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KOBE – GAC: New gTLDs Policy (2 of 3)  
Sunday, March 10, 2019 - 17:00 to 18:30 JST  
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MANAL ISMAIL, GAC CHAIR: So thanks, everyone. We're now starting our sessions on auction proceeds and then we have our session on subsequent procedures. But before this, I would like to bring to your attention the email that was sent by Fabien Betremieux whether you are [indiscernible] to the Google doc for the communique. So you should find this in your inboxes as promised by support staff. There is a template in a Google doc that any GAC member who has language for the communique can please submit this through the Google docs.

And I believe there are some instructions at the beginning that would help guide your submission. And of course if there are any questions you can get back to any of the support staff. So thank you, Fabien, and please check your inboxes and start populating the communique if you have language that you need to submit.

So with this we'll move on to the auction proceeds. So as you may know, significant funds around I think 33 million dollars US dollars have recorded from several auctions conducted to resolve new gTLD competitions between identical labels that were applied for. So those proceeds have been reserved until ICANN board authorizes a plan or mechanism for allocating them. And there was, there is a cross community working group formed for this purpose, and the GAC is one of its chartering organizations.

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The group is not mandated to make decisions on who takes the funds and how much should be provided but to give guidance to whoever will be the selection committee later on. So again, as a chartering organization we have an obligation to approve whatever final report they provide us with, so we thought it may be good to be kept updated on the latest developments so that by the time they send us the final report, we can be ready to take decisions.

I believe we have a slide deck, Rob? Please, can I hand it over to you.

ROBERT HOGGARTH:

Thank you very much. There is a theme or thread think of presentation with some of the conversations we were having yesterday and that's the concept this is an issue that may not be urgent at the moment but something a number of GAC members have expressed great interest in in the past and it will be coming up in terms of GAC action in the not too distant future so an opportunity to look forward, be prepared, consider what types of action might come down the road.

So it's not the traditional briefing from somebody outside the GAC who will come in and sort of lecture you, the idea and format of this session is for me to give you a brief overview of what the state of play is, identify some, and really look toward an opportunity for input from you and as you can see in the proposed agenda, it's a very brief set of introductions and hoped for opportunity for a lot of input from all of you. In some respects it may just be an opportunity to give you to think a little bit more about the issue, contemplate thoughts here. I don't think there will be a requirement, Manall, for any additional comments before the

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Marrakesh meeting but that's something we will keep an eye on from a staff perspective to pho all of you.

The other aspect here that's interesting and reflects another transitioned theme I had mentioned to you yesterday is that as we now move into this calendar year without the independent secretariat the auction proceeds activity reflects one of those areas, our new member of the GAC support staff, Benedetta Rossi has taken on the old Tom dale role and sits in on the various conference calls now, takes notes and basically keeps everything updated and up to speed. Our next step is something that we hope to introduce in terms of additional support for you all, is that we're going to use the briefing provided as well as Benedetta's initial work and research to leverage to an activity page on the GAC website a number already using those pages and this will be another issue we add to that portfolio of activities keep you update, don't need to wait for a briefing but hope over time you will be able to reference and go to at any time you or your boss or colleague has an interest in that issue.

So a couple of themes running through the work here. In terms of the actual work of the auction proceeds working group, celebrated its two-year anniversary, a number of you and former GAC members participated in the previous deliberations of the working group, a very high-level overview of where the group is at present, next slide please.

So in general terms what the group has been able to achieve so far is they produced an initial report and in the phases of work they are planning, the hope is to take that initial report and eventually convert

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it to a final report of recommendations that will be made to the ICANN board for how to disburse all those auction proceeds, the funds remaining in that big envelope, if you will, there was recently a public comment period on that initial report and the staff has worked through, prepared a summary document of the various community comments submitted on that initial report.

What is notable at present and one of the reasons we're having this discussion, the GAC did not participate in filing any public comments or reactions to that initial report. So what I will do is identify some high level items just to give you a broad brush of the recommendation areas that were provided by the working group, as maybe a means of flag for you areas of GAC -- consideration, probably don't want to participate or comment on all of the recommendations made in a preliminary way but maybe an opportunity to cherry pick, identify particular ones of interest to government.

So the initial report basically outlined ten recommendations in different areas. First was report mechanisms and seems the group working group has made great progress. The first question is well, what sort of entity would manage these funds going forward? And the group has explored four different options. Two of them involve the creation of a department within ICANN that would be responsible for disbursing the funds. In the first instance that department would do all of that work, an exclusive ICANN organization department taking on the responsibility for that disbursement.

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The second aspect of that option, hybrid approach is that that department would not be responsible for the actual disbursement but would collaborate with outside charitable organization that already exists to work with ICANN to facilitate those funding disbursements.

A third option that suggests that there would be a standalone organization that was created that would essentially do that work. It wouldn't be ICANN and org department but it might be an ICANN foundation, separately created legal structure that would take on the responsibilities. And finally, there would be an option where ICANN would just reach out and in some way partner with a third-party organization who would do all the work with ICANN just overseeing it.

