
SAN JUAN – GAC Discussion: New gTLD Subsequent Procedures
Sunday, March 11, 2018 – 17:00 to 18:00 AST
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CHAIR ISMAIL: So welcome back, everyone. We're starting the GAC session on new gTLD subsequent procedures scheduled at 17:00 on 11th of March for 60 minutes. And please remember to state your name and affiliation before you request the floor.

Before we get started, Tom, you have a few logistics?

TOM DALE: Thank you, Manal, yes, a number of important announcements. Starting with a social event, a gala for ICANN61 held tomorrow evening, and you need a sticker for your badge and a physical invitation. You can get these from a very nice man, just around the corner as you leave the GAC room. With regard to the GAC communique, if anyone is preparing draft for the communique, it would be helpful if you could provide that text into the GAC as soon as possible, at this stage I'm aware that work is being done on [indiscernible] related to [indiscernible] if you anticipate a need to argue for the inclusion of material in the communique, especially if it is GAC [indiscernible] care about the format of that for legal reasons, then please provide it to me and to the GAC as soon as possible so people can consider it.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

As with regards the Working Groups, in accordance with our usual procedure, Manal has asked me to remind the leads and co-leads of the Working Groups, it would be helpful if you could provide an inclusion of a brief summary of your work here at ICANN61 that you as a GAC Working Group wish to be included simply for the record in the communique, but please keep that as short as possible.

And the final announcement relates to a reminder that as you requested, I prepared a revised reply to the board concerning the .Amazon issue and circulated it to the GAC recently and ask that you respond with any comments by I think midday or 2:00 p.m. tomorrow. So please, I know you have a lot of emails in your in box, but please, have a look, recall the discussion that the GAC had on the matter and yesterday and please, if you do have any comment, get back, because it's quite important, if at all possible that that reply be sent to the board before the GAC meets face to face with the board, which will be on Tuesday. So those are four announcements, and I think that's clearing the deck substantive items.

CHAIR ISMAIL:

Thank you, Tom. And now our session is on new gTLD subsequent procedures, which again, we have been talking on very focused topic which was the geo names, which is par of the

subsequent procedures, but there are other four tracks, and they are all very relevant to that discussion and of interest, and there were many topics under each track. So Tom, if you can take us through the subsequent procedures PDP and then we can handle the [indiscernible] one of the co-chairs of the policy development process, thank you.

TOM DALE:

Yes, thank you, Manal. The message that we were trying -- we, being the secretariat and the leadership group trying to get across in the briefing provided to you was simply that this particular Working Group on new gTLD subsequent procedures is continuing its work and is now focusing on some tighter timelines, and the issue is issues being considered remain of interest for public policy reasons to GAC as a whole and to some members more than others and ask that you consider not just how to engage with some of the work but also merits of some of the Arts at the plenary level, and Jeff will explain this in more detail. The issues as fundamental as should there be a new [indiscernible] around, what should it look like, timing, should it be called a round. At the very high structural level of any further instruction of new gTLD's. That includes things like categories on a number of these issues the GAC has existing advice which it has provided to the boarded, but that doesn't go to the substance of those things but to more high level issues, so there

are opportunities that keep coming up in those discussion. And on a more details level, as Manal said, work going through Work Tracks, dealing with geographic names at the top level. Work Track 5 and in other groups working continuing to date without significant GAC involvement, some member have been active but not many, dealing with a number of things which I've included as specific examples in the brief. They are support for developing countries, community based applications, which the GAC has discussed b a continuing discussion about the process of how to handle GAC objections and issues of freedom of expression and general objection rights as well. Not assuming that the applicant guidebook as currently organized should prevail forever and continuing discussion about ID en and internationalized domain names, an issue GAC had been extremely involved in, audience given a particular priority status and in relation to those sorts of issues, may still be issues of public policy, and you are aware of the data I've given you yesterday concerning the levels of GAC participation. So on that introduction, I will pass it over to Jeff Neumann, one of the two coaches. PDP Working Group who has been extremely helpful in briefing the GAC and answering questions about the work of the PDP, so I thank you, Jeff.

