
ICANN72 | Virtual Annual General Meeting – GNSO: BRG - Regulation DNS Abuse and the Next Round - dotBrand Perspectives
Monday, October 25, 2021 – 12:30 to 14:00 PDT

SUE SCHULER: Hello and welcome to the Brand Registry Group meeting. My name is Sue and I'm the remote participation manager for this session.

Please note that the session is being recorded and follows the ICANN Expected Standards of Behavior. During this session, questions or comments that are submitted in chat will only be read aloud if put in the proper form as noted in the chat. I will read questions and comments aloud during the time set by the chair or moderator of the session.

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This session includes automated real-time transcription. Please note this transcript is not official or authoritative. To view the real-time transcription, click on the closed caption button in the Zoom toolbar. With that, I'll hand the floor back over to Martin.

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MARTIN SUTTON: Thanks, Sue, for the terms and conditions. I hope everybody got those. So welcome, everybody. And it's nice to be with you at ICANN72. I hope it's all kicked off nicely for you. And I'm very pleased that you've been able to join us today. So first of all, I'd like to hand over to our president, Heath Dixon, just to say a few words.

HEATH DIXON: Thanks, Martin. I'm Heath Dixon, the president of the Brand Registry Group. And for those of you who are not familiar with the BRG, we are an association of companies that are aimed at supporting companies that have their own brand top-level domains, and for helping companies that don't currently have their .brand to apply for and obtain their TLD.

And so, as you can imagine, the next round is very important to us as we are trying to make sure that our members are in the best place to be able to apply for their brand TLDs. And so the discussion that we had today will focus largely on what we need to do and what we need to think about in terms of brand TLDs for the next round.

As those of you who are familiar with ICANN are aware, when the Operational Design Phase (ODP) was introduced last year by ICANN, there were some concerns about whether it was going to slow things down or speed things up. Despite reassurances that it would speed things up, we are starting to see with the first two that have been kicked off, the SubPro and the EPDP, the SSAD, that the Operational Design Phases aren't working necessarily as efficiently as folks had

hoped. And so what we would like to do today is to talk about what the concerns are that are driving that, how we can see about improving the speed to get to the next round so that we can have those applications. So, Martin, I'd like to turn it back over to you now to introduce our panelists and to start our session.

MARTIN SUTTON:

Thank you, Heath. I'm delighted to welcome our panelists today. First of all, if I just go through and introduce them briefly. We've got Nigel Hickson. I'm sure he's familiar to many of you. Nigel is from the Department for Digital, Culture, Media and Sport in the UK government. He is also the UK GAC representative. His career has focused around Internet governance and prior to being at DCMS, he spent eight years at ICANN as the Vice President for IGO engagement and coincidentally started at the same time that the last round was launched. So please cast your mind back to the year 2012, which is when Nigel commenced working with ICANN for the period of eight years. Before then he was actually with DCMS and was the head of Global ICT Policy.

I'd also like to welcome Mike Silber. Mike has been involved with identifier and network commercial, policy, legal and regulatory issues for over 20 years. He's a lawyer and the Group Chief Regulatory Officer at Liquid Telecom group. Mike currently serves on the Board of the Internet Service Providers Association of South Africa. He's previously served on a number of Boards, including ICANN. And coincidentally, at the time when we had the launch of the last round, he was close to all

of the action. He continues to be involved at ICANN and is currently the Vice Chair for the Addressing Supporting Organizations. So welcome, Mike, pleased to see you joining us today.

I'm delighted to introduce Deborah Atta-Fynn. She is familiar with the domain industry, having spent a number of years with CSC helping brands protect their intellectual property. But before then moving to a major global bank, JPMorgan Chase, where she's been part of the Cybersecurity and Technology team, helping to protect the bank and its customers. So, important roles there and probably a little bit of a crossover from my history as well. So it's interesting to see where responsibilities have emerged from people that have been involved in this landscape and particularly .brands.

And the last but not least, we have Tony Kirsch. Welcome, Tony. Head of Professional Services at GoDaddy registry. If you don't know Tony, you've probably never ever heard of new gTLDs. Now, whilst he would normally be out wrestling crocodiles in the outback at this time of day, there's COVID restrictions so he can't get past the end of this road. So he's desperate to join us at this ungodly hour of the day. Thank you, Tony. I appreciate it.

So, welcome to all. It's great to have you here. And what we'll be doing is casting some questions to our panel over the course of this session. Then Tony will focus on looking across the new gTLD environment as we see it today. I'll delve in a little bit deeper on some of the activities that have led up to the ODP and the ODP itself.

Before I cast out some of the questions to our panel, I thought it might be useful just to refresh everybody's minds as to what is the state of play and where do we see this getting to in terms of the next round? So in case you haven't been following it, the five-year Policy Development Process activity that was completed with many of their community involvement over the course of many years delivered a final report at the start of this year to the GNSO Council. This was after many years of deliberations of reviews and real drilldowns to some of the issues and figuring out if there were better ways to proceed to subsequent rounds.

So in February this year, the GNSO Council approved unanimously the recommendations that were put forward the outputs where there was full consensus or consensus achieved. There were only two other items that did not receive that level of status. So a comprehensive final report was delivered. The Council had reviewed this after obviously being involved in tracking it for the years. And bearing in mind that there was a lot of consultation with the community over that period of time, they were pleased to approve it and pass it forward to the Board.

The end of the last year, the ICANN staff introduced the concept of an Operational Design Phase, which as Heath had outlined had commenced with its first policy work covering the EPDP for the SSAD, for which we have seen delays come through on that. Now, with the SubPro Operational Design Phase, this was recently presented after the Board decision was made to initiate the Operational Design Phase

for Subsequent Procedures. So in September, the Board initiated this. And whilst originally the concept of the ODP was looking at around six month process to deliver an assessment to the Board to help it make an informed decision about taking forward any policy development work, we saw then that the Board had actually agreed to a 10-month ODP, so an expanded timeframe beyond the anticipated six months. Notwithstanding that, there was also presented recently the fact that this also has an attachment of three months ramp up. So therefore, it's already increasing the period of time after the seven months that we saw after the GNSO Council approved the policy work where now we see an extended timeline where the decision by the Board may not actually be taken until early 2023. And that's nearly two years between the GNSO Council supermajority approval before the Board is anticipated to make a decision on the policy work that has been developed by the community over the past five years. So it's only then we would see implementation work again.

So I hope that gives you an outline of where we are in terms of times and processes. And now I'd like to turn to our panelists.

First, I will turn to Mike, if I may. Mike, in the last round, as I say, you were involved with the ICANN Board and help lead the organization through this time. I think there were there were multiple issues that arose then were identified that needed to be worked on, and those are even after the application phase had opened. So post submission of applications, there were still quite a few things that needed to be changed and adapted or implemented as we went through the

evaluation phase. Things like the prioritization mechanisms, the introduction of mandatory and voluntary PICs after the GAC advice had been received. We must also remember, I suppose, that this wasn't the only thing bubbling away ICANN at the time. It wasn't the only focus of attention. There were many other things being worked on by the Board and staff at the same time, including the IANA transition.

So what I think would be really helpful for us all today is your insights. I think they'll be invaluable to share with us on the panel and think about how that may prepare us for the path ahead. So could I ask you to reflect on some of the learnings that you gained from a leadership perspective to help illustrate how complexities were resolved, both amongst the leadership and the community in the last round? Mike?

