
ICANN67 | Virtual Community Forum – GAC Capacity Building Workshop
Monday, March 09, 2020 – 10:45 to 12:15 EST

GULTEN TEPE:

Hello everyone this is Gulden. We will start shortly still the gathering.
Thank you very much for your patience.

Hello everyone, good morning, good afternoon and good evening.
This is Gulden Tepe from GAC ICANN support team. Welcome to the ICANN67 virtual meeting with the first GAC session west the GAC capacity building workshop on SubPro and subsequent -- March 9 at 15:45 UTC. Zoom room audio is in English. In order to access the French and Spanish audio please join the French or Spanish streaming. We have the link on the main ICANN67 website. All details were sent on the GAC mailing list with the relevant links. Details for these connections can also be found on the session page of the GAC ICANN67 agenda page, or on the calendar invitation sent to you. We will not be doing a roll call today for the sake of time, but GAC member attendance will be noted, and available in the annex of ICANN67 GAC communique. And the GAC minutes of the ICANN67 meeting. Recognizing that these are public sessions, and that other members of the ICANN community may be in attendance GAC leadership and staff encourage all of you who are GAC representatives and to to update your names in the zoom room by adding GAC in parentheses and your name. I will typing my name so you can see -- this will help us to identify GAC session attendances. Keep accurate attendance records and facilitate the queue for comments and questions during the

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session. If you would like to ask a question or make a comment in English, French or Spanish please type in the chat by starting and ending your sentence with question, or comments? And please keep them short if possible. French or Spanish questions will be translated into English, and read off by our remote participation manager, Julia Charvolen. Reminders of this this process in the zoom room chat. If you are in the zoom room and wish to speak you may also raise your hand, and we will manage the queue. A kind reminder to please state your names when you speak, not only for transcription purposes, but also for the interpret others to identify us on the audio streaming. Please speak clearly and a reasonable speed to allow for accurate interpretation. Finally, this session like all other ICANN activities, is governed by the ICANN expected standards of behavior. I will put a link in the chat to those standards for your reference. So without further ado I will hand the floor to vice-chair Luisa Paez. Luisa.

LUISA PAEZ, GAC VICE-CHAIR: Thank you, Gulten. It's Luisa Paez with the Canadian government. Hello everyone, and welcome on behalf of the co-chairs of the underserved regions working group. Pua Hunter and Karel Douglas as well as on behalf of the GAC leadership. Our first virtual capacity building workshop. A big thank you to GAC support staff and the ICANN government engagement team for assisting in organizing this session. We are very excited to be here today, and also a big thank you to the speakers that have agreed to participate in this session. The purpose of this workshop is to build capacity and understanding for our GAC members and matters to pertaining to subsequent

procedures policy by explaining terminology at a high level, for GAC members to get a better sense of how discussions are developing in the policy development working group or the PDP working group SubPro. Please keep in mind the session has been considerably compressed from from 4 hours to 90 minutes so there will be time keeping to ensure all topics are covered, so we ask for your patience and collaboration. We note more in-depth discussions on each topic will continue during the following GAC SubPro plenary sessions. Also note that after each topic is presented we have a short Q and A and our wonderful GAC support staff will keep track of all questions that we are not able to be addressed so we will be able to address them in the subsequent GAC plenary sessions. Please note in order to prepare for a future round of new domain names there are several processes that are taking place in parallel such as what the ICANN org is doing operationally to prepare as well as implementing the recommendations of the competition, consumer trust and costumer choice review the CCT review so please note this session will only focus on the subsequent procedures. The policy side that started in 2015, and it will cover priorities that were identified by the GAC in the Montreal meeting, and that will also be discussed in the PDP SubPro working session so hopefully this will better prepare GAC members and encourage GAC members to participate in the working group sessions. And finally, the session is divided into parts. The first part will be focussed on process. 20 minutes long, and then we have the second part, 90 minutes focussed on substance. So without further ado, I would like to start part one focussed on process and I would like to introduce the co-chairs of the PDP SubPro working group. Karel

and Jeff, thank you for joining and I will pass it onto you if you would start us off thank you very much.

JEFF NEUMANN:

Thank you, Luisa. This is Jeff Neumann and Cheryl is on as well and I'm sure will chime in when when she wants to add something, or correct me if I miss I cans anything. As Luisa said, this policy development process has been under way for, well since 2016 really, and as you can see from the slides and hopefully you all have a copy as well, this really emerged out of an issues report that was created and finalized at the end of December 2015 and the chart they're came into play on January 1, 2016. Although in these sessions during this week we are primarily focusing on only a few topics we've actually been discussing more than 40 topics in all over the past several years, in fact, originally we had to set up 4 different work tracks and ultimately we had a 5th one to just cover all of the subjects many of you may be familiar with the 5th one that was established about a year and a half later after the charter was adopted so in 2018 I believe we adopted the or we had the 5th work track added and that was specifically dedicated to the issue of geographic names. We've had a number of touch points or community economy comment periods on a number of different aspects of the subsequent procedures. We initially started with a community comment one which was gathering all of the materials for that had already been created well before our group had started so this includes all of ll GAC advice from prior to 2015 or '16 it also includes all of the stakeholder group and advisory committee supporting organizations, previous statements and the past round

