HYDERABAD – New gTLDs - Issues for Subsequent Rounds
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JORGE CANCIO:	Hello? Good morning, everybody. Welcome to this GAC session on new gTLDs. My name is Jorge Cancio. I'm the Swiss GAC representative, and I've been asked to lead this session. So you will have to deal with me for 90 minutes. First of all, I would like to welcome all of you, both GAC members, GAC observers, and members of other constituencies. I would especially like to welcome the presence here of the two co-chairs of the PDP working group on subsequent procedures, Jeff Neuman and Avri Doria. And Avri is over there. Come to the table, Avi. You will need to be here. And I will first explain a little bit the purpose of this session, as I see it, is that we continue with our dialogue, both internally and with other parts of the community, especially the co-chairs of the PDP, on this effort to review the policies of the last round, the 2012 round, and also the possible recommendations for potential adaptations of such policies for future expansions of the gTLD space.
	I think it's very important to keep up this dialogue on a continuous basis and also in the spirit of the draft recommendations that the contact group of the GAC and the

GNSO developed and where this more interactive approach between our constituencies is being recommended. I think it's important that we also link the work of our internal working groups in the GAC with what is being discussed in other parts of the community, especially with this PDP, which will be key in any further expansion of the gTLDs. And that's why I think it's a very good opportunity to continue with the dialogue we started in Helsinki and which continued with our input to the overarching questions developed by the PDP working group and to maintain this on the a basis.

As to the agenda for this session, apart from this introductory words, Tom Dale will be so kind and introduce us to the briefing developed for this session very quickly and then we will have a -- a longer discussion with the PDP co-chairs. First, we would like to ask them to in four or five minutes puts up to date on the state of play of their work, and then I would like to ask them what is their initial reaction to the input we sent in July to the overarching questions, whether they already identify any sticking points or also whether they identify already areas of common agreement. That would also be nice. And then after this, in a short dialogue, we would go into calling upon the different GAC topic leads who have been working on issues like diversity and support programs, also on categories, on IDNs, on community-based applications, on geographic names, on safety,

and abuse mitigation concerns and make inputs and seek also reactions from the co-chairs and from any other GAC members, GAC observers, and I guess we also can call on other interested people.

Finally, we will discuss a bit of procedure, possible text for our GAC communique on these issues, and also some internal stuff on how we can best coordinate internally to participate in these community efforts.

So with this, I would like to pass on the floor to Tom to introduce us to the briefing paper. Thank you, Tom.

TOM DALE: Thank you, Jorge. Good morning, everybody. Yes, it's me again talking to yet another brief that ACIG provided to you, the document on screen, and which I'll summarize very briefly now -- no pun intended -- is -- was included in the briefing pack that was sent to GAC members approximately two weeks ago. We tried to cover in -- in that briefing three sets of issues, process, timing, and coordination with regard to new gTLD policy. Secondly, public policy issues and GAC advice, what has been done to date. And finally, a bit of a -- an estimate, if you like, of what will or indeed what might happen here in Hyderabad.

With regard to the process issues, if we just scroll down a little bit, please, on the document, thank you. You heard yesterday in the GAC meeting with the GNSO about a number of existing policy development process working groups that are being conducted. The subsequent procedures group for new gTLDs was noted and we'll talk more about that in a moment. The working group on rights protection mechanisms and also the one on IGO and INGO curative rights protections. The brief also notes that there are a number of cross-community processes that are relevant as well to the new gTLD policy discussion. The competition, consumer trust, and consumer choice review, the CCT review, is presenting some preliminary findings here in Hyderabad, and there will be a meeting between the GAC and the chair of that team next week.

There is also the cross-community working group on the use of country and territory names as TLDs, and that is being covered in the GAC's meeting with the ccNSO short -- tomorrow, I believe.

There are some ICANN processes and we've drawn to your attention in particular in the brief the ongoing work that ICANN is doing on metrics to measure the impact of new gTLDs, including what ICANN terms the gTLD marketplace health index.

Finally, there are a number of GAC processes which are extremely relevant. Again, as you heard in the meeting with the

GNSO yesterday, the community generally is aware that the GAC is working on issues through a number of its working groups including geographic names, public safety issues, work on community applications which will be covered later in this session, and also IGO protections which, of course, the GAC discussed yesterday.

With regard to timing, the -- the subsequent procedures PDP is -- has indicated that it is still working to finalize its work by the third quarter of 2018. Again, as you heard yesterday, it is a longer term process and a very comprehensive one. Coordination issues, the brief simply makes the point that if you think there should be some -- some master plan or coordination process for all of this, our view, our advice to you is that that doesn't exist because that's not the way -- that's not the way the ICANN system works and that's just -- makes it Democratic but challenging.

Very quickly, the GAC has previously advised the board on a number of issues through its communique and other processes. The GAC has provided advice most recently in the Helsinki communique concerning process and timing issues and talked about the need for a proper sequence of work of the review of the recent round and outcomes from that before too many decisions are made concerning future rounds or indeed future processes because in future there -- rounds are only one way of

introducing new gTLDs. The GAC has provided some substantive policy advice concerning underserved regions in particular and long-standing issues which the GAC believes requires resolution such as Red Cross and Red Crescent designations and names.

Finally, the GAC responded shortly after the Helsinki meeting, as I recall, to a series of overarching questions which were put to all of the SOs and ACs by the -- by the working group on subsequent procedures. The GAC provided a comprehensive answer to those overarching questions and you'll hear a little bit more about how those are being dealt with. So that's what the GAC has done and what the GAC has said very, very briefly.

Finally, with regard to what will happen in Hyderabad, our understanding was that yes, the PDP working group will have a -- if it's not already had a face-to-face meeting, I believe it has, CCT review work is continuing. The GAC will be briefed on a number of issues this morning in this session as well. I think that's the summary. Thank you, Jorge.

