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ICANN69 | Community Days Sessions – GNSO - New gTLD Subsequent Procedures PDP Working Group (1 of 2)  
Wednesday, October 14, 2020 – 14:00 to 15:30 CEST

UNIDENTIFIED FEMALE: Good morning, good afternoon, and good evening. Welcome to the New gTLD Subsequent Procedures PDP Working Group call. This is Session 1 of 2, taking place on Wednesday, the 14<sup>th</sup> of October, 2020, at 14:00 [PEST].

Please note: all working group members have been promoted to panelists. Panelists can activate their mics and type in the Zoom chat pod. To do so, please remember to select all panelists and attendees in the dropdown menu so all can read your comment. Panelists cannot ask questions via the Q&A pod, so we ask that you kindly type in clearly in the chat pod.

We are welcoming observers to the call today. A warm welcome to you all. Observers on this call are silent, meaning you cannot activate your mics. As a reminder to all, the call is being recorded. Recordings will be posted on the ICANN69 website shortly after the call ends. All panelists must remember to state their name before speaking. All participants on the call must abide by the ICANN standards of behavior.

With this, I'll turn the floor back over to our co-host, Jeff Neuman. Please begin.

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***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.***

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JEFF NEUMAN: Thank you very much. I certainly have a tough time saying the name of this group all the time, so we just call it SubPro for short. It's much easier that way.

Welcome, everyone. Welcome to the first of two sessions we have today, although they are back-to-back with a half-hour, I think, break in between. During that break we will have to shut down this room. Then there's actually a separate link for the second session. We'll remind everyone at that point in time anyway, but just to get it out there now.

Those that are panelists, you are welcome to use video if you want. It'd be nice to see your faces. You don't have to, but it would be nice since we can't all be together in Germany at this point in time.

For the attendees, let me just say that—there's a lot of them, which is great—this is a working group call that's actually a working session, so you are absolutely welcome to be here and to type in questions and to participate. I believe the chat—let me just ask that question before I say it—is open to attendees as well. Is that correct?

UNIDENTIFIED FEMALE: You are correct. Chat is available. Just mics are not.

JEFF NEUMAN: Great. Okay, that's perfect. So please do type in the chat. I'm going to ask ... I should probably introduce myself, right? I'm Jeff Neuman. I'm one of the Co-Chairs of the Subsequent Procedures PDP Working

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Group, and I'm here with Cheryl Langdon-Orr, who is the other Co-Chair of the Subsequent Procedures PDP. And there are a number of people who have been instrumental serving on the leadership team as well. I can't tell—I haven't looked through the list—if they're here. I know I saw Annebeth Lange and Martin Sutton, Javier, who is from the ALAC, and Olga Cavalli, who's from the GAC but soon to be on the GNSO Council as well. So they have been—oh, I'm sorry. I missed Robin Gross. Sorry about that, Robin. I hope I didn't miss anybody else. If I did—Rubens. Rubens Kuhl. Sorry. I'm just trying to do this from memory here. So they're all part of the leadership team, so, when we have leadership calls every week, all of them are invited to attend. We also have Flip Petillion, who attends as the GNSO Council liaison to this PDP, and he serves as well on the leadership team. So this is very much a group effort. Although I'm the one who speaks a lot, really you should know that the leadership team has been instrumental, along with ICANN policy staff—Steve, Julie, and Emily—who we couldn't do this without. So I just want to thank everyone there.

There have been some other members of the leadership team as well that have been active. Michael Flemming is one of them. And Christa Taylor also helped out, especially early on. Of course, for those of you that have been with us the whole four years, Avri Doria was one of our Co-Chairs before she left us to go to the ICANN Board. Whether that's a promotion or not, I'll leave that to everyone to decide on their own.

On our agenda today, because this is a working session, we are actually going to go through a number of the comments that were

received to the draft final report. The draft final report came out in mid-August, and the comment period ended at the end of September. So ICANN staff has been busy compiling those comments, and the document that we're going to look at, which I'm sure we'll put a link into the chat at some point soon before we get to the document for, we're going to be reviewing.

So our role for today ... We're not going to go word for word through every single comment that was received. We have tasked the working group to go through the comments. As we get to a topic that will be on the agenda that you'll see on the next slide, we will first ask the working group members if there are any comments that they would like to discuss and then address those comments. I've also gone through—I'm sure Cheryl and others have gone through—to point out other areas so that we can discuss those as well. So, if we do not get to a particular comment, that doesn't mean that we won't eventually get to that comment, and it doesn't mean that we don't think those comments are not important. It's just that, because we have limited time to talk about these subjects here at ICANN69, we may not get to all of them.

With that said, the other item I wanted to say before we get to the specific topics is I really want to thank everyone that submitted comments because they were incredibly comprehensive. They were in line with what we were asking for, which was essentially information on things that have changed or things that are based on new information that maybe the working group has not had access to

during its deliberations. Also, for the most part, a lot of the comments have not only said what they may not have agreed with but have also recommended remedial actions or—maybe that’s not the right word, but have recommended changes or things that we could do to address those comments. So I’m very appreciative of all of that, and I think it’s just a good sign for the community and for those as well. I really encourage you to read the ICANN Board comments and the ICANN Org comments, which were incredibly comprehensive. Even though they were a lot of comments submitted, when we address them, I think this should make the time to implementation a lot of shorter because we would have covered a lot of these areas. So I’m hopeful that all the work we’ve done to date and we’ll continue to do for the next couple of months will be instrumental in the eventual implementation and in not having several years of drafting a new guidebook but rather a much shorter implementation review team to finalize these.

I notice that there are a couple preliminary comments. So, while I ask ICANN to bring up the spreadsheet and put the link into the chat, I’m going to go to Kathy and then to Jim. So, Kathy, go ahead.