MIKE SILBER:

Thank you. Thanks for the invitation. I think that it's no secret that I abstained from the vote launching the last round of new gTLDs. And the reason why I did so is because I thought that the decision was rushed, not the decision to launch new gTLDs but to actually open the round. And, unfortunately, what transpired thereafter, and which continues to transpire, made me convinced that my decision at the time was correct. That doesn't mean that we should delay indefinitely, that we should have delayed then or that we should delay now. The intention always was to avoid a situation of rounds. And I see that again, because of the significant delay, we're again in a situation of rounds because we haven't done enough in terms of the design to

actually go for an ongoing set of processes. That being said, your challenge and your invitation made me go and relook some of the work that's been happening since I left the Board and since I have gotten involved in a very arcane part of ICANN—and I'm no longer part of the cut and thrust within the GNSO and specifically around new gTLDs—so I spent a bit of time actually looking at the SubPro recommendations, and all I can say is I'm seriously impressed.

When you and I spoke about the ODP and I thought, “Fantastic, this is what we should have done last time,” plenty of time interrogating every single aspect of what could possibly go wrong. Get it all out there, analyze circle round, why are you complaining? This is a necessary step. And then I went back and looked at the final report and realized that a lot of what needs to be examined within the ODP is in the report and it's a seriously impressive piece of work.

So, what I can say is I'm very pleased with the notion of the Operational Design Phase and I'm very pleased at the measured approach that's being considered by ICANN Org and Board. At the same time, going back and looking at the final report, it looks like most of the answers are there already. I wish that we had such an excellent piece of work when we launched the previous round because, unfortunately, there were a lot of holes and a lot of people pushing very hard to say, “Don't worry about filling in the holes. Let's just go. We'll make it up as we go along.”

Unfortunately, there had a lot of unintended consequences. That had unintended consequences for applicants and for ICANN, and it led to

some poor decision-making. It led to manipulation of process, it led to people trying to take advantage of those lacuna which existed within the process. And I include some colleagues within Board and Org who saw this as an opportunity, whether it was for personal benefits or for ego boost or whatever it was to rush in and to take credit for having delivered a New gTLD Program. And then they left the organization, leaving a lot of other people having to clean up mess that they created by rushing.

This time, it doesn't look like a rush. I'm not hearing anybody desperate to launch. Instead, I'm hearing people going, "We need a measured, consistent approach. And we've done a lot of work, the time is now." From what I've seen and from what I've read over the past few days, I certainly think there's a lot to be said for that approach because there's a lot of work that was done on the 2012 round, which is still valid and the SubPro report certainly pulls that through. There are a lot of mistakes that were made. And those are, I think, well analyzed. And there's a fair amount of intent to address it.

There are a few areas where I think there's still work needed. The one thing that was pretty close to my heart was a ... you're considered and totally unsuccessful applicant support program. And I can see there's a lot of thought and work that's gone in in terms of the SubPro report, but we don't seem to have quite solved all of those issues. I'm sure going through it, we will find other areas. I don't claim to have read it in enough detail to have identified every gap that may be there. So there is still some work. I'm not going to be a cheerleader for the

SubPro Working Group, as good as I think their work was, and to say they've solved all of the problems it's ready to launch tomorrow. But there's a significant amount of work that's gone into it, and I think the call for a consistent and measured implementation is certainly understood and welcome.

The only comment I would make is while an additional 10 plus months may sound incredibly frustrating in terms of the amount of work that's already being done, at the same time, if it has the potential to deliver a better program rather than just being delayed for the sake of delay analysis for the sake of analysis, then why not take it? If all of our questions have been answered by the SubPro reports, well, then the process may even land up being quicker than expected. But otherwise, take the time. Actually, use the opportunity to fix any of those gaps, smooth any rough edges that may be there. Make sure that once the program starts, you don't have the hiccups and gaps that we experienced as a Board and as a community that continuously had to be papered over because we found there was a gaping hole and it was too late. So you kind of had to look for a quick fix for a solution to a problem that if we've done proper analysis, we would have realized was likely to come about.

MARTIN SUTTON:

Thank you for that. That was a very open and useful reflection on the last round. I also appreciate you taking the opportunity to have a look at the Subsequent Procedure's outputs because that in itself, the final report, is just the top layer of information that's been provided

through to the Board. There's a lot of the dialogues and discussions that were had across all the different subgroups, the overall working group, and also the information collected through six separate public comment periods as well. So I think it has been very thorough, and I appreciate you for recognizing the work that's gone into all of that by the community over the past five years, and the fact that it does help them to steer us through towards the next round.

What you're indicating there was that the last time certainly wasn't a rosy picture and there was lots of challenges that had to be addressed along the way. And I wonder now, do you think even some of those elements that were sort of post Applicant Guidebook issues that had to be resolved, do you think if anything you've read has helped you to say, "Yeah, we're in a better position now, we've got a more robust set of rules and processes that we can adopt or easily adapt towards for using in the next round"?

MIKE SILBER:

Martin, I think, certainly it's a far more robust environment. I think that's partly due to some really good work by the community. Sometimes because of pushback by the GAC by others, the communities had to evolve, that had to respond, that had to be engaging all the time, even during the application process.

The other thing is my friends and colleagues on the ICANN staff don't get enough credit for their ability to actually evolve, update, and pivot. Sometimes because they don't like to be seen to actually be evolving, I

don't know why that sometimes ICANN staff that don't like to be seen to actually be learning from mistakes and growing, but they certainly did. I certainly saw in terms of the quality of the reporting, the quality of the inputs that we as a Board at the time was getting was improving all of the time as the staff were realizing some areas where there may not have done as well. When they're within appointing new consultants, ensuring that the quality of the reporting that we're getting from consultants that was then passed on to the Board onto the community, ensuring the additional transparency of the process, the staff learned a lot. And they improved a lot during that process. Remembering also that we had two leadership changes during that period, which transitions from, at least in my impression, a leadership who felt that they had delivered something amazing to the community, to a leadership who was selling the community how good they were to the current leadership, which is far more focused on how to deliver what the community wants. At least that's my perception. Having been involved in the selection of the past three CEOs, I think we've got a good one, and I think the staff is responding accordingly. Remembering, of course, that we have changed the contractual basis on which ICANN operates from a contract with U.S. Department of Commerce to a contract or a compact with the community. I think that's also very important consideration that needs to be borne in mind is that we're now operating in a community compact environment, and I think that there's a lot of change over there. So I think we're far better place than we were at the time.

The other thing is, if you look at the number of TLDs, or the number of applications, and then you look at the number of TLDs that have actually launched, and the number of TLDs who have actually been successful, I think that the heart that existed in 2012 is not there any longer. I think people are going to look long and hard before submitting an application. These wild and wonderful applications for weird and wonderful names by people who thought that they would make a fortune have turned out to be vaporware.

And so I think applicants now are far more serious and I think there's likely to be a lot less speculation. Also, as people have seen and learned from prior experiences, I think that potential new applicants are a lot less hyped about it and a lot more considered in terms of why they would submit an application and what they hope to get out of it. I think that that lack of market hype or the reduction in market hype is also very useful because it takes some of the pressure off ICANN Org, it takes some of the pressure off ICANN Board, I also think it takes some pressure off the community because I think we're dealing with a slightly more understood environment within which applications are likely to be processed. I still think it's going to be a little bit of a guess in terms of how many applicants there will be. But I think any applicant is likely to look really long and hard at submitting an application, knowing what they do in terms of the commercial success, or lack thereof, of many of the current 2012 applications and how many of them have just been abandoned.

MARTIN SUTTON:

We will take a look at that later on, Mike. But thanks for pointing that out. I think there's a number of points there in terms of understanding that we've built up an awful lot of experience and knowledge over the past 10 years since the last round was launched, including with ICANN Org but also within the community and the leadership.

