Transcription ICANN61 San Juan
New gTLD Subsequent Procedures
Saturday, 10 March 2018 at 12:15 AST
Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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

Cheryl Langdon-Orr: Good afternoon, ladies and gentlemen. We will be starting our Subsequent Procedures PDP Working Group meeting now. If you are in interested in that, therefore in this room for a purpose as opposed to the possible lunch leftovers, please do take your seats now and we will get underway once the tech people tell us all is well in the world and we're good to go on recording. Have we got a thumbs up from the back? Not yet, okay.

Steve Chan: We're ready.

((Crosstalk))

Cheryl Langdon-Orr: I was looking at the back. Looking at the back. I was – small hiatus while I fix whatever it needs fixing. Okay, I'm told we're good to go.

((Crosstalk))

Cheryl Langdon-Orr: We're good with the presentation but we're not necessarily good with recording today's proceedings. And I have a one minute appointee part as opposed to a thumbs up, I'll change, I'll let you all know when it happens. Jeff, we tried to start on time for you, we really did, I'm sorry, mate. It's okay. We have that wonderful silence where everyone is poised waiting, ready to go. Go ahead and talk about lunch again, Steve.

Steve Chan: Yes, I'm talking about lunch again. There's a – for working group members as a priority there's lunch over here on the side so feel free to come up and grab it. After we get going in the meeting for a little bit and, you know, we make sure that the working group members have their lunch then we'll open up to the – those that might not be members of the working group, thanks.

Cheryl Langdon-Orr: Thank you, Steve. I'm just looking to the back of the room to see if we're close to a thumbs up. Not quite yet. Question was asked whether or not we're going to introduce ourselves. The answer is, well not in a round robin to begin with, as much as we love you all we don't really need to hear about you or your great grandmother right now. But if you would care to, as you name yourself for the record also say what constituency you're from and what role you have within the PDP process, I think that would be an expedited way of doing it, unless Jeff wants to disagree with me. And he says, "no" which is very wise of him.

Okay, thumbs up, yay team. All right so, Jeff, I've done a little bit of filibustering here, does that mean that you're now ready to bring us in on preliminaries? Over to you.

Jeff Neuman: All right, I'm going to try my best, my voice has been getting worse and worse all day. For some of you that may be a great thing. Okay, everyone, welcome to the first meeting of the Subsequent Procedures Working Group. This will mainly cover – will cover Tracks 1-4 and then we have a second meeting on Wednesday at 8:30, I think it starts, this same room, and that will focus exclusively on Work Track 5.

So what we're going to start out with a discussion of the timeline of getting to completion with this working group, also a timeline of what we think are the next steps followed by…

((Crosstalk))

Jeff Neuman: Yes, well before that we'll talk a little bit about the structure of the initial report if I'm correct on the order, and then on – we'll talk a little bit about the overarching issues and then go each work track will have about a half hour to talk about a few of the issues that they have and potential outcomes that you will likely see or you could likely see in the initial report. So welcome, everyone, this is supposed to be participatory, so if you have comments please do not hesitate to either come to the table or there is a mic that is in the middle of the room there that hopefully is working.

So it's really quiet in this room, I like it, it's great. Okay, we can go to the next Slide.

Cheryl Langdon-Orr: Oh, back one.

Jeff Neuman: Oh we – yes, there we go. So this is the – for Work Tracks 1-4 – Work Track 5 is on a little bit of a different time scale. Actually, you know, what I probably should do, even though we're not doing full introductions is to introduce the leadership team of all the work tracks that are here. So I'm Jeff Neuman, Cheryl Langdon-Orr as the overall cochairs and then for Work Track 1 I'm looking – Sara, there you are. Hi, Sara. Sara Bockey, Christa Taylor did – was not able to make it so Christa is the other work track leader for 1. Work Track 2 we have Michael and is Sofia here?

((Crosstalk))

Jeff Neuman: What's that? She's on her way. Great. Work Track 3 we have Karen and Robin. There we go. And Work Track 4 we have Cheryl and Rubens, which is – oh, Rubens is over there. And from Work Track 5 for those of you that may not know, we have a new work track leaders from – representing the ALAC and that's Javier, so welcome, Javier. And I'm looking around for any other – oh Annebeth Lange and Martin Sutton…

((Crosstalk))

Jeff Neuman: …are here as well. So Martin is with the GNSO and Annebeth from the ccNSO and I think Olga is at the – there's some GAC meetings going on now so I'm sure she's at those meetings at the moment.

Okay back to the Slides, so as most of you know our plan is to have a initial report out for public comment by April. So what that means in order to get to April is that – early March which we're now in – we have pretty much completed a lot of the work within the work tracks and we are now discussing here the preliminary outcomes. And what I should say is this is a smaller slide deck of the one that's posted on the agenda.

So what we'd really encourage you to do is to go to the agenda for this meeting and download the deck, I'm assuming it's there, the full deck which has not just the few issues that we're going to go over here and the outcomes but has the total number of issues and outcomes, so that Slide deck is like 60-something slides, but it is important because it goes through some of the outcomes of topics that we're not going to address here.

