

**Transcription ICANN Singapore  
New gTLD Update to the Council  
Saturday 07 February 2015**

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Jonathan Robinson: So the next question is an opportunity to discuss or to get some input and feedback from the work of the new gTLD Subsequent Round Discussion Group.

This is a group that was I think initiated and has been led by Brett Faucett. So Brett over to you to provide an update an opportunity for discussion. Thanks.

Brett Faucett: Sure thank you. This is a group that started in the London meeting. The task, the resolution that this council passed asked for various pieces of input into the next round of or subsequent procedures for what was the language, additional rounds of new TLDs that we hope to have in the future.

We got several pieces of input from staff and we have also acted as a discussion group to come up with literally scores and scores of issues that people think need to be brought forward into the next policy development process.

These are issues large and small. Many are sub issues of other issues. But our process was to come up with the questions that needed to be asked and issues that needed to be addressed in the next policy development process.

Let's see next slide. We've got currently a large set of issues from the members of the community members of the working group.

We've also gotten input from staff. Importantly at the end of January we got a very thoughtful report from ICANN staff about their perception of the last round of new TLD applications and things that they wanted us to consider from their point of view. So I think that's really the last input that we have.

Our next task is to I think do something similar to what (Susan) and her working group have done.

And I was listening to her presentation and I think I'm going - Steve and I are going to try to steal that Slide Number 7 and come up with a matrix for proposed way forward. I thought it was a very nice elegant way of thinking about the process forward.

And I think our tasks are, you know, I mentioned to (Susan) that I was in awe of the amount of work that she had ahead of us.

I think the same can be said for this new gTLD process. We've got over 100, maybe over 200 issues that people have raised that people want us to consider as we move forward.

There are a lot of input here. I think that it may take once we get the policy development process started I think it may take at least 18 months, probably two years to work through that.

So I think our current goal right now we're going - I was talking to Steve, we're going to try to meet every other week for the next couple of months to try to finish our work, get the council a draft charter that it can consider for possibly creating a policy development process.

We're going to talking to staff all about how best to give them input that they can use for the creation of the issue report.

And I hope that what is it now early February, that we could have our work wrapped up and moved on to staff by early May and hopefully have another progress report in Buenos Aires.

Marika, go ahead.

Marika Koenigs: This is Marika. My understanding was that the idea was to also have first a round of public comments on the proposed approach which wouldn't align with getting things to pass in May if you were referring to requesting the issue report in May. Or maybe I misunderstood.

Brett Faucett: So I'll let you remind me. We finish our work. So we have a report that summarizes the work we've done, lists the issues, has a draft charter. I think we finish that in two months fingers crossed. Then what happens?

Marika Koenigs: Yes this is Marika. My understanding was that the idea was of the group that that would maybe also go out for public comment that as a preliminary report this is what we've heard, this is what we're proposing, how to deal with it, community do you believe that we caught everything, have we organized it in an appropriate way?

That's at least what I understood from discussions.

And after that the group would then finalize and come to the council saying this is how we propose. Going forward, you know, this is our template for the request of the issue report. And from there the PDP would start.

But I haven't been following it really closely so I may have gotten it wrong and I'm looking at Steve as well.

But it's - my understanding is that that was the thinking of the group at least that wouldn't - would be kind of a public consultation on the issues identified as well as the proposed approach for dealing with those.

Steve DelBianco: This is Steve. Yes I think that was something that was discussed at the ICANN LA meeting. It was proposed by someone in the audience and then I think we discussed it and thought it was a good idea to go ahead and proceed with the public comment on our approach.

Jonathan Robinson: So it feels to me like it would be very useful to get some kind of I mean it's all very well talking about it in these terms, but it would be very good to get some kind of structure of, you know, actually to let the council know of that proposed approach.

Is there any way I mean in that series of steps and that draft timeline so that we could see that evaluated? I mean have we seen something like that? I don't recall that we have seen anything like that sort of maps it out?

Brett Faucett: You haven't. And I think we're going to borrow what (Susan) did with her group and prepare. I thought it was a nice way of taking the issues and sub issues and categorizing them.

So I think when we, you know, certainly before we come back to the council we'll have something like that that tries to take our issues and break them into sub issues and put them into proposed steps. Because this is a very potentially large piece of work and I think it does need some project management put to it.

Jonathan Robinson: Yes. So and Steve are you able to help with that as well? I mean it immediately provokes a question from me as to how one resources and manages that.

But let me not ask those questions and we'll go to Marika and then Jeff at the microphone and let's see where this is going. (James).