In terms of thinking about the next round, yeah, I think I'd agree with your assumptions there that it's going to be far more considered and what we will probably see as more purposeful and manageable TLDs being applied for in the future. So great observations there. Thanks for sharing that.

So I'll wrap up with one more directed to you, Mike, which is thinking about Universal Acceptance, because I think you were quite closely tracking that as well during your time on the Board. It certainly receives a lot of deserved attention to help the Internet of the future to be more reflective of our global society. So do you think that subsequent rounds by driving that could create more attention and increase awareness around Universal Acceptance and how to address this more effectively across the globe? I'm just interested in your thoughts on that.

MIKE SILBER:

Martin, very definitely. While I don't think that the full list of potential strings has been exhausted by the 2012 round, I think the reality is that if we start moving out of ASCII and English in particular, it opens the pool a lot more. And so I suspect that a lot of people went with

dictionary speculation in the 2012 round, it doesn't mean that we won't find dictionary speculation in other languages or other scripts in future rounds. But I do think that you're more likely to see innovation coming from non-ASCII or non-English languages and scripts in future rounds. I think that we're well placed to actually expand the use of Internet and the use of Internet identifiers into other non-traditional English language ASCII communities.

MARTIN SUTTON:

Great. That is definitely an area of focus for the next and subsequent rounds. So I think that's one to watch. Something that you mentioned earlier is 10 months is a good amount of time to be able to plan for things. So perhaps this is area that's outside of the ODP that could still be worked on in parallel—and I'll come back to that later, I'd be interested in your thoughts on that.

I'm going to switch over now and direct questions to Nigel. I'm pleased he's been able to join us from your GAC meeting. So great to have you here. Thanks very much for joining us and sparing us the time.

SUE SCHULER:

Martin, sorry. Before you move on, you do have a few questions in chat. I didn't know if you wanted to address those or hold off questions to the end.

MARTIN SUTTON: Thank you very much. I think we'll hold off questions. If anybody from the panel is able to respond to any as we go through, that'd be great. Otherwise, we'll try and pick out a few of those as we come towards the end of the session. Thanks very much, Sue.

So, Nigel, I mentioned earlier that you're an active participant in Internet governance in your role in DCMS. I think you live and breathe it. You also had some experience of the last round when you were at ICANN for a number of years. So I think you can provide us with multiple perspectives. But from a government perspective, could you help us understand or explain what is important to the organizations that you talk to about preparing for and participating in in the future expansion of the Internet?

NIGEL HICKSON: Yes, yes. Well, I hope I can. Good evening. And thank you so much for inviting me along. I'm not sure I'm an expert on anything. But I find myself back in the UK government. It's a pleasure to be working in the UK government on Internet governance. They must have run out of people to ask.

In answer to your question, the UK has been supportive, I'll put it that way, over the expansion of the gTLD base. I think the 2012 round taught us an awful lot. I joined what Mike was talking about. Of course, he has far more experience than I do being a Board member during this critical time. I think it has taught us lessons on the way to go forward. And I think it's also taught the community and the wider

applicant public, if I may put it that way, lessons as well. I agree with him that I think we're going to see a more serious approach in this particular round.

As far as the UK government is concerned and some of the governments I've been speaking to, I think the key points, Martin, are one of predictability. Predictability in terms of what is going to happen. It's very difficult to tell ministers that something is going to happen and then it doesn't happen for a couple of years, because basically they lose interest. So we as civil servants have to gauge when we have to judge, if you like, when to engage our seniors on this. So having some predictability in this process is really important.

The clarity of what's going to happen, and obviously, we'll get more of that and we can talk more about that later. But we do need clarity and of course we need a timeframe.

We then come to, if you'd like, the benefits of the new round in terms of not selling it but in terms of making a justifiable case for the expansion of the gTLD base. Because when we go to ministers and say, "Look, we're expanding the gTLDs," and they asked, "Well, can you tell us what's happened to the 1700 or whatever that registered in the first place?" then it becomes more difficult. But if we can hold up our head, which I think we can and point to some notable successes, and you did so in your background briefing. I remember in ICANN being in the government engagement team during this time, I'd only just joined, I was very much a newbie, but I did a lot of reengagement with governments. And I found that the thing to be passionate about, if you

like, was where the name benefited the community. We had a number of names, which I think really did benefit the community and actually expanded the gTLD base. Because at the end of the day, that's partly what it's all about. If you can bring the flower shop in Berlin onto the Internet, if you can bring the service provider in Afghanistan or whatever onto the Internet, then you are providing a service. That's why I think Göran Marby, the CEO, has caught the tide when he speaks about the SubPro in terms of expanding the reach, both in terms of international domain names, but also in terms of appealing to people in different areas to apply for names, to attract a new audience to the Internet. I think that's very important.

I hadn't read until today this marvelous name that you mentioned about ABC XYZ. I hadn't realized that they had used that name as one of their ... I think I'll end there. I think it's going to be more serious but we do need predictability, clarity, and a timeframe.

MARTIN SUTTON:

Nigel, before you joined us, I also—with a slide that's up on the screen at the moment—was just trying to give the indication of what the community sees from a point in time where after community effort has gone on for many years to deliver a final report which is approved by a supermajority at Council level, there could be up to two years before actual decisions made by the Board.

Now, going to your point in terms of predictability and also the point that you just raised there about supporting the ICANN new gTLDs

which is underpinned by the multistakeholder approach, something which I remember last week, you had the UK Internet Governance Forum, and Chris Philp, MP, the Parliamentary Under Secretary of State for the DCMS, also referred to at that time. But I think there's also a concern that there's a growing swell of volunteers feeling disempowered and disengaged because they've committed an awful lot of time and effort over many, many years. We're expecting really from the way that the Bylaws or the intent of the Bylaws for some progress to be made much more quicker than perhaps another 16 months on already a seven-month timeframe since the Council approved the outputs.

NIGEL HICKSON:

No, I'm with you here, Martin. I mean, I take your point in entirety. Thank you for your contributions to the various consultations we've carried out in the UK on ICANN matters as well. I think you've been very articulate on this point. I do agree. Having the eye on a transition, with all that fantastic work that went in over those 18 months or whatever, to reach the end, and then someone to say, "Well, actually, we're going to wait another year and we'll see what happens," or whatever. If an awful lot of work is taken forward and then something goes into a black hole and effectively disappears, I'm not suggesting that has exactly happened, but then I think, really, you do get this fatigue setting in, this problem of what is this process? Where is this process going?

I think it's very, very important that during this ODP or whatever we call it, and I'm not going to comment on the detail of it, but there is transparency, there's accountability, there's some sort of understanding of what is going on. Because of the answers I gave in to the first question. I am concerned, and I'm concerned at two levels. I'm concerned as, if you like, a member of the ICANN community myself, I can understand, although you and others can understand much better, but volunteers for hours and hours into this do need to be able to see something move forward. We've got other examples where discussions have not moved forward for whatever reason, and that really does cause problems.

The second point is that we get this thrown back as governments. People will say, "Look at ICANN, they discussed this policy for three years, they came up with a detailed policy plan, and then it took them another two years to implement it." We as governments would have implemented it in three months. The multistakeholder process has to—it can be very good at formulating policy but it also has to be good at delivering. Therefore, I'm hoping that we can perhaps do better than what's noted on your slides.

