Transcription ICANN Buenos Aires New gTLD Subsequent Rounds DG Update
Saturday 20 June 2015

Thomas Rickert: Hello everybody. This is Thomas Rickert for the record. I just want to let you know that I'm now there. And that CCWG duties have kept me away from joining earlier. So I apologize for that.

(Jonathan):   Thanks Thomas, welcome. All right. Are we good to go with the next session? Okay. So next topic new gTLD subsequent procedure discussion group. This is in effect a precursor group to potential issue report being chaired by Brett Fausett and being working over the last while. So let me hand over to Brett to bring you up-to-date with where this group's got to and where we go next.

Brett Fausett: Thank you (Jonathan). This has been a year-long effort. We started last summer. I'd like to express my thanks to my co-chairs Jeff Neuman and Liz Williams. Jeff's actually in the room. Jeff if you want to grab a seat in front of a microphone you're welcome. Or you can grab one of these mikes back here.

And Jeff can field questions as ably as I can so we'll make sure he's around the table. I'd also like to give particular thanks to Steve Sheng who has done much of the heavy lifting here including the difficult task of keeping us on track. So thanks Steve.

Let's go to the next slide. So I'm going to briefly talk through the background, give you a current status of what we're delivering to the council. There is a

motion pending before this body at its public meeting this week. I'll talk a little bit about what will be next steps if we decide to pass that motion. And then open it up for any questions.

Next slide. So we passed the motion last summer to create the discussion group because there was a general consensus in the community and including inside that we needed to look at possible course corrections if we did a second round of new gTLDs. And I'm reminded that at our discussion group discussions we decided not to use the word second round but future round, subsequent rounds; that we might need to change our course.

If we don't' do anything subsequent rounds are baked into the initial process so subsequent rounds will look a lot like what they looked like the last time; which is a perfectly fine outcome possibly. But I think if we want to change things it's going to have to happen through a policy development process.

The number of issues that could possibly warrant consideration in the policy development process were so large that creating an issue report initially was we thought not manageable. So we tasked the discussion group with essentially scoping the issue report that we've (frequently) request. And that's the work that we've done over the last year.

We've had broad participation from I think all of the constituencies involved in the council including the at large. Next slide.

We decided to create an issue report that would or a list of issues that could possibly warrant policy development. And we were very permissive in what we accepted. We asked everyone to phrase their issues in a neutral manner, not to prejudge any outcomes. We made no policy here. We simply tried to

identify areas for subsequent policy development. And because of that the group worked very collegially.

If you had an issue that you wanted in their report, it come in. No one argued against it. The only time that we had discussion of a particular issue was if it was phrased argumentatively. Where it, you know, might have prejudged the outcome. So we changed those as neutrally as we could and saved the hard work of disagreeing with each other for down the road when we create a policy development group.

But for now we have created, I think, a comprehensive list of issues that people have in mind right now. We also baked into the process that giving the policy development group that's tasked after the issue report, if we go that route, I think we will if we go that route, the ability to also add issues as they come up.

So this is a starting scoping document. It's not intended to be the final set of issues that are ever considered. Also baked into the list of issues we ask the policy development group when it's tasked to be aware of other things that are going on in the community. That was something we heard loud and clear at the Los Angeles meeting last fall; that we should not be a silo. That we should consider all of the issues that are going on in the various other ICANN reviews, so that is also into our document.

So what we have given the council is an overview document and then a long list of the issues that we want staff to consider in preparing an issue report. Next slide.

So here is where we are. We're at the left hand guitar pick, the June 2015 point. We are going to ask for an issue report to be prepared. If the motion

passes this week then staff will take our work and prepare an issue report. I actually think it will happen on the schedule that we have here because what's been wonderful for us is that the people who will be preparing the initial issue report have also been the primary authors of the work that we've got to-date.

