

Transcription ICANN Buenos Aires GNSO New gTLD Subsequent Procedures DG

Wednesday 25 June 2015

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Brett Fausett: Well good morning everyone I'm Brett Fausett I'm one of the co-chairs of the discussion group. So I know who I'm talking to can I just get a show of hands for those of you who have participated in the discussion group to date?

All right well that's very good I'm actually excited to have people who want to learn about the work and hear how we got to this point. So thank you all for coming.

Next slide. Let's see well there we go. I thought we would talk about a little bit of the background of who we are, what work we've done, talk with you about the current set of the documents that we have prepared for distribution to the council at this meeting.

And where we're going to go from here and possible next steps and then we'll open it up to questions and since we've got an audience that is new to this please feel free to ask anything. There's no question that we wouldn't be happy to take.

Next slide. So as background as you know in the 2000's the GNSO which is the primary policy arm of ICANN responsible for generic new top, generic names policy created a policy process to kick off new top level domains.

That policy process resulted in a set of principles by which the 2012 round of new gTLD's should be carried out. The guidebook was prepared with those principles in mind and they guided the policy process forward.

The 2012 round launched as you all know and many people including participants, trademark owners, registrants including ICANN staff and the board all had suggestions on how to do it better the next time.

Some of those suggestions rise to the level of future policy where we actually need a policy process to make a course correction. Some of them are more at the level of implementation decisions that need to be made by staff about how to improve processes.

But we as we looked at that in the GNSO and we thought about where to go from here the number of issues that we could possibly examine were almost too numerous to start a policy process without a little bit of background work.

So last June at our London meeting the GNSO created what is called as a discussion group for new top level domains. And our mandate in the discussion group was to do an initial scoping of the possible policy issues that the GNSO could look at for future policy development work.

So we started working after the London meeting, have worked very regularly over the last year to create I think a very robust set of issues that are - that would inform the policy process discussion.

We have over 100 issues that have been identified. We were quite liberal in what we took in. The only thing that we asked people who had something to

contribute was that they not phrase their question or their issue to be decided argumentatively.

So we have a very neutral set of issues that as best we could don't pre-judge any particular outcome. Those issues have been categorized in sort of broad subject matters.

We've tagged them as to how they relate to the past policy and now we've teed them up for a decision here by the GNSO council in Buenos Aires for the possible creation of an issue report.

Let me give you a little bit of background about how policy is developed in the GNSO. It all starts with an issue report. That is a staff report it's almost like an impact study.

They look at the issues, decide who is impacted, decide what kind of processes we'll need going forward. They make a recommendation on how to work through the policy issues and then they present it back to the council.

The council takes the issue report and then has the ability to create a policy development process. That policy development process then is an open process anyone in this room will be able to participate.

I assume that many of you will participate and if we can come to consensus around some of the issues that we've identified those will become policy that would be binding on subsequent rounds of new gTLD's.

So that's a little bit about our background. We've had broad participation from all of the various groups. I think every constituency within the GNSO was represented either by an active member of the discussion group or at least submitted issues for us to consider. Steve you had a comment?

Steve Sheng: Thanks Brett, this is Steve Sheng from staff. This is Steve from staff. I just wanted to make a quick clarification about some of those initial steps. So after the staff drafts the preliminary issue for it there's actually a public comment period.

And then after that staff takes into account all the comments from the public comment period and prepares a final issue report which is then deliberated by the GNSO council. So just wanted to point out that there is that point of public input, thanks.

Brett Fauset: All right next slide. So as I mentioned we've worked fairly diligently over the last year, bi-weekly calls and working sessions at the ICANN meetings. We have delivered to the council a motion for the creation of an issue report and also a fairly robust set of documents.

If you want to pull it up now I'm going to give you a link on the last slide but I did create a short URL yesterday before a different presentation. You can go to new gTLD dot click.

That's just a Web forward to an ICANN page. At the bottom of that page there's a link to the deliverables if you want to sort of pull that up and follow along.

The deliverables include an executive summary of what we're trying to do and why we did it. We also provide a narrative that tries to give you a flavor of deliberations and how we came to the conclusions we did.

And then I think the most important piece of that is a very detailed matrix of issues that we've identified. Those are the hundred some odd issues that people identified.