In terms of their preliminary recommendations it seems as if the working group has settled on one of the first three, seem to be very interested improving and good forward with a stand-alone ICANN department and potentially determining with further community comments whether that group would work on its own or collaborate with an outside entity. There was an interest in the other option of setting up an ICANN foundation, if you will.

The other area was from an objective standpoint in terms of trying to understand and figure out what particular objectives might be considered for the work. And there were three specific objectives that seemed to have reached a consensus within the working group. One that the fund would exist the benefit, development, distribution, evolution and structures that support the Internet's unique identifier systems, the second goal to benefit capacity building in populations --

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some very broad objectives decided by the working group, narrowing of the mechanisms that conduct the disbursement and then a number of other preliminary recommendations that are at various degrees of approval. There's the contact and basically understanding that there would be safeguards in place so that the funds would be allocated in a safe way and there would be oversight. Definitely an interest in having robust conflict of interest considerations to assure either the people making the decisions about the disbursement or otherwise would not have conflicts of interest in evaluating or considering a half the process would be.

There seems to be an open question in which the working group asked if comment on whether ICANN org itself or constituent parts of the multi-stakeholder community would potentially be beneficiaries of these funds. The concept would be that these funds would be distributed and not create some organization that was there just to preserve its own existence.

Some discussions and I don't even pretend to be a financial person, about tranches, in terms of how the money would be disbursement, certain secret slices or focused areas to more larger projects but to ensure the funding in place in situations where the funding might need to be disbursed over a period of time.

There was definitely interest in using the funds to support capacity building and underserved populations and two overall considerations, making sure there were some internal review procedures to make sure everything was being handled correctly on a regular basis and of course

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creating some process for evaluating whether the goals were being achieved.

So that's in large part in a very broad brush the areas that the working group has been considering where many, many members of the ICANN community submitted comments. Again, the critical aspect of this is whether moving forward there are aspects of their recommendations that are of particular interest to all of you in the context of governments. The only one that immediately jumped out to me was that reinforcement of support of underserved populations, capacity building, which I know an area of great interest for the underserved regions working group.

So basically what has happened in terms of recent development, public comment forum closed, various comments that have come in on the initial report currently being evaluated by the working group, Benedetta has reported they have begun their system of conference calls starting earlier this year and are currently looking at what next step option might be. And if we can go to the next slide are part of the considerations is whether to ask for additional community comments, whether that would be another round of public comment on the initial report, whether they would update the initial report and ask for a subsequent round of comments and also just going through all the various comments that have been received for many on Working Groups understand that can be somewhat of an involved and long process.

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So where we sit at present is the potential maybe in the shorter term, maybe in the longer term for the GAC to comment either on the initial report, second round of comments or potentially on the final report. That's the overview, Manal, let's go to the next slide when this group kicked off two years ago, the GAC became one of the chartering organizations of the working group. Various supporting groups and advisory committees play the role of creating the group a number of members nominated to participate, included Argentina, India and Iran, participants included over the time Cook Islands, Egypt, [indiscernible] and United States have at various points acted as observers. So I ask if any in the room, particularly if you need to clarify the remarks I made would like to share individual perspectives about the work, any sense that you might have about where you think we might be respect timing or where there might be opportunities for the GAC to comment or focus some of its efforts, I would really welcome those at this stage and by the way, any other comments that some might have in terms of whether you think this would be an area that the GAC leadership and the rest of you should focus on in terms of any comments or observations, so I will pause there, Manal and see if we have intersessions.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Rob. So any questions or comments or any additions from GAC members who are following the process? Yes, please, Kavouss.



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KAVOUSS ARASTEH:

Yes, I have anticipated among other things doing new TLD, Work Track 5, the EPDP, and this one and several others in the process. First of all, just to refresh our own mind, what is auction? The auction is a last resort to resolve the problem of contention between applicants of a string. If there is no other way, if two or more applicants apply for the same string and the contention could not be resolved in normal manner, it goes to the auction, a last resort and point of clarification, currently use of this last resort out of 218, 16 were set to use this last resort and they have done and currently there are something about \$335 million available as a fund for coming from these auctions.

The objective is how this fund should be used? For that the CCWG was established, worked very hard the last one and a half year and produced ten recommendations apart from the structure mentioned, four categories or options provided by which today [indiscernible] the chairman or chair of the group presented to the council of the GNSO and they have to decide to opt for one of these four options, but the chair of the group recommended that they start from the simplest one but not go to the complex one and so on so that's something.