and that started in 2012 as well as the policy for 2012 that was actually finalized in 2008. Then we had a second community comment period in March of 2017 where we asked very pointed questions on the 40 plus topics that we were dealing with. All of that input was gathered together along with the 4 work tracks that were created and more than 150 people participated to create an initial report in the Summer -- sorry, in July of 2018 that was -- I will be corrected by Cheryl it was July 2018 Summer for some. Winter for others. And because there were some topics that we had not fully discussed on written about in the initial report we came out with a supplemental initial report in October of 2018 that addressed a couple of the topics that we had left out of the original initial report, and then there was also an initial report from Work Track 5 the geographic names used in top-level domains. That came out in December 2018, so there have been a number of public comment periods already, and if we want to change the slide to the next one please -- right now after gathering all of the feedback from all of those different reports we are really concentrating on developing our final recommendations. We are seeking to publish our final draft final report for public comment around July, of this year, preferably -- and we're really striving to get it out prior to the next ICANN meeting whether that's face-to-face or another virtual meeting -- but in either case we were really hoping to get out the report prior to then. As a little bit different than what we presented at the last ICANN meeting in Montreal. We are planning on publishing the entire draft final report, we're going to draft a number of questions around that draft final report and solicit feedback on those specific questions but of course everyone is free to submit

comments on the entirety of the report. It's just that we're trying to solicit feedback on certain new areas that really did not have much in the way of public comment before. So, taking all of that into account once we get the public comments back, our goal is to deliver a final report to the GNSO council no later than December 2020, but hopefully we are trying to push for before then. In the best of all worlds we would love to have it delivered to the council prior to the annual ICANN meeting this year, but in -- but we'll do it certainly no later than December of this year. So at a high level, our next steps with to finalize this final -- is to finish this this draft final report that will go out if for public comment. If that feedback produces a final report by December 2020 to deliver to the council. At that point the council will consider the final report and recommendations, and it will ultimately, if it approves the report, it will deliver that report to the Board, the Board then just like it does with all of the policy development processes, final recommendations and reports, will put that out for comment from from all of the advisory committees, and stakeholder groups and the public. Then the Board will consider those and ultimately hopefully approve those recommendations and proceed to implementing the policies and then proceed to launch the new gTLD program. So I think that is -- on an overall process, and the outcomes from this particular meeting, we're focussing on the 5 topics where -- that we have open questions on, and certainly where the -- your organization. The government advisory committee has indicated there was a high level of interest in these topics, but please note that there are many other subjects that we are not going to be able to cover during this meeting, but we will be seeking feedback when that

draft final report comes out, so what we hope to accomplish here is to engage with you all, with the GAC and with other community members to ensure that if there are points of divergence from where we expect the working group to ultimately end up, that we understand and that you all understand where those points are, and hopefully where we can close the gap where any exist. We're also trying to resolve open issues, and again, we are hoping to have a clear path to complete the final recommendations where we're going to take into consideration all of the interests from the community, and the feedback from not only our working group, but the entire community. If if we can go to the next slide? And I think that's it on process I guess we'll open it up for Q and A.

KAREL DOUGLAS:

Thank you. This is Karel Douglas. At this point in time I would ask Julia just to make sure there are or if there respect to any questions in the chat I will open it up to members who may wish to ask any questions at this point in time. Okay all right. Thank you. I didn't hear any questions or see any responses.

MANAL ISMAIL, GAC CHAIR:

I can see Kavouss's hand up.

KAREL DOUGLAS:

Thank you Manal. Kavouss? Please? Iran. Kavouss, we cannot hear you, we will be dialing out to you shortly. Of in the meantime I see

Jorge's hand is up. Maybe we can move to Jorge's questions or comment. Jorge.

JORGE CANCIO, GAC VICE-CHAIR: Hello? Hello, do you hear me okay?

KAREL DOUGLAS: We can hear you but I just heard Kavouss as well. Kavouss, could you speak up?

IRAN: Yes, is okay, now.

KAREL DOUGLAS: Yes, it is please proceed.

IRAN: Yeah, I'm sorry. Good afternoon good evening good morning to everyone. Thank you very much Jorge. I just had a very general statement. I said that it is appropriate time to give a note of sincere thanks and appreciation to the hard work, tireless activities and devotion of the co-chair of this group, Jeff and Cheryl and also to ... that for some time dealing with this issue it is very very difficult work, very difficult work, and I congratulate you, and I think that we could have sometime to deal with some of the remaining matter, and I think that always it is my belief -- strong believe -- always there is a way to find some solution for any problem. Thank you very much again, and I

think everybody would join me to express his thanks and sincere appreciation to you, two people have worked very very hard and also to the chairs of the track 1 to 5 and so on so forth. Thank you very much again. Thanks.

KAREL DOUGLAS: Thank you very much, Kavouss, and I just recognize as well Cheryl is on the line. I'm not too sure if she's able to speak but I do recognize.

CHERYL LANGDON-ORR: I can speak Karel if you want me to. It's just...

[Laughter]

I just said I will jump in as need be.

KAREL DOUGLAS: Got you. Fantastic to have you, and I did see Jorge Cancio so Jorge?

JORGE CANCIO, GAC VICE-CHAIR: Okay much hello. Do you hear me okay?

CHERYL LANGDON-ORR: Yes, we can hear you.

JORGE CANCIO, GAC VICE-CHAIR: Hello everyone. This is Jorge Cancio with GAC representative for the record. First of all. Thanks everybody to -- for being here. I see 111 participants. That's not a bad number. So I hope we have also an interactive discussion both on the process, are and on the substance. On the process, and -- of the joining of course the appreciation expressed by Manal -- by Kavouss on the phone for Cheryl and Jeff, I would like to break the ice a little bit, and put some questions to you as co-chairs. So perhaps you can take note of them, and if there are no other questions we can go through them as you see fit. The first one is on the consultation. You have explained Jeff that you will be focussing on new areas, and there my question would be, would that focus also extend to areas of divergence because we are seeing there are some areas which might not be as new, but where divergence might be happening between for instance, the PDP working group, and the GAC or also ALAC, so that would be my first question. The second question, will come as no surprise to you is, you are probably aware of the, the advise the GAC gave to the Board in Montreal on the CCT review and how do you see that impacting on your work? I've seen that at least in some instances you are taking very good notes in the draft report, or in the bits and pieces of the report, you are working on and you are referring to CCT recommendations, so it would be very helpful to that at least in the presentation of the draft final report that goes into the public comment is easily understandable, and easily -- easy to map on -- also to check by us by the GAC. And then let's say an easier question also, which is whether you have an order for the topics for the 5 topics you have on your list, and which we have on our list for today for the following days for the sessions 1, 2 and 3. Whether you

have allotted the topics already to the different days because that would help us also in our planning in the GAC so thank you very much for your attention.

