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DUBLIN – New gTLD Program Implementation Review: Report Discussion

Monday, October 19, 2015 – 17:00 to 18:15 IST

ICANN54 | Dublin, Ireland

KAREN LENTZ:

Good afternoon, everyone. Thank you for joining on this long day. We are continuing to look at the New gTLD Program in reviews that are occurring in different areas, and this will focus on what we call the Program Implementation Review, which covers a lot of areas relating to the operation and execution of handling all of the applications and launching new TLDs.

My name is Karen Lentz. I'm Director of Operations and Policy Research at ICANN, leading many of the reviews that are relating to the program on the kind of stage/table.

With me are Russ Weinstein, Cristina Flores, and Christine Willett, all of whom are really the muscle and brains behind having successfully implemented and operating the program, handling a large number of applications through a complex procedure. They've documented a lot of their experience and wisdom in the report that we're talking about today.

The report that we are discussing was published for public comment in September. The purpose of this session is to bring

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all of us together to gather some feedback on that report, and particularly the findings and the lessons learned.

I'll start by providing some background on the report, and then Christine Willett will discuss the approach that the team took to the review. Russ Weinstein and Cristina Flores will highlight some of the key lessons learned within the review. We'll try to go through those fairly quickly because we'd like to leave significant time for comments and questions.

As I mentioned, this report is currently open for public comment. It's open through the 7<sup>th</sup> of December of this year. This session is an opportunity for all of you to share your ideas and comments with us and with each other. We do encourage you as we continue to have discussions on this report and on these topics to put your comments in the public comment period. It's important that we have... As we go through these discussions, which may last a while, it may be hard for us to remember what we talked about here in Dublin, so it's important to get your comments on the record. That's very helpful for us and for everybody. Next slide.

Just to set the stage for this particular effort, this report is one of several inputs that we've discussed which will be provided to the review team convened to look at competition, consumer choice, and consumer trust in regard to the New gTLD Program.

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This review has several areas that they're being asked to look at, and one of those, highlighted in blue text there, is the effectiveness of the application and evaluation process. From the staff side, we've started to look at those questions to compile the data that we have and to identify some of the feedback that we've heard so far, and have that available for the review team to begin their consideration of that.

The call for volunteers for the review team was posted a couple of weeks ago. That's open through October and that review will occur from volunteers from community members forming the team.

I think that covers the background to this. I will turn it over next to Christine.

CHRISTINE WILLETT:

Good afternoon, everyone. Christine Willett here. Before Cristina and Russ dive into the detail and findings of the report, I just want to give a little background on how we approached this review.

It was a staff review. It was the program staff involved in implementing the New gTLD Program, and also staff who were part of the development of the Applicant Guidebook. We also

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got input from our panels; the evaluation panels who participated in the execution of the program.

Why was it a self-assessment? This review is really focused on the implementation of the Applicant Guidebook, and inasmuch as it was staff who drove that implementation, we felt that was a reasonable starting point.

We have made a significant effort over the last three years to be sure to capture lessons learned along the way as we have executed and implemented the program. So we've synthesized those into this report after much discussion.

The aspects that were looked at in this report include metrics and feedback from participants. We've certainly gotten a lot of feedback from participants along the way; what worked, what didn't work, system tools, and process. But also it includes observations from staff as well as the panels and the various providers who have had a hand in implementing and operating the program.

We looked at six dimensions as we looked at the implementation of the program. They're listed here: the efficiency, effectiveness and fairness, as well as predictability, the security and stability, as well as how did the implementational line to a policy and well as the implementation guidelines being – and largely the

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implementation guidelines were the Applicant Guidebook. So you'll see these as threads throughout the report. These were the common themes, common aspects, that we looked at.

If you have not had an opportunity to look at the 207-page report, this is how it is organized. There are essentially eight chapters. They are fairly aligned to the sections of the Applicant Guidebook with a few extras. So we start with application processing, which is the entire application submittal process, the tools that we used, application evaluation, the objection procedures, moving on to contention resolution, the multiple contention resolution procedures we had.

We talk about in Chapter 5 the contracting process and our transition to delegation. We felt that the application support program was an important aspect of the program that needed its own focus, so that's Chapter 6.

Also, our continuing operations, instruments, letters of credit, and escrow agreements took up a fair amount of time and energy from lots of folks throughout the program process, so we've dedicated a chapter to that.

Finally, we sum it all up with overall program management observations.

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So that's how the report is structured. If you do not have the opportunity to read the entire 207 pages, I will tell you that there is a seven-page executive summary with a three-page listing of the findings at the back of the report in an appendix. So for those of you who would be able to look at ten pages, you might want to start there.

