ICANN72 | Virtual Annual General Meeting - GAC Discussions on Subsequent Procedures
Tuesday, October 26, 2021 - 12:30 to 13:15 PDT

JULIA CHARVOLEN: Good morning, good afternoon, and good evening.

Welcome to the ICANN72 GAC meeting on Subsequent Rounds of New gTLDs on the 26th of October at 1930UTC. Recognizing that these are public sessions and other members of the ICANN community may be in attendance the GAC leadership and support staff encourage all of you who are GAC representatives to type your name and affiliation in the participation chat box to keep accurate attendance records.

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Finally this session, like all other ICANN activities is governed by the ICANN Expected Standards of Behaviour. In case of disruption during the session, our technical support team will mute all participants.

With that, I would like to leave the floor to GAC Chair, Manal Ismail.

Manal, over to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Julia, and welcome back everyone. I hope you enjoyed your breaks and ready to discuss subsequent procedures for 45 minutes followed by a communique review for another 45 minutes. During the session we will be presented recent updates from our topic leads and also receive a presentation from ICANN staff, and I would like to thank Karen for accommodating our request on short notice. So thank you very

much. Allow me to hand it over to Jorge Cancio, one of our topic leads and GAC representative of Switzerland.

JORGE CANCIO, GAC VICE-CHAIR: Thank you so much, Manal. Hello everyone. This is Jorge Cancio from Switzerland. Welcome to this new session about Subsequent Procedures. If we go (no audio)

Sorry, technical glitches. If we can go back to the preceding one, we can see there the agenda for today's meeting. We only have 45 minutes, and we want to cover recent developments from our perspective and then we will have a presentation from Karen Lentz about the latest status of the ODP, the operational design phase, and again, thank you very much, Karen, for jumping in at short notice. And then we will, again, have an opportunity to review what have been GAC priority topics and possible next steps from our side, including also discussion on potential GAC advice of further GAC input

So if we proceed to the following slides, the recent developments since June, there have been some evolutions on the GAC side, as you know, we submitted collective comment for the Board to consider prior to ICANN 71. So that is the latest paper or document where we have reflected our opinions on the Subsequent Procedures recommendations. And subsequently, in September the ICANN Board adopted the initiation of an ODP

relative to the Subsequent Procedures Working Group Final Report, and there the details about this ODP are reflected in a Scoping Document adopted by the Board which is linked in the presentation and which you can access

And the expectation is that from here until the end of the year, of this year, the ODP will be launched formally with an expected duration of about 10 months. There will be then a period for the ICANN Board consideration of the final report outputs in the light of the results of the ODP, of course. And after a call of volunteers we launched at ICANN 71, there were expressions of interest from colleagues from Argentina, UK, and the US to monitor the developments of the ODP. So, so far, as you know, there hasn't been a substantive discussion as I just explained, the ODP as such hasn't been launched yet

So if we go to the next slide, we see the next steps. Also in light of this operational design phase, and once this ODP is finalized, what is expected is a so-called operational design assessment, ODA, that will be delivered by ICANN org to the ICANN Board for consideration. We will learn more about this ODA in the presentation by Karen. And in parallel or after this ODA is available, the ICANN Board will consider the PDP recommendations as adopted by the GNSO Council, and so long, this hasn't happened, the Board hasn't voted about the recommendations, there is of course a good opportunity for us to

deliver GAC consensus advice to the ICANN Board if we consider this appropriate. Then there will of course be an ICANN Board vote on the recommendations, and once this is done and assuming that the recommendations are adopted, ICANN org as directed by the Board, will begin the implementation work which will likely include the preparation of a new applicant guidebook

So upon completion of these successive steps, ICANN org would be expected to start a new round of new applications of gTLDs, somewhere around 2023-24, to be confirmed of course by ICANN Board and ICANN org

So this is the overview of the current status. I think that with this, unless there are questions from colleagues, we could in the interest of time -- and I'm looking at the list in case there is a hand raised, but I can't see any. I think we could pass the floor over to Karen to offer us a short presentation of where they are with the operational design phase on Subsequent Procedures. Again, with our warmest thanks for jumping in at this time. Thank you

KAREN LENTZ: Thank you, Jorge and to the GAC for the invitation to speak on the topic of subsequent rounds of new gTLDs. I will take just about ten, maybe a little over ten minutes to review, for anyone who is new, or share some details about the operational design phase, where we are in the process, as Jorge explained. I know that the

GAC has been involved quite closely in the policy development work and has continued share comments throughout the process, so these things that I will mention around the operational design phase work from the org standpoint are things that maybe can be -- maybe the GAC can keep it in mind too for your discussions later today.