CHERYL LANGDON-ORR:

Karel, I'll have a go at some of those if not all of them. Thank you for all that have Jorge. And we do appreciate in particular our opportunities here to not only look at to some extent what has happened in the past but how things are going to go in the future. So on the very last question first while I'm chatting away on the other couple -- I'll try to put the order and the proposed time in our agenda that we have each of the issues that we have flagged that would have GAC interest into check so you have a record so the answer is yes we have allocated an order, and yes we have allocated someone but I will get from our staff to make sure that that is put into your chat record here so you all have access it. So that's one for you. Right back to if I can remember them back there. The original question was if memory serves the, the matter of how we are going to be looking at new material versus existing material. A couple of points here Jorge. We are still build be consensus on a number of issues. If there is divergence that is how the report will report it. If we cannot get consensus, then we will not be making a recommendation out of that particular discussion, and with with very few exceptions that will mean that whatever happens in the implementation of the last round, and as written in the last Applicant Guide Book is likely to be the status quo so we do very much want to have the opportunity in the in next little while of building consensus remembering of course that for

us consensus does not mean everybody needs to agree. Nor does it ever mean nobody needs to object. We're really seeking where the majority can live with the outcome and so that might be a somewhat challenging and different definition for many of our GAC colleagues to work with. That is the definition that Jeff and I will be using in terms of consensus. Obviously it would be delightful if we can make recommendations with full consensus that terrific but we are likely to make many out of consensus. Note divergence within it exit the and invite minority reports where relevant. Thanks very much for putting those topics in the order. Greatly appreciate that very much. Now the other question that was raised was with the final report and the public comment associated with that whether or not we would be, I think -- informational seeking input on only new business as opposed to all business. We have heard our friends in the advisory committee loud and clear, and at the cost -- considerable cost to our time-line, and our requirement to end by the completion of this calendar year. We are, in fact, going to be seeking specific questions on new business, but certainly accepting and dealing with any public comments more generally across the Board. So if GAC has things we ... put forward that are not specified in any of our particular questions, or that is -- they certainly will be considered in the public comment process. Jorge have I skipped over anything or generally covered your inquiries?

JORGE CANCIO, GAC VICE-CHAIR: Thank you, Cheryl. If I may follow up on your answer, thank you very much. First thing would be to specify my question in -- as regards whether the public comment or the analysis of the public comments

will also take into account areas where this there might be a divergence not only in the working group, but between the working group and the GAC that is the first thing I think.

CHERYL LANGDON-ORR:

Okay. So thank you for that Jorge. I will try and deal with it goes on and please Jeff jump in if I'm mangling any of this. Our analysis of the future public comments would simply be to note what the working group has proposed in the report, and see what modifications, suggestions or proposals and reactions come in from the public comment. I'm not quite sure how divergence other than noticing divergence of public commenting which we would do in our report, we state that in I think great specificity in the problem. It would have to influence the work group to reach consensus that was different. So if we make an observation that for example the advisory committees have a particular opinion, that is what we would be doing noting in the report to GNSO that that is the case. The other point that you were making I believe which just in case I've forgotten about it was the CCT report. We have, we believe, gone to great lengths to ensure that any of the recommendations which were quite specific to subsequent procedures, were attended to in our work. We are not of the opinion that all of the CCGRT recommendations are relevant however to subsequent procedures. So we will certainly have dealt with all of those that are germane to our work, but we note -- and are well aware that for example that the ALAC advisory committee last name was one that all of the recommendations of the CCTRT should be implemented before a future round is started. That is simply an observation by that

advisory committee. One that we note. One that we record, but not one that we are going to add to the working group be influenced by. The council on the ICANN Board may very well be, but we. We have -- what is germane to our particular problem description and that is not all of the CCTRT recommendation. But those which are germane to us would certainly delve in. And you might wish to -- oh thank you. Yeah, pop a link into the section of our report about that CCTRT report as well. You've got far more articulate words than I was giving at what it SDSH yes 3:15 in the morning here today. Jeff anything else from you on this one?

SPEAKER: Thank you Cheryl I see Jeff responded as no. Thank you Jeff. And I would like to hand it over to Karel.

KAREL DOUGLAS: Thank you so much, and such good conversation, and so important to discuss these matters, unfortunately, because this is a condensed session, we just don't have enough time to really get into it as deeply as we would want to but thank you so much Cheryl and Jorge and Jeff for those very very insightful comments and discussions, and hopefully you know that would add some food for thought for others who are interested in this because it is a capacity-building workshop. But we are constrained by time so we will press ahead and we will have to trim some he sessions down by a couple of minutes to make sure we can squeeze in everything. So at this point, and this is Karel Douglas last for the record if I didn't miss that -- at this point we will

move to part 2, the substance of the SubPro, and I would like to invite at this point we have 2 speakers with us who will take us through this. Jorge Cancio and Luisa Paez who will give us more information on these respective topics so at this point I would like Mr. Jorge Cancio to start with the closed generics. Jorge?

JORGE CANCIO, GAC VICE-CHAIR: Thank you. Thank you so much Karel. This is Jorge Cancio again for the record. The first substantive topic we have on our discussion list for today is the use of course to top-level domain -- and the as you have seen in the briefing note sent to you for GAC members in the last days this is one of the issues that will be also dealt by the CDP working group these days and basically as an overview we can say that closed German I be I cans would be a top-level domain that corresponds. So for instance we are here on the slide some examples but the... could be also .band or .COLA or for Coca Cola drinks or any generic name of that kind. There was the special quality for being closed that the second level registrations under that top-level domain would be restricted to a single person or entity or its affiliates so for instance. If .bank was for instance allotted to one single financial institution and this institution would be the one deciding what second level domains would be allotted under that top-level domain. So this is the question that was not really covered explicitly at least by the 2007 GNSO policy recommendations. Nor by the 2012 Applicant Guide Book which was, as you know, the framework of rules that applied to the expansion of top-level domains in 2012.