KATHY KLEIMAN:

Good morning, Jeff, and good morning, Cheryl and everyone. Hi—or afternoon or evening. [Would that] we could all be together.

Jeff, I know I’ve missed a meeting or two since the comments were due, but I was wondering if there are any statistics or overviews of who commented, how many commenters we had, which stakeholder

groups commented, which community members commented—the big picture of where we are on this.

I also wanted to check whether the ICANN Board and ICANN Org comments have been incorporated topic-by-topic into the spreadsheet.

Also, I just wanted to double-check that we’re crowd-sourcing the old comment summaries. Everyone has to do it for themselves. Is that right? In RPMs, we went to subgroups, and we fanned out the job of reviewing the public comments, seeing if there were new ideas. We had different groups do a deep dive.

So three questions: one, statistics and overview of who commented, two, incorporation of ICANN Board and Org comments, and, three, are there any summaries/anything to help guide us through, or are we each reviewing every comment? Thanks.

JEFF NEUMAN:

Thanks. All very good questions. As far as the overall stats, I might just ask Steve or Emily or Julie. I know at one point I saw that there were somewhere around 50 comments, but I’m not sure we broke it down in terms of which stakeholder groups ... I mean, you’ll see them in each of the questions as we pull up this sheet, but it’s a good question. I think, if it’s okay, Kathy, I’m going to park that, and maybe we’ll address that in the second part to see if we can just pull that up.

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KATHY KLEIMAN: Fair enough, Jeff. Thank you.

JEFF NEUMAN: Thanks. Second ... I'm trying to remember the order of the questions. At this point of time, all of the comments have been copied and pasted into the spreadsheet. What you'll see in this point in what we call the public comment tool is word-for-word what were in the comments. The tool now—the spreadsheet—contains those items we prioritized, which are the ones that we're going to discuss during this meeting. The rest of the public comment tool will be submitted somewhere around, as Alan has said—hopefully before—the 21<sup>st</sup>. Then ICANN Org will also do what they normally do for public comments, which is a factual who-said-what.

But, at the end of the day, I think it's important that everybody reads all of the comments. Yes, for these topics that you see today, there are a lot of comments, but, for most of the topics, which don't include the ones for today, there really aren't a huge number of comments. I think what we're going to do is we're not going to break down into subgroups until there are specific areas that we may need to drill down into. For example, if the working group agrees that certain modifications are needed, then we may drill down or have a smaller group work specifically on those issues. But, because we are near the end-game—these are comments to the draft final report—we're going to review these as a full group.

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KATHY KLEIMAN: Thank you, Jeff.

JEFF NEUMAN: You're welcome. Did I address all of them, Kathy? I know you had three, but I'm not ...

KATHY KLEIMAN: Have the ICANN Board comments been incorporated issue by issue?

JEFF NEUMAN: Yes.

KATHY KLEIMAN: Perfect. Thank you.

JEFF NEUMAN: Yes, all the ICANN Org comments and the Board comments for these topics that we have today are incorporated. Of course, they're in process for incorporating them into the other topics.

I know that Jim is in the queue. I know that Paul McGrady didn't have a way to raise his hand. So it's going to be Jim, Paul, and then Justine. So, Jim, go ahead.

JIM PRENDERGAST: Thanks, Jeff. Going back to our last meeting, where we went through the Board comments rather quickly, there were some elements of the



Board comments that were not exactly clear to everybody that required further explanation. It's unfortunate that this session is up against a Board meeting with the constituency. But has there been any effort to schedule a call with at least the Board liaisons, if not a larger segment of the board—maybe the caucus group—to get further clarification on that?

The question I'm going to ask I probably should have asked last week, but it will apply going forward: when we did review comments in the past, we did have situations where our comments were unclear. How are we going to handle those going forward, whether they come from an individual or from a SO or an AC? Thanks.

JEFF NEUMAN:

Thanks, Jim. I have an e-mail drafted that I asked a couple members of the leadership team to review, so I'm going to send that out to Avri and to Becky shortly after this meeting. Yeah, the ultimate goal is to get a call set up with the working group and Avri and Becky just to go through those items that we talked about on the last call. We'll probably mention them again. I know we will because we're going to cover a couple topics that cover some similar questions. But, yes, that's the goal.

I probably also should have mentioned that—I mentioned this on the last call, I think—the only group that was not able to submit comments that we know of that wanted to submit comments was the SSAC. We are trying to arrange—I think we have a date now—a call

with the SSAC on the 19<sup>th</sup> during our regularly scheduled call, which you should have on your calendars anyway. So hopefully we'll have the SSAC or at least representatives of the SSAC on that call so we can hear some of their comments that they just weren't able to put into writing or go through their full process before the end of the month. So I wanted to make sure that, rather than just leave that to the SSAC writing to the GNSO after our report is done, we actually got a chance to hear what their comments are.

Paul, I know your hand is not up, but go ahead.

PAUL MCGRADY:

Thanks, Jeff. Yeah, I'm unable to defeat the Raise My Hand button function, so I apologize.

I just had a quick question about a little digging in deeper about what today is. Is today going through the public comments, reacting to them, negotiating over final text in the final document? Or are the two sessions today going through these, understanding what they say, identifying where we need more information, and then the working group will do the deeper dive under each topic at a later date to work out the final stuff? So, in other words, is this our last shot at some of these topics based on some comments—frankly, some of these are new comments to me; I've not had a chance to go through this document entirely yet—or is this an introduction to what the community said, and then next week we'll start to dig in and go through the slog of finalizing? Thanks.

