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MARRAKECH – GNSO - New gTLD Subsequent Procedures PDP WG (4 of 4)

Tuesday, June 25, 2019 – 08:30 to 10:15 WET

ICANN65 | Marrakech, Morocco

JEFFREY NEUMAN:

So, good morning, everyone. I think we'll just give another minute before we get started. Alright, good morning everyone. Everyone sounds so chipper and awake! This is Jeff Neuman, welcome to the fourth and final session of the Subsequent Procedures PDP working group, in Marrakech. And just waiting, I guess, for some stuff to be put up on the screen.

And I probably should sign into the Zoom room at some point, so that hopefully you guys can help monitor the Zoom room and let me know if there's people in there and raising their hands.

So, the agenda, when you see it. Essentially, we're just going to do a quick recap of Work Track 5, for the full group to know the status. And eventually, that will be moving into our group. Then we'll talk about a couple of the subjects that link to yesterday, the session on assumptions. And I'm hoping you all found that a pretty useful session. I think it was, and very interactive, so I think that's the interaction that would be great to see, and certainly encouraging ICANN GDD staff to make some comments on the feasibility of recommendations. It's better to know early on if we're doing our work.

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And today we're going to be talking about application queueing and delegation rates. Certainly, now is a better time for ICANN Org to weigh in than after we develop our recommendations, and then we're all set to take a consensus call, and then all of a sudden, they come in. Or worse yet, we make our recommendations, council approves it, goes to the board, and then they come in. That would be not the most ideal situation.

So, just getting back. The topics that we'll cover are application queueing, delegation rates, and then if we have time, we'll go back to some of the stuff on the global public interest, at where we left off on our calls, and then just do a quick wrap-up. So, we have until 10:15, or 10:00. I'm trying to remember, looking over. 10:15, okay, great. Okay. Jim, yes?

JIM PRENDERGAST:

Thanks, Jeff. Good morning. First off, I would second, I thought that was a great session with ICANN staff yesterday, very illuminating to see where they're thinking and where the board is. I asked for an explanation on timeline yesterday but agreed to defer it, just because we wanted to get through that. So, is that something that we'll knock off here at the beginning?

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JEFFREY NEUMAN:

Yes, I was going to integrate that with the Work Track 5 update and talk about the assimilation of those recommendations to our group, and address that. Although, I don't have a slide on that. Okay, any other questions? Alright, so I know Annebeth is here from Work Track 5. I'll do the talking to the slides, but Annebeth can jump in. Especially because these slides were prepared before yesterday's session, based on where we thought it would be, and I think it's pretty close.

But if there's anything you want to update ... And Martin as well, great. Welcome, Martin. Then we can do that. So, if you want to jump to the next slide. I thought there was. What was I looking at? Yes, there is. I'm looking at slides. Sorry, just give a sec ... There we go. Although, that's not the same ... There it is, yes. Okay. Sorry.

So, Work Track 5, just to recap for those that have not been participating, although I'm looking around and it seems a lot of people are somewhat familiar with it. If you recall, it was after the Johannesburg meeting, I believe, where we decided that because of the unique issues involved with geographic names at the top level, and the fact that there was certainly more interest from other communities than we'd seen with a number of other issues.

We thought it would be best to form a separate Work Track, just on that issue, and then get leaders from the different supporting

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organizations, ccNSO, GNSO, and then two advisory committees, ALAC and the GAC, to help lead that group as kind of an experiment, which I think has worked out fairly well, to lead that group, that work track, on geographic names at the top level.

Anyone was free to join as either a member or an observer, and at the end of the day, they will do consensus calls of ... I'm sorry. They will submit their work to us, the full working group, and the full working group will do the normal consensus call on those recommendations. We'll get to a little bit more of that in a second.

So, the next slide. Just the scope, really, was very limited, to the topics you see up here, the two characters, the country names, and pretty much all the things in the app book and guide book, as well as some of the ... I believe it came out of constituency comment two, but possibly it was one, on just other terms that some of the groups had thought could fit into the geographic category, such as rivers, mountains, valleys, lakes. And so, we generally call those non-AGB terms, although ... Yes.

So, those are called, when we're discussing it, the non-AGB terms. If we go to the next slide. So, the current status, for those who have not been paying a huge amount of attention, there was a supplemental initial report filed for public comment, published for public comment in December last year. Comments where the period ended February 1st, 2019, and there were 42 comments

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received. Very extensive comments, we were all very happy with not just the amount of comments, but the depth and thought that went into the comments from all of the groups. Individual governments had responded, as well as the stakeholder groups, constituencies.

And while there was no response from the GAC as a whole, there were a number of governments that filed comments, which was good to see. Just like we did in this group, we compiled the comments into a public comment tool and then categorized the comments that we got in. And at this point, the Work Track 5 has gone over all of those comments, and now is really transitioning to start the substantive deliberations on the recommendations that were in the preliminary report, and whether there's a need or desire from the group to change the current thinking on a number of those areas that they had filed comments on.

Interesting to note, there were, I think it was 38, somewhere around that, new proposals that were put into the preliminary report, not because they had any level of support, necessarily, but because they were presented at various times during the discussions, and so the group had felt that by putting it out for public comment, we can then get a sense from the community, if any of those proposals have merit, and whether to explore those more fully.

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So, the work track is operating under the same kind of guidelines that we are, that if they're not able to find consensus on changes to the way things were in 2012, then they will come back to us, the full group, and recommend in those areas what happened in 2012, because they were unable to reach consensus on changes to those.

I think we will, just judging from the work of the group, I think we will see a couple changes from the way it was in 2012, but it seems like most of the discussions and the recommendations seem to be confirming things that happened in 2012. Which is also valuable, because none of that was in the initial policy from the GNSO back in 2007, 2008.

So even a confirmation of those things that happened in 2012 is very good. So, I went backwards in my thing here. So, just a reminder with the timeline and this one is still the old one. But essentially, Work Track 5 is aiming to get its work done by the end of the summer. That would be the northern hemisphere summer.

CHERYL LANGDON-ORR: I am here now, you can stop saying that.

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JEFFREY NEUMAN:

Yes, so somewhere around the end of August-September timeframe is the current thinking of the co-Chairs, as to finishing this up and being able to send that to the full working group. Now, because of the extensive deliberations that the work track has engaged in, and the incredible amount of meetings and hours spent, it's my hope that when the full working group gets the recommendations, not that we'll rubber stamp them, certainly ask for clarifications where need to, but it's the hope that we won't redo the substantive conversations that they had.

Certainly, we can ask questions, clarify, but because of the community that's been involved in developing those, it's my hope that we won't engage in just redoing everything at that level. Though, technically, it is the right of the full working group to accept those recommendations, not accept those, revise those, etc. But again, the reason we did this was to get community engagement on it.

So, assuming that they ... And I see Jim's got his hand raised, so just one sec. Assuming they can deliver that to us early Q3, then at some point we'll then schedule a couple sessions for us to just go over those recommendations again, make sure we understand them, ask clarifying questions. And then, at the end of our entire process, take the consensus call, and so incorporate those things

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into our final report. Jim, I know you had a question before I go on?

JIM PRENDERGAST: Yes, just real quick. Do we know what sort of overlap there is between the membership of Work Track 5 and the entire plenary? Because that may indicate that everybody who was in Work Track 5 is a member of the whole plenary, and eliminate the need to relitigate, so to speak.

JEFFREY NEUMAN: Yes, I think we did that initially, but then more people joined, some people left. I don't think we've recently done a study, but we'll look into that. I think there is ... Because after Work Track 5 forum, some also joined the full working group as well.

JIM PRENDERGAST: You're not automatically a member of the plenary if you're in Work Track 5.

JEFFREY NEUMAN: No, not unless they chose to be.

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JIM PRENDERGAST: So, if you're in Work Track 5 and you want to see this through, you should probably join the plenary.

JEFFREY NEUMAN: I would say that that's a very valuable recommendation, but not something that we can enforce, but certainly something that I would think would be very valuable. And it's also not a place where those that may not be happy with the way that Work Track 5 came out, to come to the full group and try to redo it. So, that's going to be interesting for us.

