

**Transcript ICANN Marrakech  
GNSO Session Saturday, 05 March 2016  
New gTLD Subsequent Procedures Working Group**

Note: The following is the output of transcribing from an audio. 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 recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:  
<http://gns0.icann.org/en/group-activities/calendar>

James Bladel: Okay thank you. So next session is subsequent round new gTLDs. Jeff, you're up.

Jeff Neuman: Thanks. Thank you. And this will hopefully be much shorter because we really have just started the work. So you can go to the next slide because we'll talk about the cochairs. Back just for some background, and I'm sure everyone here is aware of the background but the community felt that we needed to do an analysis and a review of the 2012 round and we formed a discussion group in 2014 to start discussing what kind of issues came out of that 2002 round and what would be subjects that we could discuss that might lead to changes in how we introduce new TLDs going forward.

And therefore the Council initiated the PDP I believe it was towards the end of last year and there was a preliminary issue report, comment period, final issue report and finally the Council approved the – formally approved the PDP and the charter. And, you know, what we have to, you know, why this is so important is because the 2007 - or the PDP that culminated in 2007 decided that there would be a predictable mechanism to introduce new gTLDs going forward. And it wasn't just envisioned that there would be one round, it was envisioned that either there be multiple rounds or there be ways to introduce new gTLDs going forward, not just the one round.

So we all – and what we're going to do this week - talk about is that there are existing policy recommendations that unless the community feels by a consensus that we want to change those policy recommendations are still in effect from 2007. And those were adopted by the board in early 2008.

So if we go to the next slide. The current status the working group has selected leadership, Avri, which is – should be somewhere – she should be in this room. There she is in the back. Avri, myself and Steven Coates who is supposedly on remote participation but couldn't be here. The three of us are the working group cochairs, although that still has to be I guess ratified by the Council at its meeting this week.

We've held two working group calls in the last couple weeks. And right now we have a schedule for ongoing calls. We have a meeting here, a face to face, and what really going to be focusing on is how to organize the work. There are a huge amount of issues, as you can imagine, that came out of the discussion group and more and more issues that are thought of each day.

We also need to organize our work around the many different teams that are out there reviewing aspects of the 2012 round. There's, you know, just to name a few there's obviously the CCT review that's going on that you'll get an update I'm sure later this weekend. There is the PDP that you've initiated but haven't adopted a charter yet for the rights protection mechanisms. And so once that is formed we'll need to figure out how those two groups work together. And whether the Council wants to formally appoint a liaison between the two groups.

And there is obviously the GAC is undergoing its own reviews, the SSAC is looking at certain issues. There is a independent review of the trademark clearinghouse so there's lots different reviews and the GNSO PDP is going to have to take that – all those into consideration in order to do its job thoroughly.

So right now we're still trying to reach out to other supporting organizations and ACs to get participants. We will note the we have 100 official members so far of the working group and somewhere around 30 or maybe higher observers. There are two observers from the GAC that are signed up and we

hope that – and I talked to Mason a little bit earlier – about hopefully getting word out, again, to the GAC to make sure that they're aware that this work is going on and maybe even get some more participation from the GAC.

Because obviously a lot of the review there was certainly a lot of Government Advisory Committee input into the new TLD process in 2012 and still ongoing so hopefully we can coordinate that as well.

One group I forgot to mention as well, I saw Heather raise her flag, is the community group on country names and territories, that's another one that we have to pay attention to the work going on.

So with that I think we can go to the next slide which is really just about the face to face session Thursday in here. And we hope to really go through the policies that are in effect and figure out to make progress on the work plan going forward. And you'll see some links to just some documents on there that we are using.

So that's all I have as far as an update.

James Bladel: Thanks, Jeff. Just to note that that's our second PDP working group that we've discussed today that has triple digit membership so we must be doing something right. Heather.

Heather Forrest: Thanks very much, James, and thanks, Jeff, for the update. Two quick questions and thanks as well for noting that work on the cross community working group. Two questions, I'll follow up with that one first. Those who are keen to be involved in particular work streams let's say, that the working group is about to launch into, some of that's coming from these other community efforts. Should we be joining the PDP as members if we – let's say, is there a requirement that we be members of the working group in order to participate in those work streams? Thanks.

Jeff Neuman: Yeah, I think to answer that I would certainly join the working group. At this point what we've discussed, and again we've only had two meetings, but what we've discussed as far as organization of the work is that the group really – and there's a bunch of new participants which I think is great. We're going to start out with some common issues for the – at the beginning to talk about, you know, just overarching issues that were brought up by the discussion group, things like should there be another round of gTLDs, should it be in rounds or should we have an ongoing process?

There's a whole bunch of kind of overarching issues that we need to get through first and then we're going to divide, as you said, into work streams probably as was envisioned by the charter. Obviously if we have a different plan we'll have to come back to the Council and let you know. But at least five different work streams that were indicated in the charter.

