
COPENHAGEN – GAC discussion on new gTLDs Policies (continued)

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CHAIR SCHNEIDER: Good morning, everybody. I hope you had a good session of the PSWG earlier this morning. We'll hear from them later today, I think.

Oh, thank you. Excellent.

And we will continue now on the slot 22 with our discussion on the next rounds of gTLDs, where we already had some good and intense exchanges on Saturday in our sessions. And of course we had a -- we spent quite a lot of time on this issue in our meeting with the GNSO on Sunday, and we were very happy to have Jeff Neuman here again. So he's available to us to answer all the nasty and non-nasty questions that we'll have about the GNSO's work. And thank you, Jeff. This is -- this is very useful.

And let me give the floor to Tom because he will wrap up where we are to pick up the discussions from -- from the previous days. And we have quite a number of things that we still need to talk about, so we may have to prioritize what we want to focus on in

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the next 90 minutes and what we are going to look at maybe after that.

And of course you need to think about what we would like to see or you would like to see reflected in the communique of this GAC meeting.

So, Tom, thank you.

TOM DALE:

Thank you, Thomas, and good morning, everybody. Before I try to bring you up-to-date on the new gTLD policy issues, there were just a couple of housekeeping matters that I need to draw to your attention.

We will be recirculating, later today, the sign-on sheets that the -- the attendance sheets for you to sign. So if you haven't recorded your name and details on those, please look out for those. And if you can't find one, then certainly Gulten or Julia at the back of the room will help you to make sure that your presence here is recorded.

Secondly, please remember that if you -- that there is a small bag at the back of the room for -- again, with Gulten and Julia, for you to drop in your business card if you wish to be in the running for the -- the legendary GAC door prize for this meeting.

And finally, I'm advised that travel support applications for the next ICANN and GAC meetings are closed very shortly. I think around about the 19th of March. So it's important to bear that in mind if you're seeking travel support.

Those are some housekeeping matters. Thank you.

To recap my understanding of where the GAC has got to with regard to new gTLD issues in its discussion so far, and picking up from two discussions the GAC has had, firstly on Saturday afternoon you'll recall there was an initial discussion about GAC procedural issues, participation in the work, and then there was a very specific presentation concerning a report and recommendations prepared by the Council -- at the request of the Council of Europe concerning community applications for gTLDs.

Then on Sunday when the GAC met with GNSO Council members, there was a further discussion about procedural aspects in particular, and the co-chairs of the Subsequent Procedures PDP Working Group noted again that they will be formally seeking community response to quite a long series of questions as part of the next round of community consultation. And that's been mentioned by a number of GAC members. And there was reference to a couple of specific initiatives on

particular topics, including a cross-community session on geographic names planned for the meeting in Johannesburg.

I think that the issues that the members have identified that I've recorded, firstly in relation to process and procedure, are how the GAC wishes to organize both coordination and leadership from some of the vice chairs, and also volunteer if it's for members internally to advance discussions. And then secondly to consider ways and means of moving any GAC discussions or views or, indeed, individual GAC member's views to some of the PDP processes. And bear in mind that there are not one but in fact three PDP working groups currently proceeding in parallel, all of which dealing with, in one way or another, with future gTLD policies. The others being -- sorry. Those three grouping the working group on subsequent procedures, the PDP dealing with Registration Directory Services, which is effectively WHOIS - - WHOIS as was, as people keep saying, and, thirdly, the working group -- the PDP Working Group dealing with rights protection mechanisms.

The substantive topics that have been identified to date or that were previously agreed by the GAC in the briefing include the question of how to treat community applications. And as you're aware, there was some discussion in the GAC following the presentation from the authors of the Council of Europe report. The question of geographic names has occurred -- has come up

in a number of different contexts this week, some of them from reports from the GAC working group on geographic names and some of them more generally from other work that is going on around ICANN.

The question of applicant support, or specifically support for potential gTLD applicants in developing countries, has been raised a number of times. You'll recall it was part of the draft CCT review report, and it has been raised in the Subsequent Procedures PDP Working Group as well. And the GAC's underserved regions group has been following some of those developments with regard to future arrangements for applicant support and what the GAC may want to consider saying about that.

The other issues which haven't really been discussed in detail here in include the safeguards that the GAC has previously recommended and which have been implemented to date. Those safeguards mostly revolve around consumer protection or end-user safeguards. A number of GAC members have previously expressed an interest in some further consideration of the treatment of internationalized domain names, IDNs, and some other issues in non-Roman script as well.

And finally, in the Subsequent Procedures PDP Working Group in its list of issues also has some questions regarding the global

public interest and freedom of expression. And they may well be of interest to the GAC, but of course at the moment there is no prioritization that the GAC has given to this list of topics.

Finally, as Thomas has noted, we are, as always -- we in the secretariat, as always, would appreciate your guidance on possible material, wording, text for inclusion in the GAC's communique on these issues. At the moment, I know that a number of members are working on possible text on a number of topics, but at the moment, we don't have anything that I'm aware of that's settled for inclusion in draft communique.

So if -- And my understanding is that this materials on all of these issues is unlikely to be part of GAC advice to the board, but there is an interest in including it in the communique elsewhere.

I think that's where we're up to, Thomas. So I'll hand back to you.

Thank you.

CHAIR SCHNEIDER: Yes, thank you, Tom.

So let me give the floor to you, as members and observers of the GAC.

I see Iran.

IRAN: Thank you. Good morning to everybody. Thanks to Tom to browse to various issues.

Let us concentrate on the issue that we would get benefit of presence of Jeff at this meeting. If colleagues agree and the chair agree, I suggest that we request Jeff to very briefly take us with full text that they have in the questionnaire and inform us which are the critical area that GAC, in their preparations of reply in appropriate manner, individual or whatever, could pay attention to those. And also, second requesting, Jeff, with his vast experience, what are the best, effective ways and means to review these four tracks, 20 page of document and more than 160 questions? So just few minutes for each track, and then at the end, a general suggestions to the GAC how to proceed with this very important document.

Thank you.

CHAIR SCHNEIDER: Thank you. Thank you, Iran.