And then hopefully we can stick to the principles that these issues have been discussed at length. And for the most part, Cheryl and I have pretty much stayed out of it and left all of it to the co-leads, who've done a fantastic job.

CHERYL LANGDON-ORR: They're so competent, it's been easy.

JEFFREY NEUMAN: That's right, they're very good at what they do. So, Annebeth is here, Martin, and Javier is with the ALAC right now, and I'm sure Olga's with the GAC right now. So, I think they've been doing an excellent job, and they have ... You know, it's not just the weekly calls that they do, they do, often, a leadership call separate from

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the leadership call that we do for the full group, because there's so much to talk about, and so much in the way of planning that they have to do. So, it's really a lot of ... I'm not sure they anticipated this much work, but they've done a fantastic job in taking it on.

So, just talking a little bit. I guess Jim's question yesterday was, okay, we have so little time left according to this timeline. How are we going to get to the finish line? So, I don't want to spend too much time talking about it, because one of the reasons that we have slowed down is that we spend a lot of time talking about what we're going to do, and that eats into some of our sessions. But as we discussed before we came to Marrakech, we are going to try doing two calls a week, starting not next week but the week after.

And just going through the topics, we do not want ... We were faced with a choice as a leadership team. Either we ... I guess a three-way choice. One is you just let conversations ... Keep doing it once a week, let conversations happen, and extend the timeline out to until whenever we're done, which is not something that the leadership was keen to do, it's not something the council would like us to do.

So, then we're faced with two choices. One is either to just cover the topics on its face in the meetings and then cut off dialogue

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and try to do everything online or on e-mails. Or the second is to give adequate time to go through the issues and have two calls a week. And when faced with those two options, it seemed like we're going to give it a go with the twice a week and see how that works.

We're going to be very clear on what subjects we're covering, and that's all in the work plan, which is published. We will update that if there are any changes after every meeting, which we do not expect there to be changes, because it's our expectation that once that meeting is over, we'll cut off discussion and we'll have gotten through what we need to get through on that topic or two that are planned for that day.

And then go and say, look, if there's additional comments, which there probably will be, because we should not be making decisions only on calls, we'll be recapping those on e-mail, which is done anyway, now, on the notes, and engaging in discussions on those topics, if parties want to. Plus, the documents are all on Google Docs, and so people can make comments on those as well.

CHERYL LANGDON-ORR: I think we've got Kathy's hand up.

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JEFFREY NEUMAN: Oh, I'm sorry. Kathy, please. And while you're speaking, I'm going to try to log into Zoom too. Thanks.

KATHY KLEIMAN: So, first, thank you, Jeff and Cheryl, for four meetings where it's the marathon. And thank you for bringing us to the end of it, and with such preparation. And also, to the whole leadership team. So, question. How will you know if the two meetings a week are working? I know participation is important. We're talking about the dead of summer, and as we've talked about before, that meetings were posted earlier, and are planned. How will you know if you're getting enough participation over the summer on these calls? Thank you.

CHERYL LANGDON-ORR: I'll have a go at that. Well, of course, we also have the statistics on the number of people joining our rooms right back through Adobe and Zoom. So, if we see only 50% of the people who are regular attendees turning up once we start doubling the workload, that's sending us a clear message. If we're seeing that the time-binding, and remember, we are trying to time-bind, but not eliminate, discourse. Right?

If we're seeing that that isn't being managed when we say, okay, thank you, time on that, let's take that now to the list, and then it

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doesn't happen on the list, then we probably need to look at having almost a conversation with the group to say, are you planning on completing this PDP in a timely and efficient way? Because if we're sending things to list and then no traffic happens, that is a problem.

Part of what we find is people are having very fruitful conversations in the telephonic meetings. But some of that is repetitious, and part of what we're trying to do is say, we've heard you and we've noted that, and in the documentation, you can see we've noted that, so we don't need to restate that.

But a good part of it is, from an analysis, asking all of you when we are probably a month down into it, and say has this been working? Look what we've achieved, did we hit any of our benchmarks? But we usually get 25, 34 people. If we started to get 12 all the time, that is going to say something to us. That doesn't mean you should boycott us just on principle.

JEFFREY NEUMAN:

Right, and we'll also look ... Thanks, Cheryl. We also have the statistics on the call attendance depending on the time of the call. We'll also have the statistics from last summer, and even the summer before that, so we can see normal participation rates. But the one thing we really can't do is to just, because it's the

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northern hemisphere summer, to say, well, we can't really move forward.

We know people have vacations. I have vacations, I'm not going to be able to be at every one, Cheryl's not going to be able to be at every one, I don't think. But we'll all have to just make do and make arrangements and prepare ahead of time. And one thing that's really great, I'm not sure how many people ... I know there's a few people because they make comments afterwards on the notes, but the notes are pretty comprehensive and published very quickly after the meetings.

And then, if you go back and look at the documents, you'll see amendments in the documents that have been done. So, it really, I think, is pretty valuable. If you haven't done that, I would certainly encourage you to go back to some of those documents on Google Docs to see the changes that have been made. Okay, I see Maxim and Anne in the queue.

CHERYL LANGDON-ORR: I think it was the other order, I think it was Anne first and then Maxim, but I could be wrong.

JEFFREY NEUMAN: I'll just go the Zoom order if that's okay. Maxim's first, then Anne.

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MAXIM ALZOBA:                      Actually, it's quite important to ensure that the second time slot doesn't overlap with the other GNSO activities, because it will affect the participation more severely. The current timeslot is really fine, it doesn't overlap with general things, and it's nice. So, we might have some kind of little poll just to check if it overlaps with something, and it might help us to find a problem.

JEFFREY NEUMAN:                      Thanks, Maxim. So, we have the master calendar of all the meetings that we know about, at least within the GNSO and the ALAC and other groups, so we do check, and we will check to make sure it doesn't conflict. What we do find occasionally, just like at this meeting here, sometimes people schedule over that.

Just like yesterday, the council had scheduled a working session over these. It happens, we can't avoid other people's scheduling over ours. But we certainly have looked at the schedule, and the times that you see that come out are non-conflicting times with at least other ICANN scheduled meetings. The majority of them.

CHERYL LANGDON-ORR:                      There is occasionally a half-hour overlap and that sort of thing, and we recognize that. But the master-calendar will be looked at,

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and we've already got the statistics again on what are the optimal times for our group to ... We know then the best time slots are. Obviously, they're also the best time slots for every other group, which we recognize. But yes. And I think staff will be giving us that information shortly after the Marrakech meeting on the proposed draft schedule going forward. So, that comes to Ann.

ANNE AIKMAN-SCALESE: Thanks, Cheryl. Just a couple of quick questions. I think that there was discussion about small groups on two issues; predictability framework and RSP pre-approval, and I wondered how leadership has decided to proceed on those. That is my first question.

JEFFREY NEUMAN: Thanks, Anne. Sorry, I thought I heard a Wheel of Fortune kind of thing. So, yes, and part of that has been my fault. The lists have been set up, it's just no conversations have been taking place. I was hoping that conversations would just kind of emerge. But I will officially ... I mean, the lists are created. I'll do some ... What's that? Well, the second list was ... Well, we've collected some names of people who have volunteered. We'll create that mailing list.

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And it's not just RSP pre-approval, it was a combination of ... Because it's the points that would be in common with just regular evaluations, right? If you recall, not to go too deep into it, but one of the high-level principles was the evaluations that are done as part of a pre-approval program should be the same as the evaluations that would normally be done if someone elects to go through the normal path of applying. So, it's kind of a combination group.

ANNE AIKMAN-SCALESE: So, that would also be the financial evaluation eligibility. And does it also involve testing? Or how far [cross talk]?

JEFFREY NEUMAN: Two different questions. Testing, yes. Financials, we haven't gotten there yet, so I don't know. We'll see if there's a need.

ANNE AIKMAN-SCALESE: Thank you very much. Second question has to do with the ... Could you guys describe a little bit more about the process of how you're going to bring the summary document into consensus call? It's just because, obviously with the volume of material that you're dealing with and the number of different comments that are on it, I'd just like to understand better how you're going to

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proceed to create some draft that sounds the basis for the consensus call. It would, I think, help everyone to understand that process. [cross talk]

JEFFREY NEUMAN:

Yes, well the reality is we've had some discussions on it, right? We have not formed a fully comprehensive plan on that, simply because we're trying to focus on the work that we're doing now and trying to get things into good shape. I envision that once we're happy with the summary docs, and where they are, that we will put out calls, like first call for final comments, and then produce a final.