Marika Koenigs: Yes. This is Marika. Because something that the group and I know Steve has really started working on that will need to do that as well is look at because of course there's currently there is a new gTLD policy in place.

So something the group will need to do eventually as well to map those issues to the original new gTLD policy recommendations to determine whether those, you know, need to be changed, updated, refined deleted.

Because as my understanding is that policy is currently in place and the basis on which a next round would be run unless indeed the council changes its recommendations or implementation guidance or whatever it's categorized of.

And I know that Steve has already started working on a kind of template that would try to match those issues identified with the original new gTLD policy recommendations so that it becomes clear as well where changes or updates need to be made as well. You know, maybe that will walk us as well in completely new areas that would need to be considered.

Jonathan Robinson: So that's a really interesting point. Does the existing policy pertain to future rounds or is there a new policy and what - I hear what you're saying is that in your view the policy is as is and to be updated.

But let's hear what others have got to say on that. And Marika do you want to respond to clarify quickly and then we'll go to the rest of the queue?

Marika Koenigs: Yes. This is Marika. It's my understanding that that was what was in the original recommendation that it talks about future round predictable but that these were the basis. But I'm sure their people are that were intricately involved in developing those...

Brett Faucett: And certainly - Jonathan it's Brett Faucett for the transcript. I would echo what Marika said. It's certainly my understanding that the policy that we created before is the baseline and that if we want to change what we did before we need a - we need a new policy on that.

But if we do nothing I mean if we do nothing there will be subsequent rounds because that was baked into the first policy.

And they will go along the same project line that they went down before. So we are here to figure out if we want to change course or correct course.

But if we do nothing then ICANN staff will finish up this first round, go through the required evaluations and then start the next round because that's the status quo.

I see Avri vehemently shaking her head in opposition. Clearly she disagrees with me but I think that what I just described is what will happen if we do nothing.

Okay so let's hear from others. We've got Jeff, (James) and Avri lined up to talk.

Jeff Neuman: Yes hi, Jeff Neuman, just this is a personal comment. I'm just listening to all of this in the audience and it's incredibly - it's a wonder you guys are going to get anything done.

I'm not sure Marika when you are saying this back and forth about okay this group is constituted to think about all the issues.

The way that I thought it was a year ago when we discussed this was that those issues would then feed into the issue report and then there would be a preliminary issue report and then at that point in time there would be comments.

If right now you take these issues that the community came up with put that out for comment then come out with yet another report to say are these the right issues then you draft the issue report say again are these the right issues?

And you guys are making this way too complex, making this going to take a year longer than it has to already in the schedule which is already two years down, three years down the road.

So I would employ you not to just have public comments for the sake of having public comments. The purpose of this is to feed into the preliminary issue report.

That point in time there will be comments. I - you're making it take way too long.

((Crosstalk))

Brett Faucett: I agree with you. It's a little bit of reason why I paused what we're talking about what comes next. I think there needs to be one comment period.

Jeff Neuman: Right.

Brett Faucett: And whether we put it at the end of our working group work or at the end of the staff issue report, you know, it does not matter to me. You'll get those comments and you get that course correction either way. I just don't think you should do both. So I certainly agree with that.

Jeff Neuman: I agree with that. And then there's also all these other things going on. You know, there's the recent report that came out on the RPMs from staff. There's the other report that you just posted or that you point out you talked about that staff did. Nobody knows how this all fits together.

I agree that there needs to be a PM approach to this. Someone needs to take a step back figure out how these things are all interrelated. And then someone needs to kind of push this along otherwise it won't get along.

I'm not sure I agree with the notion of and I'm kind of like with Avri I don't think that the status I don't think the default is staff's going to move on to the

next round. I don't think that's going to happen. They're waiting for the GNSO to react. They also have these other reviews that are going on.

So I would implore council and the community to take a proactive approach on this whole thing. I think part of the problem with this current round has been that some people have taken a step back and let staff do a lot of what happened in this last round and that caused a lot of problems.

The community needs to take control of this process, move it forward, show that we can actually get things done in a multi-stakeholder fashion.

But if we have comment period after comment period and 200 issues and solve every one of the 200 issues before we can move on you're just never going to see anything go forward.

So, you know, I'm on this subcommittee. I'm certainly willing to work going forward but let's take control of this, show that we can actually move it forward.

Jonathan Robinson: So before we move on with the queue then Steve I'd like you to capture Jeff's point about a holistic approach to the work in and around new gTLDs to try and make sure that that is integrated. So that's one for the wrap-up session.

I think it feels to me like there's also an action item which is before we proceed with the work of this discussion group is an understanding of the sequence of events.

In other words this for example this discussion over when and if it goes to public comment.