So the goal again is to, after we have this meeting, is to complete a draft initial report and then to publish that report in April. That'll go out for public comment with hopefully getting comments back by June so that – and really the goal is to be able to discuss those comments at the ICANN 62 in Panama. That would be the ultimate goal so that's what we're aiming for. And then after we get the comments back in is then to work on a final report, which we hope to get out by the end of the year.

Any questions on this part of the timeline? Again, this is Work Tracks 1-4. I'm looking around the room.

Cheryl Langdon-Orr: Perfect.

Jeff Neuman: Good. Next Slide. Who's that? There we go. So this is another way to look at the timeline for Subsequent Procedures. What you'll see here is also Work Track 5. They're going to be discussing that this week but the goal is to hopefully have an initial report with Work Track 5 out in Q3 of this year with a final report for Work Track 5 in Q1 of next year, 2019, sorry guys. Just take a quick little drink here.

Okay, next Slide. Yes, no please.

Jim Prendergast: Hi, good afternoon. Jim Prendergast. I'm just curious, Jeff, you've referred to Work Track 5 in the past as sort of a gating issue for this whole SubPro moving forward and the next round or next procedures moving forward. Why are we pulling Work Track 5 out of the overall timeline? Why isn't it included in sort of that timeline that we see on the first slide that you showed?

Cheryl Langdon-Orr: Go back again one slide. Thank you, perfect. The bottom of that slide – remember please that this – we've been working on Work Tracks 1-4 a lot longer than Work Track 5 and Work Track 5 whilst it is starting later is planned to end in sync with our overall work plan. So they in fact are going to be presenting us with a detailed timeline which is actually quite compressed. So the initial report timing they'll bring out an initial report a little after but we would expect them to come very much in line at our final report.

The bottom of slides that we will be seeing after we integrate Work Track 5 will have the Work Track 5 timeline across there at the moment but it's just they're only just doing that at this stage. Does that help?

Jim Prendergast: Yes, it does, Cheryl. Thanks. Just following up then, so the work of this group won't be completed until Work Track 5 is completed, is that correct?

Cheryl Langdon-Orr: Yes, that is correct.

Jim Prendergast: Okay.

Cheryl Langdon-Orr: And the pressure is on Work Track 5 to get that done.

Jim Prendergast: Yes, no pressure, guys, or ladies.

Jeff Neuman: Thanks, Cheryl. Okay, let's go back – or go ahead two slides then. Oh, another question, yes Stéphane, please.

Stéphane Van Gelder: Thanks. Stéphane Van Gelder. Just to follow on from the discussion that Jim started, that doesn't really seem realistic though so in terms of Work Track 5 being very recently having just started, apart from putting time pressure on them, realistically what do you guys expect to see happening when you come to this July timeline and Work Track 5 is not ready? Have you worked on contingencies to ensure that you're able to still stick to that timeline?

Cheryl Langdon-Orr: Martin, go ahead please.

Martin Sutton: Thanks. Martin Sutton. Thanks, Stéphane. I think that's a good question. And just to really emphasize that point that this was okay, a late work track to start, but it is focused so it hasn't got the four or five different key topics that each of the other work tracks have had to go through for the previous times. So being it more focused and we have already started to work on, you know, what happened in the last round and how that might – that treatment might need to change, we're hoping that we can actually compact that into a reasonable timeframe. It will lag slightly on the initial report but hopefully we'll be able to catch up then before we reach the final report.

Jeff Neuman: All right. Thanks, Martin. My voice is sounding great today. I should just talk really low.

((Crosstalk))

Jeff Neuman: Okay so the – just a quick overarching slide here. So if you recall in addition to the work tracks we had six overarching issues that we identified very early on in our work. And we are going to talk a little bit about the at a very high level and then really the focus for the initial report for most topics we will have – or I should say overall in the initial report we're going to have some topics that have concrete preliminary recommendations or implementation guidance.

But for a lot of topics at this point what we are going to have is a discussion of the issues followed by some potential options or paths forward with questions targeted questions to the community and to get their input on which options they think are – or that we all as a community think are better and why. So it is not the intent to come out with this initial report and with everything have some sort of recommendation on every single issue, it's just not feasible and it's also something where we've spent a lot of time talking about these issues but there is still a lot of feedback that we expect to get before we can come out with hopefully concrete recommendations in the final report.

So for that reason we are not planning on doing consensus calls on the initial report. Because it's mostly options and preliminary recommendations the goal is to make sure that we have included everything and all of the potential options so that we can get feedback. So the plan is that while the full working group will provide their input on the initial report we won't take any kind of formal consensus calls on any of those particular issues. But that will happen for the final report.

Why don't we just go onto the next Slide? So this is another way of looking at all of the issues broken down by work track and the overarching issues. There's a lot of issues on here and a lot of topics that this initial report won't cover. Do we have a question? Please, yes.

