this would fit in with the agreement, but I think that this is probably something that is just too new and really affects existing TLDs at this point more so than new TLDs going forward. So this is one of

those where we would just note the recommendation and then move on.

Any disagreements with that approach?

Okay. Thanks, Paul. At least I know Paul is listening.

Let's go to, I think, the last topic, which is probably the most complex. Thank you, Rubens, for being here because you and Cheryl both led the work track on IDNs. So some of these items admittedly we could certainly use your thoughts on. Cheryl did an admirable job in helping the leadership understand these, but we know that you also have some thoughts on these issues.

Just to refresh the recollection of the recommendations we made here, can we just turn that section? I'm not going to read through all of them, but it would be helpful just to see their recommendations, especially because these are fairly complicated. At least I think they're complicated. Maybe everyone else thinks they're easy. Okay.

Essentially, aside from the affirmation, we recommended that compliance with the root zone label generation rules must be required and that IDN TLDs must comply with the appropriate RFCs or their successor. To the extent possible, and consistent with Implementation Guidance 26.10, algorithmic checking of TLDs should be utilized.

Then we state—this is relevant to some of the comments—if a script is not integrated into the root zone label generation rules, an applicant should be able to apply for a string in that script, and it

should be processed up to but not including contracting. So we'll come back to that implementation guidance in a few minutes.

Then there's a whole bunch of recommendation in here that I won't go through, but they are all in the, if we go to the footnotes—I want to make sure I get the exact name of the document ... So there was a final report that the group called the JIG, which I think stands for Joint Implementation Group [on] single-character IDNs and also a report from ICANN. There's SAC052, which is one of the papers. I thought there was another document we cite, too. Did I miss that one the previous page or is that on the next page? There we go. There's a whole list of other documents on variant TLDs analysis that we refer to in our recommendations on the January 15th 2019 IDN variant TLD recommendation[s]. So those are all important to the discussion we're about to have.

Okay. So now we can go—thanks, Steve—back to the comments. Okay. Anthony Lee makes, as an individual, a bunch of really good comments. The upshot of this comment is that we make a recommendation about allowing single-character IDN TLDs under certain circumstances. Anthony Lee talks about single characters that can be confusing, in a sense, like the homograph issue. So I think that this is one of those issues that leadership feels should be referred to the IDN Scoping Team that is in the process of drafting a charter, if I'm not mistaken. I think the same is true with a number of these recommendations.

In fact, one of the things that we think the working group consider is that all of these or a number of these should be referring to that scoping team just do a sanity check on our work. So this comment recommends a mechanism that takes into consideration the

concerns of SSAC and then joint ccNSO/GNSO IDN group, so I think it makes sense to refer this, although Rubens it says it sounds like we already accepted the commenter's suggestions.

So I think that's right, except that there is some comments in here[...] I thought that was more of a homograph-type, confusingly similar issue. Or maybe that's down below, actually.

Thanks, Cheryl, for clarifying. There are a couple people in the group that have the skillset to address this meaningfully, but I would say that there are groups of people that do this day-in and day-out, so, as a comfort factor, perhaps this is something that the group should do a sanity check on.

So where Rubens says, "The one on the screen only mentions only thing not adopted, which is translation" ... Okay.

Let's move to the next one. Rubens believes that most of this has been adopted anyway. Okay. Do we skip #2? Yeah. Okay. So this one talks about—we don't really have a comment here—waiving application fees of IDN gTLDs. This is something that we did discuss in the working group, but, ultimately, it's one that should be handled by the scoping team. And I believe it already is one of the issues that they will address.

The Internet Architecture Board also makes some comments here, but I think these are just more noted as opposed to anything we need to act on here.

If we go to the gTLD Registry Stakeholder Group comments, there are a couple things here. First, the registries say that anyone that applies for a string that is not yet integrated into the root zone

label generation rules ... If there's a possibility that that application will not go through, then there should be a warning in the Applicant Guidebook, which sounds like a good clarification. I think that's pretty non-controversial.

Would anyone object to having that kind of a warning?

No. Okay. I didn't think so. I think that does make a lot of sense.

Then the registries state that ... There's just a reminder that there's other work going on, including this new IDN scoping team. So of course all of these recommendations can and should be reviewed by the IDN Scoping Team if they have any issues.

The World Intellectual Property Organization brings up the homograph issue. Really, this issue is more for the IDN scoping group as well as, if at all, with the RPM group because they ask us to consider developing a framework to deter domain abuse by homograph spoofing.