And then, ultimately, bring them back to the full group and say, okay, we're ready to do a call. Whether we do that all at once for everything or individually, we haven't quite gotten there yet. But again, we'd like the group to focus on just doing the work at this point, and not so much on how we're going to determine consensus.

ANNE AIKMAN-SCALESE:

Okay, so the question though ... The summary document ... That you expect the final report to look a lot like the summary doc, then?

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CHERYL LANGDON-ORR: Let me jump in there. Pardon me. Went to speak and nothing was coming out properly. I see the summary documentation as pivotal. I see the summary documentation as an opportunity for us to, as a plenary group, agree on a recommendation, or not, in response to our analysis. And there should be text at the end of a summary doc, which we can all agree, or not, to.

And depending on how much agreement is, or not, on that statement text, that either goes in with a named level because we're running off the GNSO levels of consensus, to a final document. And obviously, that then means we can have managed in bite-sized chunks, those calls. I would still because I like belts and braces, not just because it's flashy and it's another accouterment one can wear, but because it's the extra security, I would also be suggesting that we have a total document consensus call.

But I prefer the utilization of the summary docs as mini-milestones, and consensus development or not. Doesn't mean we stop going forward if we don't get consensus on it. We just note that and continue moving forward.

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ANNE AIKMAN-SCALESE: Thank you very much, that's extremely helpful. Lastly, I can't resist recognizing Kurt, sorry. Congratulations! Had to get that in, sorry.

JEFFREY NEUMAN: Thanks, Anne.

CHERYL LANGDON-ORR: Any opportunity to embarrass him.

JEFFREY NEUMAN: I don't know if that embarrasses him.

CHERYL LANGDON-ORR: We can try.

JEFFREY NEUMAN: So, we got Jim, and then Kathy. Let me scroll down to see if there's anyone else, sorry. Okay, Jim and then Kathy.

JIM PRENDERGAST: Yes, thanks. Cheryl, I would support your idea of doing consensus on a full document, only because, as we've been going through this we've discovered that there are a lot of dependencies and

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contingencies between each of the individual subjects. So, you can clamp it all together, but it's all got to fit at some point. Thanks.

CHERYL LANGDON-ORR: Well, you know, it's like anything built by committee. We want to see how much this camel looks at the end of the day. We were trying for an elephant but looks like a camel.

JEFFREY NEUMAN: Yes, but at the end of the day ... Not necessarily disagreeing. But at the end of the day, there may be people that because they don't like one or two things in there, may say no to the full document, even though there may be lots of sub-parts that they agree with.

So, we'll just have to see, which is why I don't want to predetermine things going in because we want to see how things come out before we put something definitive. For example, let's say we get consensus on ten topics, and then there's one topic that ... Because even with consensus, that doesn't mean full unanimity. So, let's say that there are people that don't like the way that the consensus came out, and so, therefore, they say no to the whole document.

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And that's just the kind of thing we need to, afterward, or before we take the consensus call on the full document. It also depends on how we call the question, too. So, we'll have to, again, work on that offline.

CHERYL LANGDON-ORR: And as an example of the tit-for-tat that you don't normally get to see between Jeff and I, I see that as an opportunity, not as a problem. Minority reports are of course more than welcome, as far as I'm concerned. And what we would be calling a consensus on in a final document is, is it a true and accurate record, in your belief, of what we're recommending in each of the component parts. And so, if you've got your knickers in a knot about something, they can stay knotted and be suitably recognized.

JIM PRENDERGAST: Yes, that makes sense.

JEFFREY NEUMAN: Alright, next in the queue is Kathy, Sarah, Edmon, and then we'd like to ... Is there anybody else that wants, in the queue, on this particular subject? Because I'd just like to move on after that. Great. So, I will cut off the queue for this subject. If it's important. So, anyone else in the queue? Okay. Kathy, please.

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KATHY KLEIMAN: No one has a turn of phrase like Cheryl, just great. So, Cheryl, if I understand correctly, what you're saying, and I agree, if I understand, is that the interim summaries are very important, especially with so many issues. The interim summaries are very important. Which means that if there is a lack of consensus on an issue, having debated it for a session or two or three, it should really be reflected in the summaries.

And so, to the extent that it might be missing, you might hear some of us encouraging that these summaries reflect the diversity of views that came in on the calls and in the comments. Thanks.

CHERYL LANGDON-ORR: Noted.

JEFFREY NEUMAN: Thanks. And I just want to note that in the comments, there was a comment raised that we're talking too quickly. So, I will try to talk slower as well, so I just want to make sure that we paid attention to that. Sarah, then Edmon.

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SARAH LANGSTONE: Thanks, Jeff. Sarah Langstone from Verisign. So, you've said before, and correct me if you've changed your mind on this, I think you said that not all votes or opinions on consensus hold the same weight, and I think that you'd indicated that, for example, a stakeholder group might be weighted differently from an individual.

Can we ask how you're planning on weighting those kinds of opinions, from a consensus perspective? Now, if you can't now, that's okay, but can you perhaps let us know when you might be able to share that? Thanks.

JEFFREY NEUMAN: Yes, thanks, Sarah. I think the comment was that we're going to do a qualitative analysis as opposed to a quantitative analysis, right? So, it's not if you had 500 people in a group, and 300 of them are from one stakeholder group, we're not going to necessarily put more weight on that just because of a sheer quantity.

So, we will engage in a qualitative analysis, but exactly how that's going to happen, we have not completely finalized. And I don't think we necessarily can until we see how things come out. I don't think there's going to be a magic mathematical formula, although Cheryl is an expert in mathematical formulas, so it's possible that she may develop one. Cheryl, please.

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CHERYL LANGDON-ORR: Oh, dear. See? You do anything with non-parametric analysis and it follows you for the rest of your life. And I definitely am no mathematical expert about anything. This again gives weight to how important it is that we are together, and we do discuss, and we do articulate from the plenary's point of view what is in the summary documents and the recommendations, or not, that are made in them.

Because it is in that context that I would be encouraging us all to understand that what we have here is perhaps not those numbers, but we have 17 respondents. So many of them are in this particular direction, two of them are in this particular direction ... Color coding, because I just like color coding, it makes it easy for me. And then we look who is in the green pile, and who is in the orange or the red pile, and you go, well, this is an individual opinion, or this is very widespread across the community of ICANN view.

And providing we all capture that, and it is transparent what we're doing, I don't think that's a problem. But formulas, not in this circumstance, because this is anecdotal material we're working with, and wherever you're working with anecdotal material, it is a problem to put any form of quantitative

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associations with it. You can do it, it's called non-parametric analysis, and I don't really think you want to go there.

JEFFREY NEUMAN:

Thanks, Cheryl. And ultimately, the goal is to just hopefully come up with something that, not everyone may like it, but can they live with it, kind of solution. So, let's ... Okay, I see Donna, but let me go to Edmon, and then Donna.

EDMON CHUNG:

Thank you. So, in terms of the overall document, of course, it's important to look at a consensus overall. But just looking at the sheer amount of stuff, the more realistic approach ... Like last time, how we did it, quite some years ago. It comes in a particular recommendation by recommendations, and then there's also a call ... Each recommendation might have a slightly different constituent consensus around it, with minority statements and stuff, and then you can call for overall.

But putting it all together obviously is important. But this time around, I think one thing that would be interesting is that there seems to be still a lot of additional things that are outside of this group that's happening. How do you see after this group creates, I guess, final report or final set of recommendations, it passes through the council, and then all the other things happen, do you

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see this group having to make any further adjustments then before the council then takes it on? Or you think that this has taken into consideration all the other moving parts outside of this group before we finalize the recommendations here?

JEFFREY NEUMAN:

So, our charter requires us to be mindful of the other activities that are going on, and to an extent, the other activities have gotten to a final stage to incorporate those into our deliberations and discussions, and ultimately, report. However, we recognize that there will be a number of groups that will still be working. We will not, as our group, we're not going to wait for any of the other groups to finish, we'll present our report to the council.

