

**ICANN  
Transcription  
New gTLD Subsequent Procedures Working Group call  
Monday, 12 June 2017 at 20:00 UTC**

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Michelle DeSmyter: Thank you so much, (James). Well good morning, good afternoon and good evening to all. Welcome to the New gTLD Subsequent Procedures Working Group call on the 12th of June, 2017 at 20 UTC. In the interest of time today there will be no roll call as we have quite a few participants online. Attendance will be taken via the Adobe Connect room so if you're only on the audio bridge today would you please let yourself be known now? Right, hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will hand it back over to our chair, Avri Doria.

Avri Doria: Thank you, Michelle. This is Avri speaking. Okay, so first thing is to go through our agenda review where we'll start with the normal - well we've already had the welcome and the SOIs, then an update on the work track updates, I can't make this move. Okay, let me bring up the agenda somewhere else where I can actually see the whole thing. Oh no there it is, okay, sorry.

So we'll do the work track updates, then we'll do an update on Community Comment 2, which as people know ended, is back and is almost ready to go, conversation about ICANN 59 planning, then a drafting team update on the third of the drafting team's document, essentially still mostly a staff contributed document, though it's already quite good but basically dealing with the issue of rounds, first come first serve or some hybrid in the middle issue. So we'll get to that as our last. And then there'll be any other business.

Does anybody have at the moment any other business they'd like to add to the agenda at this point? I see no hands, I hear nothing, okay. So I will ask again when we get there. Is the agenda okay or does it need to be altered in any way? Anybody have objection to continuing with this agenda? Okay, don't see any, we'll continue.

So first thing is the SOIs, want to remind everybody that statements of interest need to be kept updated especially if you change something that would be material to the work going on in this working group. We would ask you to mention it in addition to updating your SOI. Does anybody have an SOI update at the moment, that they would like to speak to? Okay, I see none. So we'll move on.

So work track updates, on Work Track 1, someday we'll have to go in reverse number just to not always put 1 first, but either Sara or Christa - not, Christa, sorry, yes, Christa please, okay. Thanks. Please go ahead.

Christa Taylor: Hi, Avri. Can you hear me?

Avri Doria: Yes, I can. I'd already muted myself. Thank you, go ahead.

Christa Taylor: Oh, thank you. So tonight we have a call, or I guess tomorrow for some others, similar to the call on May 30, we're going to do two topic reviews and those two topics will be on the systems and the communications. And then we're also going to do application fees and in that one we're going to go a

little bit more in depth with a review of the CC2 feedback and we're going to address the specific areas within that. So I sent out an agenda not too long ago along with a link to the background documents for everyone's review at the time. Thanks so much.

Avri Doria: Okay, thank you. Are there any questions or comments? If not, Work Track 2, who do we have to speak to that one today? Yes, Michael, please go ahead.

Michael Flemming: All right, thank you, Avri. This week we have a meeting on Thursday at 21 UTC. And we will be - we've actually gone through - we just finished all of our - well going through all of our topics at least once, getting some kind of discussion done. And we are going to go back to vertical integration this week. We have asked ICANN for some important data to see to kind of distinguish what kind of complaints have been reported in regards to vertical integration and we're going to look at that to see well how they've actually come to root and we're going to kind of analyze those as a group and discuss them. So that's what we'll be doing this - well Friday for me, Thursday for most of you.

But this will be our last meeting before Joberg but we will be - we'll hopefully be looking at the CC2 following that. So that is all I have. Thank you.

Avri Doria: Thank you. Are there any questions or comments for Michael and Work Stream 2? Okay, seeing none, I'll move to Work Track 3, and Karen or Robin, I'm not sure, I know Karen's on - yes, Karen, please go ahead.

Karen Day: Thanks, Avri. This is Karen Day for the record. Work Track 3 had a meeting last week. We will have our next meeting a week from - excuse me - week from tomorrow. And at that time we will be concluding our discussion - well not concluding but continuing our discussions on accountability mechanisms looking at specifically the new IRP and the PIC DRP and PDDRP processes that are encompassed in Work Track 3.

The other topic we will be seeking input on next week will be selection of our subject matter for Johannesburg during our face to face time on Tuesday of that week. So I'll ask you to join us next week, our meeting is at the 1500 hour if I am - excuse me - not mistaken. So look forward to having you all there then. Thanks.

Avri Doria: Thank you, Karen. Yes, Donna.

Donna Austin: Thanks, Avri. Karen, I'm wondering if you can just help me understand why the Work Track 3 is discussing accountability mechanisms? It's not obvious to me what the connection is so I'd appreciate it if you could just give me kind of a high level of what the connection is. Thanks.

Karen Day: Yes, thanks, Donna. That was actually one of the things called out in the charter. And with regard to the accountability mechanisms, for instance, with the PDDRP the RPM PDP is looking at the policy around that accountability mechanism and Work Track 3 in our charter and - was tasked with looking at the processes. So the processes for accountability mechanisms just like the processes we're looking at for objections, are the focus of Work Track 3, if that helps. And I see Jeff has raised his hand and he can probably articulate it better than I.

Avri Doria: Please, Jeff, go ahead.

Jeff Neuman: Thanks, Karen. I'm not sure it's necessarily better than you did, but, you know, the way I look at it is that the only way to challenge the decisions that were made in the new gTLD process either from evaluations or objections, or anything like that, was the through the accountability mechanisms.

So this group is looking at whether those accountability mechanisms or actually as modified by the last accountability changes with the new bylaws, whether those are sufficient or whether we need additional appeals mechanisms to look at the substance of complaints as opposed to just

process, you know, I know there's a little bit added in the new bylaws to address substance, but again, we're just looking at the accountability mechanisms because that is the only avenue at least that was used in the 2012 round to appeal any decisions that were made with respect to the 2012 round. So hope that makes sense.

Avri Doria: Thank you. Any further questions or comments on that issue? And I see Donna said, "Got it. Thanks, Karen and Jeff." Okay, anything else on Work Track 3? Okay, moving on to Work Track 4, either Rubens or Cheryl who's taking it. Thank you, Cheryl. Please go ahead.