Just to see that we are clear with what you are suggesting, first of all, I think we have already asked the GNSO to, if possible, group these quite significant number of questions into subgroups that make it more easy, let's say searchable or

prioritizable for GAC members, and maybe also other people of the community, that they see clearer. That they don't have to go, necessarily, through all the -- I always think of the 169 items on the 2030 Sustainable Development Agenda. So we have almost as many questions as there are sub-items of the development agenda of the U.N. But to -- so that there would be the questions under the four headings would be clustered in subgroups so that somebody who is interested in a particular area can easily -- more easily identify where the relevant questions are. So that was one thing that we came up with. I think it was in the bilateral meeting with the GNSO on Sunday.

And if I understand Iran right, he would like to you hear from you not that you go through the questions, per se, but maybe highlight areas where you think an input from us would be most needed or most useful or most relevant, if I get Iran's question right.

Thank you.

JEFF NEUMAN:

Thanks, Thomas, and thank you, everyone, for being invited to participate and to listen. I think this is very -- This has been unique, and I think is a great model for going forward to get involved at such an early stage in a GNSO policy development process. So thank you very much for inviting me.

And I think there are a number of areas where the Subsequent Procedures Working Group would love to have your feedback. And I think one of the -- kind of an overarching comment I would have is that we are really looking for descriptions of experiences that you all, either individually or as the GAC, have had with the 2012 round. More specifically, you know, the working group is trying to figure out a way forward. But obviously, as has been brought up on many occasions, the best way to think about going forward is to learn lessons from the past.

And so there are a number of questions that involve topics like -- actually that were even discussed by the Public Safety Working Group in the last session. Areas on sensitive strings and on the categories and how we take the very specific advice that was provided in 2012 on specific strings and carry that forward into the next -- I'm trying to avoid the term "round" because we don't know whether it's going to be a round or some other process, but it's just easier to say "round."

So there was a number of communiques that singled out specific strings that were applied for, but to take those -- that advice that apply to very specific strings and to try to figure out how to use that to come up with a process to deal with strings that we don't know will be applied for. So really taking out those high-level principles to make it as easy and predictable a process going

forward so that applicants and the community can have some format of and a predictable way forward.

As was mentioned a little bit earlier, topics that involve the public interest or freedom of expression, there's a number of questions that relate to how we incorporate the public interest and making sure that there are no restrictions on freedom of expression, but at the same time making sure we account for public safety and other aspects.

So certainly some areas I would love to see feedback, or the group would like to see feedback, how does -- how does everyone feel the early warning process worked? Is that something that we should carry forward?

What were the good things about the early warning process? What could be improved upon?

Certainly the process for coming up with GAC advice and the length of time it took and trying to build that into a process moving forward so that we make sure that, you know, while applicants have an interest in moving as quickly as possible, but we have adequate time to consider all input, especially input from the GAC, is something that we would like input on.

And absent having the list in front of me, I'm really here to listen. And if there are questions or clarity I can provide on the questions that we're asking, I'm here to try to help.

CHAIR SCHNEIDER: Thank you, Jeff.

Other remarks? Questions? Comments?

Iran.

IRAN: Thank you, Chairman. Apparently you didn't welcome my question to be recorded.

Second, I give you an example to you, Jeff. Example is that there are three categories how to proceed. One, permanent round. Second, periodical round. Round two, and then stop; after some time, round three. Third, none of these. First come, first served.

I think ICANN may not have sufficient experience of this issue, but other people, they have. In some other area, we use this first come, first served type of mode in 60 years, more than 60 years, from 1963.

So could you clarify what were the situation. Why we go to the continuous round, advantage, disadvantage, very shortly, why periodical round and why first come, first served. Not too much

time. Maybe one or two minutes. But this is one example and it was described differently by the chair. I said could you take us through the critical issue which was not in the first round. You have invented or you have processed now. Some of this is here.

Thank you

CHAIR SCHNEIDER: Sorry, Iran, for having misunderstood your previous comment. Thank you. Jeff.

JEFF NEUMAN: Thank you for the questions. And that's a great point to try to talk about some of the items that were not in the first or the last round and some new ideas that have come up.

So the question you're asking about is how we proceed moving forward with the GNSO policy from 2007 adopted by the Board in 2008, which is that we come up with a way to -- for the continuous introduction of new gTLDs in a predictable, reliable manner.

And so a number of proposals have been presented to the working group, none of which have been -- there have not been any decisions on which of these methods we should adopt.

But what we have done is collected a number of -- I would say pros and cons or the benefits and risks of each approach.

And one of the approaches is having a round followed by a period of review. And then, at some point in the future, having another round exactly as we're doing now.

The benefits, of course, are having time to review what happened in the last round and making course corrections or trying to resolve all of the issues that happened in the last round and -- before moving forward.

Some of the risks involved are that it could be -- as we see now, it could be a number of years in between rounds.

The last round started in 2012. We are already in 2017. And, by the time all of the evaluations are done and the next round starts, it could be 2019 or 2020. It's an undefined period of time.

The second approach that was brought up was okay, what if we establish a set timetable for rounds? For example, let's say we start round 2 in January of 2020. Again, I'm making up the years just for an example. And let's say we start that round in January 2020. We collect applications throughout the entire first quarter of 2020.

So let's say that would be until March 31st, 2020. And then from April 1st, 2020, through June 30th -- I think there's 30 days in

June -- we collect public comment, objections, early warnings, et~cetera, during that time period.

And then in quarter three, which starts July 1st through August -
- I'm sorry -- through September 30th, we could start the next round of accepting applications while at the same time the round two applications are now starting to be evaluated and going through all of the other processes that follow. So we have definite dates for different rounds to start.

Some of the benefits include predictability. So the GAC and the public, the community, would know that applications are being submitted January through March and July through September. And the community would know and be able to monitor actively, okay, if applications come in those months, then I know in April and in October those are the months to start monitoring the applications that were submitted.

And, you know, some of the risks of that approach, of course, is that there's very little time to review what happened in the past round and make corrections. Another risk is that, again -- another risk could be operational, that there are so many applications that are received and evaluated that it becomes too hard to handle.

And then a third approach is, as you've described, the first come, first served approach. And we don't have rounds. But, as

soon as we open up a period for applications and as an application comes in, it goes out for public comment. And then it is evaluated as it comes in and the window never closes.