And then they have asked that what would be the after the initial report and public comments, what would be the timeline for that, the chair of the group mentioned that she intends that by Marrakesh, to have this group, the issue is to benefit the development, distribution and evolution, and [indiscernible] perspective that supports the Internet unique identifier system and the most important is benefit capacity building. This is important for us and for underserved populations, so some of these funds could be used for these objectives, so some of the

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countries, underserved countries, they want to benefit from this, capacity building could use this auction based on the structure that has been proposed there has been several comments back and forth and various small project has been developed and based on this project, the request will be made, analyzed, and then after analysis they will be certified that yes it's an objective with the timeline and the money will be allocated for the implementation of that -- this is simply the whole thing for the time being and waiting for the organizations in my personal view, a lot of time has been spent going too much in detail for something that may not be continued in the future because in the new gTLD for subsequent round they are also thinking of alternative auction but not this type, might be another type of auction or activities in order to resolve the contentious issues. As far as we are concerned the countries underdeveloped or underserved countries and capacity building could use this in order to improve the situation and the better participation in activities of the Internet. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss, for this background which I'm sure would be useful at least though GAC colleagues who are new to the process and also the recent update you provided and also highlighting the importance not only to the GAC as a chartering organization but maybe to individual countries as you rightly mentioned. So thank you.

Any other comments or questions? Okay. Yes, please.

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UNIDENTIFIED SPEAKER: We are talking about a [indiscernible] how to use it and we have policy to use -- I wonder who can decide or who make the decision to use these funds and they can do it.

ROBERT HOGGARTH: That's one of the [indiscernible] for the working group. One of the reasons for initially setting up a cross community working group was the recognition there are many potentially competing interests and views as to how this resource can be allocated. As Kavouss points out there may be the one opportunity. There may or may not be additional sources of these funds in the future and whenever there are potentially limited resources that can create friction or tension. From the perspective of that GAC that potentially offers an opportunity, particularly as you've mentioned to be able to focus on particular areas that might reflect GAC priorities or government priorities. So it's definitely an opportunity for you to consider that, contemplate it and discuss it among yourselves. Thank you. I hope that answered your question.

MANAL ISMAIL, GAC CHAIR: Any other questions or comments? Yes.

PUA HUNTER: Cook Islands. My participation for the working group was not because I'm from a small -- Cook Islands sits in the underserved region in the Pacific by the way as my position as co-chair of the underserved region working group and want to thank the members of the working group

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for putting emphasis on capacity development for those in the underserved regions. Just want to put that on record. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Pua, any other questions or comments? If not, there is just a heads-up and awareness and update about the process. Please read the initial report so that we can if there is another round of consultations we can decide whether or not we want to submit comments. If there is a final report submitted by Marrakesh then we're ready to take a decision as a chartering organization and also to see any benefits, yes, Kavouss,.

KAVOUSS ARASTEH: Yes, I agree that we should be carefully monitoring the situation once the report is finalized and once it is approved by the ICANN board and before that you have to comment on that as a chartering organizations, I would like to emphasize that when it comes to our comments we should mention our emphasis for the area of the benefit of the underserved countries and capacity building and also mentioning that the use of these funds must be on the fair basis but not on the first come first served from the other purposes than the underserved country because underserved countries and capacity building is some but not all of them. So there might be other requests coming and taken as first come first served and we come, and we are the last. This is number one so we have to carefully monitor the situation when it comes to our comments. I'm sure there will be some discussion in the GAC, presence

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in Marrakesh to have sort of the GAC comments or view on the situation once the project is approved and comes under operation, underserved country or in need of capacity building should also carefully monitor the situation and if they have the request to appropriate coordination, they make that request to go through pipeline in order to have its own place to get the necessary funds. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. Any other comments or remarks? Okay. If not, then yes, please.

NIGERIA: Are the countries supposed to apply for the capacity building? I know sometime last year one was done in my country. Are the underserved countries supposed to apply to benefit from the capacity building?

ROBERT HOGGARTH: That question in the context of the auction proceeds conversations too early, premature. At some point there will be based on the most recent updates provided by the chair that they will within the Marrakesh time frame hope to conclude some of their work. Once that is done then the actual potential process for anyone who is interested in getting access to those funds will be decided and begin. So it's very early in the process. You are nowhere near a situation where there's any contemplating of what the use of the funds will be yet. So it's still early but we certainly take the advice and input seriously from a staff perspective that the mechanism is in place with Benedetta regularly

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participating in these calls, so I think we have the monitoring function in place.

We will work on the reporting function so there are means and mechanisms for you interested in this issue to keep apprised of developments on the GAC website and we will be very careful as we get closer to Marrakesh about teeing up this discussion again certainly with the potential for a session for you all to discuss what we hope will be very concrete recommendations at that time and in the meantime Benedetta observed if there's anything where she's seeing additional questions of governments or the rest, she will be reaching out to the interested parties who have already volunteered from the GAC but please use this as an opportunity as well if these are matters that interest you to reach out to staff and we will ensure you are connected with the working group and instead of having to rely on us as a filter you can potentially participate directly. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Rob. So just to be clear, the current process is to put procedures and mechanisms in place. And later on when the mechanism is in place, they will be guided by the rules that came out of this process. So this process looks at criteria for who should apply, whether there should be a maximum to whatever funds are provided which would be eligible for such funds, whether the funds should be paid one time or maybe divided, and what is the mechanism, the four options they are discussing as well that Rob highlighted earlier. So they

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are just discussing the rules, and once those are in place there will be another process for application. Thank you. Thank you.