Registrars recommend that the IDN process require the vetting of IDN tables prior to delegation as opposed to an outright rejection of the TLD application. So the comment here is that ... Rubens, maybe I need a little help on this one. I don't think we say that, if the DNS table is not accepted, the TLD would have to be rejected. I know we say that, if there's ... Or do we say? Sorry. Rubens, will you be able to clarify that? I'm not sure the registrars have absolutely right, or maybe they do and I'm the one that's wrong.

Okay. So Rubens says, "I think we let registries choose if they include IDN tables that, if not approved, the registry prefers not to have the TLD." From what I remember for testing, the registries

submitted the tables. If it was rejected, they were just asked to resubmit a compliant one.

So what we state here is that—I think it's 39.4—the testing of internationalized domain name tables should be removed if the applicant is using tables that are pre-vetted. To the extent an applicant is proposing tables that are not pre-vetted, the tables should be reviewed during the evaluation process, and the evaluators should utilize IDN tools. So we don't talk about the application being rejected. If there are any registrars on this call, perhaps it's worth just getting a clarification to make sure we're interpreting this right.

The ICANN Board has a whole bunch of comments here. Just to cut through some of these, the Board suggests—this is letter C—that any—Steve, you keep scrolling on me here as I'm trying to read. Sorry. Can we go back. All right. We'll start with—geez, Steve, you keep jumping on me here.

STEVE CHAN: Sorry, Jeff. It's jumping on me, too, obviously. It should be in a nice spot now.

JEFF NEUMAN: Okay. The Board suggests that any applied-for string in a script not integrated in the root zone label generation should not be processed until its validity and variant tables can be determined by the root zone label generation rules, following Recommendation 5 of the Root Zone Label Generation Study Group. Just to remind you—we read it a few minutes ago—that what we said was that

the application should actually be processed up to contracting. So it should be able to go through initial evaluation, objections—everything—up until the point in time where it comes up to contracting. But the Board is suggesting that, basically, the application should be put on hold, not go through initial evaluation, not go through anything, until there is agreement on the variant labels. So that it is different than our recommendation, although it is similar to what they had previously recommended in the Root Zone Label Generation Study Group.

Any thoughts on this one?

I'm not really seeing the rationale other than, I guess, that the Board may be concerned about going through all the steps of evaluation, only to never have the variant labels be determined by the root zone label generation, and therefore we spent a bunch of money processing the application to the contracting phase and it never gets done. I don't know how realistic that is.

Karen, go ahead, please.

KAREN LENTZ:

Thank you, Jeff. I think one of the concerns there was that it would be difficult to actually do the evaluations. If the script was not part of the root zone label generation rules, we'd be wanting to do the DNS stability review [of] the string for validity, and we wouldn't have the script rules to do that. Then, for things like string similarity, you would also want to know what the variant labels would be, but we wouldn't have the capability to do that, either. So I think that was the scenario that was envisioned. Thanks.

JEFF NEUMAN: Thanks, Karen. That makes sense. Rubens or anyone have any thoughts on that? I don't remember exactly why the work track that was working on this came up with this.

Rubens says, "In the 2012, there were no root zone label generation rules set at the time, and that didn't prevent the evaluation."

Karen, does it make sense then ... I understand the DNS stability. I'm just trying to think of the likelihood of the variant tables being used in a string similarity analysis that would not be a real edge case.

Paul is bringing up the point about—then I'll go back to you, Karen—balancing others that may be caught up in contention sets or that potentially this could be a community priority evaluation. There could be other strings that this applicant has applied for.

Karen, go ahead.

KAREN LENTZ: Sure. Thank you. It's correct, but what people are saying in the chat is that this is something that didn't exist before, and we did those evaluations against criteria that were developed. But the idea of having the root zone label generation rules is to improve that process and have the script rules available and known to everybody. So, if you have a scenario where you're using these rules for the scripts that are in there, then you basically need two processes. So you need to come up with some other way of doing

any applications for scripts that are not yet included in the root zone label generation rules. So we're trying, I think, and I think the working group agrees with this—to use the label generation rules as much as possible. I think that was the thinking behind this.

JEFF NEUMAN:

I wonder if there's a way to do both. Obviously the applicant would be entering contention solution in its own risk in this case, but it seems to me that, to the extent that it's in contention with other strings, or to the extent that it's community, it should be able to go through a number of other steps. It shouldn't have to wait for every part of the evaluation and everything else until these label generation rules are finalized. So I wonder if there's a way we can think about some middle position here.

Steve says, "For what it's worth, for a string in a script that's not part of the root zone label generation rules, there is no guarantee that it will ever be valid."