The benefits of that is that it truly is a predictable process for moving forward. Another benefit is that we know that there's not a number of years in between when applications can be submitted.

Another benefit is that, in theory, there will not be any kind of pent up demand for top-level domains. And, therefore, you will not have things like auctions and other -- you won't have a need for resolving contention sets because you're accepting the first application that you get so long as it meets all of the evaluation criteria.

Some obvious drawbacks or risks of that approach are that it is extremely difficult to monitor. You would always have to be in a state of monitoring the applications that come in. You would always have to be on alert to make sure that, if you have any objections to any of the applications, there's no predictable time frame. You'd have to develop a mechanism to somehow every month get your feedback in. So that's a very difficult approach to implement. So there are a number of risks that have been pointed out.

So those are the three different approaches that have been discussed. I'm sure there could be other possibilities. But we'd love feedback on that.

CHAIR SCHNEIDER: Thank you, Jeff. And, as you see, these approaches have, of course, varying different risks and pros and cons. In particular, the last one also with regard to how to make modifications in the process if there is a feeling where do you draw the line between applying maybe modified framework in such an endless or -- yeah -- period. And there may be others. Some of them you've already alluded to.

Let me also try to reach out to those who haven't spoken yet to make comments and enrich the discussion that we're having. Thank you very much.

Also, with regard to priorities, what you would like us to talk about during this session? Because that will be the last session, if I'm not mistaken, that we're having this week. Of course, it will not be the last session we're having on the issue. And, as we heard, and I think the idea has received a lot of support, you're planning to have a cross-community, whatever it's going to be called, session on things like geographic names and the wider, maybe, public interest, things of public interest in Johannesburg

which I think is something that we're looking very much forward to.

Yes, European Broadcasting Union. Thank you.

EUROPEAN BROADCASTING UNION: Yes, thank you for the invitation to take the floor. There are two questions for me important that could be useful to discuss today. One is what about the trends of the market? I think that I have some impressions, based on the data that I see circulating. But I think you have better information than us. What is the trend about the generic names? Are still something needed hugely and important needed in the market or not any more? This is something that would be useful to know. Because then we express opinion and assessment based on lack of information.

The second point there is there are still 90, 9-0, applicants that have not finished their process of applications for various reasons. Some are delayed and are still in contractual phases. Others are still stuck in IRP or other process of accountability.

Do you think that we can lead with that and eventually launch another gTLD launch hiding the skeletons in the cupboard?

CHAIR SCHNEIDER: Yes, thank you. If you wish to reply.

JEFF NEUMAN: Sure. On the question on market trends, that is a subject now being considered by the CCT review team. And they have just released their preliminary or initial report -- I don't remember what they call it -- which is out for public comment. They are in a better position to evaluate whether there is a need for additional generic top-level domains. I think one of the preliminary conclusions that they -- or recommendations that they had was that they have seen the general trend, a general positive trend in competition with the introduction of new top-level domains. And, you know, so I would reserve all those comments to let the CCT -- the review team answer those questions.

On the 90 applications that have not yet finished, I -- you know, they're in various stages. And I don't believe that, other than making sure no one applies for those specific strings in any round or window that opens up in the future, I'm not sure why there would be a need to stop everything until those cases are decided. As we know, if some of those end up in litigation or some other dispute mechanism, those could take a number of years. And we have seen some entities, especially brands and others, that are looking to apply for gTLDs in the future. And so,

to hold up some of those companies and others that are seeking -- and communities -- that are seeking top-level domains until -- for an undefined period of time until those other cases are decided, I'm not sure that that's an approach that would be considered by a number of those interested applicants as being fair. So, obviously, we're watching what's happening with those applications to see if we can learn any lessons from them. But, again, other than reserving those terms to make sure no one in the future applies for those until something is decided on those cases, holding up another round is not something that the subsequent procedures group has talked about.

CHAIR SCHNEIDER:

Thank you. And maybe a comment or a question from my side. As you know, the GAC has been among those who already in 2009 have requested that there be categories -- more clearly separated categories, for instance, between brand TLDs or geoTLDs and others where ICANN has decided differently. But maybe also, given the experience of the first round and the proven, let's say, diverse situations or environments and conditions, is this something you're looking into? I think, yes. So what is the feeling that is developing? That is something that I think may be of interest to the GAC.

And then, since you talk of the CCT review, from what I have heard or read, one element that seems to come out of this is that, in particular for generic names, trust in these TLDs are higher by consumers if they have a more clear -- I wouldn't say restrictive but clearly defined registration policy on who will get -- what are the conditions to get a domain name which actually would give some ex post validation of the GAC advice that was asking, in particular, with generics in sensitive industry areas or other sensitive areas that there be a more strict, let's say, conditions of who can get a domain name in particular with a view of earning -- having them, giving them a better chance of earning consumer trust. So that seems to be confirmed by the findings of the report.

So, of course, I think looking back at remembering all the discussions we had about safeguards, of course this is something that the GAC will probably be very interested in seeing how you take note of these findings from the CCT report.

JEFF NEUMAN:

Thank you. And on the issue of categories, yes, that is something that has been discussed within the working group and is also the subject of ongoing deliberations.

There are certain categories that either were specifically recognized in the guidebook or subsequent to the -- the

application period were developed. So, for example, there are -- or there is now a Specification 13 for brands that specifically recognize that there are certain differences between those top-level domains that are used within a closed environment versus those that are -- offer registrations to the public. And so there is a recognition that there is a brand category.

There's also a recognition that there is a community category, and as evidenced by specification 12 and certain requirements that if you apply as a community, certain processes apply with respect to -- to those applications. And there's a recognition of -- at least a small recognition of applications from intergovernmental organizations where certain contractual provisions do not apply to those organizations. So really what's being discussed now is whether there should be additional categories, and certainly feedback from the governments is -- would be most welcome there. And if there is a category created, what would be the impact of creating that category on the application process, the evaluation process, the contract, and moving forward?

So certainly feedback on that is most welcome. And it makes me think back to the days of Bertrand talking about categories in 2009. And had we paid -- had we actually adopted more of his recommendations, we may not be in the position we're in.