JEFF NEUMANN:

I'm one of the co-chairs of the subsequent procedures process. [indiscernible] and I'm looking around to see if these here, she may have a conflicting at large session. There are also in the room a number of Work Track leaders. There are as Tom explained, there are five work tracks, as well as a series of overarching issues so some of those Work Track leaders are in here on specific subjects, so if there are details questions, maybe some of them will be come up and talk about some of the detail.

Before I guess we get into some questions, I would love to go over our timeline to jest make sure you are all aware of how the group is moving and what milestones are coming. And some are coming fairly soon. So for Work Tracks 1-4, basically everything but the geo names issues, we are intending to get out an initial report this April, so next month. Then we will put the report out for public comment. The initial report is, is going to be structured a little bit differently than some other initial reports, in that we will indicate certain areas where we have preliminary recommendations but a lot of the preliminary report will focus on different areas where we have different options or difficult paths that we can proceed down and where we're soliciting public comment. So for example we may say something like we think the idea of having a what is called a preapproval program for technical providers of registry services, we may say we think that's good idea, and the reasons why. But then we will put out

a number of comments on how -- or questions on how we should structure that type of program.

Or we may say that look, we believe that there must at least be one more round of new gTLD's but after that round we could proceed down one of three different paths. We could say that we have a round every year for the next ten years. We could say we're just going to open it up and be first come first served, a bunch of different options, and what we're really trying to get is feedback from the community as to which of those options are preferred and why.

So that report will come out in April, and we will have approximately a 45 day public comment period and hope to be able to discuss some of those public comments at ICANN62. So obviously we would love to get comments from the GAC, recognizing that we may need to wait until you all convene again in Panama to get some comments, but we obviously -- we especially need comments from the governments. We do have, as Tom said, we have your advice, we know general principles, but a lot of the report delves into some of the more specific questions. So to the extent there are thoughts from the governments on some of those details, we would love that feedback.

On some of the overarching issues, there seems to be agreement on a number of different factors. One of the elements there seems to be agreement including agreement from the governments in comments we solicited I believe a year ago, where we called cc1, community comment 1, in that we do believe that should be new additional gTLD's, we believe there have been some positive impact on competition and consumer choice. We believe that, like I said, that there should be at least one more round and that there are options of how to proceed after that.

There is a belief -- not a belief -- there is a general agreement within the group that at least the categories that were of top level domains recognized in the last round should continue to be recommended recognized, some more -- we should continue to be top level domains, geographic top level domains and set potentially different rules for -- sorry, I'm missing a bunch and trying to do this off of my head, brand level domains, a lot of the discussion within the group on other potential categories of top level domains, and while the group has not come to any consensus consensuses on formally recognizing those, we will issue comment for how those would be recognized in the future. I would rather take questions on specifics as opposed to talking in general.

I was here for the Work Track 5 discussion yesterday and found it very helpful. There was something that came up that I wanted to -- there seemed to be a discussion, some of the governments said they were -- they didn't understand why the GNSO was for the considering not considering the WIPO study on geographic names, and I think a reference as well to an iso study.

I will just ask that nobody has made us aware of those. So, I just want to assure everyone that we are not internally I will go authoring things that are out there, but we do need someone to bring those to our attention to consider. And what I've said to some people is we don't know what we don't know. So if there is something we're not considering or information out there that you think we're not addressing, three's submit it through -- if it's Work Track 5, I mean, you have Olga here who is very helpful and can bring that information to us, if it's any other other Work Tracks, strongly encourage, like we did with the community paper commissioned by the council of Europe, that was submitted and certainly has been part of our discussions on communities, and we will do that with anything anyone would submit to us. So looking forward to seeing this study from WIPO and iso and would love to incorporate that into our discussions.

CHAIR ISMAIL: Thank you, very much, Jeff. Thank you for the overview and for the willingness to consider any material we would like to share. We will definitely benefit from this offer and bring the documents to your attention. And thank you, again for the timeline and again, another expected public comment period which we need to prepare or contributions or submissions or comments even as GAC -- at countries high interest to everyone at the GAC of course and there are many areas of special interest to the GAC. So, any comments or questions? Yes, Jorge, Switzerland.