Now we've got a queue that's built up so let's try - so Steve was at okay, you capture that, you good with that, good?

Okay good. So we had we've got (James), Avri and Heather in the line and then Marilyn.

(James): Yes, thanks, (James) speaking for the record. And it sounds like just based on Marika's comments and just contributions I think we're going in the same direction here which is if you've got 200 issues and one of my questions was how - at what point are those held up against the existing policy and is there any kind of a filter or bar that has to be crossed?

I mean for example one of the 200 -- I haven't seen them -- but one of the 200 could be that I don't want there to be a next round okay?

But as we pointed out the second round is presumed and is incorporated into the first-round policies. So how is there any filter at all, any screening of these 200 issues against the current policy baseline not determining whether or not a change is made but determining whether or not they're even compatible with the existing policy?

Brett Faucett: That is contemplated. We, you know, if you look at the last policy recommendations I think there were 19 policy principles that we adopted.

And they're very broad. They're - and so you can map lots of the issues that people have raised to one of them. It can be sort of an organizing principle.

It's not always clear what contradicts a previous policy and what is compatible with it and what's a course correction?

But yes Steve is preparing that. And it's going to be a matrix of the previous policy recommendations with sort of the issues that have been raised here and what we want to do. So I don't see an output.

(James): Just but just to be clear the weight is given to the previous policy baseline. You're shaking your head Avri. I'm hoping - I mean, you know, if I said that

the second or the subsequent rounds will look nothing like the round we just we're in now is that one possible...

Brett Faucett: You know...

(James): ...outcome?

Brett Faucett: so just speaking as the way I see it - if - we could certainly adopt by, you know, through the GNSO council the policy of the GNSO that the previous 19 points are erased and we're going to start over from ground zero and here are our new principles and so yes.

But if we don't do that, then I think if we don't reach consensus on an issue that may be a course correction from a previous issue that the previous issue will stand as our policy.

And it is going to take an affirmative policy effort on our part to revoke or change a previous policy. That's my sort of just procedural idea of how this will work.

Jonathan Robinson: Thanks Brett. I've got Avri next in line then Heather the Marilyn.

Avri Doria: Thanks, Avri speaking. I think first of all bringing up the notion of the predictability which applied to that first round and thinking it applies to a second one is almost funny looking at how the first round went.

I think one of the things we have to be aware of is one of the things that was built into that is that the blocking, that basically it said that after this round there is a complete analysis before proceeding further. And that that is essentially a block.

Now I think that looking at the, you know, one of the things that we've learned from that round is that putting together policy that is general guidelines is something we don't do anymore.

We've gotten quite specific with policy and implementation, with talking about that with having learned that when you're doing a policy these days you have to dot every I and cross every T otherwise what gets implemented may not resemble the intent of the policy at all.

So we could actually say that yes we sort of agreed still with those general policies in that one but that that implementation did not match those policies by many people's views.

So I think that, you know, we have to take seriously that any progress is actually blocked until such time as the full analysis and any new policies are made because that was built into that policy.

Jonathan Robinson: Okay thanks. Marilyn? I'm sorry Heather first and then Marilyn?

Heather Forrest: Thank you Jonathan. And in fact Jonathan apologies, Heather Forrest for the transcript. I'd like to follow-up on the comments that you interjected specifically directed to the timing of the issues report and public comment period and this.

And it seems to me that we need to be clear on this. And I can sense it's not at all clear to me.

The overlap of the last three updates we've just had I mean we're talking about an issues report that predates or flows into a PDP. How does the discussion groups work, how does that issues report you set aside the timing of it?

How is it impacted on by the board GNSO, EWG process? How is this three process PDP approach how is it impacted upon by the recommendations that Chuck has just noted of three additional processes that the GNSO council might undertake?

Under what PDP rules will the issues report take place? When is the timing? I mean this seems to me something that council needs to be conscious of.

To the extent that we have various efforts that are leading to issues reports this and others which PDP rules take precedence and what do we do to the extent that existing rules take precedence that are applied until such other new rules are implemented by council? What do we do in the interim? What is the transition process that needs to happen? Thank you.

Jonathan Robinson: I suppose that relates to the - they've been part to the question of taking things in a holistic way.

But I mean the simple answer is the prevailing rules at the time. But I think your point is probably more subtle than that because those rules could change midstream and then it's a - so that is something to think about.  
Marilyn?

Marilyn Cade: Thank you. My name is Marilyn Cade. I took the mic - came to the microphone because I wanted to recall something that my father used to say to me and that I think is worth sharing.

And that is if we don't know where we've been and we don't know where we're going any road will get us there.