So anything else before we move on to the subsequent procedures? Okay. If not then thank you very much and again, I urge you to read the initial report and we can continue our discussions.

MANAL ISMAIL, GAC CHAIRS: So I invite Luisa from Canada and incoming vice chair as well, and Jeff also. Thank you for always being ready for the GAC.

So thank you again and thanks, Luisa for volunteering for lead the GAC on this very important topic and again, thank you very much, Jeff for always responding on short notice and acknowledging GAC requests. So shall I hand it over to you, Luisa.

LUISA PAEZ: Perfect, good afternoon, everyone. I have the pleasure to chair the last session of a very long and productive day and for the record this is Luisa Paez with the Canadian government. Whether we start, I want to introduce those on the panel, in particular Jeff Neuman, one of the co-chairs of the new gTLD subsequent procedures PDP which we will discuss in this session.

Before we start, I just wanted to highlight that this is just the first opportunity to discuss this important topic as we will see in the slide in a minute. I just wanted to highlight there will be several occasions to continue discussing this. One second. So we have this is the first

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session on the new TLD, we have a second session on Tuesday, it will be also discussed in relevance in the CCT review and the ICANN board and now regarding the agenda if we can go to the next slide please. Perfect. So regarding the agenda today we really want to take the opportunity to give you all an update on the latest status of this PDP, that's why we have here Jeff Neuman one of the PDP co-chairs to give us a good overview and provide timelines and where we as GAC have opportunities provide further input if needed to that will be the main focus of this session and really taking the opportunity to have to ask questions and to ensure we use wisely his time, we would like to mention an important piece of previous GAC communique, that was the Helsinki communique providing recognition of GAC input with regards to this PDP and starting discussions on how best to organize the GAC inter-sessionally in order to provide timely input and if we do not cover all the agenda items we can continue in the next session but I guess if we're all happy with this proposed agenda, I will turn it to Jeff to give us a good overview of the PDP. Thank you, go ahead, Jeff.

JEFF NEUMAN:

Thank you very much, and thanks as always for inviting us to present. And as the chair of the GNSO council said during that session, I think that this is a great example of how we value collaboration between the different supporting organizations and especially in this case the GNSO and the GAC. So thank you for inviting us and I'm happy after going over this brief presentation to answer any questions with the one disclaimer that as co-chair I will give you thoughts if the group is leaning one way or the other but there are a lot of questions you may have that I may or



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may not be able to answer or I may say that there are differing views on certain subjects and that we haven't quite reached a recommendation stage yet. So I will do my best to answer questions that you ask and happy to be here and let's go on to the next slide.

So this time we've come prepared with some slides to go over the status of where we are at this point and I know I see a lot of new faces but we've been actually working on this policy development process for the past four years, three, four years, 2016, but there were actual recommendations in 2007 from the generic names supporting organization that were used as the basis for the 2012 new gTLD program. Of course there were a lot of things that happened between 2007 and 2012 on a number of different issues that may not have been foreseen and that's why it took considerable amount of time essentially five years to get from the GNSO recommendations to the actual applicant guidebook.

So the focus of our policy development process is to review the 2012 program and determine what changes if any need to be made to the program on a go forward base but based on the original 2007 recommendation from the GNSO that was unanimously adopted by the board, that said that we should as a community have a predictable timeline process for the introduction of new generic top-level domains. This PDP work started in 2016 and we have about 40 or over 40 subjects now identified in the charter and the way we handled that was to break out into what we call work tracks, Work Track 5, I know you have heard a lot about, a presentation from Olga and Martin from the GNSO joined that as well, what we will talk about here is mostly everything other

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than Work Track 5. So if I tend to make generalizations about the work, I'm thinking about everything except Work Track 5 which has its own four co-leads and while they are our policy development process, we have -- they have their own Work Track and schedule, but we will talk about when the Work Track come together.

There are two co-chairs. I'm one. So the two overall co-chairs, myself and Cheryl Langdon-Orr sends her apologies, she could be in two meetings at once. She's triple booked. An initial report present for public comment on the topics. Again, other than Work Track 5 in July of last year and we had a fairly lengthy public comment period or nearly three month comment period and during that comment period we received hundreds of pages of comments but also found there were several subjects we did not get an opportunity to thoroughly cover in the initial report and so we came out with in October what was called a supplemental initial report which handled five issues including the topic of auctions which was discussed I know in the previous session but also included other things of what is the process to make changes to applications and should we look into private resolution of contention sets and how that happened and how do we really take into consideration comments from the public on applications that are submitted.