Ultimately, it's the council's decision as to whether they want to present that to the board, or wait for other parts, or whatever it is that they want to do, or feel like they should do. But at this point, the groups that we know about, for example, we've incorporated the CCT Review team recommendations into our work. We have incorporated, way back when there was a cross-community group, on geographic names, I don't remember the exact title, but we've incorporated those things into our group.

We have, to the extent that there have been IDN issues that were or have been resolved, incorporated those as well. But we know

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that there's still work in a lot of those areas, including the Rights Protection Mechanisms group that Kathy's one of the co-Chairs.

Ultimately, we believe that we have separated the issues enough, whereby we can produce an independent report, and the Rights Protection Mechanisms can do one, and they can co-exist, and not conflict with each other. To the extent that there are any conflicts, or to the extent that ... That'll all be figured in with the implementation.

So, there will be, after the report goes to the council, and ultimately approved by the board, then there will be, as in normal GNSO policy and implementation review team that assists ICANN staff, and presumably, they will incorporate, as well, whatever's finished and ready for implementation at that point. Any questions on that? Okay, Donna, please.

DONNA AUSTIN:

Thanks, Jeff. Donna Austin from Neustar. So, I guess it's a question going back to what Sarah said. I'm not here representing the Registries Stakeholder Group, I'm here representing Neustar, and that's always been the case, through the last three years I've represented Neustar.

So, I'm just wondering how we balance that because we're the ... Most of us sitting around the table are those that have been

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following this for the last three years, and we've gone up for public comment, and we've taken that on board. But when it comes down to the nitty-grit, and we're trying to agree on things, I'm not going to be talking on behalf of the registries, and I'm not going to be pushing their barrow, to speak, I'm going to be pushing Neustar.

So, I guess I'm kind of interested. When we think about the composition of this group, it's not by constituency groups, we don't have that representation in the room. We have some of us that sit within the Registries Stakeholder Group, but we have different views on things.

So, I guess from my perspective, this is a working group, not of constituency groups, not of people who represent those constituencies. We could talk to some of the comments that were provided as part of that public comment process, but at the end of the day when we start getting into the nitty-grit of what we're going to agree to or not, I'm going to be talking on behalf of Neustar, and I will not be taking into consideration comments from the Registries Stakeholder Group.

So, how does that work, in reality? This is a working group that had 150 people sign up to it. We're what's left, essentially. So, isn't it up to us, based on the information that we have in front of us to come up with those recommendations?

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CHERYL LANGDON-ORR: Absolutely is, but the aspect of looking at from whence the information you're dealing with comes from, is actually what this group will be doing when it looks at the public comments that have come in, and we've already seen a bifurcation in some of the industry input. So, we don't have a clear industry view. We can state that we don't have a clear industry view, and it was extremely useful that public comments were given to us in the ...

There is this opinion and this opinion within. So, it's a matter of being, in my view, absolutely transparent about how we manage coming to an opinion. What would the average person ... As if an average person would ever want to walk into all of this. But if one did, what would the average person assume we based our recommendations on needs to be clear. So, that's where I'm coming from. And yes, we'll probably have 40 people involved in consensus call out of 150, and that's just the nature of this.

JEFFREY NEUMAN: Yes, thanks, Cheryl. And just to add to that, you remember way back when, when we asked for a liaison? It's our hope, still, that people are communicating with their groups as to discussions that are going on. I do know, in some constituencies and

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stakeholder groups, they are reporting back, and they are trying to get opinions from the stakeholder group as a whole.

I think as we move forward, if there are views by a stakeholder group, constituency, advisory committee, sub-group, whatever it is, then make sure we know about it, right? Because that is important to consider. And I know, for example, Kathy's been bringing in non-commercial stakeholder group, and I know Anne has been posting on the IPC list and trying to get IPC comments on a number of things.

There are some things in the registry. To the extent you can provide that, that is very useful information, but we understand that people are participating here in their individual capacity, and just like I said yesterday during our last session, to the extent that someone from GDD staff comes and participates too. We need to understand that that is not necessarily GDD organization speaking, but an individual person. That should be encouraged and not used against them in any kind of way.

But like I said, to the extent that you believe or know that it is a stakeholder group constituency position, or have a doc that shows it, those are very important for us. Maxim please, and then, hopefully, we'll ...

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MAXIM ALZOBA:                      Actually, I wouldn't recommend to see the participation of ICANN staff as participation of public. It's clearly divided. So, it might be seen as notes or something, but it's not participation of public, it's participation of ICANN. It's quite different. Thanks.

JEFFREY NEUMAN:                      Thanks, Maxim. I know you were at the council session during the afternoon yesterday, and what we're really talking about are participation where there are comments on things like feasibility, or the difficulties, or maybe benefits of implementing certain things in certain ways, or how our recommendations, potentially based on their experience, whether they're realistic to implement.

So, I'm not saying that we consider ICANN's views for the development of policy in a consensus call. What I'm saying is that we should be encouraging concerns and other things to be raised now, as opposed to after all of our work is done, and that we should be encouraging staff members to participate, and not always viewing their participation as a statement from GDD, or a statement from ICANN as a whole. We need to understand that oftentimes like we do, we kind of react to situations, and those are our individual reactions, and not necessarily how the full group would react. Yes, Ching, please.

CHING CHIAO:

Thanks, Jeff. This is Ching, ICANN Org. I just want to make a clear statement that ICANN Org does not participate in policy development, full stop. That is not what ICANN Org does, that is not why we participate on PDPs. We're here monitoring, following discussions, with the hope of providing feasibility input, implementation feasibility input that will hopefully be helpful to the working group in its on-going policy deliberations.

But we do not participate in policy discussions, we do not make policy, that is not what ICANN org's role it. We're simply here to provide implementation feasibility input to inform your discussions.

JEFFREY NEUMAN:

Thanks, Ching, and thanks for ... I actually didn't see you walk in, so it's great that you have. But I do want to ... Hopefully, we've delivered a clear message that ... We've tried to in the past. But I think as a group, and please let me know if anyone disagrees, we strongly encourage your participation as soon as possible as we are developing the policy on the types of materials, topics, that you just presented at the mic.

So, if there's anything else you need, like a letter, or anything else from us, please let us know now, because I know we've discussed

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this at several meetings so that you can participate starting on our next call, or July, whenever that is, on the work. Anyone disagree with that? Okay, and just know that Cheryl and I are going to be very strict if we see people ...

CHERYL LANGDON-ORR: Oh, I'm really strict.

JEFFREY NEUMAN: Well, I will be strict. If ...

UNIDENTIFIED FEMALE: Sorry Jeff, can you repeat that again, if you're going out for agreement? Could you say it one more time?

JEFFREY NEUMAN: That we agree that it would be valuable for the group to have ICANN staff participate in our calls to discuss the topics that Ching just mentioned, so that we have an early indication of feasibility of our policy recommendations, and that we will not, as a group ... We will treat them just as we treat every other constituency and stakeholder group, meaning, we will not attribute, necessarily, the views expressed by an individual to ICANN as a whole, or use that in any way to ... I'm missing words here, but basically, that

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we will value their contributions and welcome them into this group like every other group that participates. Steve, please. I guess you don't agree with that. No, I'm kidding. Steve.

CHERYL LANGDON-ORR: Yes, he doesn't want to [inaudible].

STEVE CHAN: Thanks, Jeff. I was just going to say, you don't have everyone on the group, of course, at this meeting, so an e-mail out to the group at least might make sense, and just see if there's any objections on-list too.

JEFFREY NEUMAN: Sure. We'll summarize these in the notes and see if there's any objections. Frankly, just putting on my individual hat, I'd like to see this in all the working groups, I think it just logically makes sense. But anyway, that's a whole other discussion. Alright, Steve, please. Yes.

STEVE CHAN: It's a short one, I think. But if you look at the Consensus Policy Implementation Framework, the CPIF, it talks about pre-planned activities that take place during the working group itself. And that

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does talk to a feasibility assessment from ICANN Org. So, the role that they might play here is not unique to this PDP, that role is envisioned in the CPIF, which was accepted and adopted by the council. So, we're not doing something revolutionary by having them provide some feasibility input. Thanks.