With that, I will turn it over to Russ. Russ and Cristina will walk us through the lessons learned of the report.

Oh, and again, we do want to move onto the feedback portion of this, so bear with us as we walk through the findings. If you've already read the report, we apologize, but in case you haven't, we're going to walk through each section and those observations.

RUSS WEINSTEIN:

Great. Thanks, Christine. This is Russ. As Christine mentioned, in the paper we identified about 48 lessons learned in total. Today we're just going to discuss some of the highlights so that we can get into them a little bit more in detail than we could if we were just going to read off all 48.

It's important to remember that not all of the lessons learned are suggesting a course change or a course correction. Some of them are just observations that we felt was important to

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highlight for the community. We recognize changes to policy before a next round could affect the meaningfulness of some of these recommendations or suggestions, but hopefully they'll be used in that policy development process if a process occurs.

The lessons learned kind of break down into three flavors, you can say. There's those that we have a framework in place and we think just some operational adjustments would allow an even better implementation

There's those where we have ideas for improvement, but those ideas need to be fleshed out further between both the ICANN staff and the community collaboration.

Then there's some items where we're really looking to the community for some guidance and direction. It doesn't necessarily have to be full-on policy. It could more of the implementation guidance. But there are some areas where it would benefit from community discussion.

There's four main themes in Chapter 1, or for main sections: the application form itself, prioritization, the application comments, and change requests. Some of this stuff doesn't exactly fit into Module 1 of the Guidebook, but it made the most sense here for the report.

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In the application form, there was two main themes that came out of our analysis. One was that the application structure was free-form text, largely, so that created a lot of unstructured data that led to challenges, both for the community reviewing other people's application, as well as ICANN and the evaluators being able to efficiently review applications, catalogue things, and use that information later down the line for things like the contract exhibits.

So we have some ideas on this one as to how we can improve this, but it probably requires some further development on ICANN's side and some collaboration with the community.

The other aspect in the application form was the user accounts; the way the application user accounts had to be created. Our initial system imposed some fairly rigid limitations on this, of how user accounts can map to applications, given the diversity of the way people applied, be it through subsidiaries or families of companies or the top-level company or many consultants. It could get pretty messy for some of the applicants, and I don't think I have to tell you guys, the users, that. But obviously that's something we're looking to improve. We're already doing that for our contracted parties as we restructure some of our systems, so that's something we think is one of those operational things we can just go do.



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Prioritization. We ended up using a live drawing for prioritization. The Guidebook had mentioned other mechanisms, but this was the one ultimately settled on after community involvement when we got the almost 2000 applications.

Overall, the feedback from that event for prioritization was very positive. We held that draw back in December 2012. The issue with this was evaluation had already started. The panels had been working since this summer, since the applications were submitted. So we had to do some rework there to reshuffle the priority and be able to make our schedule in order to release results and clarify questions on time.

So the lesson learned here is, if we're going to do prioritization, pull it earlier into the process so we can not have to lose some of that time to rework.

Application comments. These were intended to be a tool for members of the community to comment and voice their opinion on applications or applicants and provide ICANN and the evaluators and the greater community their perspective about these.

Overall, we received over 12,000 comments through the application comment form for the 1930 apps. There were certainly some limitations on the tool, such as character limits

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or inability to submit attachments. Some of this was a feature, I guess you could call it, and some of it led to be more of a bug-type situation. Looking back, the feature maybe wasn't appropriate, so the design wasn't as crisp as it could have been.

We also ended up having some unanticipated uses for the tool, such as when change requests would come in, we would allow for comments on those change requests. When PICs (Public Interest Commitments) were issues, we'd allow for comments on those. The way the tool worked didn't exactly make it user-friendly to cite why those comments were coming in, what documents they were trying to address.

So those are again lessons learned, and the idea there would be to better understand the requirements for comments from the community, what do you want them used for, how do you want them to be used. Then we can design a tool that can be more appropriate for that.

I alluded to change requests earlier. The AGB requires that applicants notify ICANN anytime something material in the application became untrue or inaccurate. There were a number of reasons why, but we ended up receiving a lot more change requests than we requested. Some of those were because some of these unseen things, such as the public interest commitments, the name collision issue, maybe the advice we

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received from the Government Advisory Committee, and the way ICANN created solutions for that advice.

Then there was just the overall elongation of the program, which led to a lot of just general business changes; officers and directors rotating in and out, shareholder changes, and just primary points of contacts changing as they matriculated through their careers.