But I would certainly advise anyone that wants to participate to join now just to participate in the overarching issues as well as once we get down and do a deep dive into those work streams to get involved in those.

Heather Forrest: Heather Forrest. Thanks very much, Jeff that's helpful. And my second question is how does the group – has the group thought about – mind you I know you've only had two meetings – there are, you say, you know, your starting point is considering the 2007 GNSO recommendations. And of course the Applicant Guidebook does not mirror those recommendations in a number of points. Has the group thought about how to go about handling that, let's say? Are you picking apart the AGB to look for consistencies and inconsistencies? Or what's the plan of attack if you like? Thanks.

Jeff Neuman: Yeah, I think – and Steve Chan, who's the ICANN – primary ICANN staff person on this can also jump in. The way we've, you know, obviously the policies that were passed in 2007 are still in effect today. What the group is going to do initially is to go through those initial policies and to see to make sure did Guidebook and other – it wasn't just the Guidebook but the whole

New gTLD Program Committee of the Board, you know, what was done were those policies actually followed? Were they implemented in a way that was envisioned by the GNSO community?

And again I'm not making a judgment. I'm not making a judgment right now as to whether it was or wasn't or whether it was implemented, you know, that's obviously the group's going to decide on that or at least discuss that. But certainly the Guidebook will certainly be picked apart to see if they implemented the GNSO policies in the way that it was envisioned. And if not, you know, was that a good thing? Was it not a good thing? Can we make improvements? Do we have to go back and refine those 2007 policies based on things that we've learned in the last nine years now.

You know, I think – and I don't know if Avri wants to come up as well but I think that one thing that we did discuss is that the original 2007 – or it actually started in 2005 – that original group really was a task – or was a taskforce of the Council. It was a different way of doing PDPs. And that was actually a group of the Council as a whole. And really took a high overarching view over everything and came out with these high level recommendations, what they call recommendations guidelines and implementation details.

And it was still, even the implementation ones were very, very high level. I think there's now recognition that the high level – it was too much at a high level and there were a lot of things outside the control of the GNSO that we're going to have to dive a little bit more into details plus now we have the recommendations or the adopted conclusions of the implementation working group, I think that was the title of it, which requires that any implementation details from whatever the GNSO comes out with their formal PDPs still has to go through the GNSO and so it's not as easy for a board committee, let's say, to make certain implementation decisions without going through the GNSO in the future.

James Bladel: Avri, did you want to respond on that point?

Avri Doria: I just wanted to, yeah, comment a little bit on that. Thank you. Avri Doria speaking. So, yeah, I mean, the construct was so very different. And it's one of the things we're going to talk about at that meeting in terms of, for example, we had lots of interactions with staff then about how they might implement things so there was a notion. Yet that was never recorded. And so those particular understandings sort of dissipated over time with staff changes and everything. So there really was nothing.

We have since learned in doing PDPs that writing one very full sentence does not match writing 10 pages of detail. And if we look at today's PDPs versus that one, the difference is huge. So I think that even though my personal feeling, and we'll see how this goes, is that much of the work that was done there is still indeed valid it is not understood in the same way by anyone.

So I think that there may be a lot of just trying to figure out what it was that we really wanted to mean now. So I'm not sure that that much will change in the underlying structure, we'll have to see. But there needs to be more explanation. And I think that's what the group will be doing.

James Bladel: Okay thank you. I have a queue now and next up is Marilia.

Marilia Maciel: Thank you very much, James. It's Marilia speaking. I'm also a member of the working group. I didn't get a chance to participate because I was flying during the last two meetings. I hope to be grounded for the months to come so looking forward to participating. Just two quick questions. I went through the transcripts and I saw that staff proposed a different way to organize the questions that came from the discussion group, if I understood correctly there will be the overarching questions that will probably tackle together. And then when we divide into streams the questions have been somewhat reorganized based on the facts that there were clusters that had less work to do suggest internationalized domains.

But without the stack of slides it's very easy to visualize what you discussed so I asked on the list if you could provide the slides and make available we could understand better how staff proposed reorganize the topics. And second thing is just a quick suggestion that the documents that comes from the GNSO from 2007 discussions they're only available online in HTML and it's hard to make notes and underline and study the documents. If you can send us a version in PDF that would be helpful. Thanks.

Jeff Neuman.: Okay thanks for your questions. And just to answer the first question, we had discussed on the call a different way of proceeding, as you said, with overarching issues first, then splitting into different work streams. We haven't gotten past that yet. We haven't officially put any – we haven't reorganized any issues yet, it was just a notion that was discussed.

And it was a possibility that when we were looking through the different proposed work streams it seemed like Work Stream 5, for example and 1 were really heavily loaded with a ton of different questions and the workload just wouldn't – wasn't as balanced as we thought it could – haven't gotten any further than that as to – we haven't reclassified any issues yet. So that's something the working group will discuss.