JEFF NEUMAN:

Great question, Paul. I think it's a hybrid of what you said. We're not working on final text. That's for sure. But we do want to have a little bit of a discussion on these topics to make sure we understand them. But also I'll give some of my thoughts on these. Hopefully others will offer their thoughts. There's a bunch of things we can decide to do with some of these comments. Some of them are very detailed and may be ones that can be dealt with during the implementation phase. So we may just say, "Hey, great comments," and we'll draw the attention of the implementation team to these comments as they go forward because some of them are quite detailed in the weeds. Or we may say, "Yeah, we discussed those, but we've already ruled that out." Or we may decide to engage in further discussion. So I'd like to just get some comments from working group members, especially on their thoughts on the comments during this call today and as we address these topics. But we're not working on final text. That just wouldn't be feasible.

Justine, I think, was next, then Avri—oh, actually Justine put down her hand, but I'm assuming it's still up—and then we'll get into the topic. So, Justine, do you still have your hand up, I'm assuming?

JUSTINE CHEW:

Thanks, Jeff. Sorry. I actually put my hand up on behalf of Paul McGrady, so it's down.

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JEFF NEUMAN: Oh. Thanks, Justine. Jim, I would assume your hand is leftover. I'll go to Avri.

AVRI DORIA: Thanks. I just wanted to jump in quickly and say I plan on participating in this whole stream, and I'm here as the liaison from that group. So, when it comes up to Board comments, I'll do my best to answer. Where I fail, I'll go back to the Board caucus and get help. Other Board members may show up, but I'm really here to do that bit of liaison duty in my long relationship with this group. Thanks.

JEFF NEUMAN: Great. Thanks, Avri. That's fantastic. It's great to know that you're with us. There's a lot of stuff, as Jim, I think, put in the chat. But, again, just a last point on that—well, Jim's got his hand up, so, Jim, you for first and then I'll address those comments.

JIM PRENDERGAST: Sure, Jeff. We talked about it last week and you mentioned it again today: this concept of kicking stuff to implementation. I would just caution you on doing that unless it's absolutely clear that something is in fact not policy and is implementation. I don't want to find ourselves in the same situation that we were in with the 2012 round, where either the ICANN Board or ICANN staff is forced to do this on their own because we didn't do a thorough-enough job before we sent this off to the GNSO Council. So, as we go through this process, let's really make

sure something is implementation and not something we have to do work on. Thanks.

JEFF NEUMAN:

Thanks, Jim. Where I have notes for myself on implementation, I've basically followed what you said in the sense—at least my own notes; I don't dictate what this group does, so everyone is free to disagree ... We as a working group will follow the working group's lead, but there are a number of comments that came in on ... I'll just pull something up where we're talking about applicant support and outreach efforts and there were some comments of "Well, you might want to go this organization," and, "You might want to do this thing and that thing." They're all good ideas, but they don't impact the ultimate policies that we are putting forth. At the end of the day, we do call or a separate implementation workstream that is being hopefully put together of people with expertise in these areas. So we did that for a reason, so, as we get to that, I'll go over it. But I think you're right. We don't want to throw policy items over to an implementation team just to do that. But, then again, we don't have to go into all of the weeds that some of these comments wanted us to do.

Donna, last one, and then I really want to start the substance. But go ahead.

TERRI AGNEW:

Donna, it's Terri. You may want to check the mute on your side.

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DONNA AUSTIN: Can you hear me now?

TERRI AGNEW: We sure can.

DONNA AUSTIN: Okay. Sorry, Terri. Sorry to hold everybody up. I appreciate Jim’s point, but I just want to also say that I think it’s important that we work towards a target date to complete this effort because I think that’s really important. We’ve been working on this for five years. I don’t think it’s unrealistic to say, “This is the date we’re aiming to finish the rest of the product and get it to council.” But, if we do have a few things overhanging that we need to finalize, we can. But I think a target date at this point is really good for us to work to and commit to as a working group. Thanks, Jeff.

JEFF NEUMAN: Thanks, Donna. I’m a big supporter in that as well. So we’re going to be working hard for these next couple months. There’s going to be a bunch of work done in between calls. So not all of the work will be done on a call, and we’re going to ask a lot of our working group members.

There was a question in the chat, and I just lost it—oh. Anne is asking when we will have a staff summary. So this is what we’re going to

working off of—“this” meaning the public comment tools; what the working group is really working off—as opposed to any kind of summary that ICANN staff does. ICANN does have to do their standard summary, but it’s more factual. It’s not really a huge analysis, so I’m not sure, Anne, why that’s really important. Steve or Emily or Julie, can you just for, like, one minute, touch on the other deliverable, just so everyone is clear?

EMILY BARABAS: Hi, Jeff. Can you hear me okay?

JEFF NEUMAN: Yeah. Thanks, Emily.

EMILY BARABAS: Just to clarify the outputs we’re expecting, right now we’re working on creating a public comments summary document, like what you see on the screen but covering all of the topics—41 topics. It’s verbatim text from the comments, just organized in a little bit more of an easy-to-review manner. That will be the tool that the working group will be using to review the comments. As you can see, we’re doing a little bit of bolding to just highlight some of the key points, but we’re not altering the text in any way. Our intention is to have that ready for all the topics by the 21<sup>st</sup> of October, along with the staff report on the public comment period, which is going to be relatively brief, and factual as you said, summarizing what has come in, who’s responded,

at quite a high-level, and then appending these documents with the organized comments in this more digestible format so that everyone has that available to review on their own.

So hopefully that gives you what you need, but please let us know if you have questions. Again, the target date for all of that is October 21<sup>st</sup>. Thanks.

JEFF NEUMAN:

Great. Thanks, Emily. Okay—whoops. Had my ... Let me turn off my Alexa. I don't know why that went off. Let's go to then the spreadsheet or public comment tool. That's what it's called. I keep calling it a spreadsheet, but I guess the official name is the public comment tool. We're going to start off with applicant support. Now, there are a bunch of topics that we'll try to go through, and we're going to get through as many as we can get through. We didn't allocate specific time for each one because all of these topics are important. What we did, though, is we put some of the topics that we haven't discussed during an ICANN meeting up first. The other topics that we've discussed many times we've put towards the end. That's not a rank of importance of the issues but just to shake things up a little bit and have these conversations at an ICANN meeting.