Jannik Skou: Hello? Yes, Jannik Skou. Sorry, Jeff, but could it be possible if there is no consensus call at least to give an indication of whether there is agreement

within the working groups on these preliminary recommendations because if not wouldn't it just be a waste of time? If we don't know where the groups are I don't know if you have to do the official rough consensus. It would just be nice to know this is what we think but we haven't done – a little bit more clarity on this because otherwise I think why not just make this consensus call as it is now and then have a new one later once you have the feedback. Is there anything speaking against having two rounds of consensus calls?

It would just be more easy to comment. I'm an observer, for instance, if you know where are we heading because we know the catalog of questions, we've known this for two years. So it would be nice to know does it make any sense what I'm fishing for?

Cheryl Langdon-Orr: Thank you very much. I'll take that as a response. Cheryl Langdon-Orr for the record. I think what you'll find even in today's presentation, and each group will have about 20 minutes to go through where they are, is that there are a group of, in each group, of those questions which you're correct, we have been well aware of for quite some time, where they have general agreement and in some cases if we made a consensus call we are utterly confident we would get consensus on that. And that will be highlighted and that will be presented as such.

But I think every single one of the groups also has one or two yet to be resolved and those questions, it is our intent, to have posed as to be resolved and seek input in this initial report. So give the group the chance to present their work to date because what they're now doing is putting things together in the format that our initial report is planned to be in and I believe you will find that there is a clarity that you are seeking with that question. But thanks for the question.

Jannik Skou: But it – is there anything speaking against two rounds of consensus calls?

Jeff Neuman: So there's not but technically what needs to happen in the formal consensus call is that it's the entire working group that does it. We've now been – we've been working the past year or more on individual work tracks so to bring everything back to the full group and do a consensus call and make sure everybody in the full group understands every single recommendation so that they can indicate their approval or disagreement and minority – there's a lot of formalities around a formal consensus call. And if we were to do that it would take many more months to do.

So what we decided as a leadership team would be let's just get initial indications from the work tracks that they support these recommendations or potential paths forward, get the comments in then once we have all the comments in to have our concrete recommendations and then do the formal full group consensus call on that.

Jannik Skou: Okay, thanks.

Jeff Neuman: Sure. It was a good question.

Cheryl Langdon-Orr: Very good question.

Carlos Raúl Gutiérrez: Carlos Gutiérrez, Work Track 5 and else. Just for clarification, Jeff, on the previous slide what you alluded to applies both to the six overarching issues and the work tracks, they are not separate. I just want to make sure because I wasn't. And the second clarification, Number 5 is what it used to be known as TLD categorization, that now has a new title, those two clarifications please.

Jeff Neuman: Sure. So on the – I'll take the – well both questions. So on the first question yes, the overarching issues, what you'll see in the next few slides when we get to talking about those that's where we believe, Cheryl and I, the group is heading. So obviously if we're way off let us know.

On the second one, the titles here with the exception of the first one, which I did change the word, are the titles that were given in the issue – final issue report. So you're right, generally we refer to Number 5 as categories; in the final issue report it was referred to as different TLD types. We – there's no reason other than we wanted to be consistent we could change it, that's not one of those things that I see an issue with.

So why don't we move on then to the next Slide? I think we can jump over this. This is – well, this Slide when you download the deck what this shows with the color coding are the six overarching issues, which ones we're going to provide recommendations on, which ones we're going to provide options as opposed to recommendations and then for a few of them we'll have some recommendations and some options and then you'll notice the beige cream-ish color for Number 3 community engagement, although that started out as its own overarching issue. What we found is that the – it overlaps greatly with a few of the other overarching issues or in some cases with Work Track 1. So that's why that's kind of a different color than the rest.

So we can go jump to the next one. Okay, on the overarching issues, this is the breakdown and what we – where we think the groups are – where the full working group is going with these issues. So on the first one, which was formerly called "canceling subsequent procedures" in the discussions that we had very early on and also supported with community comment Number 1, there – the working group seems to believe that there should in fact be additional new gTLDs and that the existing policy from 2007, which says that there will be a predictable process for the introduction of new gTLDs, should be affirmed.

That is the way the working group has been heading. That is the way that the comments came in from whether it's from the GAC, the ccNSO, the GNSO, constituencies. There were no comments that said that there should not be additional new gTLDs. There were comments of course that said potentially, you know, some should come before others or in different phases or

whatever, but on the general issue of should we affirm the GNSO policy of continuing to introduce new gTLDs the answer is yes. I'm looking around the room.

Cheryl Langdon-Orr: Anyone disagree? Okay.

Jeff Neuman: Okay. Great. Number 2 is predictability. So it seems universal that the 2012 process was not as predictable as it could and should have been. The GNSO policy had recommended that there be a predictable mechanism to introduce new gTLDs, there were a number of other recommendations and guidance that called for predictability of things like the contract and predictability of knowing when the next round was going to come, all sorts of different predictability elements.

In response to this I don't think there's anyone that disagreed with the notion that, yes, we certainly like the notion of predictability and that we certainly have some improvements we can make with having the process be more predictable. And in that vein, the initial report will contain the predictability framework that we have been discussing for a number of months now which essentially calls for the inclusion of some of the already established GNSO Council predictability mechanisms, so of course having – or making sure that an implementation review team is set up after we – the GNSO Council approves the policy, making sure that when there are truly issues of policy prior to the launch of the next round that those issues are not just addressed by staff alone but that they go to this IRT.