How edge are we being here? How much of an edge case are we talking about? I'm just throwing that [out].

Cheryl is saying, "I have kind of the same view. I would think most scripts at this point that would be likely to be applied for prior ... Whoops. Most scripts probably at this point have label generation rules that would be the most common for those that would be applied for, but let's see if there's some sort of middle ground in here. So let's try to work on that offline.

The Board also asked the PDP working group to clarify which IDN tables pre-vetted by the community could still be used to remove

IDN table testing for new gTLDs. The Board suggests that the PDP working group considers reference IDN tables being published by ICANN Org as the candidate[-]prevented IDN tables.

Rubens, wasn't that—what the Board is saying—our thinking as well? Weren't—yeah. So I think perhaps it's just a matter of the wording that we use when we say “pre-vetted.” Perhaps we can just use this other language.

The next comments are—can you scroll over to the left? I think it's the ALAC, but I just want to double-check. Yeah. And, Justine, I think you're asking, sort of, this question. So ALAC supports the recommendation, which omits a reference to how IDN gTLDs identified as IDN variants of already existing or applied-for gTLDs will be allocated. For this one, we noted it's related to the earlier comment from individual ... That referred to the IDN scoping team about how one would go about applying for these variants of existing TLDs and costs and things like that.

As Rubens says, we do have a footnote in the report that talks about not covering these.

Then we go on to ICANN Org's comments. One of the comments, if we scroll down a little bit here ... So some of these are clarification of terms, so we'll not necessarily talk about those. For example, there's a way we refer to one-character IDNs. ICANN Org asks us to use a different term, which makes sense. Let's see. They refer to, obviously, the scoping team, but they point out that moving forward with the next round of TLD applications may have some dependency on the GNSO PDP on IDNs. So I think we can note that. I'm not sure all of us agree with

that, but that's not really something we're making a recommendation on. I think it's just a statement from ICANN Org.

Sorry, Justine. Go ahead.

JUSTINE CHEW:

Thanks, Jeff. If we could just go back to the ALAC comments, I have two comments or questions, actually.

The first one is on the first paragraph where you talked about it being the same as the individual comment from, I believe, either Anthony or Wai Wong. If we could just make a reference on the leadership comments reflecting that instead of the same [inaudible]. That would be useful for our comfort level.

Also, we suggested a bunch of elements from metrics. Is that something that the leadership is going to do something about, or is there something that the leadership team was recommending to the working group to consider? Thanks.

JEFF NEUMAN:

Thanks, Justine. When we read this last paragraph, we do talk about, in the metrics section, in general, applying metrics.

I'm not sure I understood where you said ... where this says, "should include a clear reporting distinction in IDN applications by language [or] scripts' jurisdiction and the corresponding level of assignment of ICANN staff support and evaluators." We just didn't know what to do with that comment because it was very new. It was a completely new concept, especially that last part of

identifying the corresponding level of assignment of ICANN staff support and evaluators.

JUSTINE CHEW: So what is the question?

JEFF NEUMAN: Perhaps you can clarify what that means.

JUSTINE CHEW: In terms of the corresponding level of assignment of ICANN staff support and evaluators?

JEFF NEUMAN: Mm-hmm.

JUSTINE CHEW: I think I knew who suggested this, but if I understand that person correctly, they're talking about the level of resources that ICANN is applying to assessing and processing IDN applications in the sense that, if we believe that IDNs are important for making the Internet more accessible globally, then we should be paying attention to the number of resources or the level of resources that's being applied by ICANN to facilitate this sort of thing.

JEFF NEUMAN: I think—I'll let Cheryl address it if I'm not getting this right—on this one, it was very much an implementation issue and not a policy

issue in terms of an IRT and ICANN Org. I'm not sure it related to any of the recommendations that we had.

CHERYL LANGDON-ORR: Yes, Jeff, it's very new. To be meaningful, you'd have to have the compare and contrast. That's a whole lot of different reporting requirements. Certainly, there's no way I was going to personally justify it, Justine, so I definitely thought it was more into the "look at it from an implementation perspective." And, remember, everything we got here will be available and noted by the implementation review team.

JEFF NEUMAN: Thanks. Also, we take, Justine, your comment on the first paragraph on putting in the leadership comments referring back to the previous comment.

JUSTINE CHEW: Can I just ask a clarifying question?

JEFF NEUMAN: Sure. Go ahead.

JUSTINE CHEW: Sorry. Thanks for offering to amend the leadership comment in terms of the first paragraph.