So we ended up doing a lot of change requests, and it wasn't something we had anticipated doing at that volume before, so we had to adapt on the fly and design processes to accommodate this. We recognize for those of you who have done them it's a fairly laborious process, and there's certainly ways we can make that more efficient in the future.

The other aspect was that there was different types of changes as I alluded to. Some of them, while they were all material, the levels of materiality maybe are different, and the level of consideration required would be different. We differentiated some of those changes with what requires public comment periods for waiting before we implement and what doesn't, but there's probably further work there that could maybe even speed that up, some of those processes, in the future.

Now, application evaluation. First we'll talk about string similarity. This review was intended to reduce probable user

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confusion by identifying visual similarity to existing TLDs, reserved names, and the other applied-for strings.

The criteria in the Guidebook was fairly limited in that it restricted the evaluation to visual similarity and the probability of visual similarity so that when the panel reviewed, they found a large number of exact match strings, two pairs that were visually confusing, and two pairs that were potential IDN variants of one another.

Obviously, this was a topic of hot debate when the results came out and for a while after those results came out; things like the concept of singulars and plurals for the same string, or categories of strings and how they could be confusing, but maybe not visually so.

So I think that the ask here is back to the community. If you're looking for a different outcome, we're going to need some different guidance on this. It could be policy, or it could be implementation guidance.

IDNs is another big topic that had threads throughout the evaluation process. I think the key lesson learned here is there's a great deal of work going on in the IDN space right now in the community, and the next round should take advantage of that work, be it the top-level LGR. There's also work at possibly

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considering second-level LGRs, and that should help streamline some of this for the next round.

The technical and registry services evaluation. I talked earlier about how the application process was a question and answer, so lots of free-form text describing theoretical, technical configuration, trying to demonstrate capability through written proposals, essentially. This was intended to help provide a level playing field to new entrants, to the market, and ensure that the applying entities would be technically accountable for their registry operations.

What we did observe was the majority of applications engaged one of about 50 technical back ends, and the evaluations themselves became fairly redundant because of this.

So thinking about this in both the registry services evaluation and the technical evaluation, and even looking forward to the pre-delegation testing, there's probably some work that could be done, different options that we'd like to explore with the community on how we can maybe make this a more efficient and robust review.

Finally on this section, the financial evaluation. Again, the question and answer approach was designed to try to accomplish many different business types. But our observations was that the evaluation criteria didn't always work well with the

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various corporate entity structures that applied. In some cases, applicants using subsidiaries were submitting financials that were fairly empty because it was kind of a shell company.

For example, there's probably alternatives to doing the financial evaluation the way we did it, and we'd like to look at those in more depth.

That concludes the evaluation section.

CRISTINA FLORES:

Thanks, Russ. Chapter 3 of the report followed Module 3 of the Applicant Guidebook, as Christine mentioned, which concerns objections procedures, objection and dispute resolution.

The Applicant Guidebook provided a process for parties withstanding to file formal objections on four distinct objection grounds: legal rights objections, string confusion objections, community objections, and limited public interest objections.

In total, we received 263 of these objections, almost all of which are complete at this point. So we have an almost complete process here and body of data to draw from.

One particular topic that we identified for consideration for future rounds is on the subject of appeals. The Applicant Guidebook did not include a procedure for appeals, for

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objections, or for any of the program processes; not evaluation or community priority evaluation.

Some parties did raise concerns about the objection procedures or the objection outcomes through ICANN accountability mechanisms, which are available throughout ICANN's processes and are not specific to the New gTLD Program.

The lesson learned here is that these concerns should be revisited to inform any development work on future rounds surrounding this topic.

The ICANN Board New gTLD Program Committee (NGPC) in reviewing these accountability mechanisms did approve a review mechanism for two specific string confusion objections, which had perceived inconsistent outcomes. When considering a review mechanism for future rounds, that's one option that can be considered, or a different sort of appeal or review mechanism.

Chapter 4 of the report discussed Module 4 of the Applicant Guidebook, which is on the subject of contention resolution. I think everyone in this room is probably familiar with the concept of string contention, but the concept is that identical or confusingly similar –applications for identical or confusingly similar strings would be placed into a contention set and only one of the applications can ultimately be delegated.

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So the two processes defined in Module 4 of the Guidebook are community priority evaluation, in which an application can self-designate as being community based, and then be evaluated against a specific, pre-defined set of criteria in order to win that set. So that's the first process.