So those comments were due in the February, early February time frame and the working group has been analyzing all comments both from the initial report and supplemental initial report for months now and the full working group actually now in a position to start now making some discussing final recommendations within the working

group and ultimately to issue a consensus call on those recommendations. So the end is in sight, but we will go over the timeline in -- I don't know if it's the next slide, coming up soon. Let's go to the next -- there we go. So we've put together who timelines. The first you see right here -- actually three, but the first you see is the timeline that we could do a final report if we did not have an additional public comment period but I think as you heard mentioned from the GNSO council chair, it's looking more and more likely that we will do another public comment period on new ideas that may be adopted by the working group that perhaps out for public comment before.

One slide ahead, I think probably the one more realistic, what we have here is both the joining of Work Track 5 in with the full working group, somewhere in the middle of q2 of 2019 year, so hopefully by the end of the summer and ultimately in q3 releasing another document out for public comment. I guess it will be another supplemental initial report that will contain recommendations -- or may contain recommendations that were not previously out for public comment. You will see it's a very short public comment window because we intend to narrowly tailor that to those specific subjects and if all went according to plan, hope to have a final report as Keith from the GNSO said by the end of the year, that's the hope and right now is the plan I'm driving the working group towards.

Couple slides you will see another timelines next but will talk right now about the different activities that need to happen. So after the final report is delivered to -- or after the final report is completed, it's delivered to the GNSO council. The council then needs to consider that

report and hopefully if we've done things right and if the GNSO council is satisfied they will then send that report up to the board for its consideration as well. At that point in time there will be another public comment period as is always done by the board when they get a final report from the GNSO, and then we'll talk about what could happen after that. So we have considered and continue to consider the recommendations of the competition consumer trust and consumer choice review team, CCTRT, been considering that all along. Many of the recommendations haven't changed that much since initial report several years ago so in order to jumpstart that work, been looking at those recommendations for a while now.

And of course we're doing everything to make sure that any applicable advisory committee, statements or communiques in this case, are being considered and taken into account in the development of final recommendations.

So this is what I was starting to get into. Once the GNSO council approves it, send toss the board, public comment period then the board considers the report. Assuming the board or when the board don't the final report, that's not the end of the work that needs to happen, just kicks off the implementation phase. So at that point the board would direct the staff to commence implementation work on the next round of gTLD, the GNSO council appoint an implementation review team and that would assist ICANN staff and to the next slide, I think this is the timeline, yeah, there we go. Some this is a possible timeline. It is not by any means anything that is committed to but we were asked a question of if we made a prediction or were to make an

estimate as to when would the next round of new gTLDs begin and by begin we use the definition of when could applications be submitted. So what you see here is if we deliver a final report to the council in q4 this year, 2019, if everything goes according plan the council could adopt that in first quarter next year, then public comment period and in theory the board could adopt that in q2, q3 2020 and start directing the implementation, I know everyone is not necessarily familiar with all the terminology but the document used in the 2012 round was called applicant guidebook. That provided instructions on how to submit application and also described all of the different processes to comment on applications how evaluated, how to make objections, the role of what would called GAC early warnings and also sorts of things included any big book called the applicant guidebook. So what we have here is again possibly a guidebook developed in mid q1 2021, assuming that took six months, big assumption because the last time it took several years, but hopefully we have better understanding of the issues this time so that talks about potentially finalizing that for operation in q3, 2021, beginning things like a communication or awareness program to make the world aware of the fact that there would be this program and lead to q1, 2022.

So while it may sound to some people and I've heard this -- why are we rushing to get it done? We've been working on this policy development process for three years and by the end well over four years but then still looking at another several years before an application window could actually open which if you look at that date in q1, 2021, that's exactly ten years, a decade after the last window opened up which is actually a

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fairly long amount of time if you think about everything that's happened in the world in the last ten years, it's taken us this long to get our act together and potentially do a new round.

So that's the status and timeline, again, this is not anything that anyone is bound by but it was asked of us if we were to make a guess as to what would happen after, this is what we put together. And I think -- one more slide, some of the links to the work we've done. So of course all of our work is out there. There are some members of the GAC that do participate in their individual capacity when they can. We just to know about all the work that's gone into this, there are in any given week three to four meetings of different parts of the group and that's not including all the leadership meetings and other meetings that takes place to get everything together. So it really has been a lengthy amount of work from a lot of people. We see an end in sight but of course there's still a lot that needs to happen. Input from the GAC and from the community is always welcomed and hoped for so now I think we can maybe start some of the substantive discussions.

LUISA PAEZ:

Thank you, Jeff, that was really wonderful. And this is Luisa Paez from Canada, for the record. Will pause and see if there are any questions regarding timelines or more process questions. Yes, Kavouss.

KAVOUSS ARASTEH:

Yes, first of all, as I have done before, we thank you very much Jeff for your incredible and amazing efforts you put on this issue when you run

and chair the meeting, you navigate everybody and every person giving all the details in order to bring them on the level they follow the issues and thank you very much. In my personal view you are in French [non-English word or phrase] irreplaceable. Fantastic, and you have a lot of knowledge on this issue.