So staff is very well up to speed on the issues here. So we'll look at an August 15 I mean August 2015 issue report. It will go out for public comment and then we could create a PDP if we choose as early as October 2015. Now what happens after that is anyone's guess. I think that this is going to be a policy development process that will have a great deal of interest in the GNSO community.

I think it will have a great deal of interest form the ALAC. I think that there will be broad participation in that PDP and I don't know how fast or slow that will go but all we can do is send it on its way and see what they want to do with it. Next slide.

So we've got the motions and all the activity on the Wiki space - you can see the URLs here to get to them. I'll open it up for any additional comments from Jeff before I move on?

Jeff Neuman: Yes I think - thanks, this is Jeff Neuman. Yes thanks Brett. And the group has really worked pretty hard. This is sort of an experiment that there's not too many other groups that I know of that formed before an issues report. Just to kind of help staff scope it out because as Brett said it was kind of a - it seemed an unmanageable task last year to ask ICANN staff to help draft an issue report at the time.

This is going to be a - as Brett said - a very lengthy PDP, ultimately when it finally is starting. So it's not something I've heard some chatter of why are we

rushing into it shouldn't we, you know, finish reviews prior to starting this. And I think the other thing that this discussion group took in mind; which I know that the issue report will also address is the fact that we are aware of all these other reviews being done at the same time or in conjunction.

And this discussion group and hopefully the issue report will reflect deference to those reviews that are going on. You know, there's a required review under the affirmation of commitment, there's economic studies being done, registries are being required to give certain data under their contract. I'm sure there's a ton of other reviews that I'm not even thinking about.

The GAC is doing its own reviews. So when we start - the reviews are going to happen. They're already on its course. This issue report and ultimately PDP will be deferential to those but - so it recognizes that work is going on. I think it's important that the council start this work with the GNSO community to make sure that we are part of that process.

So if you do have any questions or if any groups are thinking of deferring the motion or groups are thinking of not supporting it, we'd love the questions now or as (Jonathan) said a little bit earlier there's a Tuesday session of the council to talk about any concerns of the motions. We'd love to hear it now and hopefully address any concerns that are out there.

Brett Fausett: Thanks Jeff. I'd also add that in addition to the Tuesday session we have, as a discussion group we have a Wednesday open session from 11:00 to 12:00 at which we'll provide a brief background for members of the community on what about we've done. And open it up for questions there also.

(Jonathan): Thanks both. I see you've got Olivier. Go ahead.

Olivier Crepin-LeBlond: Thank you very much. Olivier Crepin-LeBlond speaking on behalf of the ALAC. And we very much welcome the work of this DG and thank the DG for its work. And look forward to taking an active part in the work that will follow up on this. It's important for us and I guess it's important for everyone in this room. So very much looking forward to work with you. Thank you.

(Jonathan):   Great. (Marilia)?

(Marilia Machair):   Thank you. This is (Marilia Machair) speaking. First of all I'd like to congratulate the group for this excellent mapping. One can see that it took a lot of work and Brett so really congratulations to you.

And I also find it very educative to look at it because it kind of understand what are the different policy issues that relate to the new gTLD so even for educational purposes maybe we could reframe it or reshape it in other (unintelligible) Web site because I think it could be a good input for newcomers as well.

And the matric of issues on the other hand it's not very digestible. And I did not find that it completely corresponds to the (mine map). So I'm looking forward to the issue report that is going to be produced by staff. So just one question, one final question that I have. What is the time frame that you expect to have some work done on this?

And I know that is just the beginning and we have lots of work to do, but some of the issues here they are on the agenda for such a long time such as support for applications from developing countries. It's like since 2006 we are discussing this. And we are kind of losing the train again with this present round. So is there any time frame where some of the issues that you find are

more mature or ready for discussions? Could we extract them, start a smaller process? How do you see this going forward? Thank you.

Brett Fausett: That's a hard question. When people have asked me when I think personally that this will be finished I think if we really do task - open this up in October 2015 for a working group. I would expect it completes October 2017. I think it's probably a two-year process.