And some other options that we are putting in there out for public comment includes the creation of a standing panel of – I want to use the right term – basically a standing panel to look at issues of implementation that arise after the launch. So while the official policy and implementation process talks about issues affecting policy going to an implementation review team, what it doesn't address is what about those issues that only arise after the program

formally launches? And for that the Council – there is no formal process for that.

And one of the things the options that we're recommending is the creation of a standing panel of let's say experts or – and community members to recommending to discuss these issues and figure out whether those should or could be handled by staff alone, whether they – it's appropriate to seek further community feedback and all sorts of other paths that it can go down. So you'll see that reflected in the predictability framework.

Again, most of it is presented as options and questions as opposed to a definitive – we're going to create a standing panel, it's made up of 10 people, you know, that's – it's not going to go into that detail. But it's going to seek feedback on if we create the standing panel, how should it be constituted? How do we make sure that issues which require certain types of expertise actually has that expertise?

And just to go back to 2012, we have all sorts of issues that arose after the program launched including everything from changing the Digital Archery – or coming up with Digital Archery, changing it to something else to, you know, changing of the contract, to changing of pre delegation testing. All sorts of different things that came out after the program actually launched which doesn't neatly currently fit into the GNSO policy and implementation model.

For community engagement, this is the one that was kind of the cream colored one, beige, cream. This point we're not going to provide any additional guidance because it's provided in the predictability section as well as in parts of Work Track 1.

For applications assessed in rounds, the working group agreed so far, that there's going to at least be another round and that there are options on how to proceed after this next round. Those options include things – options of, you know, we could go to a first come first serve in theory, we could come to

just having a predictable process of continuous windows of applications on a predictable timeframe. So what it will do is it'll say, okay, we all agree there's at least going to be one additional round and we're putting out for comment the different options plus the pros and cons that we've discussed as a group on those potential options.

It looks like – sorry, we have a comment, please.

Taylor Bentley: Yes, hi. This is Taylor Bentley from the Government of Canada. Sorry you just jumped over Option 3 and I haven't been following this as closely as I would have liked to be. But is there kind of a overarching reason why no additional guidance? It just wasn't determined to be necessary or?

Jeff Neuman: Yes, so that's a good question. So…

Taylor Bentley: Thank you.

Jeff Neuman: …on the community engagement, in the issue report that gave us the issues to consider as a group, the first part was devoted to how do we encourage more community involvement in the PDP process? So we think we've already been doing that so for example for Work Track 5, an issue that we know affects a number of different communities within ICANN, we started this new Work Track 5, we created a different leadership structure of that work track and have done some webinars and other things, sorry for my voice, that have encouraged additional community feedback.

So we don't think because this is our initial report there is no further guidance we're going to offer on how to get more participation within this group. The second part of community engagement is how do we get the community to get involved when new issues arise? And that is being addressed with the predictability framework, so that's Number 2 and then also in Work Track 1 with certain of the issues that they're addressing. So it's not that there's no guidance on any of these parts, it's just that in this section of the initial report

it's not going to provide anything above and beyond what's said in Number 2 and in some of the Work Track 1 stuff.

So going back to the rounds, I want to make sure we don't give this short shrift – short drift. Anyone disagree with the notion of that there's at least going to be one round and that we're going to present different options for how to move forward after this next round? Christopher.

Christopher Wilkinson: Thank you. Just extremely interesting so far and very, very useful. I just wanted to recall the point I made in the conference call that within the context of a single round you have different categories significantly different categories of new TLDs and there is no objective reason why you should have to particularly why the staff should have to deal with all of those different categories simultaneously. I think a degree of phasing and specialization would be highly desirable particularly as we've just heard in the context of the budgets that there is a great pressure all around including on staff numbers. So I wish to maintain in the framework of point 5 the concept of phasing for specific categories of new TLDs and my recollection is that in at least two conference call that concept was supported.

Jeff Neuman: Thanks, Christopher. So to – and then I see Maxim. On that point, yes, that leads us really well into Number 5. So you're right, within a round there in theory could be different phases of that round. And that's what we'll come to with Number 5 so that is noted. And let me just introduce Number 5 and then we can go back take comments.

So Number 5 is do we have different categories of TLDs? Are they – and if we do, how do we treat those different categories? And one potential option for treatment is to introduce certain categories before others. So while I think the working group is moving in the direction of, at a very minimum, to formally recognize the ones that weren't recognized in the Applicant Guidebook plus the brands, but then present options on different things that can be done. So with that let me go then and turn to Maxim and then Kurt.

Maxim Alzoba: Maxim Alzoba. In response to the previous note, effectively in the – we all live in real world and when certain critical risks are effectively banned from the participation in the first part of the next round, most probably we will see the same, yes, applicants applying as something else because not many companies would be able to withstand the temptation to say, okay, let's try to be a city for a bit. Thanks.