With that, let's go to Topic 17, which is applicant support. Okay, it's up on the screen. It's really small. I think the link was put in there earlier. So, everyone, go to that link if you'd like because the text is much bigger. So it's easier, at least for more eyes. I'm going to ask Cheryl



and others to help me if there are comments or questions that we should be addressing in the chat or in the Q&A box because I have my eyes on a couple different things here and may miss those.

The other thing that's important is that this analysis now is a qualitative analysis, not a quantitative analysis. So the fact that you may see 30 groups that support it and maybe one or two that don't support it or that don't support part of it ... At this point we're going through the comments. We're reviewing these, but we specifically didn't do a, "Well, ten people said this, and four people said this," because it's just not a helpful way to actually go through this, especially when you have stakeholder groups and individuals. It just doesn't make sense to do that quantitative analysis.

With applicant support, I think, even as you go through the ones that don't support certain aspects, I think it is clear that there's universal support for the applicant support program in general. Although there are some comments where there's some disagreement in certain areas, it certainly seems like there's wide support for the program and frankly for most if not all of our recommendations.

Of those that support it, even though they said they supported it, they still may have put comments in, and I think some of the comments that are in the support really go around fleshing out more details on things.

There's ... Sorry, I just took a drink. There's something we'll get to about non-profits that a couple of the groups had put in.

I think there's an overall comment, too, from a number of groups—we do have this in our report—to make sure that entities that qualify for applicant support are still able to, at the end of the day, administer the TLD and operate the TLD in compliance with all of the security/stability/resiliency—basically, all of the requirements. So I think you'll see that as an overall comment in a bunch of them. Of course, we do say that in our recommendations.

A couple things that I wanted to just draw attention to ... Actually, let me ask the group first, which is what I said I would do, are there specific comments that you have seen in here that you want to make sure we go through? Of course, I have my list, but I said I would open it up to the group to see if there's any comments.

Okay. I'm seeing something from the registry group. Anne, go ahead.

ANNE AIKMAN-SCALESE:

Jeff, one thing that really leaped out both from the Board comments and the ICANN Org comments related to community applications and casting doubt on whether community priority evaluation should proceed at all in the next round. I wonder, with Avri's gracious offer, if she might shed some light on that topic.

JEFF NEUMAN:

I'm going to ask that we hold onto that until we get to the next topic, which is community applications. We're doing applicant support now. Although there is a comment there—I think it was from the GAC—that

communities should have greater access to the applicant support program, I'm going to save that. We will get to that today, and it's probably an in-depth one. It's one I wrote about in the e-mail that I have drafted that I will send out to Avri. So I'm not sure Avri will necessarily be able to answer it during this call because it is fairly complex. Anyway, we will get to that.

Then I'm seeing some GAC comments and Registry comments. Okay.

I do want to bring up some of the Board and Org ones first because I think they trickle into some of the other comments. I think it's important because—I think we mentioned it, at least, during one of our working group calls, either last week or the week before; I'm getting my days mixed up ... The ICANN Board brought up a very important point that ICANN is not a grant-seeking organization. They're not set up to be that type of organization. So, while we have some recommendations in here that are supported by a lot of the groups, by the way, which says things like financial assistance should be provided for consultants and legal support and other types of support other than just paying for the application fee, the Board brings up a very good point that they're role, because they're not a grant-seeking organization—although in 2012 it was much more passive—really could be more as a facilitator with those organizations that can do those services to facilitate the interaction between the applicants and those organizations as part of something that was referred to, I think, first in the CCT Review Team report, as the pro-bono assistance program that ICANN, as an organization, is

comfortable, I think—if I read their comments right—in facilitating in a more active way than they did in 2012, establishing connections between applicants and these organizations that could do these services. At the end of the day, their financial support is really limited to either reduction in fees towards ICANN or the application but not to getting additional funds and then paying out those funds to specific providers of these services. That’s going to be important for us to think through: how we can have ICANN serve in the facilitation role while also making sure that there are organizations that are able to perform these services and help the applicants out. I think, at a high level, that’s really going to be important. It may change some of our recommendations in terms of saying that ICANN would actually pay out fees for these services, but in this case, really just having more of an active role of ICANN in this pro-bono assistance. I hope that makes sense, and I hope Avri or others from ICANN correct me if I’m reading that wrong.

I see Anne is in the queue, and then Justine. Anne, go ahead.

ANNE AIKMAN-SCALESE: I apologize, Jeff. It’s kind of early here. I’ll take that hand down. Sorry.

JEFF NEUMAN: Oh. Okay, sure. Justine?

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JUSTINE CHEW:

Thanks, Jeff. I'm looking more at the last [inaudible] for the ICANN Board comment, where it says, "Alternatively, ICANN Org ..." Okay, forget about the [inaudible] pro-bono assistance program. I'll come back to that. But it says, "Alternatively, ICANN Org could act as a facilitator in the introduction of industry players or potential funding partners to prospective entrants." Now, this, to me, says that ICANN Org is not looking to seek funding for disbursement but they're actually putting together possible funders for, for want of a better word, borrowers or the actual applicants. So that is also a form of facilitation. It doesn't mean that money crosses hands into ICANN Org at all. That is something that we would really like ICANN Org to consider. It is also facilitation.

Now, we're coming back to the pro-bono assistance program. I'm not quite sure why that is pro-bono, per se, because, to me, pro-bono is in respect to services which aren't charged out. So, when you're talking about introducing two parties together, that's not necessarily pro bono assistance.

So I think the important thing here is to get onto the point where ICANN Org could be the facilitator in introducing funders with the applicants, and they can go and sort out what needs to be done to actually get the money. Thank you.