When the applications in that round were made known, were

published, and the GAC made its analysis of all these more than 1000 applications it found that these close generics were problematic and the issues, communicate and advised to the boards in Beijing in 2013 agent that 4 strings representing generic this exclusive registry access model -- so this closed approach should only be allowed when it serves a public interest. So after a lot of assessments, and of study the ICANN Board decided in 2015 that this closed approach to generic top-level domains would not be allowed and it offered to the applicants the -- the options we have on screens. So, either submit a change request no longer be in a closed generic top-level domain. Maintain the difference ... and defer the application to a future round so like the round that could be happening in one or two years time, or we store the application for a refund. In the enclosed generics were not possible under this Board resolution which of course is very much simplified, and the ICANN Board requested the, the GNSO to look into this issue in more detail when, working on the future policy for future expansions. And this is what the group led by Cheryl and by Jeff has been doing all this time, and under their documentation we sent you there's one paper produced by this working group where the -- their analysis of the issue is explained in more detail (interruption)

JORGE CANCIO, GAC VICE-CHAIR: The GAC so far has restated in a couple of occasions its... communicate but there is still a discussion going on in the PDP working group on what could be a public interest goal or whether a public interest goal is needed, and so on and so for the but for the details on how the discussion is now standing in the PDP working

group I would very kindly request that Jeff or Cheryl to very succinctly put the current state of the discussion to all the participants in this workshop.

JEFF NEUMANN:

Yeah, thanks, Jorge. This is Jeff Neumann and you gave an excellent introduction to this very difficult topic, and there are -- this is one of those issues where there is people on both sides of, both sides of the issue where some in the working group favor you know completely opening up and allowing closed generic TLDs but there are just as many people on the other side that believe that there should never be closed generic TLDs regardless of whether it serves a public interest goal. And so we're trying to work with both of those extreme views to see if there's anything in the middle or at least that would define or flush out the meaning of how a top level domain could serve a public interest goal. So what we're going to focus on at this meeting is whether we can develop some criteria by which applications for a closed generic could serve of a public interest goal, and how that would be measured, and ultimately if accepted, how could that be enforced? So that's what we're focussing on now. So at the end of the day I think we are cog doing everything in this group to try to comply with GAC advice. But you know the Board has, as you noted Jorge, requested us to as much policy work on this topic as possible. So we're very interested in your feedback.

KAREL DOUGLAS: Okay. Thank you so much, Jeff and Jorge. This is Karel Douglas last for the record if you're hearing me. At this point I would ask Karen to, Karen Lentz if you would like to add any comments.

KAREN LENTZ: Hi, everyone this is Karen Lentz from ICANN organization. I'm joining the session to provide any context or background necessary concerning how the new gTLD policy that came from the GNSO was implemented to form the 2012 round. On this topic of closed generics I think Jorge and Jeff covered it well I would note for context there are 186 applications that were identified in the GAC Beijing communique as potentially exclusive generic top-level domains and they were requested to provide their preference according to the options 1 through 3 on the Board resolution that you see on the slide. The majority of them confirmed this they were not intending to operate in an exclusive manner, and there were I think 35 that did change their applications to a more open model. So thank you. Back to you.

KAREL DOUGLAS: Thank you, Karen. That's very useful information. Okay. Karel Douglas last here again. At this point in time let me check and see if there are any questions in the -- okay we do have a hand up from -- oh there was a hand up from Kavouss. Is Kavouss still asking -- still wish to ask a question? If not.

IRAN: Yes, do you hear me?

KAREL DOUGLAS: Yes, Kavouss, please.

IRAN: Yes, thank you I think we have suffix, and explanation about the subject. Now is the time that instead of further describing the case or defending, and or opposing to either solution, or either option, it is the time that we work onto propose some way out of this issue. Is no useful if we defend the closed or we opposed to the close or vice versa. We have to see what is the possibility that between this black and white we find some other color. In my personal view, there is a possibility to have some main criteria, and some sub criteria for the use of the closed generics but not totally closed up because the GAC advice in Beijing, in 2013, is not totally closing the situation. It puts some qualifiers and we have to see how this very general qualifiers of GAC public interest could work. Unfortunately, it is very very difficult to see what is public interest, but we may find some other way. So I suggest that we work on some solution, rather than offending -- sorry defending or opposing to any of the 2 cases and so on and so for the. This is the first thing I want to say. Thank you.

KAREL DOUGLAS: Thank you, Kavouss, for that intervention. This is Karel Douglas last again and unless there are any further questions, we should move on. We have about approximately a little less than 45 minutes left on this session, so when we have a few more topics and questions that I'm

sure will arise. So at this point I would like to invite Luisa to speak about the public interest commitments. Luisa.

LUISA PAEZ, GAC VICE-CHAIR: Thank you, Karel. It's Luisa Paez for the record. So at a high level, the public interest commitments known as PICs were created during the processing of applications in the 2012 rounds of new gTLDs, as a contractual mechanism between ICANN and registry operators to implement various GAC advice related to public policy considerations. It's important to note that this mechanism had not been envisioned in the 2007 GNSO policy recommendations, nor in the 2012 Applicant Guide Book, and so the new gTLD subsequent PDP working group is currently discussing this issue so again this is the PICs are still not part of the policy, the 2012 Applicant Guide Book, and so in summary, at a high level the new gTLD program committee of the ICANN Board proposed a new specification 11 which became the vehicle for new contractual provisions that were not originally envisioned in the registry agreement.