And on -- With respect to the other subject you mentioned, I will call it relevance of the string in the activities, yeah, we're looking to the ccTLD review team to make some recommendations on that. And to answer your question, I guess the direct question, the PDP Working Group will absolutely take into consideration the findings of that -- the review team. And there are a number of recommendations by the review team to have our group, the Subsequent Procedures Working Group, look at certain issues, and we will do that, and there are also recommendations, as was mentioned before, on other policy development process working groups like the rights protection mechanisms.

CHAIR SCHNEIDER:

Thank you, Jeff. That's very useful.

Other comments? Questions?

Just for -- Hello. I have Pakistan, Thailand, Spain, and Iran.

Just one remark. It is -- Jeff is here at our disposal, but nothing prevents us from also, let's say, in addition to asking comments or questions of him getting our interaction going about what we want. So just not to forget this, because we are supposed to advance one step. There is no absolute urgency as things are still in the making, but just to get a sense of what is important to GAC members, where maybe different views may come up,

where we have strong consensus already now. So please also make reference to each other when you take the floor.

So Pakistan, please.

PAKISTAN:

Thank you very much, Thomas.

My question is that the last round happened in 2012. Now we are in 2017. Just to -- for our leveling, I want to know how -- total number of issues with the gTLDs, how much of these issues will be resolved and how much pending?

So suppose there are hundred total issues, I take an example. And hundred out of, suppose 50 are resolved and 50 are pending. And because in this way we can plan how we resolve these issue, because it is one of the key important matters of the gTLDs. So we know how much work is spending at the ICANN for the new gTLDs.

Thank you.

CHAIR SCHNEIDER:

Thank you. Well, I think basically everything is still under review or some parts of the review have just been finished. And with regard to your question, how much will need to be resolved, well, we've had that in the first round. If everything needs to be

resolved ex ante, we'll never have a second round. I think this is clear. So as a community, I think we will at some point in time have to agree on is this level of resolvedness of things, of maturity of things, is this enough to go into -- into re-opening this or are there some key issues that are not clear or mature or consensual enough so that we still have to do further work? But that's a question where we'll probably have intense discussions, but we're definitely not there now. But I don't think you can give a figure of percent or number of questions that can be open. It's a feeling, in the end, whether people think it is good to go or not. And we basically had the same already in the first round.

But, Jeff, complement if you wish.

JEFF NEUMAN:

Thanks. And I also want to note that I see Avri Doria in the room as the other co-chair. I think your answer is probably the best answer, so I have nothing to add to that.

CHAIR SCHNEIDER:

Okay. Thank you.

But this is -- Pakistan, this will be the key issue, of course, to decide when do we think this is more or less good to go.

PAKISTAN: Actually, Thomas, why I ask this question. I ask this question to prioritize our work on gTLDs. So what are the main priorities? What are the key things which are pending and it should be resolved before the next round?

Thank you.

CHAIR SCHNEIDER: Thank you for trying to help us prioritize. And, indeed, we have to prioritize.

So I think it's -- this is something that I'm also trying to get out of -- out of your feedback now, what are the key issue. Well, we have some ideas, of course. We know that some -- some aspects, like -- yeah, geo names, protection of IGOs and other rights are priority. Applicant support or let's say support for developing countries and smaller stakeholders is definitely one that will come up as priority. But we'll need to agree in the GAC on what is priority for us where we would like to focus and concentrate our efforts to come with advice, proposals, requests and where we may be more comfortable or less concerned and let things happen.

So this is, of course, very useful.

Thailand is next.

THAILAND:

Wanawit.

I would like to address the issues of the -- specifically to the IDN that in the group 4. One of the major concern on the issues that we have been follow up is who has been identified in several safeguard on several strings. And we have been follow-ups since the establishment of the PDP Working Group on translation and transliteration of contract informations. That already closing. And we also try to follow ups the position from GDD that will have the meeting tomorrow at 9:00 about the implementations of the PDP.

But I cut a long story short. The translation, transliteration still at voluntary, and for IDN this will be the problem for law enforcements or validation and verifications of who own the domains because it will be register in the non-ASCII formats.

So should we address that issue in the group? Slightly related to IDN string, that whether it should be voluntary for registry/registrar or it should be translation into the ASCII format? Because we cannot have the consensus on policy implement to the entire range of the new gTLD. But what about the IDN? Should we address that issue?

I did not see the issues of these are discussed in the IDN group 4.
So that our point.

Thank you.

JEFF NEUMAN:

Thank you for the question. The internationalized domain names are being -- recommendations for Internationalized Domain Names are being considered in work track number 4. There are a number of issues dealing with the IDN guidelines and also with whether to allow single-character IDN applications, which were not allowed in the previous round. And we are also paying attention to the other work that's going on with the translation, transliteration. And to the extent that we have not addressed these, it would be -- I would recommend you all to point that out to us so that we can make sure that we consider those issues going forward.

CHAIR SCHNEIDER:

Thank you.

Spain.

SPAIN:

Thank you.

First I would like to make a general observation about the creation of new gTLDs and the work that it entails for us governments.

I have the feeling that we in the GAC have been devoting enormous amount of time and effort to the issue of new gTLDs and the protection of communities, people in different parts of the world where their names are being used, freedom of expression by even SMEs when they are using their products that they come from a region and have special characteristics, when actually the importance of domain names is diminishing.

We are going into a mobile Internet more and more in which domain names are not necessary. So it's not proportionate, I think, the effort that we invest here in ICANN to this issue, to the importance and relevance that it has in the real world.

And I have also the feeling that the new round -- or not round, whatever we call it -- could in part be a new assault on the names that were not available in the first round. I feel there is a growing pressure to get hold of those names for the next opportunity, the next window that may be open for them. And in that sense, I ask you, because you come from the GNSO and you know better, your fellow colleagues, what do they want for this new round? What are their interests? What will they

pursue? In other words, are you going to give us a hard time again in whatever process it starts again?

Thank you.

CHAIR SCHNEIDER: Jeff, I guess that's an easy question for you to answer.

[Laughter]

JEFF NEUMAN: Yes. No, I'm kidding.