In cases where there wasn't a community applicant or there wasn't a prevailing community applicant, ICANN encourages self-resolution. But in cases where applicants weren't able to resolve amongst themselves, there is what's called an ICANN auction of last resort, which is an auction mechanism facilitated by ICANN.

Starting off with CPE, ICANN in the CPE Panel implemented processes to ensure that the evaluation was fair and consistent. We go into some detail about that in the report to show how we tried to provide guidelines in advance. We accepted and reviewed comments from the community in developing those guidelines along with the CPE Panel.

However, there was quite a bit of feedback received on the process overall, and as this was a new concept in this application round, both the concept of awarding priority based on a set of criteria and the concept of community overall. The lesson learned here is that this practice should be revisited.



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Moving on to the second item on this slide, community considerations, that just ties back into the last lesson learned that I mentioned. But we wanted to point out that the concept of community is something that exists beyond just Module 4 of the Applicant Guidebook. It's also part of the objections procedures as well on the topic of community objections.

This is an area where the ICANN Board received advice from its advisory committees, and it was also identified by the Board as a topic that may be appropriate for policy discussion. So in developing future rounds, this is an area where we're looking to the community for direction on what you liked, what you didn't like, and how we can move forward.

The third item on this slide is in regards to the ICANN auctions of last resort that I described a moment ago. So what we've observed is that the way auctions were administered, I guess, was consistent with the intention of them being for a last resort. The vast majority of contention sets were resolved through application withdrawals.

Of the 233 contention sets that were identified, today over 200 of them have been resolved and only 13 of those were through ICANN-facilitated auctions. So it's a very small percentage overall.

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So for this one, we feel we have a system that served its intended purpose, and if this is something that would be included in future rounds, we could replicate this with minimal development time.

The final item on this slide, withdrawals, is not exactly a part of Module 4 of the AGB, but we included it here because we felt it tied in so strongly with the concept of self-resolution. The Applicant Guidebook anticipated that there would be a need for application withdrawals, but it didn't define another mechanism to move applications into a final state. So the concept of an application withdrawal is that the applicant actually has to start that process, initiate the withdrawal, and then ICANN can issue a refund because all applicants before contracting with ICANN are eligible to receive a refund if they withdraw.

Particularly as the program progresses towards completion, we've observed that some applications are not being withdrawn, even if they're no longer eligible to proceed in the program.

So the lesson learned here is that, in future rounds, consideration should be given to developing a process where ICANN can move applications to a final state and initiate a refund without the applicant necessarily kicking off that process.

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I'll turn it back over to Russ for Chapter 5.

RUSS WEINSTEIN:

All right. First I'm going to talk about their contracting process – this is the process to attain a registry agreement. The goal, dated back to the policy, was to provide predictability by providing a base contract before the application period kicked off.

We did this. However, due to some foreseen issues and some unforeseen issues, it required some amendment to the contract and updating of the contract a number of times before it reached a more steady state.

So obviously the goal is to provide it upfront, to provide predictability to the applicants. I think we should continue working towards that goal and understanding that unforeseen things could come up, maybe developing processes that are more agreed upon upfront to better update the RA should these unforeseen things come to pass.

The second concept we wanted to talk about here was, in this round, there were a couple different types of qualified applicants, and some of those applicants had relationships to how their contracts would read, while others didn't.

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For example, the community had specification 12 that they would be obligated to [inaudible]. It was developed during the program, but there was the creation of specification 13. There was the code of conduct exemptions. But the geographic applications, there wasn't specific contractual requirements geographic-named strings.

So [inaudible] again is back to the community. Should there be different application types? If so, what contractual requirements should come along with those application types? Next.

This slide is about the transition to delegation processes, and mostly focused on the pre-delegation testing process. As we talked about, the applications are evaluated on an individual basis, and that meant we were performing the pre-delegation testing each and every time on the TLD. The vast majority of applications, again, came from this much smaller pool of technical back end providers.

One of the things PDT didn't really cover was scalability across TLDs, so that wasn't part of the evaluation so much, and that's something that may want to be looked at in the future.

We should also look at what tests are appropriate at each TLD level and what tests maybe can be accomplished at an infrastructure level on the whole back end level.

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Finally, a number of the tests in pre-delegation testing were self-certification, so they were documentation that the registry would submit. We should look and see if any of these self-certification-type documents could be converted to more operational tests because as we say, self-certification are helpful, but where the rubber meets the road is being able to perform against those certifications.

So the ask here is to think about how we can restructure PDT a little bit to maybe better make it more efficient for application evaluation, as well as to make it a little more robust.