And so more or less there are 2 types of PICs. There is the voluntary PICs commitments by applicants to transform applicant statements into binding contractual commitments, and if there has been the case for about 499 applications. And then there's also the mandatory requirements or the so-called mandatory PICs which are required MENTIONS consistent with the GAC safeguard advice in the ICANN 46 Beijing communique I believe in 2013 that were either applicable to all new gTLDs, or those in regulated or highly regulated strings -- sectors.

Regarding previous GAC advice to date, we need to note that the

GAC noted that the implementation of the PICs deferred so to a certain extent from previous GAC advice most notably and the issue of safeguards related to highly regulated gTLDs a category one. Also during the CCT review finding, the GAC highlights that there are difficulties with assessing the effectiveness of the new gTLD consumer safeguards particularly the PICs. Due to a lack of reporting framework and associated data that needs to be considered further in the policy development work. Also, there was some previous input regarding compliance with PICs, that they need to be more effectively monitored, by ICANN, and as well regarding that definition accessibility and evaluation of applicant PICs need to be improved. So I will stop there, and before we open up to questions, I'll hand it to Cheryl or Jeff if you could give us a quick overview of what are the current discussions regarding the PICs to try to make this part of the policy if you can give us an update thank you.

JEFF NEUMANN:

Okay. Thank you, Luisa. I think you, as well, like Jorge last time I think you gave an excellent introduction to this topic. One thing I would add just on terminology because it may get a little bit confusing -- there's been some discussion within the group with changing the term voluntary PICs to voluntary registry commitments simply because some in the group were -- have made the point that not every policy voluntary commitment is "in the public interest", that they just may be registry commitments to respond to community questions or just something they want to voluntary do. So when we discuss this issue further within our group, you may see the term voluntary registry

commitment or VRC for the voluntary PICs. The mandatory PICs will stay the same in terms of being called public interest commitments, and so there have been an in number of discussions on this topic but at the end of the day, we believe that most of the working group is in if favor of having these types of commitments both mandatory and voluntary, and that this represents a good way to put into the contracts those areas that may either come up in the public comment period for those applications, or may be subject to something we'll talk about a little bit later. A GAC early warning or GAC advice, so, essentially where concerns are raised, and an applicant can address those concerns through a commitment those will be put into the contract so there are certainly support we believe for the notion of having these these types of commitments. There may be some work around the edges on certain of the commitments but in general the working group is in line with making sure that registries do make enforceable commitments on these important areas.

KAREL DOUGLAS:

Hi, that is Karel Douglas. Thank you, Jeff. I would invite Karen at this point if she has any additional comments to make.

KAREN LENTZ:

Thank you. This is Karen Lentz for the record. I think this topic has been well explained and what I would have said is you know it's important to keep in mind there are there are 2 types of public interest commitments that were part of the 2012 round and it's important to make a distinction between a mandatory public interest commitment

which is somebody that applied to all applicants or to applicants that ... binding as a result of GAC advice and a voluntary public interest commitment which would be an individual applicant you know deciding to turn something from from its application into a commitment that was -- became part of its registry agreement. So I understand that the -- the PDP working group as explained by Jeff and Cheryl is actually discussing both, both types of public interest commitments and what to recommend with regards to those going forward. Thank you.

KAREL DOUGLAS: Thank you, Karen. Thank you very much. And at this point I would open the floor for questions, and I do see Kavouss. Kavouss, do you have a question? Go ahead.

IRAN: No, I'm sorry, that was the old time. Sorry.

KAREL DOUGLAS: Okay. Thank you, Kavouss. Okay. If there are no questions, I would like to move on if possible to the next topic because we are short for time. And in the interests of time, I would like to ask -- invite Jorge.

JORGE CANCIO, GAC VICE-CHAIR: Yes.

KAREL DOUGLAS: And you could give the next topic, if you could -- yes so thank you Jorge, go ahead.

JORGE CANCIO, GAC VICE-CHAIR: Thank you so much, Karel. This is Jorge Cancio again for the record. On GAC early warning and GAC advice we have 2 slides because it was too much substance to collate in just one, but ... even a bit quicker. So these are basically 2 mechanisms that were foreseen in the Applicant Guide Book of 2012 for the GAC to express public policy concerns on specific TLD applications of that round. So it was basically if my recollection is correct, a creation by the Applicant Guide Book, and on the GAC early warning we can say that this was fundamentally an individual, and noticed from one or more GAC members to applicants when an application was seen as potentially sensitive or problematic. It wasn't a formal objection under the objection rules of the Applicant Guide Book and it didn't lead to a process that would result in rejection of the application per se. But it also raised the likelihood for an application to be subject to a GAC advice or a formal objection later on in the process. So that was the first tool let's say an early warning from the GAC, from GAC members individually or as a, as a collection of GAC members at the very start of the process, and then we had the tool of the GAC advise advice on TLDs which was issued indirectly to the ICANN Board and according to the Applicant Guide Book which was a 300 page document. There was a module 3 which explained this in detail, and offered these 3 options. So the if first one would be like a

no from the GAC to, to a particular application, and this needed to take the form of a GAC consensus advice and there was a presumption according to the Applicant Guide Book that the GAC would not approve the corresponding application. Then a second option was that the GAC could advise ICANN that there were concerns about the particular application, and it was expected that the Board and the GAC would enter into dialogue to understand the scope of the concerns and the ICANN Board would always be expected to provide a rationale... on this issue. And third there was the option that the GAC wouldn't say no directly to an application, but would say that it shouldn't proceed unless there are a number of remediation of corrections to the application. So I think that with this we cover the first slide. We can go to the second one. And the second basically covers what has been the views of the GAC and during all the consultations that the SubPro has been sending to the community. During the last 4 years more or less and during those consultations and the GAC has expressed its view that the early warning and the GAC advice were useful mechanisms to identify applications where there could be public policy concerns or the GAC also expressed that these 2 instruments should be part of future rounds, and that the GAC also offered, or offered itself to discuss options, increased transparency, and fairness of the arrangements for instance providing a rationale for objections which I personally think is already covered now by the current bylaws which require such rationale at least for GAC could be consensus advice and the GAC also offered the, the -- it's availability to discuss the possibly ... abuse applicants subject to early warnings and opportunities for a direct dialogue with the GAC or with those in the

