
ICANN68 | Virtual Policy Forum – At-Large Policy Session: New gTLD Applicants: Expanding the Circle
Tuesday, June 23, 2020 – 15:00 to 16:30 MYT

YEŞİM NAZLAR:

So, this session will now begin. Please start recording. Thank you very much. And good morning, good afternoon, and good evening to all. Welcome to the At-Large Policy Session on New gTLD Applicants: Expanding the Circle, taking place on Tuesday, 23rd of June, 2020, at 7:00 UTC.

My name is Yeşim Nazlar from At-Large staff and I'm the remote participation manager for this session. Please note that this session is being recorded and follows the ICANN expected standards of behavior. We will not be doing roll calls during ICANN 68 but we'll note attendance for all these sessions.

During this session, questions or comments submitted will only be read aloud if submitted in English and once submitted in the Q&A part. I will read questions and comments aloud during the time set by the chair or moderator of this session. If you would like to ask your question or make your comment verbally, please raise your hand. When called upon, you will be able to unmute your microphone and take the floor. Please state your name for the record and the language you will speak, if speaking a language other than English.

Please note, this session includes interpretation in French and Spanish. To hear the interpretation, you will need to download the

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interpretation application. More information can be found in the session details on the events schedule and instructions are in chat. And I'm going to share them one more time. We have also posted all the details on the At-Large ICANN 68 wiki page and the link will be posted shortly as well.

A kind reminder to please speak clearly, at a reasonable speed, to allow for accurate interpretation and, again, to state your name each time you take the floor. With that, I will now hand the floor back over to you, Olivier. Over to you, Olivier Crépin-Leblond.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Yeşim. I'm Olivier Crépin-Leblond. I'm one of the co-chairs of the Consolidated Policy Working Group, the other co-chair being Jonathan Zuck. And we have our meeting every Wednesday so this feels a little bit like an advance meeting, since we're on a Tuesday—very much an advance meeting on a Tuesday.

But welcome, everyone. I see people coming in from all four corners of the globe. If you are seeing the video, it's a little bit out of sync with my voice because I'm actually using a dial-out. My internet isn't that great here in France, unfortunately, at this time. So, it will have to do for the time being.

Today's agenda is pretty interesting, in that we're looking at expanding the circle of new gTLD applicants. If you look at the last round—the 2012 round—the profile of the typical registry was that of a wealthy portfolio company from the developed world, managing a

series of generic top-level domains and brands. And even though there were last-ditch events to try and expand the circle by implementing a number of things so that you don't get the usual suspects or those big, big companies into it, those efforts seemed to not work too well. And so, the overall efforts came out to be of little value, as such.

Now, the Applicant Support Program is one of the things that we're speaking about, the other one being, of course, the Community Priority Evaluation Program. Both of them were somehow seen as failures or at least—maybe not failures but not totally successful. Let's be very diplomatic about this.

And the pricing structure created a systemic bias towards generic domains, rather than the niche domains, which in At-Large, we nurture—the community domains, the ones that small applicants would like to push forward and actually bring to their community, as such. A software developer can use them on web services and Microsoft Azure to create an enterprise-grade solution that scales to purpose. But should a registrar be able to do the same thing with a registry service provider? In this session, we're going to try and dig into this. We're going to try and find the root causes for the problems of the last round—maybe find out if we can have some solutions.

And in order to help us on this, we're going to have a number of esteemed applicants and people that were involved in the process, and also the Subsequent Procedures Working Group, which is the GNSO working group in ICANN that is working to create the rules—the next-generation Applicant Guidebook. I don't know how you would

call it but it's the next one, basically. And so, they're looking at all the things that happened in the last round. They're looking at the original Applicant Guidebook and seeing ways to try and update one way or other.

So, joining us, we've got, first, Edmon Chung, who is going to speak to us about the .kids experience. That was an applicant in the last round, with the DotKids Foundation. I will also have Constantine Roussos from .music, who will be able to speak to us about his applicant and his eventual success, should we say, in being able to push things through—so, all the trials, tribulations, and pains. Then, we'll have Christa Taylor speaking to us about Applicant Support. And Christa was very much involved in the recent work on this. So, she'll be able to take us through what's going on, what are the changes, etc.

And Justine Chew—last by not least, Justine—who will be speaking to us about the Community Priority Evaluation. Justine is actually our main participant, should I say, in the Subsequent Procedures Working Group. And she has been weekly, every week, providing us with at least two presentations—us, being the At-Large community, through the Consolidated Policy Working Group—has been providing us at least two presentations as to what was going on, what issues were on the table, and what was the At-Large position. So, we now have, actually, a page which has an enormous amount of information, thanks to Justine. And anyway, she'll be able to tell us about CPE.