JEFFREY NEUMAN: Sure, we're just doing it earlier in time, right? Because we're not at an approved policy yet. But yes, I agree.

CHERYL LANGDON-ORR: If I may, Jeff. There's nothing as unrewarding, after many, many hundreds of hours of human work, to discover that what you've wrought is what you think is an excellent outcome, is unfeasible.

So, I personally would find very valuable feasibility input in a timely manner, early on in our work, and that's exactly what Ching and the team are doing, and I think we all value it. I just don't think we need to formalize it too much. I think, you know, let's make it as useful as it possibly can be, and it has been to date and will continue to. Thanks.

JEFFREY NEUMAN: Okay, thanks. Cheryl, Steve, everyone. Looks like, looking around the room, this gentleman over here ... I'm sorry, I don't know if

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you want to introduce yourself, and make some ... You're next in the queue.

UNIDENTIFIED MALE: Ok, sorry. My name is [Ramul Okeh]. I think my question has been taken care of. Thank you.

JEFFREY NEUMAN: Great, thanks. Anyone else? Alright, let's go to ... Wow, come on, Christa, let me move on.

CHRISTA TAYLOR: Sorry. Yesterday we were talking about feasibility and things that we need for the report, and yesterday we were talking about volumes. And I'm just going to touch on that, saying that might be something we want to consider because so many things are going to be reliant on the volume. And now you can shoot me.

JEFFREY NEUMAN: I think part of our discussion today is on volumes and delegation rates, so good segue. Unfortunately, a little bit early, because that's not our next topic. Thanks, Christa. So, the first ... Actually, this one also has some to do with volumes. So, this is application queueing. This is a discussion of once the applications are in, it's

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how to process those applications. So, if we scroll to the next slide. Okay. A little bit of background on this issue.

So, it's interesting to note that what was implemented in 2012 actually was not what was initially recommended in the GNSO final report. What was initially recommended in the GNSO final report was that it was a first-come-first-served process. So, the applications that were in first got evaluated first. I guess through the years between 2007, and actually development of the first guidebook, I think it was realized that that was not a fair, or the fairest, method of allocation, and how to consider those.

And so, in the 2012 guidebook, it specified that if there were more than 500 applications, that at that time it was thought that a secondary timestamp would be used to establish batches and that we'd have subsequent application processing steps. Since more than 500 were received, ICANN initially wanted to do what became known as digital archery.

That was abandoned after some flaws were developed, or were discovered, and ultimately a draw process that randomized the applications to determine the priority of evaluating the applications. And ICANN obtained a license from the state in order to be in compliance with the relevant sweepstakes lottery laws of the state of California.

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Applicants had the option at the time to pay \$100 per application to receive a ticket for inclusion in the prioritization draw, and there was a decision made by the ICANN board. Again, this was not in the GNSO recommendations, but there was a decision made by the ICANN board that internationalized domain name strings would get prioritized before other applications.

And so, if you recall, there was a decision or choice. You did not have to participate in the draw. So, there were two groups, and then two sub-groups within those groups, that were created. There were the applications that elected to be in the draw, by paying the \$100, and then the IDN applications were first in the queue, followed by the non-IDN applications, followed by the second group, which were application where the applicants did not elect to participate in the priority draw, and then even in that group, was divided into two sub-groups where the IDN applications were first, followed by the non-IDN string applications.

Moving to the next slide. Just one more thing on implementation. As there was a queue that was developed, not everything was able to be evaluated within that queue, because naturally certain steps took longer or shorter, depending on a whole bunch of factors, including, obviously, the initial evaluation results, whether it was subject to a contention set, whether there were

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objections, whether the applicants had to respond to clarifying questions.

A whole bunch of variables ended up changing the effect of some of the queueing, because naturally where they were.

But initially, when they were put into the queue, they were put in this fashion. That may not be the way that they came out, but certainly, the way that they were put in. Okay, now we can go to, sorry, the next slide.

The policy goals that we have, not just from our initial report but going back to all of the comments over the years. We certainly ... The policy goal is whatever process we put in place for our queueing should be clear, predictable, and established in advance. We want to avoid having that process developed, or after applications are submitted, or even changed after applications are submitted. To the extent possible, this is our goal.

Go to the next slide. I'm going to read off my version because I cannot look at that one. So, the preliminary recommendations we have in the initial report, we had stated that we shouldn't attempt a skills-based system, like digital archery, to determine the processing order of applications. We believe that ICANN, again, should apply for an appropriate license to conduct

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drawings to randomize the order or processing applications. That if ICANN is able to secure such a license, application should be prioritized for initial evaluation using a priority draw method similar to the method ultimately adopted in the 2012 round.

There were proposals that were raised that could depart from the 2012 implementation. None of these ... These were presented in the initial report, but we did not measure any level of support of these. So, as we go through these, again, were just proposals that were put in for comment. Or put in the initial report for comment.

First one, proposal was if an applicant has more than one application, they may choose which of their applications to assign to each priority number received within their portfolio of applications.

A second proposal was, to the extent that it's consistent with applicable law to do so, ICANN should essentially include in the application amount the cost of participating in the draw, so we could all be collected at once. Again, we're not sure and have not done any legal analysis as to whether that is doable, but that is something to the extent that it can be done, that this proposal speaks to.

The next one was, all applications submitted in the next round, regardless of whether delegated or not, must have priority over

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applications submitted in any subsequent round application windows, even if the evaluation periods overlap. Does everyone understand what that one is?

So, if, for example, and I'm not saying we are, but if you look at the assumptions that staff/GDD have put out, if we followed a window every year, not saying we have, so please don't comment on the substance of that. But if something like that were to occur, then it is quite possible that not everything will have been completed in the first round by the time that you open the window for the second round, and what this recommendation or proposal is stating is that if something is submitted in the first round, that that would have priority over anything that was submitted in any subsequent round. Make sense? Everyone understand what that means? Okay.

Next slide. Again, we have not tested the level of support of these. So, what we're trying to do here, and we put a note because of the last meeting that we had, these are our paraphrased versions of comments that we got in. So, please don't attack us for the words, look at the concepts that are presented.

So, we got a number of, we believe, high-level agreements from the comments that we received. So, on that first recommendation that we put in, we certainly believe there's high-level agreement that a skills-based system should be avoided.

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The second one was that ICANN should again apply for a license to conduct drawings. The third point from the comments was that ICANN should include in the application amount the cost of participating in the drawing or otherwise assign a prioritization number during the application process, without the need for a separate event.

And the fourth one that had high-level agreement, we believe, were that all applications submitted in the next round must have priority over applications submitted in any subsequent rounds. So, I want to stop here to see if anyone's got any comments or questions on those four high-level agreements. So, let me go to Ching.

CHING CHIAO: [inaudible] first.

JEFFREY NEUMAN: Oh, okay. Let me just see if there's a queue. Okay. Actually, if I could ask the people that were in Zoom that are old hands, if you could take those down, and to the extent possible, if you're in Zoom, if you can put it up, put your hand up. That's not clear to mine, so mine must be messed up. Alright. Sorry. So, all of these are new then? Jim, Edmon, Kathy, Ann? Okay, cool. And Katrin.

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I'm going to go to Katrin first because Katrin has not made a comment yet, so Katrin, please.

KATRIN OHLMER: Thanks, Jeff. I think to the third bullet point proposal, this doesn't really reflect that in the previous round, applicants had the opportunity to not actively go for getting a license to the draw. So, a number of brands did not participate in the draw at all, and so if we were to keep these recommendations, I think we should make it pretty clear that this draw license is included in the application fee. Thanks.

JEFFREY NEUMAN: Thanks. I think the intent ... Oh.

EMILY BARABAS: I was just going to clarify [cross talk].

JEFFREY NEUMAN: Yes, I'll let you do it, that's okay. [Then I don't have to do it].

EMILY BARABAS: Thanks, Jeff, this is Emily Barabas from staff. I think actually this bullet, in an attempt to summarize the point, is maybe a little bit

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misleading, so I just wanted to clarify what the actual question was. So, it was a question about whether the process could, or should, exist exactly as it did, or whether there might be ...