Now I sit, you know, whomever chairs the next policy development group they may decide that some issues can be resolved very quickly. I think that, you know, one possible path is to take whatever you call the low-hanging fruit and just pick it. And decide the easy questions early. And then maybe take the harder questions on a different track.

But that's going to be up to the chairs of the next group. And the leadership there and how they want to move it forward. But I think it's a - I think it's probably a two-year period. I would like to think it would move faster than that but I don't know that it will.

Jeff Neuman: Yes this is Jeff Neuman as well. I agree with Brett. There are some fundamental questions in kind of the first grouping of questions in that issue report; which include first should there be additional TLDs so right that's not something that everyone in the community is necessarily convinced on and that was an issue that was put into the discussion group.

The second one which you kind of made reference to is if there should be others should there be different classifications of TLDs that should go before others. Should, for example, there be around just for developing countries? Should there be a round just for brands? These are all questions, fundamental questions that need to be addressed by that first grouping of issues. Because if

those - for whatever reason if it comes out that the community says no there shouldn't be additional (topical) domains well then the whole PDP in theory could end there.

We're having the work done in parallel just because we wanted to save time. We don't think it should be done necessarily - at least our recommendation is the discussion group is that work should be done in parallel because if it's done sequentially then that two-year time frame that Brett was talking about could easily go to 4, 5, 6 years, just realistically.

So I would just point back to the original motion when this last round started the PDP I believe was started in 2015. The PDP ended in 2007 and the ICANN board approved it in 2008. So can we do it faster? I don't know. There's a lot of issues that are on the table. But if you use the past as a guide that was two to three years.

(Jonathan): And then the second issue is of course whether how much, as you said, whether all of that happens in parallel or in some way can be segmented out. Because I can bet and you already hear that there are people in the queue wanting either support for developing country applicants or specific categories of TLDs that are getting - one just got in there.

Stephane did you have your hand up?

Stephane Van Gelder: I'd like to.

(Jonathan): I'm sorry Susan, I didn't see that. Go ahead.

Susan Kawaguchi: Susan Kowaguchi for the record. I did review the list but that was after our last meeting. But and you've definitely created a comprehensive list. But I am

very concerned that this would move forward before the affirmation of commitment review team was seated and had completed their work.

I understand that may delay the timeline but that is something that's been set up to do a thorough review of the new gTLDs. And I'm not sure that we're giving enough time to what is currently going on in the new gTLD world. You know, you're starting to see a lot of new gTLDs not renewed after a year. But ones given away are definitely not being purchased. You know, we're seeing predatory pricing.

There's a lot of issues that we're experiencing that I'm not sure that in the next year if we were to work, or say October if we started work on a, you know, the PDP that we would have enough information to inform that work. So it would be a little bit sort of, you know, not the most successful PDP in my opinion, starting too early if we don't' have all that background; and especially leaving the AoC review.

(Jonathan):   Thanks Susan. So I know Jeff is going to reply and just for the record I've got Stephanie and then Stephane in the queue.

Jeff Neuman: Thanks. This is Jeff Neuman again. I would actually take a different approach. I actually think the AoC review is not going to be as thorough as the GNSO review. I actually think the AoC review and so this might sound a little controversial, but the AoC review was a document drafted, was a review required by the Department of Commerce that basically allows for, if it follows past AoCs maybe one or two representatives from the GNSO at most.

So I would argue that I think the best reviews are often done as internal self-reviews as opposed to external reviews of people that didn't live day-to-day with the situations. So I kind of come at it from the other angle thinking that

we can do a much better review, where we have more involvement from the GNSO community than an outside AoC review which maybe has one or two representatives from people that didn't live with the issues day-to-day.