MARTIN SUTTON:

Thank you, Nigel. I think that's important. And to appreciate the fact that ICANN community as a whole is still fairly small and that it relies upon many of us as part of the community to promote and reassure people that the ICANN multistakeholder model is a good way to proceed. We're always challenged. I think you put it really well in that

anybody that asks us in terms of question around is, “Why does it take so long? What is happening?” It’s not particularly clear some of the time when we’re looking at these particular cases. So thank you, Nigel, I appreciate that.

I’m going to move on now to Deborah. Welcome again, Deborah. Great to have you with us. I think at our last ICANN meeting, we were able to bring forward other people from the community that have not perhaps been involved heavily at ICANN and through the policy work. I think you also bring a different perspective, the fact that your organization, JPMorgan Chase, applied for your own top-level domains in the last round. You went through the challenges of that round, having to adapt to the processes that were being adapted along the way and developed after the applications were submitted. Could you just give us an insight as to what you would expect now in terms of ICANN’s preparations for the next round of new gTLDs?

DEBORAH ATTA-FYNN:

Absolutely. I just want to clarify I wasn’t here at JPMorgan at the time that first round started. But I’ve been filled in by colleagues and others of the process. And our expectation—I think Mike outlined them very well—is we would like to have a second look at the initial process. Really be deliberative and say what worked well the first time around and what gaps need to be filled. That is happening so we’re happy to see that that’s happening. I think from that first round that framework exists. Done the first round. It was successful. Now we need to go back and look at that framework and see where are the holes and the gaps.

Using the house analogy, we have the framing, maybe we need to plug up some windows, some doors. But that has been about six years or five years now in that process. And so our expectation is that that process is ongoing, which is what has been happening.

Then where also we would like to see as improvements to that framework. So our expectation is not just that we fill any gaps that existed in the last round and then we say, “Okay, ready, set go.” Our expectation is that we fill the gaps but also where can we improve the process, where can we streamline the process a little bit better, and where can we make it so that the process works for all the involved constituents.

Again, I’m going to say Mike made a really good point where he said in this next round, we’re looking at more serious applicants. I think that’s a really great point where that first round was—it’s the first time, it’s a little bit unknown, and so lots of people put their hat in the ring. Whereas in the second round, there are groups or folks who have been through that first round, went through the challenges, came out on the end, delegated their .brands as expected and have operated it successfully. Those groups of people, those entities are looking for a more serious process this next time around. They’re not doing it just for the fun of it. So their expectation and our expectation through the second round is that, “All right, we’ve been through this before, here’s what this next round is going to look like because we’ve matured the process,” for lack of a better word.

MARTIN SUTTON: Great. Thank you for that. I certainly think that the outputs from Subsequent Procedures include streamlining processes. There's some specific examples in there that could cover that. That's good to hear.

One of the nice things as well, I heard you recently talking on a podcast with Tony Kirsch about JPMorgan Chase wanting to consider further applications. How do you currently view the open-ended timeframes? And what is a lack of certainty of not only when, but if ICANN will implement the next round? Because that decision still is yet to be made. So I just wondered if you had any thoughts on that.

DEBORAH ATTA-FYNN: I think on the podcast, as I mentioned with Tony—and this applies for other large entities, it's not unique to JPMC—but in order for there to be any real movement or a launch of any sort, there is a long ramp up time that's needed. ICANN is going through that process on its end now, going through what needs to be done in order to get ready for the next round.

In the same way, those on the other side who need to apply for that next round need that clarity and they need that definitive timeline to at least start that preparation. Because in the same way that ICANN has to ramp up, we also have to ramp up. We have to get internal stakeholders from legal and marketing and whatever other groups may be involved to buy into it. They need to see the business value, they need to see the use case, and why this is necessary this next time around in order to buy into it before we start preparation on what will

be the eventual application. For us, that open-endedness of the timeline makes it very difficult for us to get that stakeholder buy-in that we need. It makes it difficult for us to really start any real definitive planning. So that we need a little bit of a firmer timeline, understanding that there are deliberations that need to happen but that firmer timeline would be great for the community, which is the other side of that community that needs to present applications so they can do that same work that they need to get ready.

MARTIN SUTTON:

Interesting point about the timeline. I'm not sure what comes before or the other. I just wonder really, do we need some kind of commitment from the Board itself earlier than the end of the ODP that would strongly indicate that they are proceeding Subsequent Procedures and the PDP outputs and include some kind of timeline? Does that go hand in hand?

DEBORAH ATTA-FYNN:

Absolutely. I think to your point, no, it's been a given on our end that there will be a next round of .brands. And I'm sure other entities have had that same assumed mindset. To get closer to the date that we're expecting this to happen, to find out, okay, well, that timeline might not be as firm as expected, throws a lot of plans awry. It would be good while that deliberation process is ongoing to say, "Yes, we do plan on absolutely having the second round. Here is some timeline understanding that, yes, things may change, items may come up as

the deliberations going on.” But you need predictability in order to really plan and to really firmly say, “This is what we’re going to do on both sides of the aisle,” let’s say. Some timeframe is really necessary from ICANN in order for the business community and for those who are interested in the .brands to really get ready and start planning on their end.

MARTIN SUTTON:

Excellent. I think that’s great. And I think that ties back into what Nigel was saying as well where this predictability for organizations is really important, because otherwise, they can’t devote any time and prioritization towards considering and preparing to apply and make it more successful going forward. Thank you for that, Deborah.

I’m going to switch to Tony, if I may. The BRG has continually raised awareness at ICANN of the usage of new gTLDs but typically from a .brand perspective. Very few of these TLD operators participate in ICANN meetings particularly, but have constantly worked on developing and making their TLD successful. In fact, recently our BRG members meeting was welcoming BMP [powerbar] to talk about their great achievement to make [.bmppowerbar] the core of their trusted online environment. Even I think [group.bmppowerbar] is now taken over as their corporate site and achieves much more traffic than their original .com site, which now acts more of a support domain.

What we don’t tend to do is provide insights about other TLDs that are commercially orientated and how successful these have been. So like

brands, these are often highly purposeful. They minimize speculation, infringement, and fraudulent registrations, thereby avoiding DNS abuse issues that the community has long been concerned with. In that respect, I suppose you can also say they are manageable, with strong elements of KYC built in preventing some of these issues arising in the first place, but also simply to resolve issues that may arise in view of the fewer number of parties involved.

We thought today would be really good to focus more time on the wider new gTLD environment and provide insights that may not often reach the ICANN community. So I'm going to hand over to Tony who will give us a rundown of all the good things that have been happening in the new gTLD space.

TONY KIRSCH:

Thanks, Martin. Nice to be with you all. Hello to all of our friends around the world, wherever you may be listening to this stuff. It's been a very interesting panel so far. I've learned a lot and hopefully I can share a little bit more. I guess I should start with a little disclaimer here. It's not lost on me the fact that I work for a registry services organization, and to Mike Silber's point, I am one of those people that was pushing in the first round so I guess I should put my hand up for that.

But I think when we're in the community, registries and registrars have historically had a view that they wanted to push for this—and not everyone has agreed, I understand that. The reason that we're pushing

for it—I really want to be clear about this—is, yes, in complete openness, it does benefit our business. That’s quite clear. But the bit that I think most people fail to understand is that the reason that we’re doing that is that there is demand from the community. We don’t make money out of this because of no reason. It’s because there are people who would like top-level domains that want to use registries and participate in the community.