Kurt Pritz: Thank you. This is Kurt Pritz. Both with respect to Number 4 and Number 5 I think in our report we have to be faithful to the original policy and as Cheryl pointed out, if we want to change the policy that's where we need consensus. So the policy says, you know, something to the effect of TLDs will be allocated in rounds until demand is assessed. So to me that means sort of an ongoing round process. So we should be careful if we say there's going to be one more round whether we say this is a departure from the existing policy or this is really within the existing policy.

                 The same thing with different TLD types, so I think our policy creates standard names, community names and a type of geographic name that requires certain approval so there's not a policy yet for brands. And so again I think we want to be faithful to the original policy and then where we differ from that call it out.

Jeff Neuman: Yes, thanks Kurt. And I think that's right; the policy as it was I think only had standard community and I'm not even sure it spelled out geographic in the way that it was implemented.

Kurt Pritz: Yes, this is Kurt.

Jeff Neuman: Yes.

Kurt Pritz: So you had – for the list of geographic names you had to get approvals from the relevant governments, right? So that created a different criteria for allocating the TLDs and that created a category.

Jeff Neuman: Well I think that was – yes, this is Jeff Neuman – so I think that was in the Guidebook but may not have been in the 2007 GNSO policy. So either way you're right, we have to make sure that we call all of that out and the way the group was moving it was to – or is moving it was to also formally recognize the brand as a category at least for purposes of the contract. Not necessarily for any other purposes although those could be presented as options.

So that will certainly be reflected. And so the initial report will go into this was the GNSO policy, this was what was implemented, which may or may not be policy, and then this is what – where there are recommendations this is the way we should – this is what we should do to either change the policy, amend the policy or sorry add to the policy or keep it the way it is. And then also we'll present different options.

So Stéphane, please.

Stéphane Van Gelder: Thanks. Thanks, Jeff. Stéphane Van Gelder speaking. Yes, it's contagious. Yes, I think just to add to that and the good points you've both made, it also has to be rooted in realism. I forget who said, "We live in the real world," I think it was Maxim. But there is a real world – a clear real world rationale for looking at brands as a – I'm not advocating for or against, I'm just saying there's a real world rationale for looking at brands as a category going forward. And to me this is exactly why this working group was created is to look at what happened in the past and based on experience built up since then come up with solutions that are rooted in real world applications and can be justified in that way.

Jeff Neuman: Yes, and to add to that there's also been – and I think Kurt was the one that brought this up there should be – even if we decide not to create additional

categories it is potentially having a more flexible mechanism to deal with what we don't know going forward. So even though we can now identify a few categories, we don't know what will come a year, two years, 10 years down the road so if there was some sort of mechanism to be able to do different things like contract changes or to make things a little bit more flexible than it was in the 2012 round.

Okay, application submission limits, and hopefully you guys can let me know time wise whether we're good or…

((Crosstalk))

Jeff Neuman: So submission limits, which is good because we're coming towards the end of the overall issues. The group is moving towards the notion of – that while some may not like the fact that – or some have indicated that they wish there were ways to limit one entity from applying for multiple applications or that there should be some sort of cutoff, the working group, most people in the working group have expressed the view that there's really not a practical way at this point to limit either the number of applications that get submitted per round or the number of applications from any party.

And so I think and I'm looking around the room to make sure that that is a correct assessment of a situation, and I'm not seeing any disagreement –oh, Donna, please.

Donna Austin: Thanks, Jeff. Donna Austin from Neustar. Not a disagreement but just an observation that, you know, when we have a – the conversation about you know, the application fee, certainly one way to limit this would be to set the fee at $1 million. So you know, well it could. But just to note that, you know, we haven't really come to any agreement on what the application fee could potentially be for the next round but it's certainly one mechanism available for limiting applications potentially.

Jeff Neuman: Yes, thanks Donna. And I think yes, that would fall within Work Track 1 and but overall the notion was that we didn't think that at this point there was a way to just say as a general rule, you know, XYZ – it's a bad example, I can't even us that anymore – that whatever entity can't apply for, you know, more than…

Cheryl Langdon-Orr: Three.

Jeff Neuman: …three strings. But you're right, there are other ways to deal with it. Alan.

Alan Greenberg: Yes, thank you. It's interesting, it was one of the few discussions where I think the general – there was a general agreement that if we could find a way it might not be a bad thing to do. Not everyone was convinced but it was – but no one could come up with anything that was viable that either could not be gamed or was illegal or something or other. If someone happens to believe that we should do it and has a way, let's hear it. But it didn't look like there was anything and indeed price is probably the only mechanism we have. But that does go directly against the belief of some that this has to be a purely cost recovery process.

Jeff Neuman: Yes, thanks Alan. And it also you know, well we'll get into that when we talk about Work Track 1. But yes, that's why the language is pretty critical which is it doesn't attempt to put a value judgment on whether there should or shouldn't be a limit, it's more the language is we just haven't come up with a practical way to do it. That doesn't, you know, that doesn't mean that we can't get comments or shouldn't get comments in if someone has a suggestion, but then of course we would then need to take that back to the group and the group would need to decide whether to make a value judgment on it or not.