Cheryl Langdon-Orr: Yes, thanks, Avri. I think I've got it. Right Work Track 4 will be continuing our discussion next week which is on the 22nd of June at a UTC that escapes me right now, possibly 0500 but we'll be sending out an agenda before then so that will be confirmed, it has actually not been my calendar right now otherwise I wouldn't be struggling at the exact time. I sort of know where it's not so I know it's not 2100 because we've got another meeting on at that time instead.

We had continued and will continue a little bit more on our name collision work but we're intending to also, as other groups are doing, look at where we've come so far with our run through on topics, what is remaining for us to take greater attention to and have a second run through after the Johannesburg meeting look at what topic we'll be investigating in more detail at the Joberg meeting. And of course if we do have enough time starting to (unintelligible) with the responses to the CC2 questions. Thank you.

Avri Doria: Thank you. Any comments or questions on Work Track 4? Okay, seeing none, we'll call Item 2 on the agenda done and move onto 3, which is an update of the - on the Community Comment 2, the CC2. And I've asked Steve or Emily to give us an update on where that is all at. Thank you. Please, which one?

Steve Chan: Thanks, Avri. This is Steve Chan from staff and I'll provide a quick update...

Avri Doria: Thank you, Steve.

Steve Chan: ...on Community Comment 2. So where we are right now is staff is wrapping up the summary and analysis document that must be published and attached to the community - or the public comment proceeding. I would note that it's pretty high level and then the analysis is mostly light in respect of the fact that the analysis is going to be conducted by the working group itself, so it pretty much says that in effect.

So what staff has also done, and you'll have many of you will have noticed in the agenda or the proposed agenda email is that we've organized the comments and sorted them so that they're referenced or applicable to the appropriate category and sub questions underneath those categories. I guess I would reiterate that the full comments as submitted on the public comment (unintelligible) are the authoritative source for comments, but to the extent these Google documents can be helpful as the work tracks go through the comments and consider them as they deliberate their topics, that's why they're created, they're to help that process.

But again, just to note the full comments on the public comment page are authoritative. So those Google documents were shared in the agenda email. They're also on the wiki. And hopefully they prove useful as the working tracks consider the comments received. Thanks.

Avri Doria: Thank you, Steve. And generally those comments do end up incredibly useful, that abstraction ends up in incredibly useful, though people do always have to go back so, yes, the work tracks would be well advised to check with the full documents, but it's almost impossible to do the work without the prep that you're doing. Does anybody have any comments or questions on those?

Just to remind people, the process that we have in mind is that now that each of the work tracks has pretty much gone through all of their issues at least once in discussion and looking at pros and cons, doing a little bit of blue skying, coming up with some first possible ways to proceed, it's now to basically take that work and look at it in - with the comments in mind and see if it helps make a decision, make a recommendation, or if it points to some further issues that need to be delved into. So all of the work tracks now are going to be shortly, probably after Joberg, for the most part, but will mostly be going through the comments and looking at the work that they previously did.

So I see no one has taken any - a chance to raise their hand or ask a question. Yes, there's been a little discussion on taking things out of context. And it's just to make sure, it's really good, I mean, you know, staff does an excellent job of getting it in there in an accurate way but it's always good to, you know, do a sanity check when working through these things. So thanks.

Okay so then in which case we're done with this conversation on Community Comment 2. And we'll move on to Item 4 on the agenda which is ICANN 59 planning. And Jeff is going to take that item. So, Jeff, the floor is yours.

Jeff Neuman: Yes, thanks, Avri. And perhaps when we do this maybe staff, I don't know if they've prepared kind of putting the agenda up, but essentially just to kind of recap, we have two Geo sessions at the ICANN 59 meeting. And it's hard to believe that it's some of us will be leaving in, you know, a week and a half. So it's coming up.

The two Geographic sessions to talk about geographic names at the top level will be on Tuesday at afternoon/evening timeframe. And then again on Thursday, we will have a longer session so it's a 90-minute session on Tuesday followed by an hour and a half session - sorry, two 90-minute sessions on Thursday. So I'll talk about that in a second with the substance.

And there is also a four group - full working group meeting is on Tuesday. Now you may note if you look before last week, it would have said Wednesday but we've moved that now to Tuesday the full working group so that is in the morning on Tuesday, I believe it's 8:30 am until noon.

And that does unfortunately conflict with some other meetings going on and we're trying to see what, if anything, can be done about those conflicts but, you know, unfortunately conflicts are inevitable and there are so many different groups that want to have meetings. So an example I think is that the Registry and Registrar Stakeholder Group are holding a joint session on Tuesday that conflicts. And so, you know, again we try not to have conflicts but unfortunately, you know, that does happen. But stay tuned, perhaps there is something we can do, we're still trying.

On the format of the sessions, they'll start with the full working group session and what each of the work track leaders have been tasked to do is to introduce several topics at the full group session that they believe are either the most controversial or the ones that they would like feedback outside of the normal working group members since the working group session in Johannesburg is completely open.

So to the extent that they feel or we collectively feel that there are certain issues that would be great to introduce to our wider community, to get their feedback, those are what the work track leaders are tasked with finding. So an example could be in Work Track 1 we've found it difficult to get a wide range of thoughts on applicant support and so perhaps throwing it out there with the larger group perhaps with some more GAC representatives if they're able to attend, might be beneficial to get that view from the wider community.

As far as the sessions, the Geographic Name sessions, at this point we are - and hopefully Steve won't kill me for saying this, but we are negotiating a contract with a vendor that is, hold on, I'm trying to read whether I'm supposed to say - okay, with the caveat that they're still negotiating a



contract. The vendor that we've selected is an organization called CBI which I believe stands for Consensus Building - I think the I is Institute, I hope I have that I right. They are a group that specializes in facilitating discussions, mediations, between civil society, governments, businesses and traditional do that with UN based organizations. They've done that in the past.