It's essentially a recommendation to streamline, if possible, the same process that already existed. But if there are steps that could be consolidated ... So, for example, instead of a process to request the payment, if people could just pay as part of their application fee.

So, I think ... I apologize for any confusion, but that was the actual question on the response. And there tended to be in the comments, response for streamlining where possible and legal to do so, and there are on the subsequent slides, also, to the extent that there was dissent or other ideas, that's reflected as well on the following slides.

JEFFREY NEUMAN:

Right, so I think, just to add on to that it was a choice in 2012. I think it would still be a choice, the choice would just be presented up-front, as opposed to a separate event. So, you still would not have to participate, but you could elect to participate, and then at that point in time pay if there's a fee. Whatever it is.

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KATRIN OHLMER:                    Okay, thanks for clarifying.

JEFFREY NEUMAN:                Okay, let me go to Edmon, and then Kathy, Anne, Rubens, and I do want to get to Ching. So, Edmon.

EDMON CHUNG:                    Generally, I think it describes pretty well. I have two questions, or they might be comments because you might have covered them already. One is, in the last time there were provisions for those who were stuck in the 2000 proof of concept and a way to move to the next round. When you talk about all the applications submitted in the next round must be priority over the applications submitted in the subsequent rounds, have there been thought that they might be stuck in the 2012 round, and with the new policies coming into play, they might want to move to this round, or subsequently, in the future, as well.

Has that been part of the discussion? That's question number one. Question number two is in terms of draw, I think that makes a lot of sense. Last time, we did provide, or eventually, I guess, executive decision, provided a priority to IDN TLDs.

Have there been thought about prioritizing a waiting, you know, certainly under-developed regions, or other ways of waiting,

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those ways to draw? Because maybe those coming from developing countries could have more weight in terms of the draw, so they may get a higher pick, if you will? Just those two questions, I guess.

JEFFREY NEUMAN:

Okay, thank you, Edmon. So, on to provide hopefully a quick answer, and please step in if I'm not correct here. The first question was, what about the 2012 applications that are still around? I think the only discussions we had on that was to make sure that ... Let me go back a step. We definitely decided as a group, and as part of our charter anyway, that we were only going to look forward, that whatever happens on the 2012 applications were outside of our scope.

However, we did discuss the notion to the extent that there were still applications out there, the discussions focused on whether we should in essence reserve those or another way to say it is to not accept applications ... Oh, I'm sorry, I'm misstating.

Basically, the recommendation we have up there is that anything submitted in a prior round would have priority over subsequent rounds. That's a little bit different than your question, which is would ones that were applied for receive any priority? And I don't

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think we've had any discussions about that, primarily because we don't have enough information about 2012.

There hasn't been anything referred to us from the board that things would get priority or anything like that. So, I guess the short answer is we have not had those discussions. The second one, priority of IDNs. I believe we have some slides coming up, or not. Yes. So, that's coming up, couple slides. And we've also had a lot of discussions on that topic, so you'll see where the comments came out on that. Sorry, I've got to jump back to the queue here. Kathy, I think, was next.

KATHY KLEIMAN:

Right. So, following up on Edmon, I think we do have this question of problem children, as we heard them described yesterday. So, applications, not just in 2012, but in future rounds that may wind up in IRPs, lawsuits, delayed auctions, that kind of thing.

So, the last bullet point here sounds kind of as if all applications have to be processed in one round before the next round, so this suggestion that maybe we want to say something about to the extent possible or within reasonable limits, or subject to normal processing. Because we may wind up with one round overlapping into the other round, as some of these delays take place that are beyond ICANN's ability to process in a timely manner.

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JEFFREY NEUMAN: Yes, thanks, Kathy. I think, again, we sort of said things shorthand here.

EMILY BARABAS: Hi. Just because I've been sifting with the comments quite a lot, I can also clarify that I think this is also a bit of shorthand, and the question that went out for comment was specifically about not necessarily that everything has completed processing before the next procedures start, but just that if something is an open issue from a previous round or window, that new applications wouldn't be processed for that same string or a string that would be confusingly similar to it. So, I think that was what the question was, and the responses that came in were affirming support for that. Thanks.

JEFFREY NEUMAN: Yes, thanks for the clarification. Christa, were you going to ...?

CHERYL LANGDON-ORR: What she said.

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JEFFREY NEUMAN: Christa says, what Emily said. Okay. Next in the queue ... And again, if I could just ask those that have already spoken to take down their hands after, that would help me. So, we have Anne, and then Rubens.

ANNE AIKMAN-SCALESE: Thanks, Jeff. This is actually a follow-on on that public comment, in that I think an issue you may have with the grandfathering, if you will, or giving priority, when there's an open issue with an application that is prior, is that there may be a new application that needs new policy requirements, and it's possible that the old application did not need those policy requirements.

For example, I don't know, in the area of geographic names, or other areas, if we have on that last bullet point ... When you say no one else can apply for this name, because it's been applied for before, the question becomes under what policy directive did they apply for it, and does that application meet our policy goals at the time?

So, I almost think that you can't just have a blanket priority system because there's an evaluation based on the policy as it's evolved.

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JEFFREY NEUMAN: Thanks, Anne. I tried to stop myself as I said you can't apply, and I tried to go back. The recommendation's not that you can't apply, it's that you would not be processed until the completion of the processing of the one in the prior round. So, if the one in the prior round were accepted, then obviously there would be nothing further done on the processing of one that was submitted in a subsequent round. If that one was rejected, or ... Rejected is a terrible word. But not accepted, and final, then you would start the processing in the next round of that same string.

We did discuss in the group whether we had preferred doing it as in preventing an application or just doing it this way. You allow the application to come in, you just don't process it until the previous round one is done. And I think this group came out, it seems like the comments came out as well, with allowing you to apply for it, but just not processing it until the previous round application or applications for that string were processed.

ANNE AIKMAN-SCALESE: Okay, thanks. And I'll be really short on the next one. I want to echo those who've expressed concerns about possible priority for ... I need to clarify, this is my personal opinion and not an IPC opinion, but I think the board made the right decision about IDNs and putting those first, and I think applicant support should be considered for priority. I think that community applications

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should be considered for priority, and that's a personal opinion. I don't know if that's some later discussion as far as queueing ...

UNIDENTIFIED MALE: Next slide.

JEFFREY NEUMAN: I don't know if it's the very next one, but it certainly comes up. Before we get to that though, there's still Rubens and then Ching. So, Rubens, please.

RUBENS KUHL: [inaudible]. We might want to take note is that not every applicant wants to be in front of the queue. There could be applicants that would want to be in the back of the queue. So, they might want to participate in the draw and get the number one to be the last application to be processed or delegated or anything. So, different applicants might have different goals, so we might want to recognize with the applicant which one is theirs.

JEFFREY NEUMAN: This might sound a little harsh, but that's a new proposal. That's never been brought up. So, what we can do with something like

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that is to put out an e-mail with that proposal and test whether anyone in the group thinks that that has merit to explore further. But that was not brought up in any of the earlier discussions, and so I don't want to spend a lot of time discussing that proposal now. Just documenting it, putting it on an email, and testing whether the group wants to discuss that.

I think that's an interesting proposal. Everyone would certainly have to think of how that would complicate things, that if you get picked first, then you have a choice of where you go. That would introduce, in theory, a lot of different things that we would have to think about if the group wanted to pursue that line. So, let's drop an e-mail, Rubens, if you could, with that kind of proposal, so people can think about it, and discuss that on the list. Okay, Ching, please.

CHING CHIAO:

Thank you, Jeff. Yes, Ching, ICANN Org. I just wanted to reflect that the bullet number three, about including the cost of the prioritization in the application fee, I think we commented on this, and that is something we can [certain only] explore, and, if feasible, can be done. But it is not something that ... I think there's some potential legal implications on this that we need to explore, and if feasible, we can do this.

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But it's not a for sure thing, we need to look into it. And I think we commented on that in our input to the initial report. And then, as it relates to the last bullet point, I think I echo a lot of concerns that were raised in the room about the choice of the word prioritize, or priority. I think it can mean different things, and our interpretation of this particular preliminary recommendation was that all applications from one round needed to be completed processing before we can process applications in any other round.