JEFF NEUMAN:

Thanks, Justine. Yeah, certainly ICANN does talk about ... It's important because they—again, Avri is welcome to jump in—talk

about introduction to these funding partners. But I think, from the point in which the introduction is made, my perception of the comment was that ICANN would back away. So it wouldn't work ... I'm not saying this right, or I'm trying to think of a way to say this ... that ICANN would actively work to make the introduction but, when it came to the steps that are done after that, then ICANN is just not involved. It's then between the applicant and the potential funding partner or industry player. I don't think ICANN would play a role as an advocate. That's the word I'm looking for. So it's really just, "Well do the intro," or, "We'll work hard at finding these entities and figuring out what services these entities can provide and make sure they're credible entities," and things like that. But once the intro is done, there's a handoff, and then ICANN's role is done.

Maxim?

MAXIM ALZOBA: Do you hear me?

JEFF NEUMAN: Yes.

MAXIM ALZOBA: The funding/the application costs is one thing. It might help some communities, etc. But if the funding is an ongoing process, it will be some kind of affiliation between ICANN and those parties. I'm not sure it will be appreciated by [inaudible] agencies around the world. I'm

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sure the directors at the Board have fiduciary duties and don't go into these kinds of [tight] situations. So [it] might be relevant to those. Thanks.

JEFF NEUMAN:

Thanks, Maxim. I know Sebastien Bachollet had said that there was a pro-bono assistance program in 2012, and I responded, "Well, kind of." I think what we say more in our initial report, because we really went into some history there, that all ICANN really did was basically issue a call out for volunteers to provide services, and it didn't really vet any of the entities that said that they would provide services. It really just took what the people and organizations said they could do and posted it up on the website, and that was it; it then walked away. As we say in our initial report, and then followed in the final report, we envision a much more active role of ICANN doing some vetting and taking a much more proactive approach and not leaving everything up to the applicants to do in the sense of ... It's going to do more than just have a webpage up that lists these entities and then walk away. It's going to be much more proactive, at least at that initial ... Or at least the recommendation is that they be much more proactive.

So that's important. Okay, Christa, go ahead.

CHRISTA TAYLOR:

Hi. Can you hear me, Jeff?

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JEFF NEUMAN: Yes.

CHRISTA TAYLOR: Great. Thanks. I think a little bit of context might be helpful. When we were discussing this over the years, one of the aspects that really comes to mind is really a uniting of resources. For instance, one of the aspects that always came up was communication and how we were going to reach all these different parties. So one of the ideas that was there was to go and engage with the ICANN community, who can have local resources in all these different geographic regions, to help get the word out that there is this program out there, there are resources, and there's people here to help you. So just a little bit of context on where that's coming from. I think that's it. Thanks.

JEFF NEUMAN: Thanks, Christa. I think that's right. When we work on the final text of these recommendations [on] things like ICANN paying legal fees or paying consulting fees, those likely would have to be changed to take into consideration what the ICANN Board and staff have said, which could have the same result, which is trying to issue calls for these types of providers to come forward and maybe specify what kind of discounts or what they'll offer these applicants and help facilitate that as opposed to ICANN paying out of pocket any expenses. So I think that's something we need to keep in mind when we work on the final text.



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Jumping to the GAC comments, there's some comments here that are definitional, so we'll take a look as a working group to see if we need to provide more definitions. I think part of the reason we didn't provide certain definitions, like a specific definition of middle applicant, is because it is very difficult to define that. I think the concept was more, in the recommendation, that applicant support should not be limited to just the underserved regions but it should be available to regions that may not be deemed to be underserved but may have other extenuating circumstances for which an applicant may qualify for applicant support.

One of the points that the GAC raises—and one that we asked specifically—was about ongoing ICANN fees. I would say, from the comments, we had some commenters that said, “Yes, this is great. They should have an elimination or at least a reduction of the ongoing ICANN fees,” but we had also a number of comments that were, “No. These organizations that are running these TLDs should have enough financial stability to pay some or all of the ICANN yearly license fees (let's call them).” So, from the comments, I didn't see a clear answer coming from the community as to yes or no. So that's something that I think we—sorry, I was just reading some of the comments ... So I think it's going to be difficult for us to make a concrete recommendation on ongoing fees, but we as a group may ask ICANN ... I'm trying to think of who it was. It might be InfoNetworks that made this comment, which I believe is Mike Palage, who's been in the community for a long time, that said, “Look, organizations like .museum still pay \$500 as a yearly fee. So perhaps a reduction in fees may be appropriate while

still ensuring that they are financially stable.” So I think that was a good comment and certainly one that I had forgotten: that there’s at least organization that’s paying a little bit less in fees.

So we’re going to have to look at all the comments as a whole to see if there’s some middle ground which would show that the applicants do have some skin in the game—meaning they have to pay some ongoing fees—but perhaps the full \$25,000 per year is quite steep, especially for the ones that qualify for applicant support that may have models where \$25,000 U.S. is a lot of money. I take Jorge’s point that the GAC is quite clear on ongoing fees. I take that and accept that. I think some other groups are quite clear in not accepting the fact that they shouldn’t pay anything. I think there’s a middle ground, or at least I’m hoping there’s a middle ground. So that’s something that the working group will have to consider going forward.

And I think the GAC said a reduction in fees, not necessarily ... Let me just read that in my own copy. Yeah, it says ... Well, the Swiss government says a reduction, and then the GAC, and then the GAC states “reduce.” Yes. So, if we come up with a reduction in fees—something that everyone could agree upon—that is in line with the GAC comments and the comments of the Swiss government. So we’ll need to see those groups that—I think it was the registries, the Business Constituency, the IPC, and some others, I think, that may have said they don’t support the reduction or elimination ... But we’ll need to see if we can find some sort of middle ground there.

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Christa, your hand is up. I'm sorry. I didn't know if that's an old one or a new one.