I say that because when we first introduced the concept of new gTLDs in the very first round there was a President's Advisory Committee that I was on with many people from the technical community.

And the advice to ICANN was that strings with more than three characters would not resolve because guess what? ISPs and many, many other people in the soft layer industry who are running networks, et cetera, had hardcoded for security reasons a restriction that either put the direct names in or they hardcoded no more than three characters.

Today we're faced with the challenge of universal acceptance of the new gTLDs. It's really important to understand that if ICANN's mission ultimately is really broadly about SSR - Security, Stability and Resiliency related to the unique identifiers that it coordinates we've got to also understand not just the good news of the past approach to the introduction of new gTLDs and count the numbers, we've got to understand the unforeseen implementation challenges not just from our perspective but from those in the broad ecosystem that are trying to register in these TLDs.

In the constituency that I'm a part of and in other constituencies we're still hearing about significant problems that are being encountered by trademark holders and by others and how redress is occurring.

We're promised that there are studies that are going to be done that are going to help us understand the lessons learned. And those lessons learned also have to be about the trademark clearinghouse and its effectiveness, about URS, et cetera.

Right now we are heads down as a community, a wide community dealing with the IANA transition and accountability mechanisms.

I just attended four days, the two days each of ITU working groups ITU council working groups. And on the agenda and other settings is the concern about whether or not we are getting the policy right and whether we are implementing the policies.

And so what I would say to us is I know are really calling for a lot more work. I really applaud the work that's already been done. But I think we are going to have to look at each of those 19 principles.

We're going to have to look at facts that come in about the implementation process. We're going to have to also understand whether we may have disadvantage certain regions by certain implementation approaches that may

need to be adjusted in order to ensure a broader geographic dispersion of gTLDs in any future round.

And I say all this to say I don't think that the implementation ultimately of the new gTLD program really did bear a resemblance to what the policy approach initially conceptualized by the - by the GNSO council that I was on at the time. I hope we again do corrective action and do better.

Jonathan Robinson: Thanks. (Dan)?

(Dan): I'm not sure I have a solution but I wanted to serve a version of what Marilyn has just said which is that we're in the midst of two disruptive transitions right now, one the IANA transition and one is still the shakeout of the gTLD transition.

Both were in-flight. We don't know what the new stable condition for either one is. There certainly are a bunch of issues as Brett rightly noted about the implications of the good the bad and the ugly if you will about gTLDs. We also don't know where we're going to go in terms of the other future of ICANN.

And I say that only to say from a management and human dynamics perspective sometimes taking a deep breath to sort of look around and see where you are before you jump off the cliff again is a good idea.

And so just as from a human perspective there's some value in being thoughtful and deliberate before we assume that we just charge on down a particular path.

And I think there are a bunch of gTLD issues. We really don't fully understand what the implications of all of those have been just yet.

Jonathan Robinson: Brett wants to respond and then we'll go to Jeff in the queue.

Brett Faucett: Just to respond to the last two comments, I think it's important to remember that these are baby steps we're taking. And I know that there was some concern expressed in Los Angeles that it was too soon to start an evaluation or a policy process.

But, you know, let me just be really frank. We're not going to finish this anytime soon. I don't think there's going to be a second round until 2019, 2020.

And when people come up to me and ask, you know, whether you're going to be able to apply again I say well, you know, I'll have a better time for you in 2017. You know, I'm not even giving people an estimate on when that's going to happen right now.

So there's a lot to be done and there are a lot of external processes to anything we're doing evaluating what's being done.

I think those are all going to be the inputs into the work that the policy development process ultimately has. But they're not going to finish anytime soon.

Just hearing the discussion that we've had in the working group and seeing the kind of comments and questions that people are raising in the discussion group it's clear that people have a wide range of issues.

And there's is not going to be consensus immediately or even soon-ish once we get working.

So I think there's going to be plenty of time to get all of the inputs that we have and work at a deliberate process. And so I'll end there.

Jonathan Robinson: Thanks Brett. Jeff?

Jeff Neuman: Yes. This is Jeff Newman again, personal comments. And Marilyn and (Dan) this is to you guys really. I don't know if Marilyn's - yes she's back there.

Nobody's saying move forward with new gTLDs now. Nobody is saying that. All of the issues you raised Marilyn they're all in the 200 issues that were discussed so just take some comfort in that that it is in there.

You know, and really when we say and taking a breath when we say that there are issues there we're not say move forward with new gTLDs now. We're saying is move forward with looking at the issues that it raised. That's all we're really saying.

And the second thing it really goes to (Dan) one of your comments and I was thinking of a right time to raise this and I'll raise it again is last year council had a meeting, the board was here, Fadi was here. It was just introduce this whole concept of the transaction. And I looked at Fadi and I looked at Steve Crocker.