So, if that is not the intent, and there are some very specific rules around what this means, that I would just ask that that be very specific in the final report. So, that is clear what it is that we're implementing. Thank you.

JEFFREY NEUMAN:

Thanks, Ching. I believe that is the intent, so I guess the note there is we will be more specific and clarify in the language, and I think that's very helpful. And also, the first point, just to not lose that. I believe the recommendation does say if feasible, and I think the legal analysis is included in the if feasible, as well.

Okay, any other comments/questions on this slide? We are getting to the discussion on the comments that came in. So, if we

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can go to the next ... Great. I have to look at my own screen here. Okay, so on ... Make sure I'm looking at the same one. Yes.

On the prioritization draw methodology, while some of the comments supported repeating the method used in the 2012 round, with the option to buy a ticket for the draw, there was also some support for ... This is just some of the rationale for what was in the high-level agreement. So, this is going to the streamlining and simplifying, if you could do that choice up-front.

The idea that priority numbers could be transferable between applications. This was the proposal where let's say you put in your strings and you were someone that had ten applications, the proposal was if you're picked as number 20, or if you have, like, five numbers, 20, 60, 80, 100, that you as an application can decide which one is number 20, which one's 40, which one's 60, etc.

While some supported that proposal, it seemed like there were a number of comments that were completely against that proposal. They noted in the comments that it would have undesirable outcomes. For example, encouraging what were called the portfolio applicants, and gaming in terms of trying to play games with contention sets, and driving up a secondary market for priority numbers.

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So, our view was that this proposal did not necessarily merit more discussion or going forward. Just looking around. The next comment was from a few organizations where this gets to the point that Anne had raised, and others, and Edmon, which were that some of the groups did support prioritizing the IDNs, and that included the ALAC, the public interest community, which was a group of non-profit organizations that work in Internet governance and technology areas. The non-commercial stakeholder groups community-based applications ... Oh, sorry.

So, that was on IDNs. And then there was a comment from ALAC that also supported the processing of community-based applications first, and there were other comments that were certainly opposed any type of prioritization, and I believe, though this is a paraphrased version, I believe that also opposed prioritization of IDNs as well. So, any of them, across the board.

And that came from the registrars, the registrees, and Neustar, and ... I always mess up how to say this ... [Le Merit], there you go. I apologize. I'm consistent in not getting it right.

So, there was a proposal from Jamie Baxter, who was with a company called dotgay LLC, that said if a contention set includes a community-based application, you prioritize the entire contention set because of how long it takes to get to the delegation. Next slide?

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And then we will come back and talk about these. There was additional feedback that we got on the notion of prioritization of applications in the next round over those from a previous round. INTA and Valideus said that where a TLD hasn't been applied for by one or more applicants in an earlier application window but has not yet delegated, it should not be possible to actually apply for the string. Or any string which is considered confusingly similar.

ICANN Org, as Ching said, I think, just now, just wanted us to make sure that we clarified what that meant and just be very specific in what we intended. I think that's the public comments. Yes. So, let's go back now and see if there's any discussion on ... Just to discuss, I guess, the significance of this.

The ones on the slide beforehand had high-level support from most, if not all, of the commenters. These recommendations did not have a level of support where we thought it would be in that high-level agreement. Again, we did not do any consensus calls, this is just our interpretation of the comments coming in.

And so, one of the questions that we need to think about is if they did not have a sufficient amount of support, should we then not ... Should we cut off the discussion on some of these now, as opposed to going through them, because it did not seem to have an adequate level of support? So, in thinking about that, I see

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Anne's hand up in the queue, and then Kurt. Okay, so let's go to Anne first.

ANNE AIKMAN-SCALESE: Just in terms of procedure I think that when you have divergence at the level that you have in the last bullet point, which almost looks just by reading the text, equally divided. Although you might be tempted to say in that case drop it, go with 2012, I think it would be far more valuable to the community and to the board to state the divergence and state the two different points of view.

And then let GNSO council deliberate on that and let those divergent points of view go to the board level because it's an important topic. And to say, well, we didn't get full consensus or rough consensus on this, so we'll just drop it, is not the way to go, policy-wise.

JEFFREY NEUMAN: Yes, thanks, Anne. I know Maxim's got his hand raised on probably addressing this, so I'm going to go to you, Maxim, and then I'll jump in and weigh in as well.

MAXIM ALZOBA: Just a procedural point. If you see something which might have different opinions in council or in board, I would recommend to

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make it a separate recommendation. For which reason? Because if you have solid items for which you don't expect many objections, it's safe to keep them as a single recommendation, because, formally, council and board shouldn't go into details, I mean shouldn't pick the words out of what we as a group create, but to return something or to approve something.

It means if you have subject which might be questioned, it's safe from bureaucratic point of view to create a separate recommendation. Why I'm recommending this is because the current situation with EPDP 1 recommendation set where board effectively modified two recommendations, and it's highly questioned in the GNSO council currently if it was the right thing to do.

So I would recommend to stay away from these procedural issues by creating the document the proper way from the beginning. Thanks.

JEFFREY NEUMAN:

Thanks, Maxim. And ultimately, at the end of the day, we as a working group cannot dictate what the council does or does not do with the recommendations. So I think we should kind of stay away from that. I also – and I'm going to put on a completely personal hat for this one, I do not believe the GNSO council should

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be a deliberative body discussing whether or not – which policy positions to take. I think we’re the ones as a working group that are looking into the issues and studying the issues, and looking at public feedback.

To ask a council who’s not familiar with all of this and hasn’t been in this day to day to make a decision because we as a working group have divergent views, I think, personally, would not be what we want to see in a bottom-up multi-stakeholder group. That does mean however where there are divergent issues – ultimately, at the end of the day, someone needs to make a decision.

But I think it’s our role to report what the positions are, to make sure everything is stated, indicate the level of support, and for areas where we have majority or even consensus, absolutely give the opportunity for minority reports, but that’s it. That’s where we stop. I hope that made sense. But that’s, again , a personal kind of view.

ANNE AIKMAN-SCALESE: Just a quick follow-up, Jeff, are you saying that we will not outline the equally diverging views on this issue? Are you saying we will state them in the final report?

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JEFFREY NEUMAN: I believe I said we will state them in the final report.

ANNE AIKMAN-SCALESE: Okay. Thanks.

JEFFREY NEUMAN: Along with the level of support or divergence, we have to put all of that in the report. I'm just saying we're not going to say in the report "And you, council, need to pick a position." We're just going to state what everything is and is not. Maxim, on this topic, this question? Okay.

MAXIM ALZOBA: Just short clarifications. Clarification, I'm not insisting we say something how these parts of documents should be regarded. I'm saying that if we see that something is a holistic item on which we achieved some degree of consensus, it's accompanied by some notes, minor views, whatever, and we just mark it in the text. It's about form of the document, it's not about content. And it will make our life, the life of all organization and everything around better. Just marking parts of documents doesn't mean the work of the group is neglected or something. It means just the method for our recommendations to survive. Thanks.

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JEFFREY NEUMAN: Yeah. Thanks, Maxim, and that's the way I understood your comment. Okay, in the queue we have Edmon. Did we cover, Maxim, your comments, or did you have a comment on something separate? Okay, so we have Edmon, then Kathy, and I missed Kurt. Sorry, Kurt was before Edmon. So let me go to Kurt.

UNIDENTIFIED FEMALE: [inaudible].

JEFFREY NEUMAN: Yeah, you win an award, then you get forgotten the next day. Sorry. Kurt, then Edmon, Kathy.

KURT PRITZ: Okay. Thank you. For the second bullet point on this slide, I know that the conducting of raffles in California is pretty tightly regulated, and there's a strict set of rules. So I wonder if we should ask ICANN to look into the laws that regulate raffles, and that might constrain our answer to that question, transfer of priority numbers might be disallowed by the law. So I would take that off the table, or it might be allowed and therefore we might – well, there's a public policy reason why that's allowed, so that might encourage us to go ahead and allow that without a lot of discussion. So maybe we should ask ICANN to look into that.

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JEFFREY NEUMAN: Thanks, Kurt. And we actually did, early on. I don't think any kind of formal way. But perhaps what we should do in response to that is do a formal request if that's something the group wants to do. I think the answer we got back was that they will do – what's that?