CHRISTA TAYLOR: Sorry. It's down.

JEFF NEUMAN: Okay. Thanks. So there's some comments here as well on ... I'm just looking through here, just to make sure we cover some ones that I think are ones we probably need to go through ... ALAC has a bunch of comments. They are seeking ... It's interesting because we never discussed ... Sorry, I shouldn't say we never "discussed." We did not, as a group, come to agreement on limiting applicant support or differentiating applicant support for those that apply for a geographic versus a non-geographic name because I know we discussed that as a possibility early on, and that was ruled out by the group. So I think that that's one that I'm not sure we'll be able to move forward on.

But then there are some comments here about who should ICANN work with to get funding and outreach. I think those are implementation details that we certainly should forward on to an implementation review team.

Any other comments that people want to address from applicant support? There's certainly a lot of them.

Sorry. There was one other comments from, I think, the GAC—I have it in my notes—where they say that a candidate that qualified for

applicant support should—I think it’s the GAC that says it—have a priority. I do want to say that that was discussed by the group, and that was something that the working group did not agree on. That’s why it came up with the concept of bid credits. I do notice that there are comments on the bid credits about making sure it’s not subject to gaming. So that is something that we already have slated as a discussion topic for the working group, so I think we’ll save that for a future working group conversation/work on the mailing list.

UNIDENTIFIED FEMALE: You have two hands up, Jeff.

JEFF NEUMAN: Oh, thanks. Thank Justine and Susan?

JUSTINE CHEW: Thanks, Jeff. Well, I was going to raise the question about what we were going to do about preventing gaming for ASP, not just the bid-credit bit but the actual applicant support funding in terms of reduced fees. Well, if you said that we’re going to take it up in the subsequent working group meeting, I’ll leave it at that.

I wanted to also mention that, in the ALAC comment, we suggested some metrics. I believe metrics is a topic on its own, but, because the Google form didn’t allow us to submit everything together in Topic 7, we posted metrics for ASP in this topic itself. Thanks.

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JEFF NEUMAN: Sorry. It took me a second to get off mute. Yes. I actually liked a lot of those. So I'm going to ask ICANN to just flag those and make sure we can put them in the metrics topic to make sure it's there.

Susan, go ahead.

SUSAN PAYNE: Sorry, Jeff. I was going to make the first point that Justine made, so I took my hand down.

JEFF NEUMAN: Oh, okay. Thanks, Susan. I'm trying to see ... Oh, on the gaming point, what I'm going to ask the working group members to do, especially from these groups that submitted comments on gaming ... We spent a lot of time as a working group, or even the work tracks before it, talking about the potential game. We didn't find that there was gaming in the last round. That could be because there wasn't as much outreach and therefore there wasn't as much applicants. There's a whole bunch of reasons. But I'm going to ask that those groups who submitted comments about gaming be a little bit more specific as to why they think, under these recommendations, there would be more gaming and to give us some examples that we can work with so we can see if there's any additional that we need to put into place. If we remember, early on a lot of the rules in the initial applicant support program for 2012 that were put into place were really harsh because

there was this fear of gaming that either didn't come to fruition because they were so harsh or we don't exactly know why. But it would be great to be as specific as possible in what kind of gaming we're worried about and what the actual harm of that gaming would be.

Susan has got her hand back up, so, Susan, go ahead.

SUSAN PAYNE: Thanks, Jeff. The comment that I was going to flag—it's in response, I suppose, to this—is the NTIA comment. I can't remember what line that is, but it's just a few lines down, I think.

JEFF NEUMAN: Like [14]?

SUSAN PAYNE: Yeah, probably. One of comments they made was basically that we did as a group think about the possibility of gaming in terms of taking the benefit of applicant support in order to prevail in the context of an auction. We built in some guardrails there in terms of restrictions on then transferring away the TLD pretty immediately afterwards.

So I think, in response to what you were just asking, NTIA's comment suggests flagging that. They feel that, actually, that issue is a potential risk for all applicant support recipients, not only if there's an auction situation. It seems to me that we've already built in some guardrails

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that could readily be [brought] across to all applicant support recipients, if we think it's appropriate.

JEFF NEUMAN:

Thanks, Susan, for reminding me of that one. I can't remember if we made ... There's so many recommendations now. I don't know if we said anything in here about that any applicant that gets applicant support cannot, in general, transfer. You're right that we did say it with those that get bid credits or auctions in general. So I think that's helpful, and we may want to bring that over as well.

Justine?

JUSTINE CHEW:

Thanks, Jeff. I put a comment in the chat, too, and I was going to say it verbally. One of the fundamental changes that we're making for applicant support is that any application that does not qualify for applicant support is still allowed to proceed as a standard application. Now, that wasn't the case in 2012. We suspect that that is one of the reasons that we had lower numbers of applications for applicant support. The other factor is probably the very poor marketing and communications for the applicant support program in the last round. Thanks.

JEFF NEUMAN:

Thanks, Justine. Great point. I think, for that, in part of our recommendation—someone could correct me if I'm wrong—we do

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say, unless a panel finds that there's willful—I forget the exact term we use; maybe willful gaming or willful something—

JUSTINE CHEW: Yes, willful gaming.

JEFF NEUMAN: Yeah. Then they can convert it over to a standard application. But, if the panel finds that there was some willful activity or misrepresentations or whatever, then it would not be able to convert over to a standard application. So I think we've built that in, but, if the working group feels like we need something stronger or something else, then let's discuss the specifics, not necessarily right now, but just think about that in terms of what we already have.