Those all came from the community. Again we were very liberal in what we accepted. Some of the issues we heard from many people, some of the issues we only heard from one or two.

And we have a draft charter for the policy development group for the GNSO to consider.

Next slide. So here's where we are now. We're at the June 2015 meeting. Obviously the council has before it a motion to approve the issue report. There is a very low threshold for the creation of an issue report I think it only takes 25% of the council to request an issue report.

So I think there's a very good chance that that motion will pass. If it passes at this meeting then expect a preliminary issue report for public comment sometime around August.

And then it will as Steve said it will go out for public comment and you'll have a chance to read it and amend it importantly I think. You know, just because we have 100 issues that we've identified doesn't mean that we are complete.

There is the possibility that we have missed something in fact there's a possibility we've missed something important. So you should look at it with that in mind and help us supplement the issues.

That will then move forward to the council possibly as early as October 2015 and we may be in a position at our Dublin meeting to create a policy development process.

That is where we'll get past the issues identification stage and actually start talking about the substance. One of the great things about being part of the discussion group is that we were able to work very collegiately together because we were not debating the substance.

We could identify an issue as something needed discussion without actually getting to the point of our disagreement. So the disagreements will happen at that last guitar pick there after October 2015.

I expect the policy development process to include areas where people do not see eye-to-eye and I hope that we'll be able to come to, you know, reasonable policy compromises along the way.

But that's where we are right now and let's see next slide. Those are the links to where we've been working. They weren't that human friendly so that's why I created that new gTLD dot click domain.

So you can go straight to the summary by those links. So let me now having said my piece see if Jeff my co-chair wants to supplement that and then we'll open it up to questions.

Jeff Neuman: Yes thanks, this is Jeff Neuman: Yes it's interesting I went back to the applicant guidebook that was in 2012 and I just read something in there. I know I'd read it several years ago but it says in Section 1.6 which is entitled subsequent application rounds.

It says, ICANN's goal is to launch subsequent gTLD application rounds as quickly as possible. The exact timing will be based on experiences gained and changes required after this round is completed.

The goal is for the next application round to begin within one year after the close of the application submission period for the initial round. To put that into context I think it closed, it was supposed close April, I guess it closed in May of 2012.

So that would have in theory been a new round starting in May of 2013. I guess we're a little over two years behind that. But that's fine I mean everyone knew that there's going to have to be reviews of the gTLD process.

That's only natural. You know, but what we're saying is that there's a lot of reviews going on both - most of them external to the GNSO community. And if you were at the session on Monday I think it was that Karen Lentz had led she talked about and there was a panel that talked about all the different types of reviews that are going on right now.

Including, you know, ICANN staff doing a number of different reviews both of their own processing of the applications, they're doing a review on rights protection mechanisms which already have a comment period which ultimately will be in theory leading to a GNSO review of rights protection mechanisms in - there should be an initial report I want to say in September I think was the date they aim to deliver that.

So it's very important to note that this upcoming PDP or if there is a PDP right because Brett talked about this. This is only really the working of an issue report and then the council will have to vote on initiating a PDP in October if everything goes according to timeline.

But this definitely this paper that we put together and the group specifically recognized that there's a number of other reviews that are ongoing and that our GNSO group will have to incorporate the findings of those reviews.

So built in there already is a recognition of these other reviews that are going on, of taking those into account and of working through those. We in the GNSO and the way I view it is we're probably the most impacted community from or we represent the most impacted communities from new gTLD's.

Everything from the users whether they're commercial or non-commercial, the registries, the registrars and hopefully I'm not forgetting anyone in there. But I think, you know, it's important for us as a GNSO community to be involved in this.

No one is pre-judging the outcome neither Brett nor I or the co-chairs or anyone in the discussion group, you know, have in any of these documents that there must be new gTLD's.

We're all really just trying to kick off this review and one of the first questions in Section 1 as it's kind of up on there is, you know, should there in fact be new gTLD's and if there are new gTLD's if the answer to that is yes then, you know, should there be different types of TLD's or prioritization or, you know, should we focus a first round for example on under developed communities or should we also focus on brands or other types of communities.

There's no as Brett said there is no, there was no pre-judging of outcomes in this group and there is no, you know, there's no rush here to get into new gTLD's it's really just about us doing our own evaluation as the other groups like the GAC, ICANN staff and the SSAC and a bunch of other groups are working on reviews.