So when Avri and I and ICANN staff talk to them a couple of times they just kind of really impressed us with their experience, their ability to come up with ideas on facilitating discussions of controversial topics in which there are multiple sides, each having an equivalent passion about the issue. And while they are not experts, yet, on geographic names at the top level, they are planning to learn up on the materials.

They are planning on talking to ICANN staff and to Avri and I and others. We hope that they find time to call some members of the community as well, specifically ones that have submitted proposals or have discussed this. So if you - please stay tuned for those details. I know that has to happen in the next week or so. If you - sorry, week or two - if you are called by someone from CBI, particularly a gentleman by the name of (David Fareman), or a woman named (Julia) - I'm sorry, I'm forgetting her last name - (Golum) is that her last name? I may be pronouncing that wrong.

But if you happen to get a call or an email from one of those people that just - that wants to talk to you about just to get a background, please respond to that. But we'll send out more information on the list once we have that contract fully executed and we have their details more firmly in place.

The - so with respect to the sessions, as we discussed in a previous meeting, Avri and I have been going back and reviewing the proposals. There is a - we're developing a matrix of the different proposals that were submitted during the webinar. And prior to the webinar. And preparing some background documents based on that so there'll be a matrix, there'll be a background so that you know, the goal is when you come to these sessions

on Tuesday and Thursday that we don't have to restate everyone's position and take up all the time that we have just talking about those basically rehashing the webinar over again.

So it's really to kind of drill down on some of the proposals and Avri and I are also taking a shot at doing some sort of strawman or I was told on a previous call it would be called a straw bunny, I'm not sure why, but apparently that was term that they use - to see if we can combine the proposals in a way just to really kick off discussions. It's not anything that's meant to be oh we're the leaders and, you know, this is what we say it should be. It's really just a discussion starter, it's not meant as anything more than that.

So we will have that session, go over that on Tuesday. Hopefully between Tuesday and Thursday you all and others that participated on Tuesday could go back to individual groups or your stakeholder groups, constituencies, advisory committees just to see if there's any feedback to get some thoughts and then hopefully try to move the discussion along on Thursday.

And please look at in your email for some more details in the next couple of weeks. Avri, I don't know if Steve or Emily, anything you want to add on those sessions?

Avri Doria: This is Avri. And this is - since you brought up the straw bunny with a bit of incredulity, straw man has a gender issue and the issues we're looking at have us going down lots of rabbit holes and the similarity to dust bunnies of long-forgotten issues seemed so prevalent that that's why the name got applied.

Does anybody have any other questions about this, about the sessions, about any part of the ICANN 59 before we move on? I see no hands. I hear no voices. So we'll take that item as complete and start talking about Item 5, which is the drafting team update on the applications assessed in rounds.

As anybody that looked at the document knows, it not only includes a certain analysis of the issue, in terms of - excuse me - pros and cons, but it also contains sort of a quick write up of many of the positions that got taken in some earlier conversations.

So Jeff was also going to talk through this one, so I will pass the microphone back to him again. Jeff.

Jeff Neuman: Yes, thanks, Avri. So as Avri was saying, this is one of those issues that we initially had hoped to have a smaller discussion group, make some progress on. But it seems like we can make some more progress with the full group talking about these issues. And there was some really great comments a few weeks back on this particular issue and on how we should go about doing this. And we're hoping to - when we saw that issue being kind of discussed we thought that this was a - ripe for the full group session.

So if you look at this document, what we tried to capture first is an accurate problem statement which is basically saying that there's concern that introducing new gTLDs through a series of application rounds, separated by a series of reviews and revisions, to policies and implementation have a number of negative impacts or negative effects such as impacting demand, decision making, introducing substantial delays and causing latency to market.

So this was the problem statement that we had come up with, there may be additional elements that people want to add to it but this is what really started or kicked off the discussion starting from way back in the discussion group that we had prior to this PDP until now. And in going through the comments that were received, we listed five what we called requirements. And so, you know, whatever the future process is, we wanted to make sure to test it against these requirements, so again, there may be additional requirements or there - you may not agree with all of these requirements and so that's something we'd like some feedback on hopefully as we go through this.

So the first one is that there must be clarity and predictability about how and when applications can be applied for in the future. So this is pretty straightforward, a lot of people made comments that you know, not knowing for certain when the next application window is, you know, has created a lot of unpredictability and some have said in the past that a number of people applied for TLDs in the 2012 round because they didn't know if and when there would be an additional application window and so even if they were not necessarily ready to have a top level domain they applied for it just because again, they didn't know whether it would be one year, two years, or as we're now, five years, six years and potentially seven years or more between when applications were accepted in the last round and the next application window. So clarity, predictability is a key requirement.

The second one which has a comment from I think it's from Donna, it says, there must not be undefined gaps between acceptance of applications, and then Donna added, "and evaluation." I think just to address Donna's concern, and maybe Steve can jump in if I'm wrong, I just thought - I thought that this was undefined gaps between application periods. So like from the acceptance of application periods, if that window closes between the next period in which an application window would open.

Of course that presumes that it's not going to be first come first serve but if it is, if we do it in windows that we don't want to have undefined gaps between those windows. So I don't think it was between acceptance of applications and evaluation, I think it was acceptance between different application - between application windows if that's the mechanism we choose. Steve, is that a correct assumption? Okay good.

Donna, does that make sense? Yes. Sure, whatever you say, Jeff, right? If it doesn't, please speak up. I, you know, trying to encourage people to speak especially if you disagree with any of this. Thank you, Donna, please.

Donna Austin: Sorry, Jeff, but I'll say that you've caught me unawares and I don't know where in the document we are. And I can't remember making the comment so until I go back and review it, I'll let you know if I have a problem with what you've just said. Thanks.

Jeff Neuman: Sure, that's okay. It was a comment in the second requirement where it's not as clearly worded as we could have it, so I tried to in the version that's on Google Docs now, word it a little bit differently so if you go to Google Docs now you'll see it worded a little bit differently. Hopefully it makes it a little bit more clear.