But that said, I mean whether you agree or don't agree with that the point is that this issue report will make reference to the AoC review, will incorporate the findings of the AoC review and will be digested by the GNSO ultimately in the PDP. So I'm not sure why it necessarily needs to wait for the final outcome of the AoC review in order to just start this process.

We're not saying new TLDs should go forward before any of those reviews are done. We're not saying that those reviews shouldn't be included. What we are saying is that we as the GNSO community should be an active part in all types of reviews. We're not going to get to be as active in the AoC review as we'd like to be.

So let's do our own review, let's compare the reviews, put them together and come out with a much better finished product than waiting for an AoC review to tell us what the outsiders think of the process. And then be forced to be reactive.

The GAC is already doing its own reviews. ICANN staff is already doing its own reviews according to the contracts. The AoC will do its own review. The GNSO I would argue is the most impacted group of all of ICANN by these new TLDs, whether it's as users, whether it's as registries, registrars, commercial entities, non-commercial entities. So let's jump in. Let's make sure that we can control the outcome as opposed to having others control the outcome for us.

That's a completely personal view.

(Jonathan):   Okay, thanks Jeff let's hear from some others then. I've got Stephanie,
                    Stephane and Brian.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. I think this is a very important
                    discussion and it's a pity that we're right before lunch because it's really
                    fundamental. I raise my flag over the issue that this whole problem of the
                    dicing of issues up into little pieces, it's almost impossible to follow them all
                    and factor them all in simultaneously.

                    So even though it takes more time I think it is important. You have to have the
                    feed-in from the different working groups that are operating on similar
                    grounds. That's going to make things slower. And I have sympathy for that
                    problem.

                    Is there a mechanism and this seems to me fundamental to ICANN. We've got
                    to come up with a better horizontal mechanism for tracking all the issues that
                    are going on at the same time so that we can get that feed-in. That staff do an
                    excellent job, but I'm not sure that as working groups we necessarily feed-in
                    the sort of wide decisions as they're coming down the pipe.

                    And I think it's a key factor in getting people to sign up for working groups.
                    And that is a factor in burnout.

                    On the accountability issue as it's been made very clear that there are
                    accountability issues for ICANN as we work on the IANA transition. It is true
                    that the insiders know the material at a deeper level. But if we're going to
                    move to a higher accountability, maturity level then we've got to have
                    external eyes on these things. So again it has to be both which means more
                    work on the part of the worker bees that are already inside doing all the work.

So I think we need a longer discussion on how the heck we do this. I feel it very tellingly on the who is pile of work that's coming our way because I don't really believe we can manage that. But I have sympathy for the top-level demand issue too. Thanks.

(Jonathan): Thanks Stephanie. Stephane.

Stephane Van Gelder: Thanks (Jonathan), Stephane Van Gelder for the business constituency. I agree with the points that you've made in terms of this being a crucial discussion. I think it's actually one that's important for the GNSO in terms of its - the way it works and the way it looks to the community and to the outside world.

I think there's a possibility here for the GNSO to be at the maximum relevance it can be on this topic. I mean there's no other organization within the ICANN structure that should be discussing this and the way we are discussing it is really important. So once again I really agree with you that it needs time and we should be taking the time.

On the responsibility and the uptakes part I think it's really important just to go back to Jeff's point that we do look at what we've committed as a community so we as a community have committed to do. And the AoC review is a commitment. It's an important step and it's not one that should be side-tracked.

So Jeff earlier on you were asked, you know, about the groups; which group might support or not support. I don't think we're at that point yet. I think the important thing now is to acknowledge that the AoC review is a crucial step. I would hate to see us publically use words like the insiders know about this

and let's not worry about the outsiders. I think that sends the complete wrong message.

I think if, you know, maybe we should talk to the outside world and we might understand that there's a great deal of anxiety about the current round, let alone a future round. Even from industry people there is anxiety; how do we deal with this deluge of TLDs etc. So these are issues that there are mechanisms in place and the AoC review is a major one. And these are issues that we should be taking into account as we draft this proposal for an issues report.