And then, hopefully, if we don't take too much time—and I'm already feeling I am taking to much time—we'll go into discussion. And I hope

that we'll have a good discussion, even though I know we're in webinar mode, which makes it a little bit more difficult. You can definitely put your questions and comments—comments in the chat, questions in the questions box. That's it. Let's get going, then.

And so, without any further ado, I think that we can go straight to Edmon Chung. Welcome, Edmon, from the DotKids Foundation. And he is going to be able to take us through the challenges with the Applicant Support Program, the CPE, etc.—all the things you've had to do, Edmon. Over to you. And Edmon's got a small presentation. Each one of our participants has a small presentation. So, all right, Edmon. Go ahead.

EDMON CHUNG:

Thank you, Olivier. This is Edmon Chung from .asia, although I'll be speaking about our experience in supporting .kids—the .kids community gTLD application. And actually, I will touch a little bit on .spa as well, which is also a community application. But congratulations, actually, to Olivier, first. And I will get started talking about the Applicant Support Program first.

So, I think one of the things that Olivier just mentioned is quite true and we've felt it all the way through the new gTLD process, as in the execution part after the application. So, one of the things is that for the Applicant Support Program, it's quite clear that there was a very much lack of outreach. Only three applications came in and only one application eventually got through the program, which is .kids, which we supported.

One of the apparent issues is clearly that there was a very strong sense, back then, of this aversion towards gaming. So, a lot of gates were set in the process for applicant support. And there was a very harsh arrangement for basically disqualifying applicants who opted for applicant support. But if they don't get it, the entire application gets disqualified. And this, I think, is a big issue which everyone knows.

What I do want to touch on is a few things that, maybe, less people would have spent too much time into, which is the nitty gritty of the actual application form or the questions that were asked. I won't go into the particular details but I can talk about two very important things that I think need improvement.

One part is this concept that you have to be needy or you have to be poor enough. But you have, still, to be rich enough to be able to operate the registry and so on. So, it's almost like a trap. However way you write your response to the Applicant Support Program, you're left with a few marks either deducted from one side or deducted from the other side. You're either not poor or you're either not rich enough to carry on the business.

So, what that actually means is that, ultimately, an applicant will have to depend on existing players—the support from existing ICANN community or DNS industry entities to say that, “Okay. I am needy enough. I don't have the means. But I can actually depend on others.” That's where .asia played a role. The back end provider, Afiliast, also played a role for .kids to lend their support, without which you won't be able to get those points because you either lose point for not being

poor enough or you lose points for being not rich enough to run the operations. So, in itself, it's designed to not really expand the circle. So, that's one big area that I think is important to think about.

The other thing, again, in part of the scoring system, is that—it's related to what I just said—is that there are actually certain ... The scoring system includes certain points that are mutually exclusive. One says you are a small enterprise and you get one point. And if you are a nonprofit, you get one point. Well, you can't have both points. So, again, inherently, the scoring system has already built in certain points that you are not able to get.

So, instead of that—probably, I think, at least for the scoring system itself—it needs to be ... For those mutually exclusive points, they should be combined so that it either is this one or this one and not separate, where by design, you will have lost a few points already. So, I guess that's something really interesting, I think.

The other part is the missing support, besides the application fee. The group that created the Applicant Support Program was called the Joint Applicant Support Group. And their final report actually included a number of other supports, like post-application—like the fees, like fee reduction and those type of things. Those were never implemented. It wasn't implemented in the first place because it had to be rolled out and they didn't have enough time. But later on, nobody really went back and re-looked at it and implement those programs.

So, I think those are some of the things that really cause a big issue. And here, what I wanted to show on the slide, actually, is what I want to talk about next. So, that part is the Applicant Support Program. And as we move into the CPE—the Community Priority Evaluationkids participated.

And then, what I wanted to highlight in this slide is you can see that the CPE Guidelines was only posted in September of 2013. If you remember correctly, the application process started in early 2012. So, that what that means is that the application was all submitted before what the evaluation actually used as the guidelines were actually created.

And you can see an interesting situation. In the Applicant Support Program, it was completed by March of 2013, which is before the CPE Guidelines. What is interesting is about .kids is that .kids did win the Applicant Support Program, under which they have a component that requires—well, not requires. If you are a community application ... And they do assess whether you look like a community application and not trying to just game the system by saying you're a community application. That is a big part of the Applicant Support Program, as well.

But in that case, in the March of 2013, .kids passed. Based on the evaluation by the Applicant Support Program, .kids passed as a community gTLD application. But later, when the CPE Guidelines were created afterward, in September, a lot of things actually changed. If you go to the next slide.

What is interesting, also, to remember, back in that time, is that many new people were joining ICANN, including the GDD Team. A lot of people who were actually executing on the policies and the implementation that was created are new to ICANN. I'm unsure how familiar they are with ICANN at that time. But in many ways, I think it distorted ... Some of the execution distorted the original intent and purpose of some of these programs.