JORGE CANCIO: Thank you so much, Tom. So we are all on the same page, I hope, now. And I think it's the right moment to go over to our guests here, Jeff and Avri, and see how you can update us first on -- well, how is it working? It's -- it must be really a challenge. How many people are participating? How many work tracks you

have? All that stuff and also, of course, about the substance and how you see the timeline. And after that, we could open -- open the floor for some questions on those general matters and then go to the overarching questions, right? Is that agreed for you? Okay. So over to you.

JEFF NEUMAN: Thank you. I'm Jeff Neuman. I'm one of the co-chairs of the subsequent procedures working group. I'll start, and then Avri will jump in if -- if she has anything to add, which I'm sure she will.

So just a reminder of a little bit of history that in 2007 the GNSO passed, by a consensus of the GNSO community, a policy which states that there shall be a predictable process for the introduction of new Generic Top Level Domains and it was envisioned by that consensus policy that there wouldn't just be one, I'll use the term here "round," but that it would be an ongoing process that it wouldn't just be stopped after what ultimately became the 2012 round. And so from that we took the policy and formed this subsequent procedures working group to really work with and assimilate all of the other activities that are going on in the ICANN community and all -- specifically the reviews that were mentioned by -- by Tom and by Jorge initially. And so our role is a -- our task is a large one.

We have so far around 130 active participants in the group and an additional 40 or 50, I haven't looked recently, but 40 or 50 observers to that group. Even though there -- it sounds like a lot, you know like many working groups, it -- there's -- there are a few people that are very active and then others that just kind of monitor what's going on. So we always have room for more active participants, if anyone else wants to join. That's my commercial, and hopefully others will. And Tom has been a participant and Jorge and Kavouss, and so we thank those participants and welcome the participation of others.

As Tom said, our timeline is to finish everything up by the third quarter of 2018. In between then and now we anticipate having a second -- or at least one more community consultation questions that are sent out to all of the advisory committees, the supporting organizations, the constituencies that will be more detailed than the overarching questions which I personally want to thank all of you for responding to. In fact, the GAC was the only advisory committee that -- or actually the SSAC also responded. But we did not get responses from some of our own constituencies but we did get response from the GAC. So thank you very much. We also got responses to the first overarching issues from the intellectual property constituency, the Registry Stakeholder Group, and the ccNSO. So there was some response to those comments, but we hope that there's even

more participation when we do the community consultation number 2, which we're hoping to do in or around January of 2017. So just a few months from now.

So initially the group worked on those overarching issues which the GAC responded to and we can talk a little bit about after I just go through some process issues. We've been discussing the responses as a full working group the last two months or so. And then we also broke the full working group down into four, what we call work tracks. And I know it's confusing to keep the terminology in place because some people call them work streams, but we have to be careful because the work streams are the accountability processes. That's not us. So we call them work tracks.

The first work track is dealing with issues including applicant support. It's dealing with issues around overall process, things like should there be a program to certify registry service providers before the next application window opens up so that you don't necessarily have to evaluate, from a technical perspective, each individual application, if they're using the same provider.

It's to achieve greater efficiency and hopefully a measure to bring the costs down for applicants for the next application window.

We also have work track number 2, which is dealing with the legal, regulatory, and contractual issues that have arisen out of the 2012 round. So that will include things -- I know areas that the GAC discusses, including the notion of categories. I know that's a subject that's been talked about since 2007, 2008. I certainly remember Bertrand's work on that issue. So if there are to be categories like brands, for example, or geographic top-level domains, we are looking at issues in that work track on whether they should have separate contracts or registry agreements. We are also looking at issues about reserve names. So this is where the work of Olga and the geographic names as well as the work of the use of country and territory names cross-community working group would relate as only a part of the reserve names. But it would also -- that work track also deals with issues around other types of reserve names including the ability for registry operators to reserve names to provide for what they call premium name pricing for generic top level domains. So we'll look into some of those issues as well.

Work track 3 is charged with looking at issues around string contention, looking at the objection process, and looking at community evaluation -- community process evaluations or CPE, which again is some work as Tom has mentioned that the GAC is looking at. And I just received a copy of the study that was done,

and I'm -- got a chance to skim that study and look very much forward to discussing that in more detail.

And work track 4 was set up to deal with the technical issues. You know, were the right questions asked of registry operators to perform a technical evaluation, a security evaluation, financial evaluation. It also -- is also looking at issues around Internationalized Domain Names so if you recall, there were certain rules that were put into place to deal with IDN variants, there were rules put into place to prevent the registration of -- or the use of single character IDN terms which unlike in the ASCII language or in the English language single characters could often denote in some languages complete phrases or thoughts or ideas. And so while that was prohibited in the last round, that is something that we are discussing as to whether the prohibition should be extended.

The work track 4 is also looking at universal awareness issues and issues that arose out of name collision. You know, were the right processes put into place in order to remedy the possible name collisions that in theory could have taken place.

So it's really a large task for all of us, breaking down into those four work tracks. On the overarching issues, the -- like I said, the group, the full group has been working on analyzing the comments that we did receive. I think there are some areas of

agreement. For example, there -- it seemed as if all of the comments that were received did support a notion of having additional new top level domains, although there were certainly different opinions as to the timing of those. Right? There are some groups that would like to move faster than others. There -- you know, the GAC has expressed its view that -- its advice that any new subsequent procedures should only happen when all of the relevant reviews are completed, and so I think just by the general nature of timing and how long our group is going to take, I think that that will happen, for the most part.

There was one study that actually wasn't mentioned earlier which just came out which was the interim report from the group that's doing the review on the root stability study or the root stability which came out with an initial finding. It's a long report. I haven't gotten a chance to read it all, but initially seems to find that there has been no effect on the root zone from the introduction of new top-level domains in the process and manner in which it has been introduced. So while it says, you know, because of all of the different procedures that had to take place, TLDs have been delegated on a fairly steady, slow stream, and that has not had any adverse effect on the root. So there are some cautions in that report, but ultimately found that there was no harmful effect from the introduction of these right

now over a thousand new top-level domains. So that's -- that's something that is good news for us and for moving forward.