So, you know, we really want in this session to just get some feedback for ICANN staff or for the GNSO community and then ultimately for ICANN staff to do the issue report.

Brett Fausett: So that's a little bit of background about where we are and where we're going. I hope there are questions or comments. I'll open it up now to anyone who would like to ask a question or make a comment. Steve.

Steve Sheng: Thanks Brett, this is Steve. I'll just take up some time while we wait for someone to come to the mike. And just to provide a little more context the documents that were prepared by this discussion group primarily the draft charter and the matrix as we call it that reviews the subjects compared to the recommendations, principles and implementation guidance from the 2007 final report.

Those are expected to form the basis at least a minimum basis for what staff will be looking at in an issue report. The issue report might go beyond that in scope but that is expected to be the minimum focus.

So this discussion group is kind of a unique thing. This doesn't usually exist before initial report request but I think as Brett mentioned the breadth of subjects for investigation or analysis by staff is much longer than normal.

So we appreciate the help and also in this session any additional things we might want to consider in that issue report, thanks.

Brett Fausett: Yes and just, you know, if you haven't read these documents which, you know, I know they can be a little cumbersome. What we tried to do is group the issues into several different categories of what we thought were like similarly situated issues if you will.

And the goal is for this to be one PDP one policy development process but broken down into a couple different work streams. We saw this work in - or currently going on with the IANA transition and the different groups that are working on the accountability issues.

And they broke it into different hopefully manageable work streams but, you know, obviously there's a lot of issues in there. I see we have someone at the mike so let's...

(Joe Wright): Hi, I'm (Joe Wright) from Bloomberg BNA and I'm just wondering what the interaction is between the issue report and the draft charter. So is the, will the draft charter be amended based on what comes through the issue report or are those kind of two separate documents that don't really interact with each other?

Brett Fausett: Steve do you want to take that one?

Steve Sheng: So normally a draft charter in many other PDP's in the past or most the charter actually only comes in to play once you initiate the PDP and you set up the working groups.

Since we had some time really we wanted to just provide kind of a head start on drafting some of those documents. So at this point a draft charter is really just that it's a draft of something that the ICANN staff could take into consideration.

So when they draft the issue report hopefully we can go to the council both with the final issue report after the public comment period and hopefully a final charter so that the GNSO could ultimately pass both of those at the same time.

But at this point the draft charter is just kind of an aid to help ICANN staff and it was something we had time to do so we just wanted to try to be helpful.

(Joe Wright): But this is the group that would do the ultimate, the final version of the charter you said in conjunction with the GNSO council in theory if they had a motion in October?

Brett Fausett: Well this group is complete now and so it now moves over to ICANN policy staff. The draft charter and the issue report will be amended likely after it's put out for public comment.

And that will be probably Steve and Marika and Lars who will put that together. And so then ultimately the council will vote on it and approve it.

Marika Konings: So this is Marika from ICANN staff and maybe just to add to that. The whole reason of having the draft charter in the preliminary issue report is so it allows the community to actually already comment on it and indicate is there anything missing, anything that should be taken into account.

And then those two documents are presented to the council. But it doesn't take away that if the council believes that additional work is needed or further discussion are required they could then as well say well this charter let's leave it as is but we're going to form a drafting team that will actually be tasked to develop that charter after the initiation of the PDP.

But this is an effort of trying to streamline that process and seeing in those cases where it is possible at the same time to initiate the PDP and adopt a charter that the council has the ability but it's, you know, perfectly within it's realm to say well we're not completely happy with it or we think it needs some further work.

So we'll form what we call a drafting team and it's not necessarily the same group that's working here but presumably many people that were interested in a discussion group may also be interested in the drafting team which would then prepare the charter which then goes back to the GNSO council for a vote.

Brett Fausett: We've got several questions in the Adobe queue so let me take them in turn and in the meantime if you do have a question in the room please feel free to queue at the mike and we'll take these back and forth.

The first question is what is the overall expected date for the earliest date when the subsequent rounds could begin? I believe there was a timeline in an earlier session showing when reviews finish policy adoption takes place and ICANN is ready to begin new subsequent rounds.