Thank you.

((Crosstalk))

(Jonathan):   Just to clear up a couple of thoughts here. I know Jeff wants to respond. I know Brian's in the queue and we've got some time constraints. I'm thinking about a couple of options here of what we can do with the schedule and whether we spend some more time on this. One option of course is to talk about this with the board. We have an hour and a half with the board. And so I just encourage you to look at the schedule that we've got over the weekend and think about where else we might bring this back up in another area.

So I'm going to try to bring the conversation to a fairly tight end here but I am mindful that there seems to be quite a lot to discuss. So as the co-chairs of the group we can let Jeff and Brett respond. And then take a point form Brian and then cut the conversation here. But I haven't not heard that we need perhaps some more time on this.

Brett Fausett: Let me just address the question about the AoCs. The real question for us as the council is do we wait to start or do we wait to finish our policy development process. And we have said in our discussion group report that we wait to finish. So that we will take account of the AoC, that's in the draft report and we will not finish the PDP until we can take account of the AoC input.

So we're going to work in parallel through the proposal before the council now. The alternative of course is to wait to start until we have the AoC input; which would mean a very, you know, could significantly increase the time that we're talking about here.

Stephane Van Gelder: (Jonathan) can I just say one thing. It's clear that - the point that I was trying to make is it shouldn't start before the AoC review. The PDP I'm talking about shouldn't start before the AoC review is done because that's what was in the deal.

Brett Fausett: I don't think that was the deal. And I think if we don't start until we have the AoC completed we probably won't have a PDP. We'll probably just leave it to staff to implement whatever input comes in. And we, the GNSO, will lose our voice.

(Jonathan):   So it's clear that this is a critical access of discussion. I'm going to let Jeff respond as I said before, hear from Brian and then we'll have to call it a day for now.

Jeff Neuman: Thanks. I support everything Brett said. The last thing I would say just to Stephane. You made a comment about relevancy. And I actually want to throw that back to you and say do you want to remain relevant in this issue? Do you want to take control of this issue as the GNSO community or do you

want others to dictate to us how it will be done. As Brett said the current policy in effect form the GNSO as approved by the board says that there will be subsequent rounds.

It doesn't say you have to wait for the AoC review, it doesn't say you have to wait for a GNSO review. It says there will be rounds. When we asked ICANN staff at the last meeting do you intend to start a new round with or without the GNSO or PDP or the AoC they said yes.

The current policy in effect until that is changed by the GNSO by consensus and approved by the board is that there will be additional rounds. What I'm saying to the GNSO council and the GNSO community, I'm not part of the council anymore, is do you want to remain relevant. Do you want to control the reviews? Or do you want everything controlled by outsiders? That's a question. I'm fine either way but I want to throw that out to you all.

(Jonathan): Okay, let's make sure we bring Brian in now.

Brian Winterfeldt: Brian Winterfeldt for the IPC. I do think this is a very important discussion and I hope we do have more time to talk about it. I think - I definitely hear your point Jeff and I think it is very important obviously for the GNSO council I think to lead the policy and development process and to have input on the next round.

At the same time I think we would like to discuss more when we have more time about how we are going to sort of frame the issues and deal with them prior to these other reviews being completed, knowing that we would want to take into account what's going to happen there and make sure that we're not duplicating efforts or leaving out important issues.

And so I think that's something that we would like to explore and think about more.

(Jonathan):   Good, okay. So it's clear there's some critical (atrophies) of discussion here that we have the output of discussion group, it's emotion. So we need to come back to this when we discuss the motions at minimum. But it sounds like there's more time to be spent on this.

Given where we are in the agenda now we'll draw a line under this session and then move on to the next item before lunch. So if we could stop the recording there and if I could have you think about everyone where else you see we might be able to pick this up, I'm open to suggestions on the scheduling.

Male: Wait for the session just check if they're ready.