In terms of the registry comments—sorry, I know I'm jumping back and forth, which probably makes it a pain for ICANN staff that's helping us ... Where is it exactly? Which line? It might be under the ... I know I'm going ... So what line is that? Line 19. Okay, thanks. There it is. So there's some things in there that ... The registries talk about financial support for other types of professional fees that are mentioned there. I think we talked about this in terms of that we're going to have to go back and rework some of these because of ICANN Org's and the Board's comments on what they can ... They can't really dish out funds for these things, but certainly we can apply the concept of other types of providers for these pro-bono assistance program support.



The bid credits. Again, there's a discussion of gaming. For that, I'd love to get some more specificity on what types of gaming we need to mitigate against. Then we can actually discuss whether we need to put other things in there.

There's a comment in here that also is repeated in Section 35, which I think is applicant changes. It talks about—or maybe it's the auction ones—that applicant support applicants need to be protected from more sophisticated applicants who benefit financially from entering into a business [combination] or joint venture. I need more information about that. I'm not sure I understand what they need to be protected from. So, if we can get some more information from, I think, Christa or someone else that's from the registries ... Because I think, at this point, we need to be very specific on any changes we make to the recommendations.

The registries also discussed metrics, and I'm going to ask to move those over to the metrics section as well.

Then the others that are in there ... Just more clarification in the guidebook, I think is asked for. Then we use the term “going out of business,” I think. That's pretty vague. It's a slang term. So I take that point: that they want to see us clarify what that means.

I want to jump to the next topic, if we can, which is community applications.

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KATHY KLEIMAN: Jeff, before we do, this is Kathy.

JEFF NEUMAN: Go ahead, Kathy.

KATHY KLEIMAN: Great. I just wanted to highlight something from the Non-Commercial Stakeholder Group comments, which echo a number of other comments in terms of applicant support, in terms of the support of the non-financial assistance but also the importance of applicant support being made available early and that education about the application program, as well as the support program, also be made available early; that timing is key here. All of that is very doable. So I just wanted to highlight that. Thanks.

JEFF NEUMAN: Thanks, Kathy. I think we should look at the outreach section and the communications period topic to see if we need to add a couple words in there to make sure that the last point on information about the pro-bono assistance program be made known as early as possible. Again, the comments on the funds, because I don't think the recommendation of ICANN paying out actual fees is going to be doable at this point with the comments that the Board made ... But I think that can still be applied in the sense of that the facilitation for the program should be made available as early as possible.

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KATHY KLEIMAN: Right. Thank you.

JEFF NEUMAN: Thanks, Kathy. Justine?

JUSTINE CHEW: Thanks, Jeff. I suppose I should make this comment, too. We look at Line 22 in the applicant support. ALAC made this comment, and it straddles between applicant support and community applications, which is the second paragraph where we talk about the term “community.” We just wanted the working group to be mindful that there may need to be some consideration of what the, for example, [SAP] terms as community versus what the CPE panel determines is community so that there’s no major inconsistency between what both parties actually consider as community. We don’t want to come to the situation where an applicant qualifies for applicant support because they are found to be benefitting a community and then, when they get to CPE, assuming that they opt for CPE and they’re in the position of getting to CPE, the CPE panel says, “No, you’re not a community.” So it’s untenable that way. Thank you.

JEFF NEUMAN: Thanks. I did flag this in my own copy because I couldn’t find where ... We don’t use the word “community” in our recommendations, but I think what you’re saying is that, in the documentation for the applicant support program for 2012, it does mention the term

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“community.” So I admit I haven’t looked at that yet. So this is something I want to flag for discussion later on. Well, I’m not sure I see an issue. I shouldn’t say that. I’m not sure I understand why we can’t have two different definitions for community here and community for the evaluation purposes because there are two different purposes. So this is for the purpose of getting support for their application financial-wise, whereas CPE is for the purpose of getting priority in terms of their application. As Kathy points out, there’s actually another definition of community for the purpose of community applications. I’m not sure that there’s necessarily harm in having three different definitions or at least two different definitions, with the CPE one being more difficult because of the benefits that you gain from being classified as a community in that way. So that’s not a topic now but certainly one that I’m going to ask the groups to talk about. I understand it may be a little bit confusing, so maybe there’s just different terms we can use. But I think that it’s okay to make it less strenuous to get as a criteria for applicant support, and more strenuous as a community for CPE. So that’s something we need to discuss.

Does that make any sense? I understand the confusing terms, and, as Kathy said, we can talk about potentially different terms, but it is okay if we, as a group, want to do it this way: to have different standards.

Okay. Now, moving on to—speaking of community, and speaking of defining ... I do note that there’s a comment from, I think, the GAC that says they would really like to see us define, with specificity, what a

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community is. Just to give some context here, to be realistic, I don't think, other than some of the work that we've been doing to clarify the guidelines and the criteria, that we as a working group are going to be able to come up with a concrete definition of what is and what is not a community. So, unless anyone from the working disagrees, that doesn't mean we can't, like I said, work on clarifying the criteria and the scoring and all that kind of stuff, but, as far as coming up with a concrete definition, I don't see that we're going to be able to come up with a definition.

Does anyone disagree with that?

Okay. I do want to note there's a lot of groups in here that support that output completely. There also is a comment from the NCSG. I think I remember discussing in the last topic that the ... No, actually. Sorry. Different thing. Never mind. The NCSG, I think, just adds that they want to ensure that non-commercial-human-rights-oriented grassroots community applications get treated fairly and receive priority when it's fair. I tie this one sort of to the comment—I believe it was from the GAC—that basically says that there may need to be two different standards: one for non-profit communities (I think that's the term they use), and the other for for-profit communities, or, as we've discussed in the working group previously, for economic-based communities and non-economic-based communities. So this is something we've discussed. Though I'm not sure as a working group that we'll have different criteria—that's something we're still discussing; we started that discussion—I do want to note that I think,

as a working group, we've come ... Well, I don't want to say we've come to a conclusion, but there's certainly a general feeling within the working group that, with the way the guidelines were written in 2012, they were certainly biased towards economic-based communities. So we've been working on those guidelines as the public comment period has been going on to take away that or mitigate that bias as best as possible. So just for those that are in the community that are paying attention to this and those in the working group, [I think they] would agree with that we've been going through those guidelines to make sure that they are revised in such a way to not have those biases in place. Now, that doesn't mean that we're going to have two different standards. It just means that we'll certainly be fair when it comes to those different types of communities.