So as far as the background, the Subsequent Procedures policy recommendations came from the bottom-up multi-stakeholder process that occurred in the GNSO. One of the things that is important to keep in mind, is that this is not the first time that the ICANN community has done work on this subject. There are policy recommendations that were approved by the GNSO Council in 2007 which concerned introduction of new gTLDs and what the requirements and processes should be around that.

And so when the Subsequent Procedures Working Group, which we call SubPro for short, when they began to work they not only looked at the existing policies but looked at the experience of the application round in 2012 to determine what to keep or change or add to the existing policy recommendations. And so you see the term out flat, which means in some cases the Working Group recommended that some things stay the same. Others were new recommendations and there is also implementation guidance. So when we talk about outputs and the operational design phase, we are looking at all of those things

As Jorge mentioned already, the recommendations were transmitted to the ICANN Board following approval of the GNSO Council. There was a public comment period following that, and then most recently, about a month ago, the Board passed a resolution to ask ICANN org to undertake an operational design phase on these recommendations. This work is to ask us to begin the ODP. It's recognized in the resolution that this is a significant piece of work, and so there's also time noted in the resolution, which is the time we're in now, that is about organizing the resources to fully begin that work, and that includes things like either procuring new resources, expertise, additional bandwidth or for example if moving resources from something else to work on this ODP, then how is that other thing being covered. So as I will talk about, it's very important that the existing other responsibilities of ICANN not be harmed by the work on this ODP

So as to the purpose of the operational design phase and why it was introduced and why the Board has asked for it in this particular instance, the overall goal is to provide the Board with information to make a decision. So the community has worked extensively on this for many years, and the Board wants to review that work and make sure it understands the impact of what is being recommended. And so all of the work in the operational design phase is oriented around providing the Board answers to questions that will help its deliberations on those recommendations.

I will also add that the work of the operational design phase, in a sense is not new, so ICANN org always prepares the Board for decisions and answers questions from the Board about what the potential impact or operational cost would be of something. And so what the ODP does is formalize that and also provide visibility so that the work that is in progress can be shared with the community and any other questions can be raised during that process

As far as the scope of what is included in the operational design phase, you can see that in the Scoping Document, which is quite extensive. It's organized according to sections and questions. Many of the questions are specific to certain recommendations or to areas and [indiscernible] in the final report. One of the outcomes, as Jorge mentioned, is an operational design assessment, which is a report explaining the costs and operational model for what a process based on these recommendations would look like. But the model is only -- the questions or inputs into building that model, so just answering a question is not enough to necessarily inform a whole decision. And so the questions are meant to be plugged into a model so there is a basic operational process described in the document that can be discussed

So going to cost, as I mentioned, this is going to take significant resources from the org side to actually build that model and

understand the questions and the dependencies between some of the areas, the Board resolution included resources of up to $9 million US to be able to have the resources to be able to do that, and that includes staff and also would include, for example, if we need to do procurement for expertise in a certain area or to add bandwidth in a certain area.

I will also mention that if the ODP were not happening, we would be doing this work likely anyway, in terms of doing due diligence for the Board. And so the work that is happening is not -- it's just sort of on paper, so the ODP is not in isolation of all the policy work that has been done and all of the implementation details that will be worked out, it's part of the development work for the round and so the cost is considered part of the development costs for the next round

In terms of timing, so the Board did ask once we began the operational design phase that we complete that within ten months, so that is the schedule we would be working to. And as I mentioned, one of the outputs will be the sort of end-to-end operational model of how the round could work, which will be something -- it would be a key resource, I think, for when we get to implementation, assuming that the Board accepts the recommendation and asks to us proceed with implementation the work that is done in the operational design phase will be instrumental in helping to streamline that.

So the last point here on the ODP is on community engagement. And I know the GAC is planning on how to organize itself for providing input, great to see. So the recommendations of building a model from the organizational standpoint, including the costs -- work being done by the org during the operational design phase. One of the things that we have been planning in parallel with the scoping and the discussions of that with the ICANN Board is on the communications and engagement. And so I think when the ODP formally begins, there will also be at that point a schedule for when updates will happen and be available, and those can take a few different forms, maybe webinars, maybe a session during an ICANN meeting. We will have written updates on the Web page, et cetera