And I said, "Can you guys please promise that we won't spend longer justifying our existence then doing what we are here to do, that we will get distracted?"

And I'm sorry, when I hear the GNSO or anyone in the GNSOs say we're distracted by these ongoing things about accountability and IANA transition I've got to say guys that's not your job. The GNSO council here is here to manage the policy process with respect to gTLDs. That's your primary role.

I know all this other stuff is going on in the community. And it's one thing for people in the community to say that they're bogged down with this stuff.

But I shouldn't hear anyone on the GNSO council say that they're too distracted on other matters.

This is what the community puts you all here to do. It's not on the transition. It's a little bit on the accountability because some of it involves the GNSO but certainly not on the transition.

So I understand what you're saying. There's a lot of work going on. But you all are here to work on gTLD issues and not necessarily on the transition.

And I've already seen it. Staff has come forward with and I know the GNSO council approved it, you know, to delay the PDP on reviewing that UDRP for six months because there's so much else going on.

I'm hoping that's not because of IANA transition issues and other things. But what I really want to see is I know I want to see at least a GNSO focus on what it's here to do.

And I know there's a lot else going on. So please this week try to focus on a lot of the issues and things that we have to work on aside from the IANA transition. Thanks.

Jonathan Robinson: Thanks Jeff. I mean it's a useful point for this council. We'll come to your response now Marika. Let's have your response now and I'll try to wrap it up.

Marika Koenigs: Yes this is Marika. Just for the record that issue report was not delayed because of the transition. It was delayed because of we need additional data that is being worked on at the moment. So it'd made more sense to have the issue report in October to have that data feed into the issue report instead of publishing an issue report now that would say we need more data.

Jonathan Robinson: Okay and so you make the point about any distractions with respect to the transition and the discussion with the board. It may be something to bring up with when the GNSO meets with the board as well or when the council meets with the board and there's an opportunity for other inputs there.

One remark on the sort of sequential or parallel processing of evaluating the previous round and planning for the next, I mean I think that's the real issue that we have to talk about some more and decide whether we think this can be done in sequence or in parallel.

I mean I was just thinking about one analogy. I realize it's not a perfect analogy. But if you take something like the automotive industry they release a new model.

They didn't wait till that model's had its five year lifetime and then say right, let's just shut down for a moment and have a look at how that performed in the field and then think about it.

While that model is out in the field they take continuous feedback from customers from however it's performing and continue to plan. And the two can be interlinked.

So I would - I just question that we need to discuss that. I'm not advocating for one way or another. I see it's caused Marilyn to come up to the microphone which is perhaps no surprise.

But, you know, I would say think about whether these things how much these things need to go in parallel and in sequence in terms of the work that goes into them.

Marilyn you look like you're going to get the last word.

Marilyn Cade: Thank you. My name is Marilyn Cade. I'm coming back to the microphone to comment about analogies and the risk of relying on inappropriate analogies.

The analogy you use Jonathan is a commercial analogy that has certain regulatory aspects having to do with safety such as safety glass in those vehicles or other mechanisms that are regulated because of concern that regulatory agencies have about the safety of the passengers.

Let me just say that I have been to the microphone more than once. And typically it's in response to Fadi Chehade's analogies.

I think we have to be careful not to use commercial analogies but to think about the fact that ICANN is - bears the responsibility of managing a shared space.

GTDLs and IP addresses operate in a shared space. And we're trying to provide a form of self-governance which is responsible but avoiding the need for harsh regulations which would oversee the introduction of gTLDs.

And I'm reluctant for us to rely on commercial analogies. Perhaps we could think about analogies that have more of an understanding that they do exist, that we must exist in a responsible way in actions we take because we are affecting the users of the Internet about the coordination and the policy of the unique identifiers.

Jonathan Robinson: Thanks, point taken. And I wouldn't want the analogy to be taken too far because an analogy of one to simply highlight that things can be done in parallel in sequence and we think about that.

I'm not in any way suggesting that the manufacture of automobile should be drawn is too strong of an analogy with the planning for policy in and around TLDs and all the implications that go with that. Brett?

Brett Faucett: Yes. I'm glad you raise the point though about parallel or serially because that's the conversation that's going to happen here at the council within the next six months probably, whenever we finish up this process, whenever we are asked to create a policy development process.

And it'll be this year. That's the conversation that I know that we're all going to have. So I'm glad we're thinking about it now.

Jonathan Robinson: Okay thanks very much. Let's call that session to a close. We've - we're running on from time from a time point of view.