 The other discussions in the overarching issues included whether to proceed in the term rounds or whether there should be some other process, including a first come, first served process.   So do you just basically have it open and as applications come in you process them but there -- it's not a process where you say okay, we're going to open it up in five months from now and we're, you know, going to close it in nine months from now. It's a process where you would open it up and it would stay open forever. Obviously there are a lot of issues if that were to be adopted on how you would review and make corrections, course corrections, or how you would put that -- input that into that type of system. But a proposal that's come out that seemed to garner some support within the working group, again these are not even at the stage of being called initial recommendations, but one such proposal has arisen where you could do an ongoing process but have what we call application windows, predictable application windows. So an example would be, let's say you wanted to have two windows per year. You say in quarter one -- and I'm just using a calendar year just for ease -- but let's say in January, you would open up an application window, accept applications in January, have objections or public comments in the month of February,

February and March, and then you would start the evaluation on those in quarter number two where you can then -- I'm sorry, actually I got that a little backwards. Let me go back. You would start accepting applications in January for the entire quarter. So January, February, and March. Then in the months of April, May, and June you would receive public comments, objection, and early warnings, if that were a system that was still put into place for the subsequent procedures. And then in quarter 3, you would start the evaluations. So July, August, September.

And you could -- in parallel with doing the evaluations of what was received in the first quarter, you could in quarter three start the next application window.

So it's what we call a hybrid approach where you have predictable application windows. You're not stopping and having rounds and then having to do a full review after that round closes, but basically doing predictable application windows where you have enough time to submit applications, enough time to submit comments or objections to those applications and, of course, enough time to do evaluations after the fact.

So this would help others that need to monitor applications as they're submitted whether it's governments, whether it's rights holders, trademark rights holders. That would be predictable.

Otherwise, if you have a purely first come, first served process, you governments, as well as rights holders and others, would have to monitor every day to see if a new application came in. And that would be extremely difficult and in a number of group's opinions to monitor and, you know, having every day to check okay. Was a new application filed that I now have to be concerned about? In the hybrid approach, it would be okay, I know that in quarter one there's going to be new applications and in quarter three so I could set my schedule appropriately. So that's another proposal that's being talked about. I hope I'm not taking too much time here. But there's some other overarching issues where there's some agreement but also some divergence. The topic on categorization, while we think that much of the community agrees with the -- at least the categories that were in the Applicant Guidebook or that arose afterwards, things like brands that also geographic applications, community applications. Those are recognized in the existing Applicant Guidebook.

Most of the community seemed to favor at least those categories going forward. But there have been discussions of potentially other categories. There's no consensus yet in the group.

I do want to point out also at this stage that, from the purely GNSO perspective, the way that we are working is that, if we

cannot find consensus within the community for changing something that already happened in the existing -- or that's already in the existing policy or in the existing Applicant Guidebook, it likely would be our recommendation that things stay the way they are. So we're really trying to build consensus, especially on areas that we all acknowledge could use some improvement.

So I do want to point that out as it's pretty important in our operations.

So I think there's a lot more I could talk about and probably will. But I certainly want to provide opportunity for feedback and opportunity for Avri, if you want to add anything as well.

AVRI DORIA: Thank you. Yes, this is Avri speaking. I just want to add a few things. As usual, Jeff's done a good job of covering most anything I would want to say, Jeff has.

First of all, I want to talk about the schedule a little bit more since that was something that was a concern of GAC's in the communiques as such that said the reviews have to be done before a next round happens.

And I think, if you look at our schedule, we very much are working with the notion that those reviews feed into the work

that we're doing. So it was always the case that, even though the process was meant to be a continual one, that we knew that we did not understand all that we were doing when we made the first set of policies and that we would need to do some in-depth reviews to figure out. Also, PDPs are done very differently now than they were in 2007 when this one was done.

In 2007 a PDP was a set of principles and a set of guidelines and a set of some direct recommendations without going very deeply into detail.

These days, when we do a PDP, we do go down into the detail. And the detail is something that is going to look at the -- you know, look at the application guidebook, which was not, per se, a policy item but was something implemented upon the policy at a time when we didn't do implementation review teams.

So the policy stands. The AGB needs to be looked at for its concordance with that policy and its appropriate applicability going forward. I wanted to mention that the schedule -- so I did mention that the schedule includes taking into account the reviews.

One of the things we want to make sure that we avoid and are saying this up front, is we want to avoid getting to the end of the day and having an impasse on various issues. We desperately want to avoid getting to the point where the GNSO has approved

a set of recommendations, we've sent them to the Board, and there is GAC advice that is contrary to what we're putting forward.

That sort of, you know, it's not in the charter, per se. But I think it's very much in the mentality in the chairs and the people working on it that that would constitute some kind of failure for our process. So we're very happy that, A, we're talking to you now, B, that we have a fairly good participation from some very knowledgeable GAC folks who are contributing and making suggestions. So, hopefully, that will help. Hopefully, when there are impasses, we can talk about them.

I wanted to mention that, in addition to the community comment two that will be coming along, which is the specific work track, we will have the standard initial report review. And that's due probably around the last quarter of next year.

So October 17 is our projection for the initial report.

January of '17 is when we plan to ask for the community comment two. So just to have an idea of what that schedule is.

Let me see. I advise also the new GNSO liaison to the GAC is a member of our group, is a member of several of the other groups. So I advise you to take great advantage of that contact point. In addition to us, in addition to your own participants,

you do have that resource. So I suggest you make good use of that resource. Ask him for explanations of what we're doing, if it's not clear. And he can always bring us in.