And so that is also the opportunity for feedback from the community, whether that is sort of testing assumptions of something that we got wrong. I think assumptions are actually going to be a big part of the ODP output, and so providing input on those assumptions and questions will be something that will be very important during that engagement when we're sharing work in progress. I will also mention that the GNSO Council is in the process of appointing a liaison to the ODP. The reason for that is that policy work happens in the community, so the org is not going to be making policy decisions as part of the operational design phase. The reason that the liaison is there is to be able to raise policy questions. It's clear that those would need to go to

the GNSO, and the liaison is the mechanism for providing those questions and communications

And then finally, one of the questions that we get a lot is what these changes as far as implementation. So when the Board makes a decision on the policy recommendations and says based on the results of the policy work and the ODP and the public comments and other inputs, if there is a decision to proceed to implementation, then implementation proceeds as it normally does with policy work, in that we would include implementation review team to provide input and support for the implementation work. And as I said, I think being able to start an IRT with a lot of this work already on paper and questions that do need IRT input teed up, I think that will be very helpful for implementation to proceed

Okay. Next slide. So the next section is called policy and implementation challenges. And this is my colleague Lars Hoffman gave a similar presentation on this so I will go over this quickly to highlight some of the areas or circumstances that are unique in the Final Report, and I know that the GAC has commented on each of these I think and been involved in these discussions, but I will cover those. So one of the topics of discussion here is auctions that I would note. The reason for that is that there were two of the recommendations under the auctions topic that the not reach consensus within the Working

Group so weren't approved by the council and passed on to Board. The particular recommendations had to do with the auction methodology, which there were recommendations on particularly how the auction should work in terms of procedure and also the recommendation on private auctions and whether they should be allowed, that was not approved. So that is one of the things that will be considered during the operational design phase is what does that mean when looking at the contention resolution process operationally where these recommendations are now part of what was provided

Another topic of some complexity is public comments and [indiscernible] also a section in the Final Report, an issue discussed quite a bit within the Working Group. Noting here the Board had asked some questions around the bylaws and how that -- whether these particular recommendations would pose any difficulties or issues in regard the bylaws, so that will also be a topic. And then finally there is the topic of closed generics, where I know that the GAC has provided advice previously, but in this instance there was no consensus within the Working Group, so there are no recommendations on this topic. So one of the things, in addition to the operational design phase, one of the things to think about is what does that mean operationally, given there is no guidance on this from the policy recommendations

Next slide, please. Okay. This is the last slide. And the reason I will mention this here is just to remind everyone here of the context of the work around the process for adding new top-level domains and how that is part of ICANN's work, ICANN meaning all of us, part of all of our work. As I mentioned, the community has been working on this for many years now, and I mentioned that the 2007 policy recommendations and the group who worked on that came to the conclusion that there should be a process for introducing new generic top level domains, including internationalized domain names, that there were opportunities for competition, additional consumer choice, that there were opportunities for innovation by doing that, and those reasons I think haven't changed, were affirmed in the Subsequent Procedures Working Group

And as we look at where we are now in 2021, one of the things come to the forefront of these discussions is the importance of internationalized domain names in being able to provide users around the world with opportunities to access many more of the resources that are available online. And so there is a focus when we think about planning for this next round on serving local languages and scripts and also the work on universal acceptance, which is to make sure that along with introducing these new names for users that we can make sure they function in a stable and secure way, and so those are two things that the org is working on several fronts as well as the community in the

universal acceptance steering group, for example. So wanted to make sure the context was there as part of what we're thinking about and undertaking the operational design phase. There is a specific section in the Scoping Document that talks about global engagement and linguistic communities and how we support those and so I think that is also something that is important to keep in mind in terms of how we proceed with this work

So there was also an annex on these slides, previous round, available in the annex who might want to look at it. But that is the conclusion of this segment, and I will turn it back over to Jorge, thank you

JORGE CANCIO, GAC VICE-CHAIR: Excellent, Karen, thank you very much for your presentation. I think that now we are more or less up to speed in the GAC with what is going on with the ODP. I would like to stop for a moment to see if there are any questions from GAC colleagues. I will look shortly at the list, and staff please advise if there is any hand being raised. In any case, I would like to share some comments of my own, I hope reflecting what might be also considerations from the GAC as a whole.

The first thing is that we, as you have heard, will be following your work very closely. Considering how the GAC works, which still is, to a certain extent, more predominantly during the ICANN

meetings, although we also work inter-sessionally, you may be receiving more invitations from the GAC to participate at our sessions, and we would welcome very much you continuing to accept those invitations. Of course, Karen if it's you or if it's Lars, we are absolutely in your hands. But also, welcome very much that you keep us up to date on who are the leading persons on your side in order to maintain a continuing communication with you. We have seen with a lot of interest that you will be including analyses of the recommendations or at least as part of the Scoping Document of the public interest aspects in relation with the pilot framework on assessing the public interest.