[CRISTINA FLORES]:

Sorry. Moving on to Chapter 6, Chapter 6 was about the applicant support program, which was a community-led initiative developed to promote access to the New gTLD Program. That included both the financial assistance component and a non-financial component.

The first item here is concerning underutilization. The ICANN Board set aside a \$200 million seed fund to provide reduced application fees to qualified applicants who met the criteria of the applicant support program.

Ultimately, we received three applications for financial support, and one of them met the criteria and received assistance. We

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can see that the funds were underutilized. Given this, the lesson learned here is that the challenges to becoming a registry operator should be further examined to determine how the program could be improved and to increase the utilization of whatever funds are budgeted for this.

In regards to the criteria and processes used for the applicant support program, the applicant support program wasn't part of the Applicant Guidebook. It was on its separate but linked track, so it was earlier than all the other evaluations. So it didn't have the benefit of the lessons learned from the rest of evaluation.

So for future rounds, what we identified here as something that we could potentially improve is just to leverage the lessons learned from the other evaluations to ensure that we're using the same best practices and being as transparent and predictable as possible.

Chapter 7 was about the continued operations instrument, which is a financial instrument; as Christine mentioned, the letter of credit or an escrow account intended to temporarily fund the continued operations of a registry in the event that a TLD were to fail.

The review of the continued operations instrument, or at least a description of it, was incorporated into the evaluation process

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as part of the financial capability evaluation. Then the instrument was also re-reviewed at the time of contracting.

ICANN faced some challenges in reviewing these instruments. We go into some detail about that in the report, if you wanted to refer to that section.

A couple of I guess metrics that we can know are that almost all letters of credit ultimately required amendments before parties could contract with ICANN, and 20% of them actually required three or more amendments before this point in time.

There's some level of administrative burden in this, certainly for the applicants and for ICANN, to some extent. So for future rounds, the lesson learned here is that we should revisit this process, the existing continued operations instrument process, and see if it could be made to be more efficiently.

Or alternatively, we may want to revisit the whole concept and see if there's a different way that a [inaudible] event could be funded.

I'll turn it back over to Russ.

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RUSS WEINSTEIN:

All right. We're almost done here. The last area we'll talk about is the program management, which is kind of a wide array of issues or topics.

The first one we'll talk about is systems, and the lesson learned here is, as ICANN attempted to get started on system development early in the implementation phase of the program – however, as the Guidebook continued to iterate before application submission opened, it made it challenging to design a system as the requirements kept changing.

So the lesson learned here would be to provide more time, an appropriate amount of time, for adequate development.

Another lesson learned is, in some of the processes that we rolled out, we were able to launch beta programs to ensure that things worked we intended them to work before rolling them out to the full-scale, and see where we can utilize those in our system development in the future.

The other lesson learned is just to expect the unexpected and to build flexibility into our systems to be a little more agile than they are today.

On the service provider coordination... And over the course of the program, we developed an enhanced ICANN's procedures for managing our service providers. Some of it was the internal back



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office-type work of “How do we keep status of these 1930 applications moving through the various providers?” which we learned fairly quickly.

The harder part I think for us to learn was the transparency aspect for the community in that we should be publishing process documentation and any process guidelines up front prior to evaluations starting. We did that throughout the process as we learned this was an important feature for this type of work.

So the lesson learned here is just to continue enhancing those accountability and transparency behaviors, things like publishing summaries of our statements of work and process documentation up front.

With respect to financial management, the new gTLD application fee and some of the other supplemental fees were developed prior to the full-scale development of the program. Therefore, they were an estimate. We think a full detailed evaluation is probably required of the program funds to determine was the \$185 fee correct for a next round, or should that fee be adjusted, or how should that fee be allocated? How should the refund schedule be developed? Things like that.

On the communications side, there’s been a lot of communication based on this program, as you guys have all

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experienced. There was a fairly significant effort prior to launch of the program to try to gain awareness, and then there was all the communication that we did throughout the implementation to keep people apprised of where there applications were in the process, what's coming next, and how to prepare.

The lesson learned here to try to make that outreach more coordinated and simpler for the applicants to follow along, and also to utilize ICANN's now much more structured and larger global stakeholder engagement team for the outreach efforts, both before and during the program implementation.

On the customer service, customer service at ICANN was sort of developed for this program. We've learned a lot of the implementation of the program. We started with a customer service center operating almost exclusively out of Los Angeles, and now we have a global customer service support team – global support center I think is our preferred terminology – that's operating 24 by 5 in three offices around in the world in multiple languages. So just to be able to leverage this from the beginning of an application period would be much more beneficial to a global applicant community.