And let me see. Did I cover -- yep. That's pretty much the -- that I jotted down while Jeff was talking that I wanted to add. And, of course, I, too, am willing to answer questions, anytime, anywhere.

JORGE CANCIO: Okay. Thank you so much, Jeff and Avri. I think we covered the topics we wanted to cover on the two items of state of play, of the PDP working group, and also your initial reaction to the overarching questions and discussion. However, on this, before opening the floor on these general issues, I would like to ask you very specifically if you see any sticking point already between what we said in our answer to the overarching questions, which may come from previous GAC advice, and how the discussion is developing within the working group. It's a difficult question, but I had to put it.

JEFF NEUMAN: So this is Jeff Neuman. I think so far what we've seen it probably will not sound as a surprise. But there's definitely a divergence of opinion at this point from people in the community on issues

like communities. It's -- it's been -- the GAC's response to encourage communities and public interests. And there are others in the community that think that the process of determining communities in the last round was not a very effective one and, therefore, it should be abandoned. So there's definitely areas that we need to find compromise. Certainly, there's a difference of opinions on a number of the reserve names issues, including the geographic names.

There's -- there are a number of generic terms and brand names that we know conflict with names of countries and territories and rivers and bridges and mountains. And so there is certainly a difference of opinion of a number of the groups as to the types of protections that those should receive.

You're already dealing with the difference of opinions on IGOs and -- although that's not within our working group.

But that is an area of divergence we'll have to work through.

And I think just the whole notion of how we establish -- although the entire community is in support of the notion of having a predictable process, I think there are certain -- there is certainly divergence on how to achieve that predictability. And so there's a divergence of views. And I'm trying to be as balanced and neutral as possible. But certainly a difference of what would be the rights and procedures of groups to object and how to avoid

changing the rules midway after applications are received. I know that is a common goal. There's just a divergence of views of how to do that.

Those are just a couple of the areas. Fortunately, we are not that deep into the specific work tracks at this point. I'm sure there will be other areas of divergence that we'll have to work through. But right now I think the geographic names, the notion of the input into the process and what stages are certainly seen as areas of divergence at this point. But also there's divergence not just between the GNSO and GAC, but divergence within the GNSO of whether there should be certain types of top-level domains that should get priority. Should communities have priority over generics? Should brands have priority over generics and communities? Should geographic TLDs have priority?

So there are divergent views even within the GNSO that we're trying to work through. So by no means is divergence exclusively that between the GAC and the GNSO, but certainly within the Internet community. And those are going to be some tough issues to work through. And we're hoping in the new era of the multistakeholder post-transition model that we will have the incentive to sit down and work this out earlier rather than later so that we can call this post-transition IANA and ICANN a success. So I'm looking forward to it.

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JORGE CANCIO: Great. That was a very thoughtful answer, I think. And also very -- with a lot of content in it. I think that Avri wanted to say something.

AVRI DORIA: Yeah. I just wanted to add a little. In fact, I would, actually -- I think Jeff almost said it, that in many cases we're actually predivergence, because we're still sort of forming the notions.

Now one of the things that I think we'll find -- and this comes up in examples like communities -- is communities was not a well-developed notion in the policy recommendations.

There was a statement about the protection of communities and the priority in a contention set of communities. But there was very little discussion about how one defined a community or what the scope of that was.

And that was pretty much taken up in the application guidebook and not so much the policy -- nor did we build too much on the work that had been done in the previous rounds with supported TLDs.

So I think in some of those, part of what is predivergence, in a sense, is we've seen areas that need more work. Areas where we

put something, it came out, it sort of worked, it largely didn't work. And now we need to look at where we fix it. And there's a multiplicity of views, I would say, more often than there is divergence at this time.

JORGE CANCIO: Thank you, Avri. As I said before, the plan is to call now on the topic leads and the GAC to tackle some of the issues where we are seeing that there are -- well, let's say, matters that we need more work together to sort things out. Instead of divergence or even predivergence. So, if that is okay with you, we will proceed like that. We have gone just over the half of our time right now.

I would like to very much invite Alice and the -- as co-chair of the Underserved Regions Working Group, to give us her view about the issues related to diversity and the applicant support -- the applicant support program, which are of interest, of course, for the GAC, as you already mentioned before.

ALICE MUNYUA: Thank you very much, Jorge. Thank you very much for that presentation and introduction.

Alice Munyua, co-chair of the Underserved Regions Working Group, although we're trying to change that name to something

much more positive so it's not underserved. It's much more positive maybe. Next meeting. But that's an overused term.

Anyway, to the joint applicant support program where the GAC provided advice for the creation of that initiative and participated very actively in it -- I was one of the people that was part of the team that created it. It was created to support applicants from developing countries, developing regions and was taken quite well. A community-based initiative taken quite well where the Board actually approved a seed funding of about 2 million to assist in various aspects of it. The first was financial assistance for applicants, the pro bono services as well as funding mechanisms.

So, when the new gTLD program was launched in 2011, we received some applications. But those were very few. And I think we attributed that to the lack of a well-organized outreach and awareness campaign which we felt was woefully lacking as well as a lack of understanding, I think of the complexity of the application process and the timing.

In addition, I think Andrew Mack has provided, I think, at the request of the CCT review, provided research findings that actually point exactly to these challenges that we find. And one of them was that lack of knowledge, the complexity of applying, the complexity of understanding the Applicant Guidebook. You

know, most of us couldn't understand it. I couldn't understand it myself, even though I was part of the team that, for example, came up with a GAC scorecard. It was really complex. As well as the fact that we actually did not do enough. And I'm saying "we" because I was part of the JAS working group to create awareness prior to launching the new gTLD program. So I think there are very, very critical lessons to be learned here. And I must say I've been looking for any indication of any review or any research that has been done as to what extent the JAS program worked or did not work. And there's nothing yet. So I think we may need to look at that very critically so that we can understand where the challenges lie and perhaps contribute to creating a program that's going to speak to some of these challenges.