And of course as GAC -- and I know also other parts of the community as ALAC are very interested in our public policy function, we are very interested in looking into this, and if it's possible in a country doing analysis of the public interest implications of the recommendations, and regarding the substance, it looks quite challenges to distinguish the ODP analysis from the policy considerations, but I guess you will be trying to find the right path to avoid re-litigating policy discussions, and of course very much invite you to consider also the GAC comments we made in the public consultation which is before the Board. I hope I didn't extend too much. I see there is a hand from France. So I would pass the floor to Vincent.

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FRANCE: Thank you very much, Jorge. I hope you can hear me and see me also. So hello, dear colleagues, good evening, as far as I'm concerned. Good morning and good afternoon to everyone. I am very happy to be with you all, albeit virtually. Thank you very much, Louise and Jorge and Karen for your very its active presentation. I will continue to speak in French.

France rejoices over the ODP launch coming up on the SubPros and we certainly hope that this phase is a good basis for a review of the report by the Board as well as its future implementation. We rejoice over the launch because it's important that we ensure that presentation done as exhaustively as possible for the future opening of the new rounds of gTLDs. The preparation of the next round and the round itself will be a wealth of opportunity will represent a wealth of opportunity, and I would like to go back on what Jonathan Zuck said during the ALAC meeting earlier. The new round is an opportunity to refresh certain things and to start in a new direction, the community is working intensively and proposing many new ideas to improve things, not only for the next round of new gTLDs but also for the domain name system overall, and that is an excellent opportunity. I hope that I didn't say anything that Jonathan didn't mean, but I wanted to honor what he said. In France we believe that it's very important to move forward in a balanced manner. We believe that we need to find a balanced approach, fast enough but also prevent any

problems, anything that might damage the DNS. Jonathan said there [indiscernible] wasn't an urgent process, but from France, we do believe it's important not to delay things too much. But we still agree that it needs to be prepared with great care. So we need to hurry -- slowly. Thank you very much for your attention and thank you for the debates on this most important topic.

JORGE CANCIO, GAC VICE-CHAIR: (Speaking French) I think it is time to pass the floor to Luisa. We will go more quickly on the second part of our agenda, I think. Luisa, the floor is yours.

LUISA PAEZ: Thank you Jorge, this is Luisa Paez with Canada. The other GAC topic lead on Subsequent Procedures, and again, thank you Karen for the presentation and for France, Vincent (audio distortion) for mentioning the questions and so this next part of today's presentation and as Jorge mentioned, being mindful, on time, and given that we have previously already shared what the GAC had provided in its last GAC collective input which was submitted last year in June -- sorry, in June 2021, I believe it was before that.

So for this session we wanted to provide a bit of a refresher on the topics of priorities that have been identified for the GAC and so this follows predictability, voluntary commitments, public

interest commitments, applicant support, closed generics, name collisions, GAC consensus advice and GAC early warnings as well as community applications and auctions, mechanisms of last resort and private resolution of contention sets. And we also wanted to note that of course the GAC always has at its disposal the option to provide GAC advice, of course after meaningful discussion if there is consensus on these topics.

As part of this GAC collective comment, the GAC also provided some overall comments that we would like to highlight today quickly with all the GAC members. So to note that the GAC of course supports the multi-stakeholder process and does not object to the introduction of new gTLDs. The GAC asks the Board to ensure that all the necessary steps and reviews takes place before any round of gTLDs takes place such as the CCT review and the SSR 2 recommendations as well as the GAC notes that it continues to have serious concerns regarding the absence of policy recommendations and DNS abuse mitigation in the Subsequent Procedures Final Report and notes that the Working Group being that such effort should be holistic and must apply to both existing and new gTLDs

So in regards DNS abuse, again, in terms of what the GAC provided in this collective comments that have already been submitted, it also noted some ICANN 66 and in particular ICANN70 communique language, and so for example that noting that the

DNS abuse should be addressed in collaboration with the ICANN community and ICANN org prior to the launch of a second round of gTLDs and that the GAC supports the development of proposed contract provisions applicable to all gTLD to improve responses to DNS abuse and the GAC welcomes as well the recently launched DNS abuse institute and encourages community efforts to cooperatively tackle DNS abuse in a holistic manner

Finally, the GAC does not intends or wish to necessarily delay the process of future rounds of new domain names but highlights the need to ensure that DNS is effectively addressed, and this will highlight that it aligns with SSAC's comment on the Subsequent Procedures Final Report but mention that is waiting until efforts to mitigate DNS abuse can be clearly applied to all existing -- equally applied to all existing and new gTLDs, effectively breeds the ground for malicious actors who can depend on a long policy development process to hinder meaningful anti abuse measures.