                 Any other?

Christopher Wilkinson: Yes.

Jeff Neuman: Oh, sorry, Christopher, yes.

Christopher Wilkinson: Just very quickly in this general area, I would recall that I've always advocated registry registrar separation. We were talking about registries applying for more than one new name, the – and secondly, there is a significant interest in correcting some of the imbalances that emerged from the previous round notably with regard to underserved regions and communities and I think the idea that an applicant can apply for multiple new registries would tend to bias the process in favor of already well funded entities, thank you.

Jeff Neuman: Okay. I think what's the next Slide? Did we already – did we start on Work Track 1?

((Crosstalk))

Jeff Neuman: Four, sorry. Work Track 4, yes, I forgot we're going backwards here because 4 is always getting the, you know, they're always having to rush through their stuff. So we're going to start with Work Track 4 and for that I will turn it over to Rubens.

Rubens Kuhl: Hi, all. Rubens Kuhl here. In all four work track topics we were able to reach preliminary recommendations although some sub topics of those main topics might not have recommendations yet, for instance, in names collision, we have been looking to the issue of name collisions we've seen like the ccTLDs, which something which is in our charter and it's part of Work Track 4 scope. But overall we could get recommendations in most of them. Next Slide please.

We have agreed with something that was initially suggested by ICANN to restrict scoring to technical and financial evaluations to only be pass or fail, not to be zero, one or two and then we would have some questions with two points that would be able to score more so that's something that the Work Track 4 agreed. Next Slide please.

We have went to lots of detail on technical evaluation but mostly were related to having RSP preapproval program. It was – seemed to be very well accepted. And except for one specific question, which was highlighted there, full information security policy, most of the questions were found to be reasonable so that would probably allow very high level of compatibility between 2012 round evaluations and further down the road evaluation. So we probably be able to leverage what was evaluated in this first few years. So that would – could probably help. So next Slide please.

Cheryl Langdon-Orr: Go ahead, Stéphane.

Stéphane Van Gelder: Thanks very much, Cheryl. Sorry, Rubens, to interrupt, this may be coming later, but just as I'm sure you now all know, the Registry Stakeholder Group had an RSP discussion group which I chair and which provided input just to ask if this has been received – well I know it's been received because I know Jeff sent it, but has it been taken into account?

Rubens Kuhl: It was taken into account and even during the discussions we took one of the feedback from registries about not wanting to do formal accreditation program, a formal certification program. So that's one of the feedback that was incorporated, so it was considered and most of it was actually incorporated into only having a RSP preapproval program instead of an RSP formalization of some sort.

Jeff Neuman: Yes, and this is Jeff. Just to quickly jump in. Most of that, Stéphane, is actually related to the policy in Work Track 1. So Work Track 1 is the one that says should we have the program? If so, when and how would it be run? Work Track 4 then would say okay, now that we've decided to have a program what are the questions asked and how does that work in the application and evaluation? So, yes, you'll – a lot of that is for Work Track 1.

Rubens Kuhl: Thanks, Jeff. The current Slide is about financial evaluation, whether the work track has – I wouldn't call it consensus but let's call it strong general agreement that the financial evaluation system in 2012 should be replaced so that's – where we started from scratch.

And where we arrived includes a model that doesn't look into the financial specifics of which – of what the applicants will be doing, just to make sure that someone with reasonable financial skills and reasonable responsibility regarding accuracy and veracity of those informations have looked at it and said, oh, yes, that's something that is real, this applicant has real project that can base his financials off either because he's not dependent on registry revenue, which mostly the case of brands, or less credible plan to do financial.

That's no assurances but this is something that can be really looked at and really, so it's simpler financial evaluation then that was in 2012. Not reflected in the Slides Work Track 4 also made mock up questions so we actually have what would the financial evaluation questions look like that will be part of the initial report.

One other thing that was interesting in making this financial model established Work Track 4 tradition of generating a lot of straw (beans) and later destroying all of them to make a composite model. We'll try that with registry services as well. But next Slide please.

Which is actually what we're going to do now. And this is the focus of our face to face meeting. Because in regarding registry services we had previously some straw models proposed by different people and now we're able to kill all of them and try to create something. One issue that was most general agreement in work track was to create a concept of preapproved services. Those preapproved services wouldn't require describing specifically what you'll be doing, you just check a box and say hey, I will be providing these services, these are not a wise service.

So the question that we have here for discussion and why these are Work Track 4 discussion we from every working group members to that discussion is to add whether we specify a list of minimal requirement of preapproved services. And the list that the work track could come to would be the basic required services, EPP connection to registrars, DNS publishing, RDS publishing but besides that Work Track 4 also agrees to listing IDN services and to book transfer after also portfolio position, one thing that's usually of interest of resellers and domain investors. And that's one of the options on the table.

The other one is based on a recently-made content from GDD which is that Registry Agreement amends the templates for commonly requested services. And since I don't believe any – most of you have read that, can we just click on that link which is in the Slides and then open the – this is the content that is currently updated by GDD where they list amendment templates for registries that wish to include those services into the contract.