The idea that we might only be doing this from a revenue perspective is flawed. If there is no customer base, if there is no demand, then there is no revenue base. And I think that’s what I really want to focus in a little bit on today. Because despite the challenges from the 2012 round—very interesting what Mike had to say, he’s right, there were some issues. And I sometimes reflect and think, “What would have happened if we’d had another year before we did the 2012 round? Would we have avoided some of that? Would it have been smoother to go through? Would we have had less challenges and perhaps even got to this next round a little sooner?” I reflect on that often. I mean, I guess we’ll never know. But I think it’s important to think about that. I don’t see any evidence to suggest that the 2012 round was fundamentally flawed. I’m going to show you some examples about that over the course of the next few minutes.

I also don’t see any evidence to suggest that the next round will be anything other than that. In fact, I agree with the sentiment already raised, which is that I think there will be a far more mature approach to the next round as and when it launches.

Before I get into some of the detail around the slides, I just wanted to share a bit of an epiphany that I had over the last couple of months. Martin, you alluded to this. Part of my frustration—and I am unashamed new gTLD supporter and a big advocate for the program. But one of the things that I found really challenging is the lack of positivity and sharing of stories about new gTLDs within the ICANN community. It's baffled me for years. And only recently it became something where it dawned on me that the vast majority of registry operators or new TLD owners from the 2012 round aren't really part of our community. It is very rare to have someone like Deborah come up from a brand and speak in our community. And once we have some players, the portfolio players, there are a lot of TLD owners that don't come into our community and don't share their story. Effectively, they bought an asset from us as the ICANN community, and they're using it out in what I call the real world. And they don't necessarily share, they have no interest in sharing their success with us because they've got what they need. I think what that tends to create is a little bit of a lack of understanding within the community. I think that that's a little bit sad.

I think if we understood—and I'm going to show you some things that I find in my travels. I'm very lucky I work in an organization where we have a couple of hundred clients on our backend. My personal role is to work with the vast majority, not just on technology and compliance but getting involved in their businesses and actually understanding why they're using their top-level domains. They're not all brands, some of them are city governments, and some of them are generic TLD

or portfolio owners. It's a pleasure and an honor to be able to work in their business and see how what we do within the community actually impacts their businesses and their real world.

To me, that speaks to our responsibility. We may not know what's happening outside of our walls sometimes. My perception is that as a community, we can be a little isolated. Now, for those who've been to many of the meetings, our meeting rooms with no windows, I think that's more than symptomatic of perhaps how we act sometimes. I wanted to share with you today a little bit about what's happening, as I said, in the real world. The moms and the dads who use domains, the small businesses, people on the street and my experiences from doing that. I wanted to share that with you in the context that—I apologize for the ones that I missed, but I wanted to give you just as part of today. We understand that the ODP is going to happen, we understand that there's processes that need to be followed. But I think it's reasonable for us to expect now that we're moving very quickly towards a result. There is a community out there that is relying on us. As the ICANN community, I say that with all due respect, we need to evolve. And this next round is a vital component of continuing and evolving the Internet. As I said, that's why I think this is a really important discussion. And I feel blessed to be part with this panel.

So let's get started. Looking just through the slides, most of you will know that there are almost 2000 applications for a variety of reasons, including contention and other topics. [Net net] we're seeing just over 1100 top-level domains on the Internet today. You can see the

breakdown there in terms of what we call .brands, exclusively closed extensions that are available to trademark owners, and then the more commercial elements. I'm being very general here. There's obviously a lot of nuance between the generic and the community. But just to give you an idea of what happened in 2012, if you're new to this space. Thanks, Martin.

I wanted to draw you a bit of a distinction here before we look at some of the stats around the timing and the landscape. Most people would agree that 1985 was the time that we really turned the web into a commercial thing for domains. And at that time, although there was slow growth at the start, very quickly after that, it started to really boom. There were limited choices in terms of top-level domains and there are also limited choices in terms of competing technologies, which I think is really fundamental to what I'm about to show you. Because as we launch new top-level domains in 2012, the Internet use—and I put a little asterisk here and I'm talking here in particular about developed nations. I accept very openly that there is a whole billions of users that are continuing to grow in their level of Internet adoption. But for the developed world, the use of the Internet had continued and evolved in new areas but it hasn't necessarily grown in terms of people on the web at the similar level as what happened through the '90s and early 2000s. At the same time here, and I'm talking here over the last seven years, we've had, as you saw on the previous slide, over 500 or 600 TLDs hitting the market, as well as a shift in the way that domains are used. I think this is the key. We've had a very strong advent here of social media, those of you who are

familiar with the predominant tools, the Facebooks, the Instagrams, the LinkedIns, the Twitters. But it's more than that. It's also the prevalence of link sharing and things like that where we didn't need multiple, multiple domains that we may have in the in the '90s and the early 2000s. And similarly, for those in the commercial space, there was always a benefit of having many, many domain names and effectively creating multiple sources of traffic for your SEO. And a lot of the search engines have realized that and become smarter over time. So it's a very different landscape between the legacy TLDs through the '90s and the early 2000s through to what's happened over the last seven years. Thank you, Martin.

Let's have a look at that from a statistical point of view. As I said, new to TLDs, roughly seven years since the first one hit the web and it was commercially available. As you know, many of them have come on board all the way through that time. And there's been 136 million people around the world or organizations around the world that have registered a domain in the new top-level domain extensions. That could be anything from a .nyc for New York, a .club, a .chase. It could be any of these things.

I would imagine that for at least a few of you that are watching this today, that number might seem a little strong. Personally, when I looked at it, I was like, wow. I understand that there's only 26 million domains. And yes, you can see the renewal rates are not as strong as some of the other extensions. But to consider the fact that 136 million people at some point decided to register a domain name over the last

seven years that didn't end in a .com, .net, or a ccTLD is a significant number. When we talk about awareness and the number of domains that are being used in the community, for many of you, you may be like me, you might be seeing more new extensions in small business advertising, large business advertising. And that speaks to the evolution of what we've been able to create here.

So it's a very interesting journey. When you look at the stats, yes, I can see very clearly that the .com and the .net and some of the other legacy TLDs have had a stronger renewal rate. But it's a very significant portion of people that have taken a pump and started to learn that the Internet can end in a different extension. I think that's really important for all of us to understand. Thanks, Martin.

I'll talk very quickly hear about the generic top-level domains. I agree wholeheartedly with the conversation earlier today that a lot of people speculated in the language top-level domain, meaning "Let's get a generic word and see if we can make money out of it." I think we all know someone from the community who has a top-level domain that turns out they didn't become a multi-millionaire or a billionaire overnight just because they managed to get a top-level domain. Some of them have failed. Some of them have failed to understand the niche in which they operate. Some of them have failed to understand the level of marketing requirement to launch global asset. But many, many, many of them have been a success.

I think the important thing here is—and I agree 100% with what has been discussed earlier—the market will be more mature in the next

round. You won't see people speculating just for the purposes of getting one of these if they don't see a viable business model. You could argue from a perspective that many of the TLDs that have either been relatively unsuccessful or perhaps even in certain cases withdrawn from the first round, but I don't personally see it like that. I see this as a space of innovation. Similarly, while I see that there is a reduced renewal rate compared to a .com and a .net from a new gTLD perspective, that again doesn't bother me. This is a space of innovation. It's designed to have models where things succeed and things don't.

So I think that in the next round, you're going to see a far more mature approach. There may be more in the generic strings that are applied for. But I assure you that I'm working with people right now who were doing that with a far greater business plan underneath it and an understanding that if they don't have that, they won't succeed with a generic term in the new world. Thanks, Martin.