Do people in the working group agree with that statement from the discussions we've had.

Okay. I'm getting some yeses in there. Great.

On this one, looking at the Swiss government, they are talking about CPE. They support a number of our recommendations and that it must be efficient, transparent, and predictable. They talk about that consideration should be given to providing support for non-profit community-based applications and that the community status was far too difficult to achieve. So I think that has come up in our working group in what I was just discussing in the sense of the guidelines that were written by EIU, which weren't known at the time of when the 2012 applications had to be submitted, which is also part of the

problem that we hope to rectify, were biased towards economic communities. So we are working on clarifying the criteria to make sure that it is clearer and not biased against these non- ... Well, I guess the Swiss government says “non-profit community,” but I think we distinguish between the economic and non-economic-based communities.

The geo-TLD ... They say they don’t support certain aspects of the output, but it was hard to read from their comments that they didn’t support it. But I think they may have done that because it was the option to add additional comments in, and they wanted to put in here some comments on making sure that the letters of opposition are subject to a much more vigorous and transparent verification process, which we have in our recommendations.

There’s a couple comments in here on the scoring. We’ve talked about this in our working group in the recent weeks. It’s interesting with the scoring. We haven’t come to any sort of conclusion on this, so we are still discussing it. I think what was important to note is that, even if we lowered the scoring to twelve, if you go back to the last round, that would have only resulted in one additional applicant being granted community status. So we haven’t yet focused on the actual score, but what we’ve been focusing on is the criteria itself and making that criteria clearer and making it more attainable to get the higher scores. So I think we’ll ultimately get to the question of whether the scoring needs to be lowered, but the more pressing item, I think, from the working group perspective is to make sure that we all understand the

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criteria and that the criteria is not biased against non-economic-based communities. Once we get that done, then I think we can have a much better discussion on whether the scoring needs to be lowered.

ALAC has a bunch of comments on this. The ALAC actually submitted a document. It was actually towards the end of our working group discussions. In the last couple weeks, we've been going through that ALAC document. I think it has been very informative for us to help us look at the guidelines. We certainly have—yeah, two documents; thanks, Justine—been going through those. Like I said, it has been very informative for us to help clarify the guidelines and, like I said, eliminate or at least mitigate the biases. I hate using the term “eliminating” because I don't know if we can ever eliminate everything, but certainly mitigating them.

The fTLD registry. This is the registry for bank and insurance. They are often touted as a community application, but they actually never had to go through CPE because I think they prevailed in their community-based objections. I think they are putting this comment together because they may have been concerned that they may not have passed a community-based evaluation under the guidelines and criteria. So they put these comments in here, from what I read, to make sure that it's clearer going forward. As Craig says—thank you, Crag—they do have a Spec 12, so they are a community-based TLD, but they never had to go through CPE. So, just as a reminder, if you indicated in your application that you wanted to be considered as a community and go through CPE if there was contention in this case



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because fTLD had prevailed on these community-based objections, they never had to go through CPE, but they still have the community Spec 12, which is what addresses communities.

Paul says, “Amazing that you wouldn’t consider a community.” So they are community. They just didn’t have to go through the evaluation process. Maybe they would have qualified as a community under CPE, but we’ve seen a lot of ...Because the guidelines were skewed somewhat, who knows if they would have actually qualified? So I think this is why they’ve put the comment in and offered these suggestions.

One thing that’s in here, which will come up in application changes as well, is that there’s a concern about changing application information while the objection process is going on or while the CPE is going on because it’s already into the process. So we’re going to have to think a little bit more about that. I think we always thought of the changes—the registry voluntary commitments, which we’ll eventually get to—as a way to resolve disputes, but we might to do a little bit more thinking as to the timing of when changes are made. I know ICANN Org certainly has some comments on that when we get to the application changes.

The GAC comments, I think, are in line with what we already talked about made recommendations on, so I think they’re supportive of the fact that we have recommended a dialogue between the evaluator and the applicant but want to stress that these evaluators have expertise in the field of communities. So I think we—I’m trying to

remember—have a recommendation or implementation guidance on that, but we’ll have to double-check.

Then ICANN Org has some comments to the questions that we specifically asked. I think a lot of them are in line of what we’ve already been discussing, which are comments to the CPE guidelines. Again, I think, with the ALAC and with Jamie Baxter, we’ve been going through those. Fortunately, Justine has been very active in the group, as well as Jamie, on these. So I think we are addressing those. And I think NCSG as well. Kathy has been involved. So I thank these comments that have been made. I didn’t see anything in here, any responses, that we aren’t already considering. But, if anyone in the working group—

CHERYL LANGDON-ORR: Jeff, Cheryl here.

JEFF NEUMAN: Go ahead, Cheryl. I was just about to get to a break, but go ahead.

CHERYL LANGDON-ORRL Just drawing attention to the fact that you mentioned that we were going to share the new link for the next session. Before we go to break, we need to go to that.

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JEFF NEUMAN:

Yeah. We're just finishing up on communities. I would like, Julie, if you could post the link to the next one. I don't think it's open yet—the room—but it's certainly on the ICANN schedule. So we're going to have to stop for a half-hour break, and we will pick up with limited challenge and appeal mechanism, unless there's anything that we missed on communities. So I will ask if there is anything left over first, and then we'll go on to limited appeals or challenges and appeals.

Thank you, everyone. We will talk in a half-hour. See everyone at the top of the hour. Thanks.

**[END OF TRANSCRIPTION]**