I -- I'm not in a position to answer the question of what future applicants expect out of the next round. I -- I do know that the group has discussed whether there should be additional new generic top-level domains. And, in fact, as part of community consultation number one, the GAC did respond to that, and the GAC did indicate, just as a reminder, that at this point in time, although there were issues that needed to be resolved, that they did not see a issue with moving forward with additional new generic top-level domains.

CHAIR SCHNEIDER: Thank you.

I forget who it was that mentioned this. There seems to be -- some people get the feeling that maybe not all types or categories, or whatever you call, of domain names will be equally attractive in the future. There seems to be a tendency that brands may work for companies that have enough -- that are big enough to use this as a communication tool.

Geo names and other names that have an identifiable community that is identifying itself strongly enough with a name that they're willing to maybe pay more for such a name than another one is also something I think we heard from the geo TLD group, that they believe that this is one of the, let's say, sustainable or most sustainable categories. So is that also something where there are some reflections in -- building on Gema's question, building in the GNSO whether there are different levels of need or economic viability, or whatever? And so will you feed that also in the discussion about maybe also some people who say some -- some names or some categories should be prioritized to others because there's more demand and less complication compared to others? Are there reflections going on in the GNSO or in the working group on questions like this?

JEFF NEUMAN: So that's a -- Thank you. And that's a difficult question. I will say that -- I mean, the easy answer to that is, yes, the group is taking input on all of those types of issues.

The group is taking input on whether there's a view that if we decide there are categories going forward, you know, whether there is a prioritization on any of those categories.

But with respect to the market and needs, I think that's more of a subject that the CCT review team is looking into. And certainly to the extent that there's any view of either individual governments or the GAC as a whole on these subjects, that is absolutely the type of feedback that we're looking for.

CHAIR SCHNEIDER: That was the answer I was trying to get, so it worked perfect. Thank you very much.

Palestine.

PALESTINE: Good morning. Everybody knows about how much problems took place in the first round of gTLD. And Mr. Jeff said that we need to learn from the mistakes that we committed in the past, and we need to consider that.

I would ask Mr. Jeff if he give us or brief us about some of the problems and that we can overcome in the next round in the new gTLD.

Thank you.

JEFF NEUMAN:

Okay. Thanks. Sorry, it was a little difficult to hear with -- this wasn't working as well.

So, yeah, I mean, I do think that there are a number of challenges that we would like feedback on, and certainly one of those on geographic names is, as was mentioned before, the subject of a face-to-face working session in Johannesburg.

And I do want to remind as well, a preparation Webinar on April 25th to talk about the background of those issues so that when we do go into Johannesburg, it's truly a working session where we do not have to spend much time on the background of the issues. So geographic names is certainly a challenge that the community has talked about in terms of resolving for the next round or the next application window.

There is, sure, other challenges involving applicant support, I think is incredibly important. I know that there has been certainly a lot of disappointment expressed by members of the community, and not just the governments but members

throughout the community, of how that program worked. And certainly any recommendations with improving that program and making sure that there is applicant support available, not just in terms of money to pay for the application itself but also for services that are needed to operate a top-level domain, that is certainly a challenge that we absolutely want to address moving forward.

How to make sure that there is additional outreach and that those that did not know about the last round are made aware of the next -- I'll just say round because it's easier.

So those are some of the challenges. And I'm -- there's a lot -- or a few more challenges that we would like to see addressed. And I think this fits into the prioritization exercise that I'm interested in seeing from -- from the GAC and from other groups as to what issues you all believe need to be resolved before having the next introduction of new gTLDs.

CHAIR SCHNEIDER:

Thank you, Jeff.

Hearing you talk about applicant support and remembering what Goran keeps saying about acronyms, there's a small reminder to try and avoid encrypting languages, if I may say so, because, in particular, when you will open up for public

comments, try and use phrases that actually allow the non-insiders to understand what is meant. Because, for instance, the CCT report talks about support for the global south. You may call it developing countries or you may call it applicants with special needs, blah, blah, blah. But try to -- and this doesn't go to you, actually. It goes to ICANN and everybody who is working in ICANN. Also subsequent procedures is a very telling name in that regard. Please try to come up with titles and names and phrases that actually help people to understand what is behind it and not try to hide, consciously or unconsciously, what is behind it. That is just a remark that I will keep adding to Goran's remarks about acronyms.

Next is U.K.

UNITED KINGDOM:

Thank you, Chair, and good morning, everybody. And thank you, Jeff, for coming here to help with our dialogue on just and possible next round, and so on, and the range of issues that need to be examined thoroughly and the experience drawn from the previous -- well, current round should be fully taken into account. I think we're all agreed on that.

I just wanted to connect on three topics, and I'll run through them very briefly. First of all, community-based gTLD applications, which you mentioned. The GAC has now had the

opportunity to go through the recommendations contained in the Council of Europe report, which I'm sure you're well aware of, and there will be a statement in the GAC Copenhagen communique to this effect. And this is potentially an important, concrete, tangible input into refining the handling of community-based applications in a future round or process.

Secondly, the GAC's Public Safety Working Group has this morning had a very comprehensive presentation from a leading U.K. and European child protection expert on the need for making safeguards in respect of TLDs applied for which are targeting children, and the strengthening and making more explicit of the safeguards and monitoring of those safeguards in respect of such applications. So watch this space as a potential category that will be of important focus for the GAC.

My third point was with regard to rights protection mechanisms. There's a PDP Working Group, and I wonder if you could just say a little bit more for the benefit of the full committee of how this PDP will intersect with the gTLD subsequent procedures work plan. How -- Will they -- I mean, this PDP on rights protection mechanisms will go on till 2000- -- well into 2018, as I understand it, so how will the two tracks most efficiently intersect, is the question I think it will be useful to have a little clarification on.

Thank you.

JEFF NEUMAN:

Thanks for the question. I take note of the PSWG meeting earlier today. I was able to attend at least part of that and to have a discussion. We welcome any feedback from the PSWG. And I noted that in their presentation they had specific recommendations of how to revise portions of the guidebook, and I approached them after that session and encouraged submission from either the PSWG or the GAC on behalf of the PSWG to submit that to the group; that we would absolutely take those into consideration.

And on the community-based TLDs, the Council of Europe also presented to the PDP Working Group specifically the work track dealing with communities. And so that is already in our -- in our sights, and we are taking a close look at that. And certainly any input from the GAC on specific recommendations in that report would be most welcome.