GAC and making the GAC early warning. And there is also of course a concern from the side of the GAC if the PDP working group were to propose to remove this strong presumption foreseen in it the Applicant Guide Book of 2012 that an application should not be approved when there is a GAC consensus advice saying clearly that the application should not proceed, which as we have seen before, is one option in, in the module of the 2002 Applicant Guide Book, but it's absolutely not the only one. So I leave it by that. I think that perhaps also Cheryl or Jeff can complete this information with the current state of discussions and the PDP.

JEFF NEUMANN:

Yes, thank you, this is Jeff Neumann. Thank you, Jorge. That's a great explanation that's a lot of material and you covered it and captured it incredibly well.

OTHER SPEAKER:

The, the only thing I want to clarify is the area of concern, which you have indicated on there that there is certainly a discussion of a recommendation to remove the strong presumption, but the reasoning for that is really in light of the new bylaws, right? So the new ICANN bylaws -- I guess they're not that new any more -- they are probably 4 years old now -- but there's provision in the new bylaws which talks about GAC consensus advice, and it already says that GAC consensus advice may only be rejected by a vote of no less than 60% of the Board, and the GAC and the Board will then try in good faith in timely and efficient manner to find a mutually-acceptable solution. So

because of that there seemed to us, in the working group that there could be some conflict between the provisions in the guide book and the new bylaw's language such that while the bylaws had more flexibility for concerns with an application to be worked out between the GAC, the Board and the applicant, the guide book language created this strong presumption that the application would just have to be rejected outright without the ability of trying to find a way for the application to continue while still addressing the concerns. So, so in the one respect yes it would be removing that language, but in the other respect the concept is still there because it's in the bylaws already, and we just didn't want the provision in the guide book to conflict with what is in the bylaws now. Thank you.

KAREL DOUGLAS:

Thank you Jeff. Karen would you like to add to that.

KAREN LENTZ:

Yes, that is Karen Lentz for the record. I would make a couple of match points on this. In regards to the GAC advice processes I think it's important to note that this is not or that the processes that are listed in the guide book are not intended to were not intended to dictate all GAC advice processes for the GAC as that's you know part of the GAC's procedures, and part of the bylaws the formulation in the guide book was termed GAC advice on new gTLDs and the 3 channels that were there on the previous slide are there to create a path to help funnel the GAC advice on particular applications into the general process for reviewing of applications. So I think that's an important

distinction to make. In regard to the early warning process, that was really intended to be helpful to both the applicants to understand that there could be concerns about their application from one or more governments as well as to the GAC members who had an opportunity to flag these concerns, and it seems from, from this slide and from the dialogue in the working group that that was generally seen as hopeful. I think that's it. Thank you.

KAREL DOUGLAS: Thank you Karen. Karel Douglas last again for the record. I see 2 hands up. I see Manal and Kavouss. Manal would you like to go ahead please.

MANAL ISMAIL, GAC CHAIR: Kavouss was first I think.

KAREL DOUGLAS: Okay sorry. Kavouss.

IRAN: Thank you, Manal. Just legally speaking Applicant Guide Book is guide book. Is not more than guide. Bylaw although it is not signed or ratified by nun it is the rules in that application in one way or other. Therefore, the language and terms used in the bylaw shall prevail. Thank you.

KAREL DOUGLAS: Thank you Kavouss. I also recognize Olivier. We will come to you next. Manal.

MANAL ISMAIL, GAC CHAIR: Thank you Karel and then thank you everyone. Just to make sure I got this right. So is it suggested to be removed because its inconsistent or because its sort of redundant?

JEFF NEUMANN: Thanks, Manal. That is Jeff Neumann. I think it is -- I think it's more the latter that it's redundant, and also its seems to try to limit some of the solutions that are in the bylaw. Kavouss is absolutely right that the bylaws take precedence, and we -- where we recognize that there was redundancy that could be interpreted by some as potentially conflicting, it's easier -- or recommended to take out that language. Thanks.

KAREL DOUGLAS: Manal if that's okay with you, I would move onto Olivier.

MANAL ISMAIL, GAC CHAIR: Yes please thank you.

KAREL DOUGLAS: Yeah, Olivier Bringer.

EUROPEAN COMMISSION: Hello, do you hear me. Okay, thank you very much. Olivier Bringer, European Commission for the record. I just wanted to ask clarification about the link between the PICs and the GAC advice. Once there is a GAC advice, and this can be replied by the PICs how does the process work and how is the GAC involved in if the owe elaboration ever the PICs.

JEFF NEUMANN: Thank you for the question. This is Jeff Neumann. This is are certainly a link between GAC advice and PICs so if GAC advice for example had -- contains language that says if an application agrees to do something, whatever that something is, that could be documented in a registry commitment, certainly that there is -- that's one of the reasons why there could be a registry commitment is as the result of an early warning for that matter or GAC advice. And there's another topic that is closely connected to this, which discusses how applications can be changed to incorporate please commitments. So there's -- that's the link between it, so let's say the GAC provides advice, then the applicant wants to address that advice, it will then change its application to include a commitment that hopefully will resolve the advice and, of course, the GAC and the Board will I'm sure weigh in to make sure that this change from the applicant -- this change requested does, in fact, address that advice. I hope that answers your question.

EUROPEAN COMMISSION: Yes, thank you.