The third requirement is the application submission mechanism must address the potential impact and other areas of the program. So things like objections, string contention, etcetera.

This is really, you know, just talking about that if we were to go to a first come first serve or if we are to have application windows or something other than that, we need to make sure we fully understand and understand, discuss and document the impact of that chosen form on how objections are received, how comments are submitted, how string contention is handled, again, if it's not or, yes, if it's not a first come first serve, if it's first come first serve, then we would have to discuss the impacts of not having string contention or not having - or how we do objections and all those other things. So the third requirement is just to make sure that we discuss this issue.

Donna, your hand is up. I'm not sure if that's still up or if that's a new one. Oh okay.

Okay, the fourth requirement is the application submission mechanism should not negatively impact the stability and quality of the program. That's self explanatory. And then the last one is that the application submission mechanism should not be substantially impact operational effectiveness and the fiscal feasibility of the program, so that's not just on - we're now not just

talking about those that apply but also on ICANN, their ability to do the evaluations if it was something like a first come first or even if it's an application window and we get 10,000 applications as some have talked about.

Alan, please.

Alan Greenberg: Yes, thank you. Your last comment is actually relevant to what I was going to say. There have been statements that say even if we on the long term aren't looking at rounds, we probably need a round to get - take the pressure off at this point and get rid of the backlog. But we don't know how large that's going to be. And because of that, I have some problem with some of these musts and even the shoulds where we have to do - we not only have to do it but we have to do it well. And I wonder if there's conflicts in some of these requirements that they just cannot all coincide especially if we have a relatively large demand whenever we open the window. Thank you.

Jeff Neuman: Yes, thanks, Alan. I think that's a very good comment. I think if we do get, you know, 100,000 applications, and I'm just throwing it out there not that I have heard anything nor even think that that's likely, but if you do get a huge number, certainly more than you've anticipated, would that affect the defined time periods? And does anyone have thoughts on that? Does anyone - so Alan says we wouldn't need 100,000 applications to swamp us.

Well what does everyone think about? Do we put in caveats and say if it's above a certain number then something else happens? You know, how do we deal with a completely unexpected event that could throw off some of these other requirements? I know there's got to be thoughts.

And while you're thinking about that, then there is also the other point that Alan made up which actually was something I was going to bring up when we got to the solutions, which is it seem fairly well settled that most of the comments we've received so far have been on the notion of at least to clear

up the initial backlog, we need some sort of window. And I wanted to just test that hypothesis out with this group. Certainly I think even the groups that favored first come first serve going as the, quote, steady state, going forward, I believe most if not all of them said that we should start with an application window to clear up the backlog. But so think about those two areas. And, Donna, you have your hand up.

Donna Austin: Thanks, Jeff. Donna Austin from Neustar. Just in response to Alan's concern, perhaps what we can do in this document is have an assumptions section, so basically that this document is developed on the following assumptions. That might help us get around some of the challenges that Alan has identified.

Jeff Neuman: Yes, thanks, Donna. And Alan agrees. He's got the checkmark. I agree, that's a great addition to this document. Between the requirements and the assumptions or sorry, between the requirements and the solutions, we've put in a section on assumptions. And then of course I'm going to turn it around right, the question right around saying well what are - what should be some of those assumptions? And while you think about that let me read a couple of the comments.

Phil had said that perhaps we have limits on the number of applications. I'll get back to that in a second. Then we have a comment from Anne who says, "In order of submission by date and time except where there are string contention sets but only after testing to make sure string is not high risk for name collision."

Anne, I may have lost the context of that. Do you want to raise - are you in a position to talk about your comment?

Anne Aikman-Scalese: Sure, Jeff. Thank you. This is Anne for the transcript, Anne Aikman-Scalese with the IPC. Just a personal comment, but again, a flood of applications after so many years, which I think is one of the examples that Alan is raising would be hard to predict the workload for staff etcetera, we all

remember very fondly the Digital Archery preface, but the thought was could you actually process applications that are not duplicates, that is if they're not string contention sets could you process them by time and date - date and time received during the window?

Yes, that would give an incentive for people to file earlier, but in a way, why not? Because last time it seemed like, you know, people were filing kind of late within the window. But just anecdotally, I don't remember the exact details.

But I also think and, you know, I've commented of course as part of Work Track 4 that it's not a safe assumption that there are no more high risk strings out there for name collision, and so, you know, I personally would strongly prefer that strings be tested for name collision as if they're going to come out high risk, you know, then we don't need to go any farther and we can refund the applications fee because it just became a mess as far as the high risk strings.

So I would put in, you know, initially a sorting process where some expert develops a test for a high risk string and that's coordinated with other organizations that are active in the Internet community, IETF, whatever, and then after that I would be looking at the time of submission as long as we are looking at strings that are not in string contention. I think if they're in string contention, you've got to have a different you know, process applied to the evaluation. Thank you.

Jeff Neuman: Okay, thanks Anne. And certainly Work Track 4 is taking up the issue of the name collision and so there are good comments. I'm not going to - we won't talk about that hopefully here but certainly on Work Track 4 we're going to continue that conversation. But okay I understand the comment now.

Alan says, "If we assume less than or equal to 1000 would not apply if much greater." Alan, so you're saying in your assumption that would be half of what



we received in the last window. When most people were saying that we should assume a higher amount than what we got in the last window.

((Crosstalk))

Alan Greenberg: It's Alan. I put 1000 in as an arbitrary number, just reinforcing what Donna said. I wasn't predicting that was the right number.

Jeff Neuman: Oh okay. Thanks, Alan. Okay so whatever that number is we put in as an assumption and then all bets off if it's higher than that perhaps we should come up with some contingencies, but okay, I understand that as well. Greg talks about what we would net if there were 100,000 applications assuming it was the same application fee. And that would be a pretty big boon.

So let's see, then we have - okay Vonda says, "Good suggestion, Donna, on the assumptions." And bunch of talk about the money that would bring in. And let's see, the window was frozen shut for a month because of the glitch. Okay so there's just discussion on the impact of having a lot of applications.