And the third question on R -- on rights protection mechanisms. I'm trying not to use acronyms. These refer to intellectual property protections when introducing new generic top-level domains. That is one of the policy development processes that will feed into our subsequent procedures. More specifically -- there are two phases, actually, for the rights protection

mechanisms. The first phase deals with new generic top-level domains and the specific protections that are meant for new -- or meant for the introduction of new generic top-level domains. That's called phase one. And certainly we are awaiting the results of phase one. And that will be -- once adopted by that PDP and by the GNSO Council, that will absolutely feed into and be, you know, input into our PDP. And when I say "input," we're not going to re-evaluate that. It's literally going to be taking that and then figuring out the operational and procedural impact and how -- what changes need to be made in order to implement those recommendations. So I don't mean it to sound like we are going to redo that evaluation.

But phase two of the rights protection mechanisms, that is evaluating the now almost 20-year-old uniform dispute resolution policy, and that part -- that is not a prerequisite to be completed before we introduce new generic top-level domains because that will apply to not just introducing new domains but will apply to all of the legacy top-level domains as well. And by "legacy," I'm talking about the 26 initial generic top-level domains plus the 1300 or so new top-level domains.

CHAIR SCHNEIDER: Thank you, Jeff. And -- yeah, after -- I think it's important to introduce one full word, and then if you have to repeat it, of

course we will allow you to use the acronym. But it's always good to, for the first time, spell something out and then -- but I appreciate your awareness and hope colleagues will be incited by this new awareness and share that.

We have a little bit of time left, 16 minutes to -- oh, yeah. I have Morris Dean, then Iran, then EBU, then Indonesia, and then we see where we are.

Okay. Thank you.

Morris, please.

CHINA:

Thank you, Chair, and good morning, everyone. I appreciate very much. We had the opportunity to discuss about the issue and the concern about the new gTLD policies. And the policy issue, we have -- I have some concern and question, and I'm going to speak in Chinese so you can pick up your earphones.

Regarding new gTLD, at the present an operational mechanism and opening of the new gTLDs.

So we have four questions or recommendations. The first one, the new gTLD and the transfer of the new gTLD process, the rights protection, how to put into place the rights protection of the users.

And the trademark clearinghouse, the warning period is too short. We're not able to effectively protect the rights of the trademarks. Should we review it and make adjustments, certainly, the procedure from the auction how is it to be used to be more transparent so we're aware how the money is used.

Number four, the retirements of new gTLD is -- the mechanism is not clearly defined. We hope that this retirement mechanism could be more clearly defined. Thank you.

JEFF NEUMAN:

Thank you. I admit I got three of those issues, because I was having a little bit of an issue with this. So I will address those three. And then perhaps someone can remind me of the fourth issue.

I note the comments on the trademark clearinghouse and the feeling that the warning period was too short. That is a subject that is being considered right now in the policy development process on rights protection mechanisms. That is a different policy development process than the subsequent procedures. But I'm sure that they would appreciate that input on the trademark clearinghouse.

In fact, I know that they're discussing the trademark clearinghouse at this meeting. And I believe there's a session

tomorrow specifically of that working group. I hope it doesn't conflict with a session you all have. But I'm sure there are conflicts. But there -- to the extent that, you know, the secretariat could show -- could help you make that comment in that group, I'm sure that they would appreciate that.

On the proceeds for the auction, there is a Cross-Community Working Group dealing with that very specific issue not on where those funds are going to go but more on the process for determining how to distribute those funds. And they are as well meeting here. And there is a group that's dealing with that. And I'm sure that they would appreciate any feedback that you have.

And the last one that I was able to pick up was on the retirement of top-level domains. And from that I'm interpreting to mean, basically, terminating a top-level domain. And you're correct that there is no, at this point in time, real process for how to wind down a top-level domain. And so I think that is valuable feedback, not necessarily for our policy development process, but just general feedback to the GDD staff -- sorry -- the generic domains division staff of ICANN. I'm sure that there's -- they would appreciate any comments that you have on that.

And I apologize. I missed the fourth one.

CHAIR SCHNEIDER: I think or hope I can help you with that. It was about users rights and how they will be protected. From what I understand, users rights, there's, basically, two key components. One is fundamental rights of individual persons, i.e, human rights. And the other one is more probably consumer protection and the rights of the protection of users as consumers.

While you may reply, just two clarifications, one about the trademark clearinghouse. As Mark has outlined at several stages, he's trying to coordinate or serve as a lead on trademark protection and trademark rights protection. So, if this is a feeling that is shared by many GAC representatives that, for instance, they think you're talking about the 90 days period, if there's a message that we would like to send that they should reconsider extending that period, I think we should make this very clearly. But that we would need to hear from more either on the GAC list or in the public that you support the idea of making such a statement. Because Mark has solicited input from you for quite a number of time. And we all know how busy we are.

But this is a fairly simple straightforward question. So, if that is shared by many, please communicate this so we can see how to communicate that message from the GAC to others, in case that's wished. With regard to the auctions, I think the question was less what happens to the money and the process for

deciding what happens to the money of the money that is there. But it was rather to rethink the use of auctions as a means to -- not distribute money but distribute domain names, so allocate domain names. I think, from what I understood, the question went rather in the question of forward-looking question of what are the pros and cons, based on the experience from the first round, of using auctions to allocate domain names, top-level domain names. Thank you.

JEFF NEUMAN:

Thank you. I apologize for misunderstanding that question on the auctions.

Yeah. So the topic of how to -- the terminology we use is how to resolve contention sets.

And, of course, for the 2012 round, public auctions or ICANN auctions were the preferred mechanism. That is a topic that is being discussed specifically in work track three. And they have not yet addressed that issue. That will come in the next few months.

But there are questions in community comment number two which do address the how to resolve contention sets. And any feedback that you have on ways to resolve contention sets would be most welcome.

I do note that there are some recommendations in the Council of Europe report on certain types of contention sets, how to resolve those.

But any additional recommendations are certainly welcome on that. And on -- I'm sorry the consumer protection, human rights, user rights, I think that, certainly, there are questions in community comment number two that deal with those issues. And, certainly, I think those types of rights fit into almost all of the aspects of the new gTLD program in different ways.