Back to the metrics comment, you're saying that it's not something that is going to the IRT? Or it is something that's going to go to the IRT?

CHERYL LANGDON-ORR: The IRT is where it belongs.

JUSTINE CHEW: Okay. I don't necessarily oppose that, I'm just asking for confirmation that it will go to the IRT. Thanks.

CHERYL LANGDON-ORR: I kind of gets wrapped up with what we just edited in the top paragraph because that material was also ... I said some of that material was looking at not implementation but the other work group. Okay, I see what you're asking for. You want the leadership comments to specify, as we have done elsewhere, that this is something that the IRT should probably address. Correct?

JUSTINE CHEW: Yes, please. Thank you.

JEFF NEUMAN: Thanks, Cheryl, and thanks, Justine.

Going back to the ICANN comments, like I said, there's a few things in there about terminology. We won't go over those. I'm trying to find out ... There's one comment in here that ... Is there more from ICANN Org? Yeah. Okay. I'm trying to find exactly where this is, but there's a question—maybe it wasn't Org. Maybe it was the Board that asked us why we adopted only certain—ah, there we go. There it is. Okay. So, if you look at, well, now

towards the middle bottom, it says, “The variant TLD recommendations provide”—that’s one of the reports we refer to earlier—“nine recommendations,” and ICANN Org has found that we did not ... Although we supported most of them, there were two recommendations which didn’t appear to be covered in the draft final report. These included Recommendations 5 and 6.

So the question was, why did we not cover these? I asked Rubens the same question because I can’t remember that far back, and Rubens said we did cover them. So I think, Rubens ... Let’s go back and make sure that, by covering them, they either ... Ah, okay. So Rubens is saying we didn’t agree with those recommendations. Okay. Thank you. So, Rubens, offline can we just provide an explanation to put into the leadership comments why we didn’t accept those or that we considered them but they weren’t accepted, just so that we can have a record of that?

Okay. Was that the end of IDNs? It is. Great. Okay. So there’s a lot of complicated things in there. The good news is that, although there were a bunch of comments, I think the majority of the comments actually were in support of the fact that we addressed all but these two ICANN previous recommendations. So while there are some things around the edges here and some terminology changes that we should be making, I think, at the end of the day, it seems like there’s general support for most of these and even for those edge cases or the ones that we didn’t necessarily delve into. There is an IDN scoping charter. There will be shortly an EPDP on a number of these IDN issues, and that EPDP is currently in the process of drafting the charter, if I’m not mistaken. Right, Steve? Yeah. Okay. So the decision has already

been made to initiate the PDP. It's just now in the charter drafting stage.

Oh, that's not correct. Okay. So we're doing the charter as part of the initiation of the PDP?

STEVE CHAN:

Hey, Jeff. The council had considered initiating an EPDP or PDP at an earlier stage, but there were concerns about capacity. So the steps that the council has taken now is an interim measure to be prepared for the eventual launch of an EPDP. So the preparatory step is to start working on the charter for the IDN EPDP, as well as the EPDP initiation request. So, in summary, it's preparatory steps to actually formally initiate an EPDP. [Jesus]. [inaudible].

JEFF NEUMAN:

So I think then, looking at the first—I think it was the ICANN Board comment? Or maybe it's the Org comment? We may want to weigh in on the question of whether there are dependencies or should be dependencies on this group—on the IDN EPDP. That kind of puts a different perspective on things.

If you scrolled up—no. It was the Org comment, I guess. Yeah. So what ICANN Org is saying is that there's going to be this new IDN team, or EPDP in theory—in theory it may not be because GNSO Council doesn't ever have to launch the PDP. I'm assuming it will, but given what Steve said, perhaps it's worth us thinking about the last sentence there, which is, "Until discussion in these additional topics is complete, some details may be unclear around how to

proceed with IDN TLDs and variant labels in subsequent rounds. Thus, moving forward with the next round of TLD applications may have some dependency.”

Now, Jim, I’m not saying we answer this in the next five minutes. So I’m going to raise to the list this point, and I’d like the working group to consider whether we should weigh in on that statement, especially in light of where the EPDP is or is not at this point.

Justine, go ahead.

JUSTINE CHEW:

Thanks, Jeff. I think what you suggested is a good idea. I was just wondering if it’s possible in that process to alert the working group as to whether any of our current recommendation actually potentially conflict with what might be dealt with with this new PDP. Thank you.