JORGE CANCIO: Thank you, Jeff for being here, I don't know how many meetings in a row with something we started in Helsinki or in Copenhagen I think like to make a plea to the Jeff and the PDP Working Group, which is the following: in the public consultation they would try to use as plain a language as possible to show the options in as simple a way as possible especially regarding the GAC. If this were possible or with the help of support staff, to highlight really those places or those issues where there might be a divergence with prior GAC advice or input from cc1 that Jeff mentioned were. Because I think that we've been discussing this during the two days of this meeting so far. There's been a lot of purpose over in the GAC. So there are many, many new people. We have -- we run the danger of losing many colleagues

in the discussion because it's very difficult to follow all these details. So this is really a plea to Jeff and to all the whole PDP Working Group on subsequent procedures to engage as much as possible the GAC into that public consultation and to make it as long as possible, because this is really key. I guess that according to what you were explaining with this consultation and the feedback to that consultation, we will be laying the ground for the next expansion of the gTLD space, so it's key to make sure the GAC is in a position to make a meaningful input now, because otherwise we run the same dangers as so many times with GNSO policy development. So I trust Jeff, and I thank you already now for that effort. Thanks.

CHAIR ISMAIL:

Thank you, Jorge. And I hope it's something that can be accommodated, Jeff, and it's not big overhead for you. But it's going to be very helpful for the GAC as Jorge mentioned.

Any further comments or -- yes, please.

NIGEL CASSMIRE:

Just to add to what Jorge was saying, if we could get some idea of how the discussions are going in the PDP group as regards possible support for very long country applications.

CHAIR ISMAIL: Thank you, would you like to take that? Or other questions first?

Any more questions? So maybe until people think of other questions you can respond to this one, thank you.

JEFF NEUMANN: Sure, thank you, trying to pull up information so I have it in front of me. On the issue of applicant support, that's the short name we call it. We think we've made some progress to have very high level recommend recommendations where we need help, and this is us reaching out and we will continue to reach out. We need help on some of the specifics. So there's general agreement that what was done in the last round was not sufficient. We all know that outreach was not sufficiently done. There's general agreement that the only providing support in the form of application fee reductions or waivers is not sufficient. We know that we need to provide some mechanism of technical support, consultative support, ongoing fee reductions or waivers, so on those items there's certainly general agreement. It's getting into the details of the specific criteria on how to select an applicants for applicant support as well as what to do in cases where there is what is called -- sorry to use the vernacular, the term string contention, when more than one applicant applies and one [indiscernible] and another applicant support, in the last round if there were two entities

submitting applications, there would be an auction. Well, if there is an entity that needs applicant support, chances are they're not going to have the resources to participate in an auction. So what we'll have likely in the initial report are general agreement with the principles that I talked about at a high level and the information we're going to seek as well as set out for implementation are the specifics of well how do we do that? We all know and agree these are things that need to be done and to the extent we can get help and recommendations on how do we reach the developing nations? Is it through working with GAC representatives or will you put news touch with others, is it through news organizations, does ICANN have the resources, these are things we need to get down into much more detail.

To remind everyone on applicant support, the ICANN board prior to 2012 round had passed a resolution they were going to commit I think it was \$2 million toward this program. That was limited to the 2012 round, so we need to start discussing okay, where are we going to get funds to support the next round so that we can have an applicant support program?

So the good news is that I think there's general agreement on the high level principles. We need to take those high level principles and get concrete language to before we do the next round there's enough notice, ample opportunity to provide

support to those who need it and implement that, I hope that helps.

CHAIR ISMAIL: Thank you, Jeff, yes, this was very helpful I think. Further comments? Yes, Morocco.