As there are four tracks as you mentioned, some of us participating in your group are not able to attend all of those four tracks. The only thing they could do, attend the general meeting and the general meeting, just put together whatever you receive from the four tracks and so on, so forth, so what I would like to suggest, we in the GAC should plan to have discussions on the final report before being asked our views as a chartering organization and when that would happen we hope that you will have some communication and maybe in one of our next meetings we have to put more times maybe not only one hour but several hours to discuss the issue because this would be one of the most important issues in the life of the ICANN and GAC as you mentioned in a decade to prepare this things and that is very important. Why ten years? Because it required ten years and then when the public comments are finished and comes to our views, we should comment on that before going to the ICANN board for final approval.

But my suggestion once again, we encourage the GAC colleagues participate in the activities of the group, if not in the track but at least in the main group and raise the question. Any PDP if the views are not there, they should not complain and they complain if views expressed not taken into account, but that is the important issue. You could not take anything into account if it's not expressed so people should be

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expressed and active, this is my suggestion to all distinguished GAC colleagues.

LUISA PAEZ:

Thank you, Kavouss, and we leave from the GAC leadership we need to organize ourselves well internally to be able to provide timely input as Jeff mentioned we might be expecting a quick turnaround for another public period and that's why an agenda item number 4 will be discussing how best to organize ourselves moving forward to we can be more [indiscernible] and hopefully have more meaningful participation from all GAC members. I know the breadth is quite a big PDP, taken many, many years, lots of effort and as Kavouss mentioned, a big thank you, Jeff from everyone in the GAC for all those efforts and everyone in the community that's here present today.

So with that, I will just turn to agenda item number 2. So we just wanted to highlight this important piece of previous GAC advice issued in Helsinki in 2016. I won't read it all but the GAC advise [reading] [refer to slide] also there was an objective and commitment to do some independent analysis around costs and benefits as well as the administrative framework.

Next slide, please. And then there is a bit more rationale so again we believe this at least from the GAC leadership perspective this important piece of GAC advice and we were bringing it, flagging it in this session because with the following session with the ICANN board within the GAC leadership we are proposing asking the ICANN board the following questions: If they can share their current consideration or perspective



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on the extent to which the various criteria established in the Helsinki GAC advice that was already accepted by the board would be addressed prior to the initiation of a new round of applications. So we will discuss this fourth in the session preparation with the board but wanted to flag it so if you need refresher you can reread it or look again, and it's very well captured in the brief produced by the GAC support staff. I will pause and see if there are any questions.

(audio feed briefly lost)

JEFF NEUMAN:

The last couple times that I have been here and Cheryl has been here, it may be -- with the disclaimer that the group has not made final recommendations and that I can't ultimately predict where the group is going to go, we highlighted some areas where there have been either some recommendations already in the initial report and/or where there have been some or a number of public comments that differ from the GAC advice. So I thought we could go through some of these both now and any other future sessions to just make you aware of some of the these items, again, this is very preliminary and ultimately cannot predict with 100 percent certainty where the group is going to go but this is an attempt to try and have a discussion on some of the items where there are a number of comments that may not be in line with GAC advice or comments.

So the first one actually deals with the future releases of new gTLD, timing and procedures and it actually relates to the slide that you had talking with the board tomorrow, I guess or whenever that meeting is.

And so we have as I mentioned earlier, we have a GNSO policy that talks about an ordinarily predictable process for the introduction of new gTLDs and in that document there's rationale 2007-2008 -- and a bunch of respects, shouldn't just about an introduction, in other words one round but why it should be a continuous process and not one that one round and then you stop and review and takes ten years and have another run and stop and review and could take another ten years, it's to have a predictable process so that those that may want to apply for new gTLDs can do so and not all forced to scramble and get their applications in this very next time for fear there may not be another round for another ten years because that has also caused some issues.

Well that differs a little from the advice in Helsinki that the GAC gave which asks for a cost and benefit analysis as to why we should have additional rounds of new gTLDs. And the reason I point that out, again, there could be the GNSO recommendations do not have any conditional language. It doesn't say only do subsequent rounds if you find that the benefits exceed the costs, however that's mesh measured, it just says there will be subsequent rounds of n gTLDs. So while I completely understand the advice and we understand that, that advice is currently at odds with or could be at odds with the GNSO's final report but also with a number of comments we have received to the initial report as well as the recommendations in the initial report. So the initial report said that although it provided some options as to how you do subsequent procedures, it says that there should be a process where -- predictable process and whether that's having one round now in 20 - - you set a timetable for the next round some sort of predictable process

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so that's why I see that advice may not be completely in line with the GNSO thinking. So I'll stop after each one.

LUISA PAEZ:

Thank you, Jeff. Looking at the room. Kavouss, please.