And, whether it's in the rights protection mechanisms or whether it is discussed in contractual provisions with registries, what they call specification number 11, those are dealt with. And any comments on those like comments from the Public Safety Working Group and others are most welcome.

CHAIR SCHNEIDER: Thank you, Jeff. That was useful. Next is Iran.

IRAN: Thank you. I have one question, one comment, and one suggestion.

The question is that is there any principle of non-discriminatory applications in the process? Or there are some restrictions for

countries or applicants due to certain things like OFAC that they could not ask for application? This is a critical issue, and I hope that result of this meeting the secretariat would reflect that. That is our views to be mentioned in the meeting that it seems that any discriminatory applications or approach would be dangerous for the future.

My comment is the first come, first served. The idea of first come, first served is that the one who comes first has the right of protection with respect to the second. And the first and second is associated with the exact timing. The one who comes as 0001, 1st January, 2020, has the right to be protected with respect to the one who comes 002. And that is very difficult things to maintain.

Apart from that, you may send something not complete. So it should not be subject to any right unless the complete application is received. That is another difficulty.

But the third problem is that someone may have money and ask hundreds or tens of fifties of applications and data protection rights and try to sell them outside to the others. If you want, please, give your money. That has been done in other parts of the society.

And last part of the comment is that auction is mutually exclusive with first come, first served.

If you have first come, first served, there would be no auction at all. So this has not been indicated in your process and needs to be further reflected.

Now my suggestion is that is there any possibility that the email reflector or one other or some other way be established that people, GAC colleagues have questions or clarifications, comes to you and Avri and asks the question. And the idea of email reflector is: If I ask a question and you give the answer, which is very good, the other people look at that one and does not ask the same question because the question has already been answered. Unless it is different from nature.

So request, comment, and suggestion. And I thank you very much.

JEFF NEUMAN:

I'll start with the last comment first. I think that's a great idea in trying to have some sort of -- I think ICANN refers to something like that as a knowledge base or frequently asked questions, trying to have a place to publish those answers to the extent that we do have answers. And I will look and Avri and I will look to seeing how we can implement something like that with ICANN staff.

With respect to your comments on first come, first served, I think all of those are valid risks. And I think that all of those would be great input into the process, into the questions that have been circulated but also to just in general to the working group.

And I would note that those risks have been discussed. And, again, there is no -- at this point in time, the group does not have any conclusion one way or the other with respect to whether it should be a first come, first served or it should be a round or any other approach.

And I think your comments on auctions are very valid as well, that, if you have first come, first served, then there will be no auctions by definition.

So -- and I also take your comment on the fact that, if it's first come, first served, there is a risk of having a second -- what's called sometimes in -- it's called a secondary market for top-level domains where someone could, in theory, apply for a top-level domain and then resell it to someone else, which also brings up, actually, another issue that I just thought might be helpful to comment on. And that is an issue on the fees to apply for a new top-level domain. Not necessarily what that actual amount should be, but the methodology of determining what that should cost.

And in the last round, it was supposed to be on a cost recovery basis, which means that, if it was ICANN's ability to try to estimate what its costs would be in evaluating the application, also having what they called a contingency fund in case there were -- there was some litigation or funds that they need to pay in order to defend themselves. And a third part of that was a -- to try to recover for the years of historic -- what they called historical costs.

Presumably, going forward, that historical cost wouldn't apply and, potentially, neither would a contingency fund or such a large contingency fund for litigation.

So the questions that come out with respect to fees are, should it be purely on what they estimate the costs should be? So let's say it would cost only \$5,000 -- I'm making that up -- to evaluate an application. You know, are there any issues with having a low price like \$5,000 for an application? Is there a risk with having a low price for applications that speculators or those that might want to resell it come in?

So there are -- while a lot of the community believes that the fees may have been too high at \$185,000, if we lower it, certainly we would get more applications. But would that in any way compromise the quality of applications? And so all of these

need to be balanced. And that is an area that the questions in CCT address. And we'd love feedback on that.

CHAIR SCHNEIDER: Thank you, Jeff. I think this is a very pertinent discussion also with regard to price. There's probably somewhere an ideal price that has the least disadvantages. And it's getting worse if you lower it. It's getting worse if you raise it. The question is where that ideal price, of course, will lie for the next round.

IRAN: My apologize. My question has not been replied. Non-discriminatory. It has not been replied. Very important. And chair would kindly accept the indulgence that this is a very important question. Thank you.

CHAIR SCHNEIDER: Of course, Iran, yes.

PAKISTAN: Thomas? The cost of the gTLD application, \$185,000 is sufficient -- is very too much for the development countries. It should be in balance. We are not asking only for the 5,000, but 185,000 is one of the barriers for the applicants from the developing countries.

CHAIR SCHNEIDER: This is very clear. And thanks for reminding us. So, if you could please give a response to Iran on his question about discrimination.

JEFF NEUMAN: Yeah. Thank you for that question. And I think that's an area that we would certainly welcome comments on.

But I also think that that may be a legal question that we might need some legal advice on from the organization.

There's very difficult issues on -- you had mentioned OFAC. And that is not something I'm personally experienced in or I should say have knowledge of.

But, certainly, input on that issue would be helpful. But, to the extent that the group -- sorry, the policy development working group, if we were to consider that issue, we might likely seek input from ICANN organization and potentially legal advice as well.

CHAIR SCHNEIDER: Thank you. Maybe would be good that everybody passes that signal on to ICANN. Because, as you say, I think it's ICANN in its function that has to have a way to work with this.

Basically, the --

EUROPEAN COMMISSION: Thomas, sorry. Can I come in on one point? You can't see my hand.

CHAIR SCHNEIDER: Listen. We are, basically, three minutes over. And I have the EBU, Indonesia, UK, and European Commission. Let me give one minute each all after another. And then we wrap up. Is that okay? Thank you.

EBU.

EUROPEAN BROADCASTING UNION: Thank you. Just because the answer that I got from Jeff, unfortunately, not very useful. I've got in the report that suggests and the report says the CCTRT found that, while the new gTLD program is quite new and data are incomplete on balance.

And there is nothing exactly about how the market went.