MOROCCO: Yes, Madame, chair, I have a question related to provisions to be adopted recovering regarding the protection of community interests. If as in the prior round this is the case, we had an objection mechanism so we could file objections to certain applications. Because certain applications exceeded the evaluation mechanism available, and some countries had to go through reconsideration mechanism or objection mechanism. As you know, the objection mechanism is costly, especially for countries lacking financial resources. So here is my question: has this evolved in terms of the prior round, and also, I would like to know if ICANN is going to take care of countries that have been affected or damaged regarding the treatment of certain gTLDs.

JEFF NEUMANN: Yeah, I was waiting for the rest of the transcription because this is not working. Thank you. So op the topic of community -- I

think this is on community objections and the cost. We certainly have received a lot of feedback that the costs of filing objections were -- well, the first point is the costs were not known going into it. So even those that would have had the financial resources, one of the issues was that there was no indication of what those costs would be and many who filed community objections found out own after they filed objections that it would cost \$100,000 US dollars. A specific question seems to be on the ability of those who may not have the resources to file objections on providing a mechanism for them to do so. And I don't think we've addressed that specific question. So I will take that back and make sure that that's something that we do address. But I don't think we have a very specific response on that particular question.

CHAIR ISMAIL: Thank you, Jeff. Any further comments or questions? Yeah, sorry, Switzerland, Jorge.

JORGE CANCIO: This time on more specific issue, as you know, Jeff, within the GAC it was mark [indiscernible] who left the GAC in January I think who was the lead on the topic of community based applications. And we just very recently received the feedback from the work track 3 I think leads to some of the questions that

Mark still had posted in the December and we've been looking to that reply very quickly and with we, I mean [indiscernible] from ebu, and myself, we have also consulted from indistinct from the council of Europe, who made a report on the question of community based applications. And just to give you some feedback on this draft reply from the Work Track 3, we had the impression that it could be good, that the draft report, if it evolves from what was in the reply, it would make more reference would analyze a little bit more the different interventions in the matter of community based applications that the ombudsman made. Because there were cases where there were let's say some difficult issues where the ombudsman took actions I think that should be reflected in the draft report and how we can tackle the issues that were identified in those enter eventual interventions.

Also the question that we are now in 2018 and there are still some outstanding community based applications in relatively high number. So that's also an issue to highlight another question which might be more subjective, it depends a bit on the viewpoint, is that the requirements on community based applications in the 2012 round were very restrictive because there was a fear that there would be gaming the system and purporting to [indiscernible] community based application and really making a commercial one and trying to get preference

through the community track. And this kind of backfired and the requirements were so stringent that real community applications went through an ordeal of difficulties and still some of them are in some difficulties. So perhaps this should be also tackled in the draft report.

And finally, as said, the council of Europe made the mandated a study which looked into the community based applications procedure in a lot of depth, and perhaps that's something that the draft report would need look into with more depth than the draft we've seen, which I've seen only today. So -- and that would be probably useful and especially one of the issues to highlight is that there should be a lot of care in future rounds of procedures also in the selection of provider of the community priority evaluation. There is a need to really know the world the communities to also report those communities, which in the real world are recognized as such and which in some cases have been going through lots of difficulties due to the very stringent tests included in the applicant guidebook. I leave it by that, and thank you very much for taking note of these issues.

CHAIR ISMAIL:

Thank you, very much, Jorge. Would you like to react to this before we field more questions?

JEFF NEUMANN:

Thank you, Jorge, those are great questions, I've taken those down and will certainly reread the question so make sure I've gotten all of them. One of the things we're trying to do is frankly have had a very difficult time doing is trying to define a community -- how do we define a community without being so broad as to encompass anyone but also to recognize the kind of communities that all have in our head. It's one of those things where we think we know what a community; we know it when we see it, but if there's a way to get that down on paper through an agreed upon definition which makes it easier for us to develop less stringent criteria question marks that's one of our goals, and frankly, to be honest, it's been a difficult exercise for us.