KAVOUSS ARASTEH:

That's exactly what I said, we have to look at what extent -- look at the situation, request or demand of the community and need of the community because we are one part of the community, not all part of the community and to the extent people we adopt ourselves to what is really on the table. Otherwise sticking to the 2016 or 17 it may not cope with the needs and requirements of the entire community. Now while I have the floor no to ask the question again, I think there is one thing I have expressed from the very beginning among those you have mentioned, another type of the process, first come first served. This is something that at least government have some experience in other areas than ICANN that what is the first come first served and who will benefit from first come first served, no doubt many developing countries and least developing countries may not be sufficiently aware how to apply and when to apply. So there will be behind the queue. So that's something we have to be very careful. Thank you.

JEFF NEUMAN:

And two things, yes, absolutely things can change. Circumstances can change between 2007 and now, 12 years later so when we asked the question in the initial report is this still the view of the GNSO or of the

community because it wasn't just limited to the GNSO, and of the comments that we got back all but -- well, the registry stakeholder group, noncommercial stakeholder group, the at-large, business constituency they all supported keeping the policy the way it is and that circumstances in their view haven't changed. The only opposition came from two individuals and the GAC expressed concerns or reiterated the Helsinki advice.

So it's a question we ask because things can change and do change, so I can't predict how it's going to come out but just wanted to give kind of a flavor of what we got back and on the second question, the first come first served, I think you will like the comments that came back. Most of the comments I think shared your view that or the view expressed by not just you but a number of GAC members, that first come first served certainly makes it very difficult to constantly be on the lookout for applications and/or needs to file comments and so I think most of the comments that we got back did agree with that notion. There were a couple comments from some registries that thought that we should do maybe two or three rounds followed by first come first serve but for the most part if IRP to generalize, most comment came back and not in favor of doing a first come first serve, again, can't predict the outcome but these are the comments we've gotten back.

LUISA PAEZ:

Perfect, Jeff, and I think that's very positive to be aware of that point and I take your point, Kavouss, in terms of making sure from probably from a capacity building lens and perhaps in the underserved working

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group, it's something we can look further when the GAC decides to provide input. And the other point I heard from Kavouss and perhaps we can discuss more in the next session is whether the GAC would like to perhaps review any previous advice, that's what I understood but perhaps we can discuss further that in the next session.

I'm looking at the time, it's 6:15 so we have probably about 15? Perfect. We have 15 more minutes so we should probably still take this opportunity if there's no more questions, to continue. Jeff, do you think you still have other comments for us? Has been really helpful to get a bit of a sense of where there might be more divergence or agreement, both good, and helps us to prepare internally the GAC. So I will let you continue if there are any other points you will like to make.

JEFF NEUMAN:

So I realize we didn't highlight one of them that probably hertz discussion, the applicant support because I know that's discussed. So maybe I will go to applicant support. I know it's further down the line but I think with applicant support generally most of the comments came back certain silly certainly supporting the notion or agreeing what we did in 2012 was insufficient in terms of outreach, execution of applicant support program, in terms of getting word out there that we had this, and in terms of having such stiff requirements because we were afraid of gaming or those that would come in and abuse the system, we potentially made it too difficult for mostly anyone to use the program. So lots of agreement on the high-level points of the applicant support program. But as the expression goes in at least in the US, the

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devil is in the details and that's where we need more work done and more input on okay so we all agree that we need to do more outreach and agree that we need to make sure that that we get the word out there to potential applicants and it's really the how do we get that done.

So this is not an area where we diverge from the GAC at all, just where recognize we need to get more in the details to have a more effective program.

The other thing I think there's agreement with and a little bit in the weeds but in the applicant support program in 2012 if you applied for applicant support but failed to get support, so didn't meet the criteria, there was sort of a punishment for you which was your application was just thrown out, they -- ICANN did not allow those applicants for applicant support to have a chance to raise the fund to actually try to have their application go forward. It just threw them out and I think we're finding certainly the community recognizes that was too harsh so that's one area where I think we are all in agreement with previous discussions we've had with the GAC. So can't predict the final outcome but seems like that's movement in that direction. So I will hopefully use this opportunity to work with your committees, especially the one on the underserved regions, if you can help us get more concrete on this, that would be something that we would certainly be happy to have your help on because this is not our expertise, more nurse.

LUISA PAEZ:

Actually, Jeff -- thank you, very much for those that woke up early, we had the working session of the underserved working group and in terms

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of the work plan the second strategic goal focused on policy engagement and definitely a recognition and we will be working hard as a member of that working group, Jeff, to try to work inter-sessionally with the working group members to come up with more substantive and details input that would be helpful. Thank you. And please, Kavouss.

KAVOUSS ARASTEH:

Yes, one question. Perhaps, correct me if I'm wrong, Jeff, in the first round there were only [indiscernible] for instance 37 from Africa, only 37. Now this time if you want to have an application and apply the applicant support and put penalty you in fact punish those people again. So I think there should be some sort of arrangement if the application comes from the developing country or country in need of the help and if they could not meet the criteria they should not have a penalty. I don't think that in outside the ICANN there is such a thing. Just to give you an example. We are government and part of other organization. In ITU you can ask assistance but you don't pay for that, you ask assistance because you need assistance. This is part of the purpose and missions so I don't know to what extent we have to be careful about this penalty or punishment, not saying reject it but we need to be quite careful to comment, to see what extent it should be applicable and to whom, if it's developing countries quite careful, if someone who could have other means of support and should not apply, if applied and does not meet criteria, but developing country has no experience in asking that and personalized, I don't think it's fair. My personal view. Thank you.