One of the biggest issues I think we have to contend with is access is still an issue. When I'm talking about access here, I'm talking about access broadly. It goes beyond the DNS anyway. And -- yeah. So how we look at that is something that perhaps a working group, the diversity working group or any -- the working group dealing with this specifically will have to consider. They'll have to consider the issue of access and how that relates to the understanding of the business model that is being proposed here. And I don't have an answer to that. I don't think we have an answer to that at the moment.

In terms of providing a knowledge base, I think that we can take of by ensuring that what -- the kind of material we're working with for outreach and awareness is simple and can be understood within the various contexts and the various regions. In terms of -- we also feel that there's a lot of hand holding that needs to be taken into consideration. There's the issue of price and finance. And I don't know to what extent the two million seed fund would be helpful, because it wasn't even exhausted in the first place.

So considering how much needs to be put to place and perhaps a discussion how to use the auction funds might be, you know, something we link to.

Those who applied for it -- and here I'm going to be talking about some of the controversial ones, for example, like .AFRICA and the frustration that comes from that. We have an issue. Those who applied for it got it, are being frustrated by the fact that some of them have not been delegated. So we also have a problem of understanding how this works and how this impacts on our regions. And the more we're not able to solve this, as a colleague of mine was reminding me, the more there's frustration in terms of how do we get involved from underserved from developing world, how do we get involved in the system itself is actually not helping us. The supply is there, but we don't

understand how to deal with the demand and the intricacies of the demand.

So that's price and concerns around complexities.

And I think in terms of recommendation, one of them is understanding how to create a much better outreach and awareness program, one that speaks to the context -- to the very unique context of the various developing regions. And developing regions have their own uniqueness. The Africa region is not similar to South America or Asia Pacific for that matter.

And then the business models, understanding the business models, and how those can be applied at the various regions is also an important one. The global south needs perhaps different business models, especially taken into consideration the issues and challenges of access.

And then perhaps a longer term and consistent approach to awareness. I'll keep speaking to that.

A longer term and consistent approach to outreach awareness is really important as well as a system at the various levels. So technical business models, the legal -- and to that end I know that there was a report and request to reduce the insurance fees. And the Board approved that, and that was waived. But I think

more needs to be done. Even during the applicant support program, I think the application fee was reduced to 47,000. But we still did not get enough applications. So I think it's not just the finances. It's how we deal with applications from developing countries because they're unique in their nature. And that actually links to the geographic names working group as well. How we deal with those is also important because then it actually points back to those who want to do business in the ICANN model but cannot do it because of the various processes that make it impossible or extremely difficult for us to be able to participate effectively. I think I'll stop there. Thank you very much.

JORGE CANCIO: That was really brilliant. Thank you very much, Alice. I think that I've seen Avri and Jeff taking notes of many of these issues. Anyway, we will try to send you the transcript. This is, after all, an open meeting and some notes from the secretariat summarizing this so you can really feed it into the work of the PDP working group. I would ask you to make very short reactions because we are running over time and we still need to tackle a lot of issues. So please be brief.

AVRI DORIA: Yeah. I can be very brief. I very much agree with, you know, many of the things. I was also part of that applicant support program. And it was very much a divergence between what the applicant support program was suggesting and what we eventually got. And it was very late. And there were even GAC communique recommendations of lowered prices for developing regions. I think that's what we were calling them. Developing economies or developing regions. So the whole pricing thing was something that was very much staff handled and wasn't in the policy but is definitely something that we should look at. So I think those are there.

We're just starting that part. We've just started sort of putting together communication between the JAS chairs and our group and trying to get that opinion. And the other thing that needs to be blended in is there was some ALAC early work on analysis of why it didn't work. So that we also need to feed in. But very much appreciate that and very much aware of how that didn't quite work.

And, in fact, that's putting it way too mildly.

JEFF NEUMAN: Yeah. Very quick, thank you for those comments. The thing I'd like to add to what Avri said is that we'd like to put you in touch

with that work track, which is work track one, because they're looking for opinions on it. So we'd love to put you in touch.

The other thing that I think, if I could ask a favor from the GAC, is that ICANN as an organization has continually seen its role as it would violate some sort of neutrality if it promoted awareness of generic top-level domains because it would promote certain actors. And I think -- excuse me -- it would be very helpful for the GAC to make a statement to say that no, actually we think promoting the use of Generic Top Level Domains would, as Andrew Mack found in his study, would actually help the underserved nations to be aware of what's going on. So that, to me, I think as a personal ask, I would love to see the GAC make some sort of statement.

JORGE CANCIO: Thank you so much. If you agree, we would go to our topic leads on IDNs, Manal, Wanawit. I would kindly ask you to be very brief, like three or four minutes, if possible. So to allow for a small discussion.

WANAWIT AHKUPUTRA: Okay. So I'll try to be very brief. I would like to bring to your attentions on the number of applicants from 1,930 is only 66 are geographical but 166 is the IDN. And we do sees that what effort

that the GAC put on the IDN is not really visible or contributed. And you heard the minister this morning about how important it is to have the Internet that respond to the local language. That approved mechanism also in IGF as the mechanism that will reach the next billions. So I will call that to all the GACs, that especially on the working track 4 on the technical aspects, we experience ourself and how difficult it is to push the LGR, label generation rules. I don't want to get into details, but before you really can go to the IDN, you need to really start to works on the LGR and the number of the country that participate in this or establish. The panel is still (indiscernible) and if you really call for the second level domain that already start to work the number country are even more smaller than the first groups. In Thailand we already start to works, and it tooks us more than a year. It's very complex by nature. We are -- and why it is the role of the GAC because there nobody else to push it through because ccTLD have their own obligations on the domain. In the discussion in the TLD meeting they also even say that they ain't heavy, they're my brother in term of IDN because IDN is bring -- is up to the interpretation. CC may see it as the competitor but some see it as the helping to expand the market.