And the rationale for reorganizing the overarching topics is, you know, I think for the working group to get to know each other, for the new participants to really learn about what happened in the past and to participate and become comfortable in the working group before we split into these really detailed work streams. And, you know, by informally talking to people we know that almost everyone on the working group wants to be involved in those overarching issues anyway. So we figured we'd start out kind of as a working group as a whole on those overarching issues and then break into those work streams.

And, Steve, do you want to address the PDF?

Steve Chan: Thanks, Jeff. This is Steve from staff. Actually want to go back to what you were just discussing and just say that what was discussed and what was on the slides was the framework of how we wanted to organize so backing up everything that Jeff just said that we haven't actually divided the topics, that staff and cochairs are still working on developing a proposal for that. But in terms of the framework that was discussed and the slides we'll make sure they get added to the wiki so you can take a look at that and look at the transcript and see that in context.

And in regards to the other – I believe there's a version of it – of the 2007 final report in PDF. I'll dig for it and then hopefully once I find it I can get that added to the wiki as well.

James Bladel: Okay. We have starting to run into the next session here so I have a queue remaining of Tony, Carlos and Donna and then we'll just saw it off there and – oh, Carlos – okay so Tony and then Donna, you're next.

Tony Harris: Yes, just a couple of things. This is Tony Harris for the record. I do believe I signed up for this working group but I never heard further and nobody told me about any calls or anything so perhaps if you could send a reminder to the Council list of how to sign up I'll redo it. I'm sorry if I got this confused.

And the second thing is – it may not be a pertinent question at this time but one overarching issue which I think is pretty glaring, I'm speaking now not as an ISP but as a new registry, is the role of the registrars as the exclusive sales channel for new gTLDs.

Because basically what we found as a new registry is we have to wait for them to decide we're a valuable option and they want to include us or not or sign let's say a registrar agreement with us. And we don't have anywhere else to go as a new registry. So I think the exclusive rights to sales of new domains which has always been in the hands of registrars, and here I would emphasize that I think their role is hugely important and necessary but the

fact that the exclusive sales channel makes it a little difficult for new registries to go ahead or to progress in the market if they're not willing let's say to take on your new TLD in their offerings.

This could be even more critical if you add hundreds of new gTLDs because they could easily say, well we've got 500 new TLDs in the new round only five of these are interesting so what are the other people going to do. So I think this might be an overarching issue which might be taken into account. Thank you.

Jeff Neuman: Thanks, Tony. This is Jeff Neuman again. Just to quickly respond, that issue came out of a 2007 final recommendations. And so that is an issue that is one of the work streams, I believe it's the legal regulatory – currently in the legal regulatory work stream about the use of registrars and equal access and things like that. So that's already in there. I think that's a little detailed to be in the overarching issues because it's, you know, you really need an understanding and really need to dig deep into that. But certainly that's one of the issues in one of the work streams and we'll certainly tackle that issue.

James Bladel: If it's very brief, Michele.

((Crosstalk))

Michele Neylon: Don't worry, I'm going to leave in about 2 minutes, you'll get rid of me for a couple of hours. I mean, just to the last point about the sales channel and everything else, you know, if registries were having issues with registrars carrying their TLDs, don't bring this to the GNSO Council, bring it to the Registrars. Talk to us. We're businesses.

James Bladel: Thank you. And apologies Donna. Thanks for your patience. You're last.

Donna Austin: Thanks, James. Donna Austin. Just an observation given our last topic which was about the meeting strategy working group, one of the things that just

occurred to me is that when I look at the schedule for Meeting B it's done in the silos of ALAC, GNSO, the Board. It's unfortunate that it's not done according to topic because I really think what's missing here is that we have two big policy efforts that have just kicked off; one is this one which Jeff and Avri and Steven are doing and also Chuck, the one that you're leading.

I think it would be really useful if we had – I think it would be really helpful if we had significant blocks of time that were allocated to those topics and there was nothing else in the way of that. So the GAC wasn't in a room by itself, the ALAC wasn't in a room by itself, but there was one room on a specific topic and that's where everybody went to have that discussion.

I remember Brett Fausett said, I think, in Dublin that it would be really helpful if we could get to speed up the policy process, get everyone in a room for two weeks. Meeting B is supposed to be the venue where we can make progress and policies.

So I think, Marika, if here's a message that you can take back in terms of how we look at Meeting B, let's look at the topics we want to discuss rather than look at the silos that we always kind of, you know, put these meetings into and just get everybody in the room at the one time discussing the one topic rather than having the GAC in their room talking about it, the GNSO talking about it in theirs and the ALAC talking about it in theirs. So we'll get in the one room and talk about the one topic at the one time. Thanks.

James Bladel: Stephanie.

Stephanie Perrin: Stephanie Perrin for the record. I totally agree with Donna. I think Tony has raised a really important issue. I understand that the consumer trust and competition review group, surely this is an issue they ought to be looking at because it's not a new issue. And that's the kind of horizontal cross polinization that I think should be happening at this policy meeting. Thanks.

James Bladel: Okay. Thanks everyone. Appreciate the update, Jeff. Thank you.

END