So I think that is an issue we should push off for now and go through some other ones. But certainly the notion of one assumption is that if we get above a certain number then perhaps what we come up with may not apply or perhaps there are other contingencies we need to figure out for. Are there any other assumptions that we would need to build into this model? Not seeing or hearing anything.

Okay, well if you think of other assumptions that we should be putting into this model, other than just the number of application submissions, I mean, I would think that there would be some other contingencies or assumptions like, you know, we assume that we're going to have certain communicating periods and things like that I don't know, I'm just making this up as far as what was in the last few rounds. But if there are other assumptions then please consider those and go into the Google Doc and update it.

Then moving on, I want to come back to the notion or the solutions that are begin considered. So the first type of solution that we saw comments on was a - actually I'm going to go kind of - no, I think I'll start with this one. So the hybrid solution was that there was a fixed set of rounds or single or one single additional round that was followed by some form of steady state. So this could be - this was the notion of do we do one round and the followed by whatever the steady state is going to be which is either in this case what we have listed is a first come first serve or a predictable application window.

Or do we talk about one round followed by a - whatever we do next which is a first come first serve or, again, kind of a fixed application window? So the pros and cons of this are listed here in the document. And in the absence of anyone wanting to talk about it, actually, some good comments. Let me, while people think about that, just to go back to the comments, there was Christa says, "Why can't we determine our capacity limits ahead of time at least in terms of a ballpark?"

So, Christa, are you talking about we being this group? Or we being we ask that of ICANN and see what they come back with? And Donna responds, "Christa, because then you get into the first come first serve debate." And Christa responds and said she would expect ICANN to do that kind of analysis of what the capacity limit would be. Some other people are typing.

Okay, it's more on collision. I'm going to save that discussion, although very good, for Work Track 4. So on the pros and cons of starting out with one round, I think we discussed a lot of these that, you know, going straight into a steady state right now into like a first come first serve would be difficult since there is pent up or could be or is likely pent up demand. That if we do rounds, multiple rounds, you know, there could be artificial scarcity, artificial demand.

There are some other pros and cons in this document for right now, we just want to make sure we've covered all of them, but also get some thoughts, I

mean, what is the - what is the thinking out there? You know, everyone was really vocal on the list, I was hoping we could bring some of that - do we need to call Rob Hal and bring him in? I think he's the one that got everyone vocal on this issue. Perhaps we can get Rob to start the discussion. Alan, please. Thanks.

Alan Greenberg: Thank you. I think this is another area we're going to have to put assumptions that, you know, if we get 700 applications, we know how to handle that and we can predict that it will take us two years or six, 18 months or whatever to go through them and then we open a steady state. On the other hand, you know, if we get the 7000, that's going to take a long time to work through and it's not, you know, we may well again have another backlog at that point.

So I think we're going to have look at the contingencies based on what happens in the next go around. Either that or be less specific. It's going to be a real pain in the butt to have to do - create all these scenarios based on assumptions but the not doing it implies we're going to have, you know, unspecified results so I think it's one way or the other. We're either going to have to do a lot of work and staff will have to do a lot of work, working through the various assumptions or we have to have lack of specificity. Thank you.

Jeff Neuman: Thanks, Alan. And to kind of play devil's advocate again, just as chair to try to get discussion going, could we separate the difference between the acceptance of applications and the processing of applications? So in other words, if you process as you have the capacity to process, but if you hypothetically started a application round and then the next year you go and have your next - you start first come first serve, again, hypothetically, could you knowing - even if you had a really huge first round, could you hypothetically accept applications but just not process them until you have the capacity to do it so then you wouldn't have to necessarily change your mechanism or your assumptions?

So, Alan, thanks.

Alan Greenberg: Well, if you do that you're not going to be able to predict how quickly you're going to process them because you now have an expandable backlog. So you're adding an - you're taking away the uncertainty of when you can apply but you're adding uncertainty in when - in when it's going to get processed. And I wish the world were so simple that we could simply add more evaluators, but it's not clear that - and again staff will be in a better position to talk about that than I am, but I suspect you cannot just multiply your processes by N and assume you'll do it competently and consistently.

Jeff Neuman: Okay. Thanks, Alan. And actually you added a new requirement that we did not have in the requirements, and which may be a good one, which is predictability and certainty around how long the processing time would be. Right? All we have here is application submission mechanisms but we don't talk about predictability on the processing of applications. So I ask as I go to Donna and then Avri, whether we should have a requirement on predictability clarity around the processing of applications. So let me go to Donna and then Avri.

Donna Austin: Thanks, Jeff. I'm no longer sure that I remember what I was going to say. I think I got confused by the discussion so I'll just hang back for a minute, thanks.

Jeff Neuman: Okay, Donna, we'll put you - if you want to like lower your hand then raise it because you might remember after Avri and Greg, okay. Avri.

Avri Doria: Hi. Avri speaking. And this is somewhere between personal thoughts and provocative one. I think, yes, to answer the question, there does need to be some sort of service expectation when one puts in an application. One is being asked to put up a bunch of money and then go into a waiting mode. And if that waiting mode is a year, it's different than if that waiting mode is five

or 10 years. So I think there has to be a service expectation, you know, maybe not a full contracted agreement but there has to be an expectation.

Excuse me. I'm choking on something. But on the idea of starting a round and then going into first come first serve, even if those haven't all been processed, I'm not exactly sure how it would happen in this crowd, but I just have every instinct that that is something that it would be imminently gameable and playable.

In terms of apply now but get your money back in a year, and all kinds of sort of scenarios that one could set up where a risk to money now gives you a clue, gives you a foothold and then you get to come in. So I'd be concerned about looking at all the gaming scenarios for that kind of approach. Thanks. Am I the only one not hearing anything?

Anne Aikman-Scalese: Yes, Avri, I don't hear anything either. It's Anne.