So it's a role. I do see it an important role, GAC, to push the communities, technical community, the ccTLD community to really working on this issue. And I will tell you that even in

Thailand we found a lot of things together with the technical communities, the Thai language cannot be searched properly, the sequencing and a lot of problems that we have (indiscernible) assumptions and thanks to the works of GNSO and ICANN that bring this issue in. One of the issues that I will not touching on the geographical by nature in fact there is the discussions on the GAC roles on the (indiscernible) geopolitical impacts.

I just bring the issue that the working groups that the GAC might need to discuss is, I experience myself that I can file the Thailand on the IDN name on the second level. That are the issue that not in the scope of discussion at all. And it may be the issue that the GAC need to work and purports to reflect in the new Application Guidebook that mainly led on both the track 2 registry agreements or track 4 on the IDN aspect. Because the fast track IDN have been established through the U.N. GTN and in the U.N. GTN is already support the U.N. language plus the local language. So the origin of the IDN not respect the geographical name in six U.N. language. So if the IDN would file the name of Thai that already in the U.N. GTN on the IDN in other country, will that need to be addressed by the GAC? That's one of the issues that we might need to address that issue before the problem will stop to happen because we cannot treat the geographical name in A label only. It should be respect in the U

label as well. We have been learning that the first Application Guidebook did not addressing that, so it's the role of GAC to coming out with the proposals on how we can dealing with this issues. That one of the first aspect of IDN that I do see that is -- it need the GAC to address, at the level of the GAC and feedback to this working group. Thank you.

JORGE CANCIO: Thank you so much, Wanawit, for these excellent remarks. I guess Jeff and Avri also have taken note. Manal, would you like to add something very briefly?

MANAL ISMAIL: Yes. I hope it's going to be brief. Just very quickly. I mean, following on what Wanawit has already said, do we know how many IDNs failed during the evaluation process in the past round? I mean, we already have 166 that are delegated, if I understand right. But I think it would be also useful to know those who failed during the process and whether this was because of technical failure or other financial issues or -- I think this would be a good lesson to know.

Also, Jeff, you referred to name collision, and I was wondering, is this one-to-one with variants or does this have some other broader meaning? And third, I think it made a lot of sense that

we -- as we start to introduce IDNs at the top-level domain that we be too, too, too conservative, but I'm wondering whether we're continuing with the same level of conserve -- being that conservative, I mean, or have we already learned some lessons from the past round and now we are more comfortable introducing IDN at the top-level domains?

And finally, I think a predictable application window or an ongoing process even are both far more better than the limited window because, at least in my own view, this won't make applicants rush to grasp the opportunity irrespective of how ready or mature their applications are. But having said that, and you've already mentioned the report by the SSAC, if I'm not mistaken, that said that there is no harm from the thousand names that were already introduced. But do we know any limits that we need to bear in mind, if we go through an indefinite process, I mean? Is there a number, a ceiling that we should be aware of, or is there a milestone that we should then pause and revisit the whole thing or are we safe, we know this in advance? Thank you.

JORGE CANCIO: Thank you so much. Milagros has been asking for the floor for a while. Would you have a point on this issue?

MILAGROS CASTANON: I would like to speak in Spanish.

Milagros speaking. I would like to make the following comment: We are now foreseeing a set of situations that might come up in case of applications related to geographical issues or other issues and probably we might be able to improve this applications, the management of this applications. However, I do not believe that we are not paying attention to certain situations that might come up and that we have not discussed, especially when it comes to generic names. And I would like to know if you have considered the fact of keeping procedures to observed an application. I mean, we are considering what we cannot improve now will remain as it is and as it was expressed in the gTLD Applicant Guidebook. So I would like to know whether the procedure that we already know to observe an application -- to observe a gTLD application, are we going to maintain to keep that procedure or also foreseeing certain cases that might come up in the future and which are related to generic names. Thank you.

JORGE CANCIO: Thank you for that specific question. If the co-chairs would like to react to the points made before we turn to the next topic levels -- topic leaders.

JEFF NEUMAN: This is Jeff Neuman. I'm -- I'll respond to the question on name collision because I know it's very -- it's confusing. This is not the issue that deals with variants and blocking or bundling different names. Name collision is a term used to -- where a -- where a company or individual has set up a private network that has the same extension as an approved gTLD and where queries could mistakenly go to the wrong place. There was a big concern expressed that that would happen probably more -- much more often than it actually did, and there were procedures that were developed in order to minimize the -- the -- minimize that from happening. And on the geo names that was brought up, you know, these are good comments and we're definitely trying to see how we can provide protections to geographic names but also understanding that there are a number of geo names that are either shared amongst different jurisdictions or that have the same -- that are the same names as either company names or also are potentially generic words. So we're doing our best to try to resolve those and hopefully find a solution that is acceptable to the entire community.

AVRI DORIA: And the only thing I'd like to add -- this is Avri again -- is that all of the procedures in the Application Guidebook are up for review, so it would be impossible to say at the moment that a specific one would or would not be maintained in terms of

generic names and geographical names or brand names or what have you. So I think that is all open for discussion still in terms of how those things will be handled. But there's no way at this point to say that yes, a specific procedure that existed would still exist.

JORGE CANCIO: Okay. I think that's clear. And I think that the -- the conversation has led us naturally in a way to the work of the -- about geo names. I think this is a most exciting topic for the whole community, but we are under time constraints and I will allow only up to ten minutes to have the discussion as a whole. So I would ask Olga to introduce us to the state of thinking and discussion within the GAC working group in at most four minutes, Olga. Por favor.

OLGA CAVALLI: Four minutes. I get that. Thank you very much, Jorge. My name is Olga Cavalli. I'm the GAC representative of Argentina and the GAC vice chair, and I chair this working group about protection of geographic names in new gTLD rounds.