KAREL DOUGLAS: Okay, thank you so much. I see another hand from Kavouss. A quick question, Kavouss.

IRAN: Yes, the question is even if we modify the application and put the commitment in that, what is the assurance, and guarantee that commitment will be undertaken? If it's not undertaken -- if somebody go and deep into the situation, and they found that this commitment was just some words, then not implemented what will happen? Thank you.

JEFF NEUMANN: Thanks, Kavouss. This is Jeff Neumann again so the intention is that where there is a commitment made to address GAC advice or frankly public comments or concerns expressed by other areas of the community that those will be incorporated into the registry agreement, as a commitment and then it would fall under the dispute resolution process for those commitments, now known ones the PIC PRP, but also note that under a PIC TRP compliance also may enforce those restrictions or sorry obligations themselves. So it will be enforced through ICANN compliance and a third party dispute resolution policy. Thanks.

KAREL DOUGLAS: Thank you. Thank you Jeff, and this is Karel Douglas last again for the record. And in the interests of time, I would like to move onto the next topic because we have very limited time left so can we ask, and in Luisa Paez's to speak on the applicants reported program and the... regions.

LUISA PAEZ, GAC VICE-CHAIR: Thank you. It's Luisa Paez for the record. So the applicant support program it's -- it was a community based initiative under the leadership of the GNSO, and at large ALAC, which sought to promote access to the new gTLD program in particular, for underserved regions and thousand how it worked was that qualified applicants were look the at against a set of criteria including public interest benefit. Financial need and financial capabilities. And then they would have access to pro bono services and reduced application fees. However, in practice, this program did not reach its intended target.

KAREL DOUGLAS: Luisa, I think we lost you?

GULTAN TEPE: Luisa we cannot hear you any more. This is Gulten speaking.

KAREL DOUGLAS: Okay. All right. So while we wait for Luisa to sort out her technical issues, what we could possibly do -- I think she might be back us with. I'll just message her.

GULTAN TEPE: We can hand the floor to Jorge.

KAREL DOUGLAS: We will about go to the in next topic and maybe come back if we have time.

JORGE CANCIO, GAC VICE-CHAIR: Okay. We can go very quickly to community based application, to sum it up this was a special category of top-level domains provided for in the 2012 round, which tried to give some special treatment to those applications coming from communities, not so much from businesses although it could be also an economic sector of the community. So an example could be an economic sec tour cultural community as has been in the past in other smaller expansions of the TLD space or linguistic community. Actually, a little bit like in the applicant support program, the 2012 round didn't live up to the expectation, and out of more than 1000 applications there were just 84 applications which self-identified as community based applications, in 2012, and out of those only 25 applicants elected to go through and a special evaluation process which would have given them some priority over noncommunity application, and what is even worse so to say, is that only 5 applicants passed the special evaluation test, and this gave rise to many many reactions in the community, and comments from the GAC that advice, and different meetings between 2013 and 2015, and which are on the record, and amongst other things, what was

criticized was a perceived lack of transparency in how this evaluation was made. There was also the advice from the GAC that the opinion from the community when this opinion is expressed in a clear manner, should be better taken into account as part of the application regardless of whether those communities had utilized the ICANN formal communique process. The GAC also asked for an appeal mechanism for community applications whenever the applicants didn't agree with an evaluation made during this special process I mentioned and there was even a study by the council of Europe on this matter on especially on procedural matters, new process rights and so on which the GAC referred to the SubPro in an advice some time ago. So I don't know whether there was also an additional slide here. I think so or -- no this is the only one. So I'll leave it at this for the moment, and give it also back to Jeff, and Cheryl mentioning also that the CCT review has made comments which are very much in line with the GAC comments on community based applications and I would like to know from Jeff and Cheryl, to what extent they think the input from the GAC and CCT are being taken up in the recommendations they are preparing.

CHERYL LANGDON-ORR:

I will jump in. Cheryl Langdon-Orr for the record. And Jeff please jump in and do follow on. Jorge, of course the last question you raised is one that we can't... we don't know yet because we're in the middle of considering these recommendations like any of these situations, we would like to think that all the good ideas garnered sufficient carriage and support within the working group to become a couldn't seen you

tos in that recommendation, and what we do have is in the base here of community based applications, and applicants support, I think very demonstrated strong supports and recognition for much, if not all, of what the advisory committees have said to us in our interactions with them from CC -- from our own community consultation, one and two, and our interaction informally ... which of course substantially influenced then what happened in our recommendations, and questions raised in our last call for public comments on this, so I believe, and Jeff I'm hopeful that you will agree with me here -- that we should be quite positive, quite affirmative that the observations made by the advisory committee, and then the government advisory committee specifically with regard to community applications and applicant support have been heard by the group to date. Will continue to be properly and duly considered and the influence of those should see some positive suggestions for change that we trust will get consensus support and go through the recommendations. Jeff have I done justice to that? I haven't dealt with the CCT... but you can pick up that one again. It will be rinse and repeat from from what I said before I suspect.

JEFF NEUMANN:

Yes, thank you, Cheryl. This is Jeff Neumann. I think certainly the making things more transparent is part of our recommendations and certainly keeping the CPE process and the community objections process in the guide book but also increasing their transparency, and efficiency, and also an appeals mechanism for community application but actually also we are looking to implement an appeals process

across the entire program from a number of different evaluations and objections so you'll see that likely in the recommendations, are so all in all as Cheryl said it's very -- we've certainly taken into consideration all of the views and I think a lot of the recommendations will positively reflect the advice that you all have presented to date.

KAREL DOUGLAS:

Fantastic. Karel Douglas for the record and thank you for that Jeff, Cheryl and Jorge, and I do recognize the hand is up. Before we go to the hand Karen do you want to add anything to that.