And they have exactly the portfolio position one. If we can scroll down a bit? We have – they have IDNs and they have IDNs in very specific tones including, oh, we allow services and activate variants to block variants, we just add IDN language script, so this is very well thought beyond what Work Track 4 was looking more detailed. I think they also have just below registry validation, which is something that some people usually name as China gateways because this is a requirement of the Chinese jurisdiction but could come up with other jurisdictions as well.

And they have two flavors of it, one with supplementary proxy and another with EPP. If you could scroll down more? And they also have registry lock which allows registrants to (unintelligible) services. So there is already content from ICANN that is being updated with more services. And the criteria to be included here is the commonly requested service, so lot of registries are

requesting that, ICANN prepares an amendment template and then includes all this. So we could go back to the Slides.

Donna, please.

Donna Austin: Thanks, Rubens. Donna Austin from Neustar. I just want to clarify, are you saying that an – sorry – you still need to submit an RSP for these things but this is the contractual language that you'll need to adopt with the service or are you saying you no longer need to submit an RSP for these things?

Rubens Kuhl: You still have to submit an RSP, you still could submit a different text but this is a preapproved text so if you choose exactly that text ICANN won't discuss, or won't challenge that text as implementing that service. And they do the security and stability review, competition review so all of this is still required under RSP, just preapproved.

Donna Austin: Thanks, Rubens.

Rubens Kuhl: We have also a question from remote participant?

Woman: Thanks, Rubens. This is a question from Kristine Rosette on Slide 12, so the previous Slide. "In the fourth bullet's reference to applicant is a publicly listed company, did the work track consider that this should be applicant is – applicant or one of its affiliates? And if not, why not? Thanks."

Rubens Kuhl: We haven't considered because mainly because it's just in a policy level discussion, so it's possibly a good thing to add. Since we don't seem to have anymore hands raised can you go to back – yes. So the question on the table is whether we specify a minimum list of preapproved services or whether we refer to the list that ICANN already maintains for already contracted registries to apply. So what's the overall thinking here? Maxim, please go ahead.

Maxim Alzoba: Maxim Alzoba. Yes, speaking from realistic point of view, there are a lot of IDN tables the (unintelligible) label generation rules are created. And basically the text on that page says that you have language one and you add language two. How do you test at backend for compatibility with this bit of text? Not possible to check compatibility of technical side of things with the legal requirement directly. So I'm not sure if it's – if we could change something like this provided services we recommend to include into the, yes, base agreement for the registry, then yes it simplifies life. But I'm not sure how to tie the backend providers with these additional services given the language we can see there.

Rubens Kuhl: Thanks, Maxim. Rubens Kuhl here. That's a question more related to registry system testing where we got a recommendation from ICANN technical services that registry system testing wouldn't include IDN reviews anymore so they are looking more into either testing EPP functionality of IDN selection or leaving any other tests to ongoing compliance with the agreement instead of previously testing. But let's just try a show of hands here, between those two options who believes we should specify a list of services? One hand.

                 And who believes we should refer to ICANN list of commonly requested services? Is that a question or support?

Donna Austin: It's a clarification question for you, Rubens. I'm just trying to understand the context, and sorry if I wasn't paying attention and I've missed that, but it would be helpful if you could perhaps in asking the questions just provide the context for us again so we have a better understanding.

Rubens Kuhl: Rubens Kuhl again. We have two options on the table for the preapproved services list. One is actually enumerating those so Jeff.

Jeff Neuman: I think – sorry, this is Jeff. Go back a step. So there's a question in the list of questions that you have to respond to in the application form, it says, "What are the registry services that you intend to offer?" And then that's put into

your Exhibit A. I think these are options on, you know, if you want to do this base list of services that are either prelisted or preapproved or that are on ICANN's page with options, then you don't have to do the RSP later on in order to get it, it automatically would go into your Exhibit A. I think that's what we're talking about, right?

Rubens Kuhl: Thank you, Jeff. So but even for defining what services would be available for applicants to check when they check those boxes, say hey, please include that in our Exhibit A, we could exhaustively define a list of services, we could define a minimum list of services or we could refer to a list of services that's already there. So that would be three different implementation options that we can prescribe now that we are at policy level, not implementation level. So the question to us is how prescriptive we want to be and how liberal in referring to other content we want to be in this effort.

While people think more of that, we can look at other option here which is specifically how close to the registry services evaluation procedure will be the evaluation of registry services in the applications. One of the problems we had previously discussing this item is that when people say RSP some people think of P as in policy; other people think P as in process; other people – and procedure because there is a policy that specifies a process hence the procedure and all of those are treated by the same acronym.

So let's refrain from using that acronym for now. We have a suggestion from ICANN technical services that seemed to have echo with the work track of actually using RSP as in the procedure, process, not in the policy to assess those services. Because this is what actually happen in 2012, they actually mimic the RSP evaluation procedure. But one of the issues regarding fair treatment among already incumbent registries and incoming registries is who will do the evaluation.