I would like really to thank the organizers of this session. I think it's extremely useful and I think it -- I hope we get a very good outcome. I totally agree with Jeff, the GAC also wants a

predictable process. So we are on the same page with that. The thing is how to get there. But this is why we have this space to dialogue. And I really value -- has a lot of value. And I am happy to know that we will have another opportunity to make comments like the questions that you already sent. So that is -- this is too fast for you ladies, right? Yeah, I know. I made a promise to speak slowly. I'll try to comply with that.

So a little bit of background of this working group, which is a GAC working group. And one thing is important to say that the group has produced several documents which are not GAC outcomes, not even, I would say, the full group outcome. We also in the GAC have different positions. So it's not only you in the GNSO have different opinions, but we also in the GAC have diverse opinions about the same issues. So please take note of that.

The group was formed after the GAC Durban communique where we have this mandate in our communique saying that we should work with ICANN to refine the rules for next rounds of new gTLDs, and what we would like to achieve in this working group and outcomes is lower the uncertainty and conflicts for the applicant, for the countries, for the regions, and communities, prevent and avoid misuse of names which are relevant for the communities, regions, countries, and, of course, give background information that can be useful to the GNSO in

preparing -- and other areas of ICANN in preparing this rules for the next round.

We started working in 2013. We have produced several documents. All of them are in the open section of the GAC website. In this moment we are working in two different perspectives. One is a document to analyze which is the meaning for -- about public interest, what does public interest means in the terms of use of geographic names in new rounds of new gTLDs. This is a draft document that was presented in -- in previous meetings, and it's available if you need it. And also we have prepared a set of best practice rules for ICANN for the applicant. Of course, they are a draft, and I will go briefly through them. Ooh, what happened. That's -- it's best practices.

(Off microphone).

OLGA CAVALLI: Okay, keep talking. What happened in the first round? There were a lot of reserved names and lists -- this is very strange -- talking with -- oh, good. In the first round we -- we had this Applicant Guidebook with a -- several lists and names that were reserved. What happened and what we acknowledge after the first new gTLDs round is this list were not enough. There were many names that were related with geographic names,

community names, that were not on those lists and they were requested as gTLDs and then there were conflicts among the communities, the countries, and the companies and the applicants that requested them. So the idea would be to refine this rules and try to avoid this conflicts in the future.

And the -- this best practices had a previous version that had been reviewed and refined with a new proposal made by Switzerland which is more or less in the line of some concepts we had in the beginning but have been re -- revamped in this new version.

So one of the ideas would be to create -- we discussed this many times. But I think there is -- there is -- there is value in having this concept again. Having a repository of names. A database of names that would be created -- and please, this is not a law, it's just an idea because everyone then says oh, Olga wants to make a list that has only those names there. No, no, it's an idea. We want to discuss this idea with you. We want to open the dialogue and see if this could be achievable. A repository of names with geographic significance. So search applicants should at least check the terms contained in a repository of databases to be maintained by ICANN compiling relevant list of terms and discrete terms with geographic significance. Governments, public authorities, interested communities would be eligible to request the addition of such lists and/or terms to

the repository. And the initial sources feeding this repository would be established in a community wide discussion process. The strings would be also subject to an effective public consultation period in order to give governments, public authorities, and communities effective opportunity to raise any concerns about such strings. I know. Such a requirement may also entail targeted consultations to previously identified stakeholders with the potential interest in the geographic significance. I know. So this is one thing. The repository. Think about it. It's not an obligation. It's just an idea for the moment. And the interested parties should check this database, and they should require a non-objection from the -- those -- that has provided the names in the -- in the database. And I won't go into much details. We already had a session on two days ago, so you can check the transcript. We went through all these documents in a very detailed way. So the idea is to keep on working on this concept in the working group and perhaps send to the whole GAC a document with this draft idea of the repository of this consultation process and also keep on refining the document about public interest. And also remember that the idea of this working group is see what to do with those names that aren't in any ISO or United Nations or formally established geographic names list that could be easily identified in the future Applicant Guidebook. Thank you very much.

JORGE CANCIO: Thank you for your flexibility. I think that we definitely are running out of time, and we have to go to lunch at 12:30. So we have no flexibility, although I asked for it.

I have to be very strict on this. So I'm sorry for anyone who wanted to engage on this discussion further on. I think that co-chairs have taken note. They are aware of the ongoing work. And we will definitely have to continue with this discussion both here and in the PDP working group.

So it's -- we may find a solution. But now there's also another very important topic which has been touched upon already. And this is the topic of community-based applications. We have Mark Carvell who has been the topic lead for a lot of time here. And to this meeting he's bringing, so to say, a very fresh study from the Council of Europe on this topic. So, Mark, please five minutes at most to present the main findings that really could be takeaways for both Jeff and Avri and all other PDP working group members who may be here to get -- to take them home with them. Please, Mark.

MARK CARVELL: Thank you. Thank you, Jorge. Mark Carvell, United Kingdom, for the record. And, yes, I've been the topic lead for this particular

issue of the treatment of applications for community-based gTLDs in the current round with a view to defining the key problems that have been experienced, the generally regarded apparent failure, really, to follow through on the original vision of the GNSO for the treatment of community-based gTLDs. I mean, the GAC interest is very clear that it's these community-based applications have core public interest aspects to them, core human rights aspects to them. And that has been the reason why we've taken a great interest in how ICANN's processes for handling and treating these applications have performed. We haven't been able to intervene, of course. We have to -- it's not the practice of the GAC to intervene in particular applications. But for some of us, it's been quite painful to witness what has happened, the frustration that's been experienced by a number of communities faced with prolonged process after process. And they have limited resources. And so -- to be able to defend their interests, particularly when they're in contention with commercially based applications. So that's very broadly the scope of the problem that the GAC has discussed in the past. We had a discussion in Marrakech. And following from that there was a sense that we have to sort of plate all these issues, undertake some analysis. And the Council of Europe, as a GAC observer, stepped forward to offer to facilitate that process of preparing an in-depth analysis. They appointed two experts to do that. Two GAC

members, U.K. and Switzerland, assisted with that process. And a GAC observer, European Broadcasting Union, also worked closely with the researchers to help with the -- with their work, which involved interviewing applicants, talking to key actors, and talking to ICANN staff and so on. So it's a very intense, well-performed piece of work. And, as Jeff noted, the report is now out. It came out just before this meeting. So, obviously, not many people have had a chance, really, to look at it. But we really commend it as an input into work track three of the PDP. And also we will want to see the CCT review, take note of it.