Now, we also talked very much about this and I'm very passionate about this space. I love the idea of some of the cities around the world being able to get access to their own infrastructure. There was around 70 of those or just under 80 of those that applied in the first round. And even today, there's over 1.5 million people around the world who have bought a domain name for their business or online activity that ends in a .vegas or a .johannesburg or a .tokyo. And I think these things are important. We need to remember that the Internet can diversify and it can work into smaller niches and create opportunities for localization

and for businesses to be able to generate benefit for their business from their city. And I think you'll continue to—in fact, I'm dead certain you'll continue to see this. You've got situations where cities didn't apply or perhaps thought that they would apply shortly thereafter. And now they find themselves in a situation where they would like to work with them. I'm actually working with a few of them right now. And some of them are doing it for the purposes of empowering their smart city platforms. Some are doing it because they want to create opportunities for their community. And some of them are looking at it as a road to post pandemic recovery. How can we use our city identity in an online world to stimulate community growth, attract people back to our cities where, in some cases, a lot of people in a pandemic mode have moved into more regional areas to avoid the city? So I think this is going to be really key in the next round. Thanks, Martin.

And why is it being key? I'm going to show you a couple of very quick examples. We can fly through these relatively quickly. Sometimes it's easy to look at it and you say, okay, the Eiffel Tower 2, eiffel.paris, yeah, that makes sense, that it's really easy for a large city to put on their situation of launching their major tourist attractions. That's an easy use case. And you look at that and say, "That's great." But then as we move forward, you'll see that there's moms and dads. This is just a very basic example. It didn't take long to steal one off the Internet. Thanks, Martin. About a shopping in downtown New York that does balloons. I think I've misspelled that, I'm sorry, just noticed. But they're doing balloons for the people in New York, and they want balloons.nyc. They don't do balloons in New Jersey, they don't do

balloons in Philadelphia, they do it in New York. And from their perspective, they're able to brand their business directly with the city. And I would say daresay, with a relatively large level of confidence, they might not have been able to get that in a .com or another sort of major top-level domain that have been historical legacy.

So this is why we're creating opportunities. We're giving people opportunities to brand themselves in meaningful ways. And if we talk about .brands—again, a topic close to my heart—I think there's an enormous amount of opportunity. Okay. Deborah talked about this before in terms of JPMorgan and their interest in the next round. We have to remember that 10 years between rounds—and it's obviously going to be more than 10 years by the time the next application we know opens—is an enormously long time. And in that time, there's been technical innovations. You've seen businesses that didn't exist that now exist. We did a panel presentation a few months ago with Uber who had a similar story. They simply were around in 2012 but we weren't big enough, and now we are.

So you're seeing a shift in that 10-year period that's happening outside of our world where people will say, "Well, look, we'd like to get a top-level domain. Maybe we've merged with another organization. Maybe we've rebranded. Maybe we've bought another organization." We don't have a great understanding of what's happening out in the marketplace, and I think as we think about that demand from people to say, "Look, the Internet's changing. How do we as the ICANN community support that?" that's a very different lens to our own sort

of policy development. So we'll move through. I just want to show you a little bit about what's happening in the .brand space.

There's over 25,000 .brand names that have been registered. And some of them like this, tv.google, are very, very impactful. Okay. We are talking about a global campaign for one of the biggest organizations in the world and it is underpinned by a .brand or a new top-level domain. We can fly through these, Martin.

Similarly, for those who are aware of this story—if you haven't, I can show you a space in a moment where you can learn about it—this is one of the top four advisory accounting professional services firms in the world. They have moved their entire digital infrastructure from kpmg.com to home.kpmg. And they speak about it in glowing terms, they were glad that they did it. It's made an enormous impact to their business and they have been one of the few that have completely dived into the .brand world and decided that this is going to be the future of their organization. They are doing it to protect and invest in the future health of their online brand. And it's incredible what they've been able to do over the last few years with this story.

So for those of you who are aware of this story, I apologize, I went silent too long. But for those that are new to this space, this is incredibly important. You look at what we've done and what will happen in the future. This is the benchmark of what you will see over the next 5 to 10 years. Thanks, Martin.

Then there are other places. This is just simply cool, right? Sigttime.apple. Apple's an organization that provides assistance to people with hearing difficulties. And you're able to go to this domain and get assistance if you're in an Apple Store and other retail settings, where you may not be able to communicate with the person that's behind the counter. Now, they don't have to use .apple. They own apple.com, it's a well known brand, we all know that. But even an organization of this size has decided that for something as absolutely important for their businesses as this that they're willing to trust a .brand.

And there are lots of examples that I won't bore you with today, but I think these things, these quick examples that I've shown you, just hopefully give you a little bit of an understanding that this is happening in the real world, that people are actively investing in the things that we produce here as the ICANN community, and we need to support them in moving forward. Thanks, Martin.

I alluded to this before. I mean, .brands are everywhere in the context of across multiple sectors. You can see on the left there, I won't harp on it, but it is something that is impacting and provides benefit to any type of organization. And if you want to understand a little bit more about the story—a shameless plug here, I apologize—our microsite which is called makeway.world, you can find out all of these stories. You can see the statistics, you can understand what's happening in the .brand world. I implore those of you that are new to this space to have a little look at that and just see what's happening here. Because as I

said, this is what we need to understand outside of our windowless meeting rooms.

Very quickly, in summary, I just wanted to share a couple of other things, because I have broken this into segments, but I just wanted to give you a couple of quick other stories. Nigel alluded to one of them already. Let's have a look at some examples of just some things that we've been able to do as part of the new top-level domains that may not be apparent to us or maybe we've just forgotten them because they sort of drifted into the annals of time.

Google own .app. First of all, the fact that Google applied for 101 top-level domains, I think, to me was one of the best parts of the 2012 round. But the fact that .app does not work for registrants without a security certificate on it and the fact that they've been able to be incredibly successful with this, to me is one of the top stories when it comes to new top-level domains from the 2012 round.

Similarly, .bank and the way that they've pushed security parameters for the financial services sector, including specifically around DMARC in the e-mail innovation, this is huge and it will continue to be great and complement the guys, .bank, for that.

Similarly, .pharmacy and .cpa and .physio organizations that have got a specific top-level domain for their community, they're using it to overcome, in the case, .pharmacy the issue of counterfeit pharmaceuticals being provided, which you can see immediately is a really great idea. And then similarly, with the .cpa and the .physio, the

ability to empower a profession and unify them and give them some additional support around the work that they do and all of the hard work they do to become accredited. I think this is, again, going to be a huge part of what happens in the next round.

Similarly, .hsbc, they're one of many organizations now that have started to use branded social links and move away from this abstract social links in our media posts to be able to say, "Look, we've actually got a far greater level of security and trust in that space." Nigel alluded before already to abc.xyz. If you weren't aware of that when Google rebranded or wants that parent company's alphabet, that was the domain they launched it on. It was a number of years ago. It was a huge leap of faith that we supported that enormously. I've talked about .google already.

.Art is another example where it's not just selling domain names in the generic sense to people. It's got an underlying technical benefit and an industry benefit to help verify artwork in the community, which is again a societal change that wouldn't have existed without new top-level domains.

And finally, Deborah was very humble and didn't acknowledge this, but .jpmorgan and .chase were the first ever .brands that were accredited to operate by the Chinese government and operate and host content within the Chinese firewall.

So again, we've made enormous steps here. I just wanted to sort of show you these cool innovations that may get lost throughout the

journey for those of us, especially those heavily in policy development, this is really important stuff. Thanks, Martin.