So again, we wanted to provide a few minutes in today's session to bring all GAC members up to speed as we notice a few GAC members in terms of what were the main highlights in regard to the GAC's overarching comments into this GAC collective input.

So again, mindful of the time, and we do have the slides available to all GAC members, of course. We can go to perhaps to the final slides, and you will see that the rest of the presentation today

would have done, provides just a brief description on each priority topic we mentioned at the beginning, and of course we're happy to review any of those if there are any questions, but we thought we would like to take the opportunity today, of course, again, to discuss any questions from GAC members and to perhaps start discussions in terms of what the GAC would need to further think about, further discuss in relation to this priority topics for the GAC that we mentioned towards the beginning and then of course we always welcome any volunteer penholders

But I will stop there and again see if there are any questions. And as we mentioned as well, this is very important because there is an annex. I will stop there and see if there are any questions or comments from GAC members at this point. And perhaps, Benedetta if you don't mind going to I think slide 16 where we show the GAC priority topics, just list them there, so it's like a reminder -- perfect, again, these were the topics that the GAC identified and provided comments on in this GAC collective input. Jorge or Manal, any comments or questions? Oh, I see Olivier with the European Commission. Please go ahead

EUROPEAN COMMISSION: Thank you very much, Luisa, can you hear me well? Okay. Very good. So good evening, good afternoon, and good morning to everyone. I just wanted to ask to you and to Jorge, how do you see the older comments that we have made in the policy

development process all the comments of comments we have made in the forthcoming communique, and you have listed all these comments, there are a lot of them, how do you think they will be taken into account in the next steps of the [indiscernible] or implementation process? And do we need to go, as you are hinting, in fact, to possible advice to be sure that these comments do not stay as nice comments but are really fully taken into account? So I just wanted to ask your views about this and maybe other GAC members' views about this. Thank you.

JORGE CANCIO, GAC VICE-CHAIR: Maybe I can chime in. I think it's a very pertinent question. At the same time, it might be a question for the Board or also for org who are preparing the documentation for the Board. So to a certain extent, it is a difficult question. At the same time, I think that experience tells us that what is on the record of a public comment period is relevant and is important and is taken into account, but of course it doesn't trigger any of the bylaws, procedures as GAC consensus advice does. So this is really a decision in the hands of the membership I think to consider what comments or what inputs from the GAC are important enough to be raised to the category of GAC consensus advice and what are we aiming at with such a move? What are we trying to obtain?

And just personally and very -- in an improvised fashion, I see that closed generics is a question that is open, that is not very clear,

and where the GAC may have a position. And there perhaps a GAC consensus advice could have some effect on the Board considerations. This might be the case also for other aspects, but it's really in the hands of the membership I think to think hard about this.   But of course Manal or Luisa, direct me or complement. Thank you.

LUISA PAEZ: Thank you, Jorge and Olivier, for the question. Absolutely, I think this is the question we are all thinking about. And -- yeah, I also wanted to mention what Jorge did in terms of trying to prioritize topics, there were two topics in particular that did not have consensus. Even of course if there was a lot of conversation that took place in the Working Group for about five years in regards closed generics as well as auctions, and when it comes to closed generics, it was actually the ALAC that had a very good session I believe last week, and perhaps we could share some of their outputs there and then we could -- that could potentially inform our discussions moving forward.

So I as well wanted to echo and highlight those two items. And again, speaking a little bit in the capacities as Canada, not necessarily topic lead, I do believe -- and we don't necessarily need to rush at this point for any GAC advice, because the operational design phase hasn't started, but it is something we could potentially start working or discussing inter-sessionally in

the lead-up to the next meeting in March. But of course -- as Jorge mentioned, we're open to any comments or suggestions from GAC members.

Mindful of the time, Manal, just wondering, to pass it back to you if no more comments or questions. I know there have been some discussions in the chat. Perhaps -- yes, we can close the session. Thank you

MANAL ISMAIL, GAC CHAIR: Thank you very much, Luisa, Jorge, Benedetta, and everyone involved. And again, thanks to Karen for accommodating the GAC request. And thanks everyone for your interest and your active engagement. I hope we will continue the active discussions as we prepare for GAC advice. Yeah, so This concludes our Subsequent Procedures discussion. It's now time for our communique review, so please stay in the Zoom room.

[END OF TRANSCRIPT]