From the GAC side, I'll be commending the report to colleagues on the GAC to review over the next two months or so and with a view to possibly endorsing the recommendations as GAC endorsed or GAC advice at the Copenhagen meeting. So that's a kind of next step I envisage for the report.

I think, for the purposes of this meeting, I think I can only basically summarize what the report has gone into. And, in doing so, I think it will touch on some of the points that both you, Jeff and Avri, have made earlier on about definition and so on. Because, if you look at the report, chapter two does go -- well, chapter two, first four sentences, the human rights context of community applications and how ICANN should have regard to human rights when assessing applications. So that's the first of the scene setting in the context of human rights. But then

chapter 3 goes on usefully to define what is community and how the concept of priority for community-based applications has followed through in the processes. The broad definition that was originally maybe optimistically provided then became quite narrowed down in terms of how the Applicant Guidebook and the community priority evaluation processes and guidelines interpret what is a community. So how that happened is covered in the report.

And then chapter three and four looks at the notions of public interest and examines that in more detail. So this is, I think, going to flesh out, perhaps, some of the more ill-defined issues that Avri highlighted when she spoke earlier on.

On the processes, there's a chapter on community objections and the lack of apparent -- apparent lack of consistency in how objections were treated, how the process was implemented.

Chapter 6 on community priority evaluation and complaints that were made by applicants about how the CPE process was enacted.

And Chapter 7 covers accountability mechanisms, independent review, and so on.

So the scope of it is very wide. It's very in-depth report, strongly commended as a very substantive input into the current PDP

process and reviews with a view to avoiding these problems in future rounds or windows of application or however the process might be, if there is decision to have a further opening up of the domain name space so that the interests of communities, people wishing to come together through a gTLD to express themselves, to assemble, to share a common interest amongst themselves through a top-level domain, that opportunity is fully realized, which wasn't, in our view, certainly the U.K.'s view in the current round.

So I hope that summary serves the purposes of this meeting. Am I within my four minutes or whatever?

JORGE CANCIO: You're one minute over time. So you will have to buy me a beer or something. But we still have five minutes sharp. I think you have taken note anyway. We all have to read this study, and we will have time to go into its details.

But I had asked the Public Safety Working Group whether they had inputs, takeaways for you out of this session. And I'm so sorry that we are running out of time. If you could, please summarize it -- I don't know -- in three or four tweets and be clear that we have to continue this dialogue with the PDP. Would you be so kind?

ALICE MUNYUA: Thank you, Jorge. Just a note that the Public Safety Working Group -- all of this work proceeds the Public Safety Working Group which was created last year in September in Singapore. But we've got quite a lot of work activity that we had. And we're continuing to do that impact on new gTLDs and most likely the subsequent rounds. And you know, that is WHOIS and issues around subsequent consumer protection, especially around GAC advice and sensitive strings in new gTLDs, including child protection. We also actively are involved in various PDPs, including the next-generation registry directory services, the privacy proxy implementation review at the moment. And also under consideration is this subsequent procedure. And also review teams at the moment the consumer trust and consumer choice review team as well as the upcoming one, security and stability review two and the registry directory service review team WHOIS review team two. So I'll let my colleague Bobby speak to specifically one or two.

BOBBY FLAIM: The one thing I was going to comment on was you had specifically asked about the emergency back end registry operator and the continuing operations instrument. The PSWG

wasn't involved in that, but we are going to look into that to be able to provide input later on.

JORGE CANCIO: I think I owe you a couple beers.

So I think that, with this, we have to conclude the meeting. As a personal conclusion from this, I think that it's clear that we need more time during our sessions in order to really have a dialogue. I don't know. Perhaps 180-minute session would be too much for our brains.

But two 90-minute sessions perhaps, yeah, apart from the intersessional work in the PDP and in the GAC working groups and in the GAC itself. But I think this is very valuable to have this kind of discussion, to have your presence and, hopefully, also, the presence of other working work track rapporteurs here. It would really help us to understand and to keep the dialogue going. So I very much will recommend that in Copenhagen we have more sessions like this with more time, with more possibilities to continue this dialogue. And I hope -- and I'm pretty sure you will agree with this, and we will find the right time in our schedules provided that the GAC allows for such -- for such sessions to take place.

Returning to more GAC internal matters, you have a zero draft where some considerations are made about the subsequent procedures.

Look at it. We will discuss this, of course, at the communique session. I don't know if there will be any time before that to also consider it in more detail.

And last, but not least, I think you will have seen that the work tracks of this PDP working group really are touching upon a lot of public policy issues. And apart, from these dialogue, with more formal interactions, there is a need for individual GAC members to take part in the work tracks in the PDP working group. And I will continue to talk, especially to topic leaders about the possibility of establishing a sort of informal task force to coordinate our efforts and our inputs to this PDP working group because we really have a lot of work to do.

With this -- I don't know. I return the mic to you, Tom, or to the other Tom. Hello, Chair? Are you there? So, if you want to close the session.

THOMAS SCHNEIDER: Thank you, Switzerland. Given that we're one minute over, the session is now closed. Enjoy your lunch. And thank you to all

who participated in the preparation and conduction of this very, very good session. Thank you very much.

[END OF TRANSCRIPTION]