CHRISTA TAYLOR: They did. We submitted this in Work Track 1. They came back saying that – and we worded it in such a way that if we couldn't do a draw, we would find an alternative that it would have to be something generally allowed by California law, and chances are there had to be some kind of payment in there in order to be considered a draw. ICANN thought they didn't see any issues with it at the time, but if something was to arise, they would find another alternative. That was a while back. Thanks.

JEFFREY NEUMAN: Correct, that was submitted to Legal. So I'll let Trang in in one sec, but what I'll recommend or ask Trang to comment on, would a note from us be helpful? And to Legal, or –

UNIDENTIFIED FEMALE: I don't think it was Legal.

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JEFFREY NEUMAN: I thought it was Legal. I'm pretty sure it was.

UNIDENTIFIED FEMALE: [inaudible].

EMILY BARABAS: I think we're actually talking about two different things. I think there may have been a general question about the use of a prioritization draw in the big picture, and I don't think an official Legal position was given, but a sort of heads up from the group was given, like, is this something we could do again if we recommended it? And I think a sort of informal response came through that additional research might need to be done. But I don't want to paraphrase legal. I think we did not put in a question – it's possible my memory is not serving. That does happen. But I don't think we've put in a specific question about this question of prioritization within a portfolio, so this is the second bullet that Kurt is referring to, and I think Kurt is talking about the legal implications of a portfolio applicant shuffling their prioritization numbers between them. And as far as I know, we did not, as a working group, put in a question to ICANN Org or legal about the legal implications of that.

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KURT PRITZ: Or any of the other variations like submitting the fee ahead of time. None of the tweaks to it were asked to Legal.

JEFFREY NEUMAN: Okay. Thank you for clarifying. I, like Christa, was just thinking of the high level. So what I would respond to Kurt is that I don't think from the comments we got back and from the discussions of the working group that this idea had enough support to go to Legal and ask them if this can be – I think that may not be a valuable use of resources, because it did not, within this group and within the comments, rise to the level of having enough support where even if Legal came back and said, “Yes, you can do it,” that the public comments where people felt that that was worth pursuing. Does that make sense? Okay.

Going back to the queue, we have Edmon and then Kathy. Okay, anyone else on the queue on this issue? Because I think we're getting close to the end anyway. Alright, so I'll add Anne is now in the queue and then we'll close it off and do a quick wrap-up. So Edmon, please.

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EDMON CHUNG:

I think the bullet point two is a bad idea as well, so let's take it off. But I did want to ask the question about third bullet point. It seems like the comments or thinking is predicated on kind of an absolute prioritization, because last time, we worked on all the IDNs first. Has the concept of IDNs or developing community-based or applicant support applications get maybe a few more tickets into the draw? Kind of like a weighted one, not an absolute, like we would do all the IDNs first, but they would get, I don't know, three tickets whereas the general ones get one ticket and therefore their possibility of getting a higher pick would be better.

That might be something that's somewhat in the middle rather than an absolute kind of prioritization of the types of applications.

JEFFREY NEUMAN:

Thanks, Edmon. Because that's new, I'm going to ask the same thing of you that I asked of Rubens. If you could document that in an e-mail, and then we can kind of test out whether that would make a difference in the views of the second point, the whole notion of absolute versus – I forgot the word you used, so just the number of tickets.

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EDMON CHUNG:                      Weighted.

JEFFREY NEUMAN:                Weighted. Thank you. And we'll test that out with the group and see if that's something the group wants to explore further.

CHERYL LANGDON-ORR:        I've just been looking at staff, because somewhere in my memory banks, I've seen something similar suggested, and I thought it might have come from a public comment. They assure me it wasn't a public comment. It may very well have been put into a chat during one of our meetings, but I've definitely heard that or something very similar to that in our deliberation. So if it's not out of one of the public comments, I'm sorry, there are a few of them I'm trying to run through my head at the moment, but if it's not a public comment, then it did happen in one of our meetings. So I'm not saying any different, but it's still novel enough for us to do that. But it's an idea that has been at least posted, if not picked up, so let's see what happens with it. Thanks.

JEFFREY NEUMAN:                Thanks, Cheryl. Okay. In the queue, we have Kathy, and then Anne. So Kathy, please.

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KATHY KLEIMAN: Okay. So I'm not sure what the default is here. And I'm assuming it's what we did in 2012, which is prioritizing the IDNs. Okay, and so given the split, we'd go to what we did before. Okay. Thanks.

JEFFREY NEUMAN: Yeah, that will be what's in our recommendations. Whether that's the way the board chooses to go or not, that's beyond us, but yes, that's correct. Anne, please.

ANNE AIKMAN-SCALESE: Just a couple of things. On the subject of weighting and giving certain types of applications more chances to win in the draw, I think you probably have an additional legal question related to how a lottery is won with respect to that weighting, but actually, the reason that I raised my hand had to do with IDNs, because I have this vague recollection that in – I think it was in Work Track 4, we talked about the English applicant having some kind of priority on the IDNs. And maybe Rubens can clarify, but there was some sort of right to establish some rights in the IDN if you had the English string or something.

JEFFREY NEUMAN: I think what you may be referring to, which was not a prioritization necessarily, it was more of – the discussions were

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more whether if you had – whether translations, there would be some preference to have a translation go to the same registry as the one that’s operating the English version or whatever version they had in 2012. That was a discussion. I'm not saying that was adopted.

I think that’s what you're maybe referring to, but if not –

ANNE AIKMAN-SCALESE: Yeah, just seems that there's some possible interaction between these two in terms of making the recommendations correlate, that there's some possible interaction between that Work Track 4 work and this IDNs issue.

JEFFREY NEUMAN: Yeah. Thanks. Right, we’ll go back and look. Michael posted to the chat that it might variants. No, I think this was translations and not variants.

ANNE AIKMAN-SCALESE: I think it was variants, and that would be a conflict. I think Michael’s correct.

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JEFFREY NEUMAN:

Well, variants would be a whole other issue as to not necessarily even priority, that would be blocked. Whatever it is, totally separate issue. Let's just figure out what that was, but it was not a prioritization issue for application queueing.

I don't want to get into that issue because it is very complex. We're going to wrap up. I know we had another issue on here on delegation rates, which actually, we're going to do that. We'll start with that next on our call, but I do want people to read that because it's important. Not reading it now, read it before our next call, because there were some really good comments that we got in.

Specifically, we solicited feedback from the SSAC, the root servers, ICANN's GDD and Office of Chief Technology Officer, and got some great feedback where I think what you'll find is actually very different than what was in the assumptions document from yesterday, and a different way of thinking about the issue. Rather than thinking about an absolute number of delegations per year, it focused on the rate of change.

So I think I will send this out in e-mail, but I strongly encourage everyone to read – they're not that long – the comments that we got from those groups, and be prepared to discuss those on the next call.

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So we'll do that and go back then to the public interest topic.

Last question from Kathy, please.

KATHY KLEIMAN:

Quick question, Jeff. Has the Global Public Interest Document been updated? Because I took a look at it, at least the one that's linked to from our agenda today, and it doesn't look like it's been updated to reflect the diversity of discussion that took place last time. So I just wanted to double check that that will be happening before our next meeting.

JEFFREY NEUMAN:

Yes, it will definitely happen before the next meeting, and we'll look into whether it's been updated yet. I think because the meeting was so close in time to everyone traveling here, I'm not sure that there was time to update it, but we'll definitely go back and make sure that it is certainly before the next call.

So I want to thank everyone for coming to whatever sessions you came to. Thank you for coming, spending this time with us. I think it was very valuable, and I really feel like we are making progress, and I am still very optimistic that we will make our dates and that we will hopefully continue these discussions online.

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What I am going to ask is that in future calls, we not spend time talking about whether we're going to be able to make the date or not. Let's just continue with the subjects and let the leaders work on the time scheduling and figuring out whether we can do that, just so that we maximize the use of time on our calls.

Thank you, everyone. Thank you to the staff and our policy staff as always just do a fantastic job. Steve, Julie, Emily. And Trang as well from GDD, and to all of the leaders. So thank you very much.

**[END OF TRANSCRIPTION]**