Okay. I'll make it quick from here. This is the real world that I'm involved in right now because I have the benefit of working both in the policy side of it and with potential customers out in the space. I can tell you the demand is real. Deborah sharing her story is not in isolation. There are numerous people that are now out publicly talking about the fact that they would like a top-level domain. And the other thing that we should remember is that there was I think less than 20 applications from India and approximately 40 TLD applications in the 2012 round from China. So I can pretty comfortably tell you that that won't be the case in the next round. I think you're going to see them participate at scale, be it either in ASCII or as an IDN.

The other thing to note—and I've talked about this before—is that the dynamic has changed in the last 10 years. Whether you're an applicant that missed out or you weren't around, there are some people that are watching and in particular those that are in an industry where their other competitors have got a top-level domain and they were unable to do that, but I guess you could call them the copycats, there are people that want to participate and haven't had the luxury of doing so. So again, I'll repeat the ferocity, important within the community to create that opportunity for them. Last slide. Thanks, Martin.

So in summary, I guess, let's get to it. I think that the community—and certainly Deborah's echoed this—is that they want to have trust and they want to have visibility from ICANN. This ODP, in my view, it is

incumbent on all of us. And I say that not necessarily putting the pressure on the organization to do a wonderful job, and also because of the SubPro group that have done an amazing job to get us to this point, we are close. The information that we need to do this is there. As Mike alluded to in the start, the work has been significant. And if we want to maintain this idea of the multistakeholder model moving forward, we need to be able to take that work, value the community inputs, and move forward with it.

So the ODP, I won't lie, when I saw it, I thought this is unnecessary. But I am open to the idea that it makes us more efficient. I significantly believe that if we can create checkpoints and mature processes and share this and create transparency to the community, that the net output from this ODP could indeed be a very good thing. Because as I said, we do need to create a level playing field. The world has changed enormously over the last 10 years and will continue to change. We need to remain relevant. The threats of the blockchain and all these other things that exist in the real world now, big brands are looking at this stuff. The threat is real. And we have the opportunity to use not new top-level domains to continue to stimulate innovation and empower the DNS in which we use it today. So I'll pause there. Thank you for your time, everybody. I hope that was beneficial.

HEATH DIXON: Martin, you're on mute.

TONY KIRSCH: The good news, Heath, is that I wasn't. I thought that would have been the best 30 minutes of absolute silence I've ever delivered.

MARTIN SUTTON: Thank you, Tony. Sorry, everyone. I think that's great. In terms of being able to have some insights to the successes of new gTLDs, broader than .brands that we would typically have a look at, is great. And let's just remember, that's just a snapshot of a few. There are day-to-day people that are involved in this to make it successful in their organizations. It's not easy, it's not simple. But they're persevering and making things happen and we're seeing some great, great work done, and achievements made.

So I just want to focus in on a few points that have been raised throughout the discussions, just to center down onto some of the outputs that Mike alluded to from reading the Subsequent Procedures final report. Zoom back into the Operational Design Phase, see where we might still have some concerns, perhaps how to overcome that make it all happen, but also keep it on track. We will then try to go through some questions and final comments from the panel.

So it's a quick look at the SubPro final outputs. We talked about this at our last session at ICANN, that when you actually break down the Applicant Guidebook recommendations, most of these are minor edits, minor changes that need to be implemented. Some are moderate, where they need some work applied, some time and effort dedicated to turn those into reality. And substantive

recommendations, there's just a few, mostly related to the same things, including the predictability framework.

But against that backdrop is a whole suite of implementation guidance. So, tying back to what Mike Silber was saying is that there's a wealth of information that's been provided through the SubPro work to make this as easy as possible, we hope, for it to have moved into implementation phase fairly quickly. And that is founded upon the fact that we have done this before. We have experience. To Deborah's point, we've learned some of the lessons through last time and the community has helped to try and enhance future application rounds and the rules that go with it.

When we look at the Operational Design Phase and some of the questions there, we kind of feel that there is some sort of déjà vu moments. I've just picked out a couple of examples here. We're talking about the predictability framework and some of the questions posed by the ODP scoping document that was approved by the Board to work on. And these include things like what is the proposed criteria for an issue to become a candidate for the predictability framework? What are the roles and responsibilities? So there's a number of questions there that you can read in the copy of this. But essentially, it's like a book with the answers in the back. There is actually some content within the final report. And granted, it's a few hundred pages long. So some of these things take a bit of hunting around to find, but Annex C of the final report clearly indicates some sort of the answers to these specific questions and was a center of long, long discussions

within the SubPro Working Group to make sure that we provided specificity here so that it didn't become cumbersome for the implementation team to work it through and create it. So a lot of input and thought was given into the outputs of SubPro.

Similarly, there's other questions relating to application submission and processing. What's the length of the application window? What are the requirements? Well, again, those clear responses within the SubPro final report that gives the answers. And if it doesn't give the answers clearly, like what are the application submission requirements in specific detail, these can be actually based on what was asked for last time, plus some variations that have been introduced since then. So now we have Spec 13 for .brands already embedded into the process of the last round becomes more of an application requirement when completing the application submitting it.

So the question is do we really need to be going to this kind of detail, and especially where the answer is already within the final report? Is this kind of stuff that's needed for the Board to make its decision to go forward with the next round and to provide an indicative timeline as to when they would target that to happen? So here's some examples. I won't go through all of them. But that just gives you some idea that part of the ODP potentially could be refined somewhat.

So I'm just highlighting some of the concerns that I've been picking up and that have been discussed, but the community wasn't involved in the scoping document from the ODP, and particularly the seven

months that it's taken to push that through to the Board to initiate the ODP. Perhaps we could have saved time and resources if the expertise and knowledge from within the community was tapped into.

There is this uncertainty and delay of ICANN Board decisions and the impact that it has on the volunteer efforts to produce the policy development work. So increasing concerns with accountability.

It appears that there's a lack of planning resources and declining institutional knowledge as we go forward because there is turnover of staff both within ICANN Org and within the community. Particularly to the Board and directed to the Board, how can we keep this process on track and stop it from increasing in terms of expanded timelines?

We often hear the phrase complex issues need to be resolved. Well, from what we've been talking about today, many of those complex issues were part and parcel of the last round and were overcome during the last round. There are some that still need to be worked on. Perhaps these are things that the Board could intend to address in parallel to the ODP rather than post ODP.

So let's think about making it happen. So the examples I threw up on the ODP process, perhaps we could remove some of the clutter that exists within that ODP scoping document. Perhaps a lot of those answers are already found within the outputs of Subsequent Procedures.

Thinking about what Deborah said, can we have timely decisions to go forward with this? Perhaps something of the nature that the Board

needs to decide on is whether this is in the interest of ICANN and the ICANN community to implement Subsequent Procedures. Now, if it's not, we need to know that early on, because why the hell are we spending \$9 million and a heck of a lot of resources that perhaps don't even exist at this point in time to actually proceed with this planning exercise? But more so, in assuming that we should be continuing and the Board wants to deliver the work of the community, is how can we conduct work in parallel? So is there things that we can be doing as part of the community and ICANN Org and the Board to move this along in parallel with the ODP effort?

Last but not least, I think just making sure that we recognize there is knowledge, there's experience and expertise residing within the ICANN community, perhaps the Board, ICANN Org should think about tapping into that.

So here's some ideas about keeping this on track and trying to make it more accountable from a Board perspective, and these are all directed towards the Board. I'll invite the speakers to add to this if they think that there's anything in addition they would recommend to this short list of items to present to the Board, but can they provide a breakdown of its expectations and targets for this ODP for the 10-month period or now the 13-month period including this ramp up period? Can they provide a detailed breakdown of the costs that are associated with conducting this ODP? Will they provide a report of progress against targets for the work including the cost elements? Will the Board monitor and track these deliverables? If so, how can they

make sure that we're aware of how they are being able to do this to make sure it is completed within the timeframe that is specified? Could the Board identify and explain what the complex issues they believe still need to be addressed before they can make a decision on Subsequent Procedures PDP and how it expects to address these issues? Because again, this is something that could be pursued in parallel with the ODP so that the Board is prepared to make a decision at the soonest opportunity.