Jeff Neuman: Oh, sorry, I had myself on mute. I apologize. Thank you for - sorry about that. I was saying that - wow and it was good too and I can't remember - no, I'm kidding. It was on the requirements considered both new and - sorry both Avri and Donna have mentioned some sort of requirement for predictability of the processing of applications, not just from - not just the evaluation but all the way through the process as there was certainly a lack of predictability in this last 2012. So we'll add that as a requirement. And go to Greg.

Greg Shatan: Thanks. Greg Shatan for the record. First, with regard to predictability, I think it certainly would help our deliberations if we got some more information from ICANN you know, based on a small number of assumptions of what they would expect given, you know, say different numbers of applications and not kind of highly speculative numbers like 100,000. Might also be interesting though if ICANN has done any market analysis or if anybody else like DNA has done any analysis of what they think the next you know, the demand will be.

So, you know, any outside information we can get, and obviously from ICANN it'll be much better than - this group, you know, cannot really do a study but if ICANN can't - can't do a - both a lessons learned and a prediction of what would happen and what it would need to ramp up in terms of things, that would be very disappointing. So I think we should make that inquiry and see what kind of information we can get.

Generally speaking, I will express my continuing deep concerns with a true first come first serve type of program where two interested applicants will - will solely be settled by who gets the kind of first pass the post in terms of applying and there won't be any contention sets at all. I've advocated for kind of a - some form of batching that will allow there to be contention sets where there is more interest. I don't want to reiterate all the things I said before because I said them before. But thought I'd say that much again. Thanks.

Jeff Neuman: Yes, thanks, Greg. Steve, do you want to - I saw your hand come up. Do you want to come in the queue now or do you want to wait for Karen and Kurt?

Steve Chan: Thanks, Jeff. If they don't mind, I wouldn't mind going really quickly.

Jeff Neuman: Okay.

Steve Chan: Thanks. So this is Steve from staff. And I would say that Trang is probably a more appropriate person to address this question but she's actually out this week. So in terms of ICANN trying to determine its capacity, I would just throw out some things for the working group to consider. You know, this working group is debating what changes it wants to make to the program so if that request for work to be made I would imagine are requirement for making that request would be a set of assumptions on what basis I guess, the programs you may running on.

You know, for instance if there's an RSP program it could change their capacity answer if there's categories, it could change it, if there's different contracts. So there's a lot of factors I would imagine that this working group could make recommendations on that could change that answer quite substantially.

And so one additional thought is that there's probably a point where ICANN staff might - or ICANN organization might determine where you know, simply staffing up does not allow them to meet the demands of the volume. So I'm wondering if a question around that particular line of thinking might be useful as well. Thanks.

Jeff Neuman: Okay, thanks, Steve. I'll go to Karen and then Kurt.

Karen Day: Hi. This is Karen. Well actually Steve just stole my thunder because I was going to say that I think there's a lot of contingencies in play here within the workgroup that we would have to come up with before we could ask ICANN for that kind of thing. Unless we wanted to ask them to go so far as doing an if-then scenario so if we have an RSP program then we could do it here, if we don't have an RSP program we could do that. But, yes, basically what Steve said. Thanks.

Jeff Neuman: Okay. Thanks, Karen. And then I'll go to Kurt.

Kurt Pritz: Hi, everyone. This is Kurt. I have a couple comments. One is with regard to capacity. And I think the biggest constraint on capacity is the SSAC continuing requirement to only process 1000 applications a year. So that was sort of a made up number that had no basis or no technical analysis to it. So one of the things I would urge us to do is ask ICANN to do a real technical analysis and say how many new gTLDs could the root zone adequately and safely accommodate in a year because it's a lot larger than 1000, 1000 was just chosen as a really, really, really safe number. So that's one of the comments.

The second is thinking about when we could have like sort of an open ongoing window. And if you think about it, the only time that can really happen when there's no pent up demand is the day after an application window closes. So if we have an application window and it closes, that day we could open a continuous application window. There would be no demand because all the applications have been sent in. And so there would be no pent up demand no string contention.

So the question I think would be for us, you know, at the - if we're ready at the end of the next round, this upcoming round, to open up an application window on the next day, that would be ongoing, we should do that or we should just say no, we'll probably wait until the following window. Thanks.

Jeff Neuman: Thanks, Kurt. On the first point, just to let you know, Work Track 4 has been thinking about that and has asked the SSAC to - I put in there to reconsider, I'm not sure it's necessarily reconsider, that makes it sound like what they said at the beginning is - was wrong. But basically to go back and look at the root zone study that was done that concluded last year that there were no issues with the current pace of entries into the zone and that it could handle more to look at that and see whether it would I guess it is reconsider, their 1000 names into the zone recommendation.

So I think that's already on a path to be hopefully revised I guess, based on now the fact that there was a study done on the root. Anybody else have any comments? Okay, so then going into - and I know we've already a bunch of comments were already on the different types of solutions. But a couple different hybrid mechanisms were proposed.

One of the mechanisms that was proposed was doing essentially have predictable application windows so you basically say, you know, that - well I guess I'm sorry, let me go back - I actually wrote something down. Let me go back to something.



So we have a chicken and egg problem, as Donna put it, right, basically we have the problem of, you know, what can ICANN handle and then ICANN's going to say well that depends on, you know, what you recommend. And so we have this kind of circular argument.

I suppose we could, as Steve started out saying, we could do a recommendation that says that if the applications are above X, then this will happen. And we leave the X blank for a later determination by ICANN based on everything else that we've said that if the application number is below X, then this is what we think. And perhaps that is the way to kind of solve the chicken and the egg problem which is now we've kind of defined what process we'd, as Steve said, we'd like to see. And then ICANN could then go back, do the study, and then fill in what that number would or could be.

And let's see, so Avri has also stated that I appreciate Kurt's point on the only timeframe there isn't pent up demand and think we should give that timing aspect consideration in any solution. Avri, do you want to expand on that?