That's where we'll wrap it up. I think we'll turn it back to Christine.

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CHRISTINE WILLETT: Thank you. So that's our summary of the 207-page report. We tried to hit the highlights, but we welcome questions. You all have microphones. Rubens?

RUBENS KUHL: My question is about a topic that hasn't been mentioned, which is clarifying questions. First, we never get to see the clarifying questions that were sent to applicants and their responses, even though those questions are public. So we can't evaluate, for instance, if the questions were clear enough for people to understand them because we don't know the clarifying question.

I haven't seen any recent mention of that. Clarifying questions were usually mentioned during the application process, but all of a sudden they disappeared in the air.

My question is why isn't this being mentioned? Why are clarifying questions to the public questions still not published?

CHRISTINE WILLETT: Russ, can you – thank you.

RUSS WEINSTEIN: Thanks, Rubens, for the question. I think there's probably a couple answers to that question. I think one of them was the

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scale of clarifying questions was one of those unforeseen items, and our systems development process just didn't really accommodate the mass publication of the questions and answers.

A second piece of it was the majority of those questions were actually to the non-public questions. I think it is. So I think that made it complicated to share those as well. As we're issuing them, we didn't really talk about the fact that they would be published, so to go back and ask or notify folks that they were going to be published answers was complicated as well – something that we should certainly look at the future; look at the scope of clarifying questions and should they be public for both question and answer.

RUBENS KUHL: Just information: more than 80% of the clarified questions I got were for public questions. So I don't agree with that assessment.

CHRISTINE WILLETT: Thank you, Rubens. The full report does speak about clarifying questions if you want to take a look about we've said about clarifying questions. I would agree that there's room for improvement there on some discussion as to whether those clarifying should be made publically available or not. There are

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some challenges there, but also, potentially, should the responses be made public? So, please, we'd welcome your feedback on the report on that topic.

Please, go ahead.

SUSAN PAYNE:

Hi. I have a question about the scope of this piece of work, please. It's an implementation review, and you do say that you are assessing the implementation of the Guidebook and not the Applicant Guidebook itself.

However, in the forward, in just the second paragraph, you talk about the resolution of the ICANN Board and staff and the development of the Applicant Guidebook as being the implementation of the policy.

So my question is why, then, have you made a decision not to review whether the Guidebook itself adequately implemented the policy, but only the subsequent step of how this thing got implemented by staff?

CHRISTINE WILLETT:

Thank you, Susan. You're right. The Guidebook we view as the work of the community in translating of the implementation review teams that work to translate the program policy.

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So that was a first step, and then this review is focused on the operational implementation of that guidebook. We do make mention of aspects of both the policy that we think would benefit from clarification as well as aspects of the Guidebook that we think would improve the operational implementation if there were further clarity in the Guidebook.

So that was the approach we took. Karen, do you have any opinion on this?

KAREN LENTZ:

Thanks, Christine. I just would add that I think your question was going to, Susan, is there an assessment of the Applicant Guidebook as implementation of GNSO policy advice, and I think that's kind of what's occurring in the effort that's been underway in the GNSO to identify issue and to potentially initiate discussions around looking at what happened in this round and going forward. Thanks.

CHRISTINE WILLETT:

Jordan?

JORDAN BUCHANAN:

Hi. Jordan Buchanan with Google. I have two questions. The first is I think there's a few places in the document where you

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essentially assume any future implementation would be round based still. For example, the prioritization discussion, as well as the de-contention discussion. Has there been consideration given to what a process might look like that was a continuous process instead of a round based process, and how that would affect future implementation?

CHRISTINE WILLET:

Thanks, Jordan. Yes. For simplicity of communication, we use the term “rounds.” But yes, should there be adequate approval and support for any future rounds, we have discussed the potential of ongoing methods to accept applications on an ongoing basis and not simply in discrete rounds with seven years in between. We just don’t have a term for it yet. So, yes.

JORDAN BUCHANAN:

Yeah, so I guess the my follow-up question is, to the extent that you guys have considered that, it might be helpful to lay out the staff’s view on whether that would be complicating or simplifying, or maybe both in different places, but to better understand the trade-offs between the two approaches from an operational perspective. Just a suggestion.

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CHRISTINE WILLETT: Thank you. What we have discussed, frankly, is given the discussion in the GNSO, the potential policy work, and all of the reviews that are going on, we anticipate that there's potential or some significant changes to the Applicant Guidebook or the implementation of this round, if not policy.

So, likely, one would expect then that we might need to have another round where all of those new policies and procedures were then implemented.