So no date to the best of my knowledge has been targeted by ICANN, ICANN the company the ICANN staff at this point. If you talk to members of the community I think you'll get various different timelines.

I do know that Karen Lentz who has been doing a lot of the work for subsequent rounds put a timeline up on the board at one of the meetings earlier this week.

It showed reviews completing at the end of Q2 2017. The obvious, you know, what I took from that chart was that new gTLD launches would happen to the right of that.

So to the part of the timeline that she had not yet finished but we do have work in progress that is scheduled to complete at the end of Q2 2017. So my best guess is sometime after that.

You know, as Jeff said it's already what is it 2015 now, the launch of subsequent rounds is already two years overdue. The policy guidebook said it would begin one year after the first round ended. So we're already very overdue.

So I don't know what is going to happen but those are my best guesses.

Jeff Neuman: Yes also kind of interesting to put that into perspective even if you use Karen's timeline that's ten years after the GNSO policy or ten years after the policy was passed by the GNSO to say that there should be subsequent rounds.

So it's interesting but there is no targeted date. I guess the only thing we're trying to move forward is just starting some of the reviews now and I guess it kind of leads to the next question. Do you want me to just take that one Brett from Karen?

So Karen has asked on the Adobe chat and sorry Karen I would butcher your last name so I'm not going to try. There's another question in there so I'll just scroll it down here.

But I think one of the questions was how easy is it to add issues after the September date assuming that the final issue reports comes out in September. So the way I envision it and the way working groups generally work is that once a PDP is initiated and there are working groups that are formed so long as the issues are within the overall scope of the charter and what the working groups are working on then new issues can always come in.

You know, we fully expect that even though we worked on this for a year that there are plenty of issues that we hadn't thought about and Karen points out in the next question she says, well, you know, there are things that we just find out, new things that we just find out about like for example I know John Berard is here but there have been some issues on dot (sux) that may want to be looked at in terms of the subsequent rounds.

And so that's a new issue that popped up certainly after our discussion group was close to final. And so there may be new issues as a result of that and of course the working group so long as it's within the complete, the overall scope can take a look at those new issues.

So this is in no way precluding new issues from being discussed from the working groups.

Brett Fausett: John go ahead.

John Berard: John Berard for the record. Separate and apart from the previous comment it strikes me as illogical to think that you can unleash 600 new gTLD's and all of the names embedded in each and not encounter some degree of innovation, some degree of stuff I did not think of that even though it may be surprising is certainly within the parameters of the program as it was originally established.

I mean the creativity of human beings is without limit and so it would be shortsighted I think to suggest that there is a problem with moving to a

second round on the basis of being surprised that something in a previous round in my view.

And if I in particular have surprised people that may just serve as a case in point because clearly everything has been done within the rails and by every outside review.

And so I would hate to think that innovation would be limited on the basis of surprise.

Brett Fausett: I'll take your comment.

Werner Staub: We're still pretty much - Werner Staub from (Corps). We're still pretty much busy with, you know, the first round so actually we have lots of things that we might want to say we won't take down.

Now we're starting again PDP process and we've made the experience the last one was finished in 2007. Then it took them until 2012 for it to be implemented it was five years.

And it has something to do with the way it's going about it and the mistake of putting correctly, you know, the horse in front of the cart as we say. First you do the, you know, we do a PDP and then we implement it, it sounds logical.

The fact is that the thing that sounds logical doesn't seem to quite work well. I mean the track record of doing the thing right, you know, do a PDP first and then implement and take five years to implement that's a really bad track record.

So we should do something about it. And my proposal would be to say that, you know, whilst I can have experts now, you know, dealing with all these systems that have been put in place.

Whilst they're still there and actually while the memory is fresh why wouldn't they work right now without waiting, without checking whether people agree on their own straw man so that people could work on?

This could even include the task or whatever in the systems that they would suggest it might be easier to work on that basis.

Brett Fausett: Good comment and let me address it also. I think they are I mean if you look at Karen's presentation earlier in the week and (Tron) is in the back I think she was speaking to it also.

ICANN staff is currently reviewing the last round and coming up with the next round. And as far as my personal view the GNSO policy process is not a dependency for the second round.