So I'll turn back to guests on the panel for their comments to that or any other closing comments that they would like to make on the topic and discussion today. And then I will come back to any questions that we've put in in the chat box and try and cover those. So if I could start in the same order with Mike, first of all.

MIKE SILBER:

There have been a lot of questions and I'm struggling to scroll back to answer all of the questions for any of them, but let me make a couple of observations. The first is I think that the 2012 round—and here I have to agree with Tony, which pains me to say because I would hate to agree with a sales guy who's trying to sell more TLDs, but I think the one thing that has certainly improved is the adoption of non-standard TLDs. And I think the fact that you can now get a .africa or a .shop or a .brand and you're seeing it coming through in marketing means that people are more open. And I'm not just talking about individual users but also the browser community is more open to actually recognizing other TLDs other than the standard .com, .net, .org. And so I think that

is a good thing, and it's a good thing not just for non-ASCII, non-English communities but it's also a good thing for innovation. Because I really think and I really hope that the 2012 round has seen the end of dictionary generic TLD speculation. It's not good for trademarks, it's not good for innovation, it just encourages stockpiling.

Tony, sorry but the stats that you put up to me are indicative of speculation at the second tier of domain speculators of the top tier TLD applicants got in the second tier of applicants or the second tier of speculators got in, none of that to me actually was value additive to the Internet or the identifier community as well. I'm glad some people make money. But personally, if that had never happened, it wouldn't have been a loss in our lives. I think that there was so much noise created by that garbage, that it actually allowed us to lose focus on what was really important, which was real innovation. So thank you for sharing some of those stories on real innovation. I will just remind this community that I put it in the chat. And sorry, Tony, that I'm going after your comments but they were the most recent.

But the Internet has exploded in developing countries. I work for an operator that connects previously unconnected countries. The Internet has exploded but they don't use TLDs, even ccTLDs. They're using social media, and that's where innovation is happening at the moment. If we can use further rounds, whether it's in .brands or otherwise, for innovation, that's where the future lies. But at the moment, expecting people in less developed countries to see real value in applying for a name, hosting with somebody, launching a

product when they can do the same on Facebook is a very difficult argument to be had and a very difficult proposition. So I suspect we're going to see a move significantly towards apps. It's happened already, it's going to continue, and I'm really hoping that we're going to see real innovation happening here.

Will the geos will have value or not, that's an interesting debate. I haven't seen them being that successful. They're fun, they create good identity, but I haven't seen significant use cases. .Brands does seem to be driving some interesting use. But all I know is that we learned some really tough lessons after the 2012 application round. I sat on a lot of late night calls. I'm sure a lot of people who are in the session have set their own calls and workshops and been through documents and have lost a lot of sleep over it. We've learned a lot of lessons. We don't have to start again. I think this was Martin's point and it's something that I wholeheartedly endorse. We're in a lot better position now than we were in 2012. The market has matured, we've matured, and the processes have matured. And I'm really hoping that we can actually see some progress being made. I do have to say I find it quite amusing when people say there's real demand, but then they need a target date to actually drive demand makes me worry that maybe the demand is not quite as real as they think it is.

MARTIN SUTTON:

Thanks, Mike. So next, I know Nigel has had to go back, I believe, to the GAC meeting. So, Deborah, did you have anything to add to the point here?

DEBORAH ATTA-FYNN: Yeah. I've been a little bit to the end. I think you've summed up the points very well. We need a little bit more predictability and clarity in the process as a current .brand owner that is also looking and as a current .brand owner who is in contact with others who are also interested. So I think I will say, yes, for maybe the regular, average Internet user, maybe that interest isn't readily apparent. However, for certain parts of the constituency, there is that demand exists already. And so we would like to have more clarity. We'd like to have a better sense of the process and the outcome of that process in order to really get working on what we need to do on our end.

MARTIN SUTTON: Thanks, Deborah. I suppose that app's response to some of Mike's comments there is that target dates are required. Because otherwise, you're juggling with so many different other projects and priorities within organizations to divert time and attention to something that may or may not happen is a waste of resources. I think that's useful to flag. Thanks, Deborah. Finally, Tony, over to you.

TONY KIRSCH: Thanks, Martin. I know we're short on time. So I'll be relatively quick. I guess a few things, Mike. First of all, I love talking with you. It's always been fun over the years to have a little debate so this is fun. I agree with your point about the developing nations. And in retrospect, I think I've used the words incorrectly. I take your point of adding into

the expansion. I was referring to it in the context of domain names. And I guess this is a philosophical perspective. I'm kind of with you. I don't personally love the speculation that clearly existed. You can look at those numbers in the stat, it's undeniable. I have to agree with you.

The other perspective on that is this is innovation and we very rarely get it right. I would imagine that a portion of that, if you want to make a cake, you got to break some eggs. I think this is one of those situations that I think there's a balance. It's not for me. It's not just as easy as there was speculation. And therefore, a lot of the names dropped and therefore the generics weren't a success. I think there is a little bit more of a different story to add to that. But anyway, that's just a separate point for today.

For the purpose of this conversation, Martin, I think we should be relatively clear that the community outside of these walls have relatively strong expectations of ICANN. There's a lot of eyeballs on this and that we really feel that there is a continual feel that there's no reason for further delay. We've had 10 years to prepare for this. And if you're not involved at a granular level, it's starting to look a little bit silly. We've had the SubPro, now we've got the ODP, there's a lot of people who's starting to look at this and say, "Are we losing faith in this?" We need to be careful as to what our role is within the broader community. Because for a lot of applicants, I think that there's the demand. I'm going to talk about that in a moment. It's wavering a little bit and there's a lot of people that are watching and thinking. We've been telling stories to people saying, "Look, it's coming, it's coming." I

think it's important that we deliver. I think it's important that we remember, in addition to security and stability, that our overriding mandate here is to foster competition and choice. I think somewhere along the line, that's got a little bit lost.

So I'll leave by saying that I think that the idea that we need to target date to drive demand is incorrect. I think we need a target to make to convert interest into demand. Deb's point is that they can't make decisions. They can't plan without a timeline and understanding the rules and the pricing and things like that. I think that's real. So at the moment, we've got speculation of people who want to have a top-level domain and I sincerely hope that the ODP—I echo your points, Martin—doing things in parallel, working with the community. I think we need to help with this. But the output of this next period with the ODP should provide us—and really do I say this sincerely. It is incumbent on ICANN to make sure that it provides a robust and visible plan for applicants to buy into this because, as I said, I think everyone's watching and we've had enough time. It's time to turn this into a real program that benefits all Internet users around the world.

MARTIN SUTTON:

Thanks, Tony. I know we've pushed it over the timeline. Apologies if your virtual coffee is waiting. But if I could just turn quickly to Heath just to close off this session. Thank you all. Heath?

HEATH DIXON: Thanks, Martin. And thanks to our distinguished panel. This was a really excellent discussion. The fact that we're running over because there's such a robust conversation going on, I think is exactly what you hope for when you plan one of these meetings. So thank you all for participating. Thank you to the audience for contributing to that robust conversation, both in the chat and your questions. So thank you all very much. Hope you have a great rest of your ICANN, and we can stop the recording now.

SUE SCHULER: Thank you.

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