So one of the possibilities is specifying that it should be done not only by the same process but by the same team that evaluates registry services for

already contracted registries or if it would be an evaluation panel. So one of the questions on the table is do we think that is necessary to assure fairness to applicants that should be the same team? Or should it be just the same process? Opinions.

Let's go to the remote participant first while people think on this.

Woman: Thanks, Rubens. This is a question from Kristina Rosette. She says, "But to clarify, the work track is not taking the position or discussing the possibility that an applicant that does not identify a proposed registry services in its gTLD application is later precluded from pursuing an RSP to offer that service, correct?"

Rubens Kuhl: Thanks, Kristina. We in this working group have only – our scope is only subsequent procedures; we can't redefine or rewrite registry – the registry service evaluation policy. So as soon as an applicant becomes a registry he can invoke the RSP procedure and apply for any service that the registry wants no matter it was specified in their application or not. There is nothing we can do in Subsequent Procedures Working Group that could prevent that, that would be out of scope of the working group and that would likely make our report not be approved by GNSO Council.

Putting my GNSO councilor hat on, I would vote against that with all my heart. So we are – we can't and won't discuss whether registry will do or not once they become registries, that's out of scope of the working group. But thanks for the question, Kristina.

People don't also seem much interested in discussing this option so looks more something like we could refer to the report. So let's go an option that when we discussed in Work Track 4 was really contentious which is the – our final one here where some people suggested that in order to not hinder innovations, applicants that proposed non preapproved services shouldn't

pay a higher application fee and shouldn't be subject to wait longer for application results.

But there were also those who preferred to streamline the process and possibly decrease application fee costs and say no, we should – if someone proposes a non preapproved service that could be potentially subject not sure it would be to be put into a different evaluation track like the community priority evaluation happen in 2012 or perhaps would need to pay a higher application fee. So these were two extreme opposed positions in those two. So if we could have at least one advocate for each of the question, which of the ideas I'm looking to – at you, Kurt, that you are one of the defenders of this idea.

Kurt Pritz: Well I've been – this is Kurt. So I've been proposed as one of the defenders. So I think this comes from the idea that the – one of the objectives of the program and written into ICANN's bylaws is to increase competition and choice and a subset of that is innovation, that we expect out of the new gTLD program to be some innovation.

And so our – I think our polices should encourage innovation and in order to do that we should make it as easy as possible for those innovators to apply for and receive a new gTLD and use it in the – that innovative manner. So we should, I think, then not burden those applicants that are trying to create innovation with increased costs or longer wait times for their application to be approved.

As a corollary to that, I know that applicants when faced with a decision of putting these additional services into their applications often opted not to so they would get their TLD granted and then do an RSP after the fact. So that's a legitimate way to do it, but I think we should also be encouraging applicants to, you know, tell us all about your new gTLD on your application and not hide part of it. So this last one would also encourage that, that applicants would

make their applications as complete as possible. So those are the two reasons I think that that's a good idea. Thank you.

Rubens Kuhl: Thank you, Kurt. Just a follow up, wouldn't that imply that costs and (relief) result would increase for all of the applications to accommodate that?

Kurt Pritz: Yes, so that's the balancing you have to do, right? It's a matter of degree and also what, you know, what are you motivations in the program? So I think you're correct that it would spread the costs out more but if your goal is to encourage innovation then why wouldn't you do that?

Rubens Kuhl: Thank you, Kurt. Maxim.

Maxim Alzoba: Maxim Alzoba. Short follow up, I'm not sure it's possible to distinguish between the natural development of TLD business ideas and between like hidden secret plan, so I'm not sure if it's possible to do. And if you forbid registries to change anything in the services for like five years it kills innovation too. So the key shouldn't be, yes, worth it then the issue.

Rubens Kuhl: Thanks. Doesn't seem that people are too excited to choose one over the other. So if we can go to the next Slide please. These are some of the questions that you have available on the Slide deck. They're just focused on the one before the last that there was an alternative in registry service evaluation was to not allow any services to be informed at all and refer all services to RSP after contracting.

That was an option that didn't get much traction in the work track but there is a question and there will be a question in the initial report asking for those who would support that question to provide reasoning for that which is possibly something the realm of streamlining the application process, reducing application fees, etcetera. The other questions are questions related to aspect we didn't go into much detail in the session so it's possibly better we discuss them on the list. Next Slide please.

And we are done. Thank you.

Cheryl Langdon-Orr: Ok we'll just pause the recording briefly before we go onto the next section. Okay, Jim, it may not be recorded, that's all.

Jim Prendergast: I'm sorry?

Cheryl Langdon-Orr: It may not be recorded…

Jim Prendergast: Okay, I'll wait.

Cheryl Langdon-Orr: Okay.

Jim Prendergast: Looks likes it's still recording in Adobe.

Cheryl Langdon-Orr: Go for it, Jim.

Jim Prendergast: Rubens, sorry to take you back like 20 minutes, but I didn't want to interrupt your flow .but Jim Prendergast for the transcript. You said...

END