Avri Doria: Yes, and this is Avri speaking. And perhaps it's because I had personally never considered it, we always spoke of windows, dealing with pent up demand and that there was always an assumption that we would continue - not always an assumption but frequently an assumption that we would deal with the possibly of first come first serve once there wasn't pent up demand. Now it's quite possible that, yes, after, you know, 30 different application windows pent up demand would be spent.

But I think Kurt's point about the only time you can be certain there won't is at the end of an application window, is an important consideration and so in any of these hybrid solutions, where we're working with windows and then eventual some version of first come first serve, even if it's small batches, I don't know, that we should really keep that timing aspect in mind that the

longer we wait from the end of an application period to the beginning of accepting new applications, the more we build pent up demand.

Jeff Neuman: Yes, thanks Avri. So wording it in the sense of as soon as the - I'm making this up - but you would say six months from the date that all initial evaluations are completed, from the previous application window, that's when you start the next application window? So instead of making an assumption of time, necessarily, you're making it a function of both - well you're making it a function of both time and capacity I guess. Is that what you're thinking or did I completely miss the boat? Donna.

Donna Austin: Thanks, Jeff. Donna Austin from Neustar. One of the other positives that it strikes me about that idea is the communication window for the next round, so I think one of the concerns that has come out of the CCT is that, you know, that the communication window for new gTLDs or the communication process, communication being awareness process, that ICANN engaged in regarding the 2012 round probably wasn't as good as it could have been.

And if you have a communication campaign which actually says that is able to say that we will be opening this application window between X and Y, and immediately following that there is another window, then that might help folks in deciding whether they you know, they really want to go ahead you know, if they really feel the pressure I guess, to prepare an application to hit that round, or by understanding that, you know, in six months time they could also submit an application that might be helpful as well.

So we've spoken a little bit about categories, and I think for generics there's probably, you know, a greater need for - or a greater impetus for people to get the applications done for that first round. But for something like brands, if they understand that immediately following there's another potential window that they can submit applications, then that would be helpful as well. So I think from a communications perspective there would be some benefits in that approach as well. Thanks.

Jeff Neuman: Thanks, Donna. Just to read a comment Alexander put into the chat, he says that "It doesn't make any sense to open the ongoing process after the next window. Say we get 4000 applications, and ICANN can process 2000 per year, then it will take anyways two years before any new application could be processed during these two years, of course, there will be pent up demand."

Donna, Kurt, thoughts on - Avri, thoughts on that one or the other question is, you know, that is sort of what is in the Guidebook now basically said, one year after the end of the application window is when we would start the next application window or it think it does use rounds. But there is a small caveat in the application guidebook about reviews, but how do we prevent that has happened this time then, which is basically a lot of people going to the Board saying hey, we should really take some more time to review this. And therefore putting I guess a halt on the - on the next round actually starting when the Guidebook said it.

Now again, I'm - I hope by saying that I'm not making - it doesn't sound like I'm making a value judgment, not trying to. I'm just saying, you know, if this is - if we want predictability and certainty, one of the ways that we can make sure that there's predictability and certainty and not this other factors that may lead to uncertainty.

So anyone on that topic or on Alexander's comment of if we are limiting the amount of applications we can process per year, then would there be pent up demand simply because the length of time it takes us to process applications? Kurt.

Kurt Pritz: So I think Avri got it that if we want to avoid, you know, if we want to avoid contention that we have to open up the window the day after. You know, there's two separate issues, one is avoiding contention and when we would ever open up a continuous window. And so, you know, to me it has to be the

day after we close the last window because on Day 1 there shouldn't be any, you know, any applications because demand is exhausted.

A separate issue is how fast we can process them. And so I want to make one additional point that I didn't make earlier and that is, you know, demand is also dependent on the price of the application and I don't think we can separate you know, the cost per application, the application fee that Christa's group is studying, in a vacuum and not considering the demand.

So we can't - I don't think it's for us to say well, you know, let's charge whatever the cost is and if the streamlined new process only costs \$20,000 then we'll get \$100,000 applications or something like that. I don't think we can wash our hands of that when we have that application fee discussion, we should not only think about, you know, where the money flows but also about the effects of that policy decision and whether that is going to, you know, result in applications that overwhelm the system.

So, you know, it all has to be balanced in some way. It's a complex issue. But I think that in measuring demand we have to take into, you know, in discussing the application fee, we also have to take into account how that's going to affect demand and then how that's going to affect our ability to process applications.

Jeff Neuman: Yes, thanks, Kurt. I completely agree with that and again it's almost a chicken and egg problem, right, because the fees may be - the fees may be partially determined by the type of process we choose but of course the process that we choose is also affected and impacted by the fees so I completely agree with you that we can't look at any of these in a vacuum.

Sorry, Alan, I guess some people couldn't hear you, Kurt, but I guess Kurt's main point - hopefully I can say this right, Kurt, in addition to what he said before about, you know, his view opening it only makes sense if you want to get rid of pent up demand to open an application window right after the like

immediately after the other one closes, because there shouldn't be any pent up demand.

The - oh, Kurt's saying yes, sorry. Oh, never mind. And then Kurt said that the function - a function of or very closely related to this issue is how the fees are handled, so of course if we - if the true cost is something low like \$20,000 then there's going to be a lot more - in theory - a lot more applications that are submitted than if the fees were higher. And so this issue of fees from a policy perspective we may choose whether we want that impact so it's maybe the true cost is \$20,000 but because we don't want this 100,000 applications because that will completely swarm the system, then we choose, you know, some sort of cost plus some other factor from a policy perspective. So these are all intertwined with each other.

Hopefully, Alexander, that makes sense. And - or hopefully I did Kurt's comment justice. Okay, any other comments? I will say that there were - if we go back to the original comments that we had from CC1, there were a number of groups that - and then I'll get to Anne - there were a number of groups that said that they did not favor a first come first serve because it was - they were afraid like the GAC and others to have to continually monitor applications as they were submitted if there's only a 30-day period to make comments, or to file objections or whatever that period is.

If it's during a holiday season or you know, they're basically always going to have to be on guard watching that page where applications are updated every day to make sure that they don't miss the objection period or public comment filing period or whatever else we have.