From there, then, we could foresee going into an ongoing application acceptance mode. But yes, we can certainly look at how we might document that.

JORDAN BUCHANAN: Thanks. Yeah, I totally agree with you. We would definitely need at least one more round based or de-contention process to get through any backlog that's accrued in the meantime.

My second question is Akram mentioned in the GDD update that the process around the current round is, in his words, sunseting, which I gathered to mean that there's a bunch of processes that you guys have built up and spun up and got really good at that you're now turning off. I guess I wonder to what extent the process of sunseting those procedures interact with the potential to having to do them all again in the future. What



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are the things that we can do in order to make sure that A) we're able to apply these lessons that you guys have learned here, and B) we just don't lose the operational expertise that you guys have developed over the last few years as we sunset these procedures?

CHRISTINE WILLETT:

Yes. As much as I think we'd all like to bring this round to a rapid conclusion, there are some other activities, accountability mechanisms, that seem to be slowing things down.

The program is currently forecast through FY '17. We will clearly have staff on hand to support the program through that period and whatever length of time beyond that is required.

But there are certain aspects of the program which are not readily being exercised even now. The application evaluation and financial and technical evaluation work is largely complete, except for some reevaluations as necessarily. The objections – I think we have two now? Two objections left. So the engagement with those service providers, with those panels, are coming to a conclusion. So the effort in a next round, whether it's in two years or five years, would be to reengage firms to provide that work.

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I think also I'd say, frankly, the longer time between rounds, the more likely that some of the expertise that's been gained and developed could be lost. So we are actually expending a lot of effort. Not only have we, along the way, documented our procedures, but put in even more effort to document what we've done and how we've done it.

A lot of these lessons learned are in the report, as well as more operational internal lessons learned, to try to retain that knowledge as much as possible. But I think, like anything, if you don't exercise it on a regular basis, you're going to have to reinvent the wheel to some extent.

KRISTINA ROSETTE:

Hi. I have two questions. The first is I think it would be helpful for me at least to get a little bit more clarity from staff as to what the process was in discussing a particular issue and then deciding whether or not it rose to the level of a lesson learned.

For example, in the objections session, there is a discussion of and reference to the fact that many applicants had significant concerns about some of the very high fees that some of the providers charge.

But then that didn't translate into a lesson learned, and other things that may not necessarily, by the community, be

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considered a lesson learned were. So I'm just trying to get a little more clarity as to what rose to the level of a lesson learned.

CHRISTINE WILLETT: The process was that, frankly, the folks within the program who were closest to the function started with a draft. They interviewed a cross-functional group of folks, us at the table as well as lots of our colleagues who have been with the program throughout the policy development process. We would brainstorm, discuss what worked, what didn't work, and what we heard from the community. Thousands of hours went into discussions and meetings.

So we'd start with a first draft. We'd have a brainstorm session. We'd try to capture that. We would then – I don't know – Cristina, how many drafts did we go through on any given chapter? Dozens?

CRISTINA FLORES: Yeah.

CHRISTINE WILLETT: Yeah. So it was I would say a lot of art, as you might consider. We really weighed what ended up, to your point, as a lessons learned. It had a lot to do with what did we think was also

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appropriate for us to comment on. It's not for us to say there needs to be policy on something, but should there be? Or in cases where we think we would benefit operationally, there could be improved implementation if there were more clear policy. We tried to highlight that – where we thought there would be improved potential for implementation or ease for applicants and better outcomes we tried to highlight.

So there was no intention to leave things out. But it was really driven by what we thought was appropriate for us to comment on. But that's also why we've really put this out for public comment. We realize that our perspective is limited, and we want the community, both the applicants as well as the broader ICANN community, to comment on this on what worked and what didn't work.

KRISTINA ROSETTE:

Which is a great segue to my second question, which is, for purposes of public comment, am I correct in thinking that what might be perhaps most useful to staff is that, to the extent that we believe that there are other lessons, or perhaps we might approach a lesson differently to identify that – so I guess the questions is, is that true?

Second, given that this report is going to be an input into the CCT Review Team, do we anticipate that there will be a further

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draft or further revision to the report based on the public comment, or will the review team simply be provided with the report as well as a summary of the public comments?

CHRISTINE WILLETT:

Thanks, Kristina. Any and all feedback is welcomed. If there are specific lessons learned, we'd love to hear that. If there are aspects of the implementation that we didn't cover, we want to hear that. If you think we got it wrong, please, we want to share all of that.