KAREN LENTZ:

Thank you, yes. This is Karen Lentz for the record. I wanted to emphasize a couple of things in regard to community based applications. This was a self-identified characteristic for an application, so they -- an applicant would determine that that he wanted to be considered a community based application, and that came into play really in 2 aspects of the program, one is that everybody who identified themselves as a community based application were -- would also include in the application what their proposed registration policies would be and how you -- designed to support and serve that particular community, and all those who did designate themselves as community based and went onto be delegated had those, those registration policies become part of their agreement in specification 12 of the agreement. The other part where community based applications came into play is in the case of contention. So when you had more than one qualified applicant. An

applicant who had passed all of the our evaluation processes there were more than one application contending for the same string, in this case based on the policy guidance that we had in from from the GNSO we are instructed to give priority to community based applications when it came to resolving contention. And this is what has been referred to as the community priority evaluation. So there were 4 criteria in that evaluation, looking at the establishment of the community. The nexus between the community and the TLD they applied for, their proposed registration policies and the community support or lack of support for that application. As you can imagine this is a fairly difficult undertaking to make sure the criteria are identifying communities or community based applications that should be awarded priority. There's concern about you know false positive and follows negatives and so careful evaluation using a number of factors, and it -- because in part I think because of the complexity of doing that there's certainly been great in interest in among the GAC. CCT and others in looking more carefully at this aspect of the program to look at what might be changed in the future. I'll turn it back to you Karel. Thank you.

KAREL DOUGLAS:

Thank you Karen, and this is so interesting much we don't have enough time today. Of this topic -- these topics require justice in an if full session but we only have a few minutes left so I just want to quickly ask Giacomo Mazzone if he has a brief question and we can go back to the topic Luisa was speaking on and off helpfully wrap up there so.

GIACOMO MAZZONE:

Yes, thank you. Yes, thank you my question is based on the fact that I've covered this experience of the community application round last time extensively I have seen all the flows of the process, and I have been advised that it's important to listen. The first is that the qualification of what was community was asked to the economists intelligence unit. Much that is like to ask to the wolves to judge if the sheeps are good or not. Community need to be evaluate, but people that know what community is. Not by somebody that is purely economic approach to the community. And first point. Second point. There was no neglect that some of the community applicants were recognized universally in many international organization intergovernmental organization as representative of this categories, and this was totally denied without taking into account in the process. If the international accounts represents at UNESCO that is the global institution of the global entity taking care of cultural for all United Nations cannot completely be neglected when it comes to the ICANN. ICANN is not in another plan IT. It is in the same planet where UNESCO applies. Third point. There's been a lot of objections that have been organizing instrumentally by commercial applicants in order to make sabotage of the community applications, and this is not even when it was clear appeared very clear it was not sanctioned by the ICANN. I think that the GAC is the duty -- the moral duty to be very clear on that, and to try to put solution to all this problems and the council of Europe document still remain a very valued point for learning lessons. Thank you.

KAREL DOUGLAS: Thank you so much, Giacomo, and thank everybody. At this point given the tact we only have a few more minutes in the interests of time what we could do, we will have the applicant support program and the underserved regions issue discussed at the GAC SubPro sessions where those issues will be raised and discussed, and happily so that you can raise your questions there as well hopefully. But at this point in it time we are really against time. I want to thank everybody at least for my part and I like to invite Pua to give us a closing remarks. Pua.

PUA HUNTER, GAC VICE-CHAIR: Thank you Karel. Good morning, good afternoon and good evening to everybody who joined the GAC capacity building workshop. Broadly speaking I am impressed with the quality and the delivery of this session. Particularly mindful that we squeezed 4 hours of this complex subject into 90 minutes of intense educating on process and substance and noting there were over 40 topics across 5 different work tracks as mentioned by Jeff Neumann. Even though many other subjects could not be covered during this session please be informed that both the GAC and the GNSO have committed sessions to subsequent procedures during this week. I am grateful to the GAC leadership for its support in proceeding with this report and that the decision to cancel was an option. The decision to proceed with the workshop, albeit remotely, highlights that the GAC recognized the importance of subsequent procedures in the discussions and the need to ensure that all its members are better informed thus allowing them

to interest I be to these discussions. I am confident that those who are visually ... will use the learning COMBAN to contribute or interact in a more effective and meaningful way in related sessions during the week. Or any time on-line, or during the public comments period. Questions do not stop here. You know the experts on a panel today, reach out to them. I also wish to acknowledge and recognize the point efforts ever all those involved in the timely planning of the workshop logistics. You know who you are. So great job for your tireless and valued efforts in this this instance. And finally, may I take this opportunity to close off by conveying my sincere gratitude to all the panelists for committing your valued time to share your knowledge and expertise. Kavouss eloquently acknowledged the hard work and devotion of those involved. The co-chairs of the generic... policy development process working group Cheryl Langdon-Orr and Jeff Neumann. Karen Lentz from ICANN org. GAC support standoff. Rob Julia and Gulden. ... government engagement, GAC colleagues. Our GAC chairman Allan members of the GAC leadership team and the underserved regions working group co-chair Karel Douglas. As far as I'm concerned we have managed to achieve some very useful progress during this session. So thank you thank you everyone. Last but not least to all GAC members ICANN communities and observers who have participated in this workshop. Thank you for your respective contributions and, of course, for dedicating time in your busy schedules to take part in this capacity building workshop. Thank you and bye for now.

GULTEN TEPE:

Thank you all for joining this session. But thanks to the session transcript recording and materials will be posted on the appropriate ICANN meeting and GAC website pages. The next GAC plenary session will be the GAC opening plenary start at 18:45 UTC in about one and a half hours and we will be using the same zoom room. Now you may want to jump to GNSO SubPro session, we will add the zoom room link in the chat for your convenience sharing it very quickly, and this meet something now adjourned. We will disconnect all the lines. Goodbye.

[END OF TRANSCRIPTION]