So we are talking of something without having data, basically.

I hope that the next version of the report will be more complete. There will be something more. But at the moment, we have nothing.

And on the second point about the 90 TLDs that are still in the pipeline, this question was not because of the 90 themselves but because the 90 is the problem. Most of the problem we have with geo names incomplete protection, with community incomplete definition on how to apply a community applicants, et cetera, et cetera. All this 90 -- most of this 90 is really where the problem lies. Having a proper analysis of this would bring us to resolve in advance and to prevent that these problems will apply again.

So it's not secondary issues.

And third, I've heard that we are not sure that the solutions and the proposal coming from the Council of Europe book were not supposed to use. So I have a copy. And I will bring to you at the end of the meeting, so that you can go through this thoughtfully. Thank you.

CHAIR SCHNEIDER: Thank you. Indonesia.

INDONESIA:

Thank you, Tom. To your question, Jeff, because I mentioned yesterday, I think, that a particular string's name can be all right today, can be fully acceptable today but maybe it will be very sensitive in the one or two years' time.

For example, when we are talking about gTLD .AFRICA and many people are curious about .AFRICA and there are many complaints about use of .AFRICA. But, when .ASIA was used several years ago, nobody complains. Perhaps it's because at that time gTLD or the importance of gTLD has not been there. People are not aware of the importance of gTLD. But perhaps today we would like to make .ASIAN. Many people in Asian countries will complain about the use of .ASIAN by somebody else.

What is the legal status once the string name has been different? Is it possible that you do many complaints about the name, ICANN can stop the use of that particular string name and get it back? Or perhaps you have allowed them to use it for one or two years before it is stopped. Thank you.

CHAIR SCHNEIDER:

Thank you, Indonesia.

U.K. very briefly.

UNITED KINGDOM: Yes, Chair. Just to follow up briefly on the question about no application costs. And the comment from Pakistan was highly relevant, opportunities for stakeholder communities in developing countries and so on.

An additional point is that we saw in the current round an unexpectedly high number of business applications, the so-called brands, about a third of the applications, I think. Lowering of the cost will attract the opportunity for small and medium enterprises worldwide. And I think that's a valuable consideration to take in terms of business opportunity, innovation, more disseminated across the business community. Thanks.

CHAIR SCHNEIDER: Thank you. European Commission.

EU COMMISSION: Thank you very much. And apologies for coming in. I'll try to divide my three points into 10 seconds each.

First, on CCT data, which EBU raised, the CCT review team didn't come to its conclusion in the absence of all data. The argument was that more data was necessary in order to have an even fuller and clear and more robust conclusion. But that doesn't mean that the conclusions that have been arrived at are drawn out of

the air or in the absence of anything else. But more data and further information will, of course, always be useful.

Also, it was working with a moving target. Every time we reviewed something, another 10 gTLDs had come on to the market. So the market was always changed. That's just one small point I wanted to make.

The other one that I wanted to make was regarding application fees. And there was a process for reducing application fees from applicants from let's call it the Global South or whatever you want to say, from well-deserving but not particularly rich applicants. But that wasn't used very efficiently or very well. So that's something that was proposed to be looked at again in any future expansion of the TLD round.

And on community applications, which was also raised, that was also addressed in the CCT review report. And we mentioned it to Jeff as well, so I'm sure he'll be looking at that in detail. Thanks.

CHAIR SCHNEIDER: Thank you. Sorry to Germany. I seem to have overlooked you. So let me give to you, very briefly, the floor before we wrap up.

GERMANY: Thank you for allowing me the floor. Just a short remark on the fees question. I think we might also consider, if we talk about potential of decreasing fees -- and I welcome and fully support remarks made by U.K. and by others that there's a need to reduce fees that we might be able to install some mechanisms that make speculation less attractive.

And this is something that might help us also for the future rounds. And that will accommodate the interests raised by colleagues and also the interest of avoiding speculation. Thank you.

CHAIR SCHNEIDER: Thank you.

Before giving the floor to Jeff for a final wrap-up, we need to be in time. Because after the break because we have the ccNSO waiting then.

One thing about the fees. You need to consider as much the fees themselves are important. This is only one part of the cost that an applicant had to incur with all the procedures and the advisors and consultants that money has been spent on for in the course, not as -- A in the preparation of the application but also then in the rest. So, actually, the fees are the smaller part of

the problem if you look at the total cost of actually getting the application through. That's just one remark.

One remark to Indonesia about stopping a domain name, there's an contractual agreement between the applicant and ICANN. And there's some provisions from the ICANN side that allow them to unilaterally modify things. But that's fairly difficult. So, unless this contract is ended under certain conditions, then it's difficult, unless you would give something like a license system that you give a domain name for a certain amount of years and not until a contract is terminated. So you would need to have a whole change of the system, if you want to put an expiry date or something like this on a contract.

Jeff, a few words to sum up briefly, a quick answer to questions that have come up. And we really need to let people go into the coffee break, including ourselves, of course.

JEFF NEUMAN:

Yes, thank you. I really appreciate the feedback on the fees and from a number of the different speakers. And exact -- that's exactly the type of feedback that we would like to see in response to the questions. Because I find that that's extremely valuable.

And so, certainly, I would make those comments in CC -- in the questionnaire that we've sent out.

Some of the questions, as was pointed out, really relate to the work of the Consumer Trust Choice and Competition Review Team.

So I think that is valuable input for them and would certainly encourage you to respond to that report with some of the feedback.

And I think that -- yeah. I've written down the comments here that have been made on the fees.

So I really just want to thank you all for the opportunity to be up here. I also want to acknowledge Avri Doria, who is the other co-chair, of the working group. She's over there. I wish she had come to the table. But thank you again for inviting me. And I look forward to continuing this dialogue.

CHAIR SCHNEIDER:

Thank you, Jeff. And thank you, Avri. We know you like to hide from time to time, but we know how to find you in case we -- thanks to the GAC members for this very good substantive exchange. I think that helped us all.

So this is the coffee break. We meet at 11:00 sharp here with the ccNSO. Thank you.

We have to find out a way to deal with these questions. It's important that we get a process together that we answer them by the 1st of May. We may ask you for an extension, but we are not yet there.

[**Coffee break.**]