And something we on which ask ourselves when we go through this is of the applications that were submitted, which ones did we believe should have -- that weren't granted a community should have been? And not that we ask people to say that out loud or write that down, but to think of the characters of those characteristics, of those applications to see if we can form some sort of unified recommendation as to the criteria. And depending on the person you ask, everyone has their own idea of those qualities. So it's been difficult for us to get on paper what we think is good definition would be. Now, we're still

working on it and will continue to work on it, and we may have a proposed definition that we would seek feedback on. But I think once we can define a community for purposes of top level domains, I think then setting the criteria should be an easier exercise. Certainly something we're trying to do and using our best efforts to do it. And we hope that we'll put something out for comment so we can get some agreement on it and then work on the very specifics of the criteria and the processes around them.

CHAIR ISMAIL:

Thank you, Jeff. This was very helpful. Any further questions or comments? If not, then maybe I can ask -- so how does the [indiscernible] review is feeding into this process or taken into consideration into the subsequent procedures, PDP Working Group? Thank you.

JEFF NEUMANN:

Thank you, that's a great question, it's one of the areas that was assigned for us to look at once those recommendations are fully developed. Because the activities are open, and they have an initial report, their mail lists are open so we can read them. We think we have a good idea of the questions that will come our way. Some of them we have already been considering and so they will be reflected in our initial report. There are others that

we know that once we submit our initial report and we have a little bit of a break while to be waiting for comments to be submitted, then we will start taking questions up that we have not yet had a chance to look at, the good news is our understanding that the questions they had in their initial report are still going to be questions for us in the final report. So they're not taking those questions out. So we have a good indication of what those are. And I think that both through what we've already done and work that we'll do while waiting for public comment on the initial report should address those we have not yet received.

CHAIR ISMAIL:

Thank you, Jeff. This is very helpful, and I'm sorry to used CCT without elaborating. The review team looking into the consumer choice and consumer trust and competition, yeah. So it's a review team that is mandated to evaluate, again, the new gTLD's after the first round.

MOROCCO:

Thank you, Madame chair. I have a question regarding the requirements that prevent access from less developed countries. As you know, in the new g program, there are differences resources among the operators, and one of the biggest problems is language, the language we need to submit

the applications in. A lot is said about diversity, especially linguistic, but unfortunately we have said these applications have to be submitted always in English. And that process is a significant problem to some countries, especially the under developed countries and the least developed countries. Thank you.

CHAIR ISMAIL: Thank you, Morocco. Jeff?

JEFF NEUMANN: Thank you. That's, again, a lot of great questions. And certainly that is one that we had not considered. Of course we have considered the issue of making sure that information about the process, about the how to submit applications, we've certainly discussed ensuring those are in multiple languages. Having an application system that allows submission of applications in multiple languages is a question that we have not yet considered. It is something that we will take note of and also ask ICANN staff to help us understand what would be involved in getting a system that would allow for both the translation of the application system into multiple languages but then translating the responses to the application back into other languages so that the evaluators can evaluate. Oh I will put that on our list, of

the PDP as well as ask our ICANN staff support to think about what would be involved in having that kind of system.

CHAIR ISMAIL: Thank you, Jeff. Any more questions? Okay. Great. Thank you very much, Jeff, and thank you for being here every meeting and for considering our notes and responding to our questions and reaching out to the GAC. Thank you very much.

JEFF NEUMANN: I want to thank you all for continuing to invite us and tolerate us. Thank you for having us here, and we're happy to engage and get as much feedback as we can. We certainly want to avoid some of the things that happened in the past. We want to make sure we have the feedback and are responsive. The best thing I can say is that we're all trying to do the right thing and we're all going into this with the best of intentions. If there is ever a situation where there's a belief that we're not considering something or may not be doing something, you have an open door to come to any one of us and let us know, and we will do our best to respond and make sure that we are considering everything we should be. So thank you.

CHAIR ISMAIL:

Thank you, Jeff. And yeah, definitely, it was an experience for everyone, and we want to build on the positive things and try to avoid think things that did not work well. So it's a joint objective. And thanks again.

And thanks to everyone on the interactive discussion. This concludes our GAC discussion on new gTLD subsequent procedures. So please remain seated, we will proceed immediately with the following session on preparation for our joint meeting with the board. So thank you.

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