This is our opportunity to make a policy course correction if we want to take it but a subsequent round is going to happen whether we do anything or not. What I'm hopeful of is the fact I hope ICANN will set a date for a subsequent round and make the GNSO work toward that.

If you want to have policy advice you need to get it done by, you know, this is the day. You know, if you want us to take account of it before we do the second round.

But I think they're I mean the subsequent rounds was baked into the previous policy. It was baked into the guidebook it said they shall happen and they're not or they shouldn't be waiting for us in the GNSO to do our work.

We'll try to work on their schedule. They shouldn't try to work on ours and because it could be the case you're right that we started a policy development process and we reached no consensus.

In which case they would not be a course correction and a subsequent round would look a lot like the previous round with the implementation changes that staff makes based on its own internal evaluations and some of the AOC review outputs.

But this is our chance to make a policy course correction if we want to we don't have to. If we do nothing there will be subsequent rounds, you know, with our without us.

Jeff Neuman: So this is Jeff I just want to read a comment that Karen has made I guess in response to John the point you raised. It says, the point is not that it's surprising but rather when it poses questions about the program and whatever you think about it there are a ton of questions in the community about this kind of innovation.

Those questions deserve to be addressed in this group and the issue scoping should be broad and fluid enough that we won't be precluded from discussing them.

I've heard many times that something is quote outside the scope quote or an issue report that shouldn't happen here. So that's Karen's comment. I think one thing I would ask Karen and others to do is to make sure that when the issue report is drafted and as Steve said it will be a preliminary issue report out for public comment.

Make sure that everyone's comfortable with the scope at least to the best that we can at that point in time to make sure that any new issues that come up could be covered under that scope.

Brett Fauset: (Christine). Yes we need to get those microphones put lower I mean.

(Christine Molett): (Christine), hello (Christine Molett) ICANN staff. So I felt a little awkward ICANN staff being so silent on this. First let me say kudos to the discussion

group on all of the work that's been done there are several of us on staff who have been monitoring and observing the discussion group.

And there's clearly a lot of good thought and input that's going to go into the policy work to come simultaneously as has been mentioned in other sessions today as you both mentioned the staff are performing our own implementation review.

We found in reviewing each aspect of the program there are always lessons to be learned and opportunities for improvement and I believe you'll see that in our own review reports which get published later, in a few months.

But I wanted to address the discussion some of the comments about timing in the next round and we're certainly aware and cognizant of what the guidebook says that the next round based on the language in the guidebook would have launched two years ago.

At staff we are trying to walk a fine line being respectful of the policy advice, the input that went into that applicant guidebook, the bottoms up multi-stakeholder input to say that a subsequent round would be started.

But at the same time also being respectful of all of the review work and potential policy work to come and, you know, we are still, there is still significant discussion in the advisory committee about various aspects of the new gTLD program.

So just as we try to be respectful throughout the operation of the program of our various accountability mechanisms that are ongoing we're also trying to be respectful of all of the multi-stakeholder work that's already being done and may be to come on the subsequent rounds.

So I don't want to say we're in a wait and see mode but at this moment we don't feel as though there is a strong sense of urgency from the community. You know, we are here at every meeting listening, listening closely.

We hear a diverse view of opinions, we have some parties who are looking for a next round or maybe an interim round of some sort to be started but we're not getting a sense of a ground swell of interest in a subsequent round.

So we'll be taking all of this input into consideration and staff will be working closely with the board to determine what the right timing, what timing would make sense as we go forward recognizing all of the other work that the community is doing.

Brett Fauset: Thank you that was very well said. I just personally I would encourage ICANN to give us a respectful amount of time to complete the various reviews but not an infinite amount of time.
Don't not work toward a deadline because you're waiting for people because I think nothing will move the policy development process faster than a deadline.

So I think the earlier the better that ICANN can sort of put a tentative date out there. And then we will all work a pace to meet our deadlines to get you the advice that you need.

Jeff Neuman: I just wanted to - this is Jeff Neuman. There was a comment on the adobe that (Christine) you were a little hard to hear. So we just fixed the microphone so for - if I can basically summarize that or if you want to summarize actually that would be better.

But basically what I heard is that, you know, ICANN staff is at every meeting, they're listening to what's going on. There is no urge, sense of urgency that they're, you know, running fast towards the next round.