JEFF NEUMAN:

Thanks, Justine. Good point. I don’t think it ... Well, it’s hard to say what would conflict. That EPDP can always come out in a completely different way than we did. But the question is, is there anything that we do going forward that would be undoable or that would cause some harm—

CHERYL LANGDON-ORR: Jeff?

JEFF NEUMAN: Yeah? Go ahead.

CHERYL LANGDON-ORR: Jeff, a PDP can overwrite what a previous EPDP has done. Just because we recommend it doesn't make it sacrosanct.

JEFF NEUMAN: Correct.

CHERYL LANGDON-ORR: So, if the IDN PDP comes on and says, "This is a total load of codswallop, and it has to be done this way," and that's what the consensus view is, then that's the way it'll be.

JEFF NEUMAN: Right. So the question is, can we, as Rubens says [inaudible] name collisions, that we have a framework. If it's replaced, then it's replaced. But unless and until that happens, we could still go forward. As Jim says, this is a pretty hefty question we have to think about. But we'll put that question online because I do think it's worth us thinking about it.

Paul, go ahead, and then Steve.

PAUL MCGRADY: Thanks, Jeff. Just for clarity, are you suggesting that our work needs to be done before the EPDP on this topic launches? Or are

you suggesting that the EPDP on this topic has to be done before the next round opens? Or neither? Thanks.

JEFF NEUMAN: Thanks, Paul. I'm not suggesting either. ICANN Org is hinting at the fact that the next round of new TLDs would be contingent on the work that this new IDN EPDP would have to do. I think we should weigh in or whether that is ... Well, sorry. I think we should discuss that's something want to weigh in about.

Sorry, Paul, for waking you up. But it potentially an issue, so I think it's something that ... And I understood your question, Justine, so I think we're good.

So leadership will take this offline and send an e-mail to the group, specifically on the status of that working group and on the question ICANN Org or statement ICANN Org makes.

Plus, I think this may be, Steve, an issue we should alert the council on, potentially, or at least our liaison.

STEVE CHAN: Hey, Jeff. I had a quick comment, actually.

JEFF NEUMAN: Go ahead.

STEVE CHAN: It's going to be, in summary, just to do a little bit of additional research on what this comment meant. I vaguely remember discussions with the IDNs team within Org. On the recommendations, part of it is indeed about the validity and stability of IDN labels for the next round, but some of the constituents are worried about the RZLGR being applicable to actually ASCII labels as well. So I think maybe some of the clarity didn't come through in the comment itself, so what I was going to suggest is that we can circle back with the IDN team within Org and see if they can provide some additional clarity about what they mean by dependency and see if that can maybe help the work group's deliberations. Thanks.

JEFF NEUMAN: Thanks, Steve. Right. That would be helpful, but the comment is going from ICANN Org as a whole. So I would check in with that team, but also it's a pretty substantial statement. "Thus, moving forward with the next round of TLD applications may have some dependency on the GNSO PDP on IDNs." So can I ask—

CHERYL LANGDON-ORR: Jeff?

JEFF NEUMAN: Go ahead.

CHERYL LANGDON-ORR: Let's just make sure that ... Steve has offered to make that reaching-out exercise and see whether there is some more fulsome information, more depth and color, that can go in to what we then take to the list, as long as that's done in timely manner. And, hey, you're having one less meeting in a following week. So, look, you've got all that extra spare time now. Can we make sure we've got a particular time by which the list has got this information and can then chew on it? Because, if it takes too long for that to come back from Steve, it's not going to be a timely manner. So I guess I'm saying, if could find out easily, let's do this as soon as possible. If it's going to be a problem, then we'll have to discuss when it's done.

JEFF NEUMAN: Makes sense, Cheryl. Steve, is tomorrow a—no, I'm kidding. I'm just joking. All right. Thanks.

So I think that brings us to the end of this call and the end of this topic. We covered a lot, and I know it's really late for a lot of people, or early for others, or midday, actually, for some. So thank you for bearing with us for this hour-and-a-half.

The next call is ... You know, I was giving, Steve, you all this time to put it into the chat and think about putting the time for the next call, giving you all this lead-in, and it's still not in the chat. So the next call is definitely on Thursday. I probably should find out the UTC time. Anyway, check your calendars. Nobody is putting it in the chat.

Thank you, everyone. Just look out for the agenda. We'll talk to you on Thursday. Thanks, everyone.

There you go. Just before we leave.

CHERYL LANGDON-ORR: Bye for now. There we go. 15:00 UTC.

JEFF NEUMAN: Thanks, Julie and Steve. Thanks. All right. Thanks, everyone. Bye.

[END OF TRANSCRIPTION]