LUISA PAEZ:

Thank you, Kavouss, and that's an important consideration, an important consideration there, and perhaps recognized raise that within the CCT review session within the GAC. We have a few more minutes. Any questions, further questions at this moment? I know we're all trying to stay awake with jet lag, so thank you for your patience. Perhaps one opportunity, Jeff and I know we will have another session where we will be more awake, speaking as well for myself. So if you have any other comments perhaps that you would like to share with GAC, so we can start thinking and then to see how we can organize ourselves and have the discussion, thank you.

JEFF NEUMAN:

Sure, I'm just trying to decide which -- I know there's a few minutes and a lot of these are lengthy. Just to I guess -- one of the big areas especially we have heard about for the last number of years is on community based applications and there are a number of items where there's certainly agreement with comments that have been made or we received the comments from the council of Europe, the report they commissioned, and so the things where I see the comments that we've received and the recommendations seem to be in line is there's still support within the community it seems to give priority to communities. There's definitely support and comments and recommendations to make the process much more transparent and clear and to set the rules ahead of time as opposed to making up -- not making up because that sounds nefarious but in terms of coming up with rules after the



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applications are already submitted. So there's certainly agreement within the community to do that.

There's some agreement within the community to make sure there can be back and forth between applicants and the evaluators so that if there are clarifying type questions that the value have the process to deal with the applicants and of course more transparency in the actual evaluation and.

Where potentially there could be divergence is in the notion of loosening up the restrictions front communities. So comments have been submitted -- there's a variety of comments, lots of comments submitted, some that ask for the definition of community to be much more narrow, some that ask for it to be more broad and I think the GAC comments certainly fall in the category of broadening the definition and also to make it easier for communities to achieve that status if it's clear that they're trying to serve the public interest and the public good.

So there's certainly lots of comments that it's going to be difficult without any kind of compromise to make any recommendation or concrete recommendation? So the one area where I know that I've heard from previous discussions and especially Kavouss gave me kudos for the work I've done, I mean, Kavouss has been doing a ton of work as well, not just on the EPDP stuff but coming to our meetings when he can and supplying comments, so Kavouss you deserve a lot of credit for that.

But something that Kavouss has certainly let us know is that our default rule, meaning if we can't achieve consensus on change the way things

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were in 2012, the default is we use what happened in 2012. So in some cases it's good for some groups and in other cases it's not and that's where sometimes it's difficult to come to compromise because if you like the way it happened in 2012, you don't necessarily have an incentive to change it because you may think it will make it worse. If you didn't like 2012, you do have incentive to want to change things so one thing we need to figure out -- and it's not just with subsequent procedures but it's with a lot of things, is how we can create the proper incentives so that we can as a multi-stakeholder organization come to the table and compromise or try to figure out a solution that makes everybody equally happy or unhappy. So that's something I thought we should cover.

LUISA PAEZ:

Thank you, Jeff. And Kavouss.

KAVOUSS ARASTEH:

Excuse me, Jeff, I have to defend what I said. I said if we could not reach consensus on the issue we should take the default. That is we encourage the people to have consensus. We should go to that aspect. We have done it elsewhere outside ICANN, people come with so much complex proposals and we say if you don't agree we go back to the no change, that's that. That means we encourage the people to give some concession and to agree with each other, not sticking on positions, so that's very dangerous. We have to give something and get something. So you should kindly take my suggestion from that aspect, it is an

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encouragement to reach consensus. Otherwise if you don't have that, you have the no change, thank you.

LUISA PAEZ: Thank you good point and reminder.

JEFF NEUMAN: Just again, thank you for letting us at every meeting come to you and update you on the progress and status and for your valuable input, and I know it's at the end of the day, don't want to keep everyone from going out for dinner and drinks so thank you very much.

LUISA PAEZ: Thank you, Jeff and everyone to let you know in the next session we will be discussing then how to organize internally within the GAC and -- yeah, I guess I will leave it there. But I think it was a fruitful discussion and thank you, Jeff, for the overview of potential areas of divergence and agreement as well. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jeff and Luisa, for GAC colleagues, tomorrow there's the opening ceremony at 9:00 in the main hall and then there's the high interest topic session that's on ICANN strategic planning in the same hall at 10:30 but we're meeting here at the GAC room after lunch at 1:30 for our preparation for our session with the board for our board bilateral meeting with the board but also we have afterwards the meeting of the board GAC interaction working group. So 9:00 at the at

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the opening session and here at 1:30 for our GAC meetings again. Thank you, enjoy your evening, thanks to the support staff, IT, team, interpreters and thank you all for the fruitful discussions. Thank you.

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