They're really, they're very respectful of all the different reviews that are going on and they're really here to listen and they're not contrary to some of the discussions or some of the things that they're hearing from different sources

they're not running forward towards the next round and I think does that summarize it (Christine)? Okay thanks.

(Christine Molett): Thank you.

Jeff Neuman: Go ahead.

Brett Fausett: Okay (Christine) did you not say that the staff has heard and feels no urgency for a second round?

(Christine Molett): No if I did I'm sorry. No I think that we heard a diversity of opinions. I think we certainly heard that there are some groups that are very much interested in the next round.

I got asked today if someone could apply or if we get those questions through our customer service team on a weekly basis. So there certainly is interest but we hear as much dissenting opinion about wait don't go too fast, allow the reviews to happen, see how this round shakes out there's still enough issues, you know, the GAC is still talking about safeguards and public interest commitments.

So there's still lots of discussion going on about the implementation of this round.

Werner Staub: I'm a little bit worried, Werner Staub from (Corps). When I hear that we say here that we don't see the urgency of the next round. And I find it quite natural we say so because we're just busy, you know, our focus right now in dealing the round that took place.

We are architects, builders, we're people who in the profession we're not the people who are building the houses for themselves we're just basically we are the service providers the ones who helped them.

But there are quite a number of communities and possibly companies and so on who would very much be interested and they chose, you know, too remote, you know, for them ICANN is too remote to even be heard.

And ICANN is becoming so complex it would be a miracle if anyone of them was going to be heard it's so difficult actually to even understand what ICANN does.

But the feedback that I get from people is yes when is the next round and (unintelligible) don't expect anything before 2018 now. Yes okay well pity yes.

We should think ahead not just of ourselves who are sitting in this room. We should think of the other people who possibly expect ICANN to come forward with the process that can just be relied upon and is not as unpredictable as what we have used up to now.

The greater the distance between two rounds, the lower the quality of the coming round.

Brett Fausett: I think that's a fair point. I get the question quite frequently too and I didn't realize that maybe what I need to do is have them contact ICANN so that you can hear that urgency.

My best estimate when people ask me is ask me again in 2017 I'll probably be able to tell you a date then but I can't tell you a date right now. But I do hear that as you do that people are interested in this process.

I can certainly try to, you know, I say that anecdotally now but I mean if there was a channel to let ICANN be aware that there are people out there who are only now becoming aware of new TLD's.

And now to me it's especially coming from brands that didn't get theirs in the last one and see their competitors out there with their dot brand and are feeling locked out.

So that's what I'm hearing just as a possible, you know, backend provider that people are wanting to get back in and I don't have a good answer for them.

Jeff Neuman: Yes two things. One comment from the Adobe connect is from Wendy Seltzer and just kind of summarizing this is about (Christine's) remark. She says, perhaps people don't realize that they need to reaffirm support for the status quo by previous policy guidance that there should be a prompt next round.

So what Wendy is referring to is the 2007 approval by the GNSO of the previous new gTLD PDP which says that there should be subsequent rounds and that the board had passed that in 2008.

The second comment, you know, it's interesting but one of the things that was talked about way before the last round was to have some sort of expressions of interest process.

So I don't know if you remember that Brett but that was proposed and it was ultimately turned down. Perhaps if we get further down maybe towards 2000 - well whenever we, you know, get towards the completion of these reviews perhaps ICANN staff does sort of a confidential expressions of interest to see if there is in fact momentum and people or companies or non-profit communities et cetera that want the new TLD's.

Brett Fausett: And it's interesting from 2007 until about 2012 there were angry mobs at the public microphone every meeting asking when there is going to be new gTLD's.

We don't have angry mobs right now but I would hope that we could finish our work and get going before we have angry mobs this time so that we can, you know, avoid some of the pressure that built up the last time.

Anyone else? Well thank you this is going to officially wrap up the work of the discussion group pending some, you know, odd outcome at this this afternoon's council meeting.

If you want to see where it goes from here, you know, please join the GNSO council at its 1 o'clock meeting this afternoon. This is the third motion that is before the council is the creation of the issue report.

So if it passes as we expect then we'll follow the timeline that we outlined in the slides earlier and I hope to see all of you inside the policy development group that forms in Dublin. Thank you very much.

END