We had some debate about whether to just share with the review team this report, as well as the analysis of public comments. I think where we've landed is that it'll have to depend on what the public comments are. But depending on the scope and nature of them, I think it's quite possible that we will need to at least publish a final version that incorporates those comments and that accurately reflects the comments of the community. We feel that's reasonable.

I don't know that a second draft before a final draft makes sense from the timing perspective of the review team. But yes, I would certainly want to incorporate the feedback of the community into the report.

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RUBENS KUHL: One thing I noticed from the review of the objection procedures is that they look at the decision process and the outcome, and there might be room to review standing. There are some specific objections where people that couldn't have an objection could not object to the lack of standing. So standing might be something to be looked at as well.

CHRISTINE WILLETT: Thank you. Thank you for that comment. Susan?

SUSAN PAYNE: Thanks. It's building on from what Kristina has just been talking about, actually, which is I recognize that this would have made the report even longer, but I found the annex at the back of the lessons learned very useful as a starting point of where to maybe focus attention. Save that, it took me a while to realize that in fact many issues discussed in conclusions reached haven't been captured in the lessons learned.

For example, I was trying to direct a team of people from INTA on which sections of this report to focus on, given that it's 200 pages long. It was only as I was doing that that I was thinking, "Hang on a minute. There's no lessons for Chapter 4." Consequently, I was about to tell them they didn't need to look

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at Chapter 4, but in fact that's not correct. Clearly they want to look at contention resolution.

There are conclusions throughout the report which haven't been captured at the end, and I think it would have been really useful to have them. If you're going to give a summary of the lessons, I think it would have been really useful to have a summary of some of the conclusions you reached as well that didn't make it up to the level of a lesson to help us because, as I say, I found that section at the back really useful to try to focus attention, but the realized the job quite that I thought it was doing for me.

CHRISTINE WILLETT:

Thank you, Susan. That's helpful. Lessons learned were findings. They were observations. Every word we could have picked we're trying to be sensitive and not overstep as staff.

But thank you for that feedback. If there are specific areas that you think need to be drawn out more, or specific items that were overlooked in that listing, please let us know. We'd love to hear that.

Cristina, any thoughts on that?

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KAREN LENTZ: There are some empty microphone seats here in case you don't have a microphone.

CRISTINA FLORES: Thank you.

UNIDENTIFIED MALE: My name is [inaudible]. For the next round, did you expect the same process for the whole new applicants, or a simplified process for already TLD owners?

CHRISTINE WILLETT: There are a number of reviews underway of the existing round of the program. The GNSO is undertaking its own review of the program, so there could be policy changes. There could be Guidebook changes. So that would likely make the next round look different

Depending on that policy and that implementation guidance, that will determine whether existing registry operators follow the same path or a different path.

One of the recommendations when we were talking about technical aspects of this was to accredit registry service providers. It's a concept we've explored to gain some efficiency in evaluations since, as Russ mentioned, there's less than 50



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providers who are really running the back end service for all registries. So that could be a change.

So I think that there will certainly be changes from this round, but I can't predict how registry operators might be treated.

My guess is that we would want to create a level playing field and that the policy would say that we're going to create a level playing field. But we'll have to see what the next round looks like.

Anyone else?

[CRISTINA FLORES]:

This was a couple of questions back, but there were a few comments and questions about the lessons learned and highlights and what's called out that way in the report and what's not. Our goal in creating these high-level bullet points was to give some structure to the report because there really is a ton of information and things that you could talk about in there.

So I think public comment along those lines would be very useful, particularly because there are some many topics here that it's hard to – one of the things that we'd like to get out of the public comment is how to prioritize them. There's a lot of things that you could do work on, but public comment would really help us to determine "This area would have the most

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impact because it affected several processes and many applicants versus this one, which is more of a niche issue.” So I think that’s one of the things we’d like to get out of the comments process.

CHRISTINE WILLETT: If there’s no more questions, I think that will bring this session to a conclusion. Thank you all. Thank you for reading the report. Thank you in advance for your comments in the public comment forum.

Karen, you’ve got more sessions this week on the other reviews?

KAREN LENTZ: Yes, we do. We have a session tomorrow at 1:00 in the root stability study for those interested in that. It will examine the methodology for the examination of the program’s impact on the root server system. So that is tomorrow at 1:00.

Wednesday at 8:00 A.M. we have a survey and data workshop, which goes into more depth about the metrics and the surveys and survey that we’ve done, which will also be inputs to the CCT Review Team. So please join us there. Thanks.

CHRISTINE WILLETT: Great. Thank you all. Have a great evening. Enjoy the gala.

[END OF TRANSCRIPTION]