So they would prefer these groups to have something more much predictable where it's one application window per year or two or something like that where they knew, okay, these are the months that something was going to be posted and they only have to monitor it those two, three months or whatever it is. So that was a comment that they had brought out that it would be

impossible for them to monitor if it was on a completely first come first serve basis. Which I think is what - I think that's what part of Greg's point was as well.

Anne, you have your hand raised. Sorry. Let me get to you.

Anne Aikman-Scalese: Thanks, Jeff. Anne Aikman-Scalese. We've talked about having different types of rounds or categories. I know there's been discussion about having a window for community applications because that was in the European Commission recommendation which the GAC said that they wanted us to consider. There's been some discussion by some folks about brand applications.

But setting those specific types of applications aside for the moment, what about the possibility of creating windows where application fees get lower if you wait? In other words, setting aside the categories that may deserve preference for one reason or another, we have a general open round, and you say during the first three months the application fee is \$185,000, the next three months it's \$125,000, the next three months - would there be a way to regulate flow through means of making the application fee more affordable? Thank you.

Jeff Neuman: Thanks, Anne. That's certainly - that has not been discussed with this group yet so it's certainly an option on the table. The way I liken that to is kind of the way that a number of gTLD - open gTLDs did their land rush period in that kind of reverse - a reverse auction which essentially is, you know, those that want it the most will pay more and not wait than - and so it's sort of letting the market determine it. But you started with the premise there of - you started with a premise of potentially certain categories would go first to if we placed a higher value on those types of applications. So that's not something - that's kind of a third model.

But at the end of the day you're still talking, Anne, about ultimately a first come first serve, right, I mean, ultimately that's what it ends up being.

Anne Aikman-Scalese: Well, not if you consider all applications that were submitted - and this is Anne again for the transcript. It's not first come first serve during this window design that would be designed to address pent up demand and very large number of applications, it wouldn't actually be first come first serve during the first window necessarily, if the application fee were much higher. It would have to just be determined if - you know, if you wanted to consider everything that was in that window all at once.

And again, I do - I do have to say again that the strings have to be looked at from the standpoint of whether they should be gTLD eligible or not, and that's got to be a sorting mechanism first and foremost because otherwise people will waste a ton of time and money and if it's not truly gTLD eligible they should get their money back by way of refund. But you wouldn't have to do date and time of submission in a window necessarily if you are controlling the flow by the amount of the application fee.

Now I see that Donna is commenting - Donna Austin is commenting that you'd have to start with a much higher threshold than the \$185,000 if you were trying to control flow in this manner. I was just throwing that out as an example of a way to control flow. And again, it wouldn't apply - it would not work in relation to, you know, applications that were trying to favor whether it's from underserved geographic regions. I wouldn't want to apply it there. And then, you know, I think we're bound to get some GAC advice on community applications. But this would just be sort of that all other category. Thank you.

Jeff Neuman: Okay, and then one last - actually I had one last question on that. So am I interpreting it right that you're saying you could do this for each application window that you open up. So if you wanted to do two application windows per year, you start with a few days at that highest price, the next few days goes to

the, you know, you keep working your way down. But then you could end it and then start a new application window six months later or a year later?

I was assuming, when I asked you the question, that the steady state at the end of that was a completely open continuous process and not doing different application windows. But from the way you worded it the last time, you're wording it, it could also be a kind of window - you close the window then you open it later and you deal with the pent up demand by having again the higher price.

Anne Aikman-Scalèse: No, sorry, Jeff. This is Anne again. I'm sort of with those that think that once you deal with the six or seven years of pent up demand, that later on you move to open and continuous and you know, judge by time and - date and time of receipt of the application. I'm assuming you only need this type of sorting process to deal with pent up demand. Thank you.

Jeff Neuman: Okay, thanks, Anne, thanks for clarifying that. So then Donna adds, "Depending on what we decide or depending on what we decide for underserved region applications, if there is a waiver on the application fee associated with such application - an application, then the fee is irrelevant."

So Donna's pointing out again, one of the many items that are intertwined with fees which is the whole applicant support program and what they have to pay. And Kurt is saying the one lesson from the community round in 2003 and '04 we're waiting for the - or did I miss that? Sorry, did I miss something before that? Oh, clause that there shouldn't be a community only round. Okay, so that was 2003, 2004 when we tried to have a only sponsored TLDs and then even though we tried to put a definition around sponsored, there were a number of complaints in 2003 and 2004 that everyone tried to fit their application into that narrow sponsored definition.

The good news is we only got, you know, about what 10 applications as opposed to thousands. The bad news is that it caused groups to be a little bit



more lenient on what constituted a sponsored TLD and many have argued since that the TLDs that were considered sponsored weren't really or are no longer sponsored moving forward.

Okay, I know we only have a few minutes left so I want - I think this is a good place to stop and ask for any other business. And while you're thinking about that, Avri, says let's continue this discussion on the list and in the doc and there's a link to the doc. We will try to update the - or ICANN still will try to update the requirements section as we discussed, add the assumption section as we discussed and also add this other model that Anne has introduced as well.

Anything else for any other business? Okay, Avri, I'm going to turn it back to you then to close the meeting.

Avri Doria: Okay, thanks. Thank you, Jeff and thanks for taking the bulk of that conversation. And thank you all for the discussion. So really I wrote it there but I really want to reiterate it, let's please continue the discussion on the list and please go into the document, certain, you know, the viewpoints that people have put forward are being recorded there so it may even help remind you of points you made before. And people can discuss both by adding text and adding comments and getting discussions going back and forth in there - in the comments so that we can get this done because the CC1 recommendations won't be done until we get through this among the other topics.

So I'll ask again, even though Jeff asked it, any other business? If not, then with three minutes to go, I adjourn this call and thank you all. Bye.

Michelle DeSmyter: Thank you, Operator. Again, the meeting has been adjourned. Operator, please stop the recordings and disconnect all remaining lines. Thank you.

END