As Olivier started by saying, these programs were intended to enlarge the circle—to get newcomers into the ICANN community and into the DNS industry. But in reality, you have to have a lot of insider or ICANN community support before you can actually get through.

And if you look at the CPE, one particular thing that changed significantly is something that I highlighted here. Sorry it's a very confusing set of things but I'll speak through this. This is just one example of how the CPE Guidelines changed significantly from the AGB—the Applicant Guidebook.

So, the Community Priority Evaluation, one of the requirements is to have the community to demonstrate that the community is organized. And in the Applicant Guidebook, it says, “‘Organized’ implies that there is at least one entity that is dedicated to supporting the community.” In the CPE Guidelines, that one entity changed to one entity mainly dedicated to the entire community. So, for a global community, you would need one entity that has a global purview to substantiate that particular situation.

And here, what you can see is that the panel actually, ultimately, decided that they don't think there was an entity that has—actually deals with the entire community. And that has become a problem, although there were many, many entities that support children's rights and children's welfare, which is what .kids community is about. So, therein lies a really interesting situation, which is that thing got changed a little bit after the submission of applications and the goal post moved.

And in addition to that, change requests were denied. There was an attempt to change some of the things that were submitted but that was denied. But for for-profit entities—like, for example, the closed generics which have a problem—they were allowed to update their application. So, it's quite interesting to see how the execution goes.

So, I'll go to the third slide and go to some of the improvements that I think we should see. One of the key issues, I think, is that there's a serious gaming aversion that distorted the program. Whoever executed on it really felt that it is an economic advantage, whether Applicant Support or CPE results. You gain a huge economic advantage over other people. And that has been the view. And that's why you see how, I guess, systemically is trying to push these new entrants out.

And so, we really need to think back at what the purpose of these programs are for and ingrain it into the implementation and execution of the policies. So, for the Applicant Support Program, I think there is need to improve it by completing some other parts by the Joint

Applicant Support Report. There is other aspects of support that needs to be implemented, including ICANN fees and so on. Community evaluators are important because they carry through—the ICANN community evaluators, I mean. They carry through the spirit of the program itself and avoid the mutually exclusive points that I mentioned, and to punish the applicant.

For the CPE, I think we really need to go back to the original intent. The intent, I believe, is to support more community-based gTLDs and not treat it as a huge economic advantage over other applicants. Priority should be provided to applicants who are willing to serve the community. So, if they can adjust the application to then serve the community better, why not? If they can adjust the application so that they actually fit into the Community Priority Evaluation and be able to serve the community, that should be definitely allowed.

This CPE process did not include ICANN community members into the panel. I think that is a big deficit because the knowledge and the spirit is not carried through to the panel. Interaction with the panel should be important because right now, it's just the application and then one back-and-forth textual. Interaction with the panel will better judge whether the applicant is really trying to support a community.

And why I wanted to put .spa here is that what we see with .kids is hugely different. The experience with .spa is hugely different. .spa is like a trade association for spa and wellness centers around the world. And it got through the CPE process, which is a little bit surprising for us but pleasantly surprised, whereas .kids, which traditionally people

would feel that children’s rights and children’s community is a very coherent community, did not win the CPE.

So, I’ll leave it here. One thing that I wasn’t to add to this—just one last sentence—is that we always talk about policy development and policy implementation. I think it’s time to also think about policy execution. There are three phases that are very important. And policy staff from GNSO and from ICANN needs to have crossover into the gTLD, not only at the implementation level but also at the execution level. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Edmon. Next in our list, we have Constantine Roussos from .music, with a .music presentation. He’s going to be speaking to us about, again, the challenges to the Community Priority Evaluation. Constantine, welcome and you have the floor.

CONSTANTINE ROUSSOS: Hello, all. Hopefully you guys can hear me.

OLIVIER CRÉPIN-LEBLOND: Yeah. We can.

CONSTANTINE ROUSSOS: Excellent. Okay. So, starting off with our experience with .music, we’re one of the few that have gone through every single process, from legal rights objections, community objections, Community Priority

Evaluation, over 10 reconsideration requests, DIDP requests. The only thing we haven't done was the IRP. So, we have a lot of experience with entire process. And it was a nightmare, in many cases, and quite expensive, when it came to community objections and everything else.

So, I guess we can go to the second slide, which is basically—and I think Edmon discussed this—was that the execution ... The design was flawed and because the design was flawed, the execution could not be perfect or, at least, acceptable.

Back in 2007, the GNSO's final report stated that a "community should be interpreted broadly and would include, for example, an economic sector, a cultural community—" like the music community— "or a linguistic community." So, that intended goal of that concept of prioritizing communities was insufficiently developed and rationalized in the Applicant Guidebook.

For example, there were many issues. Why was the passing score 14 out of 16 and not 10 out of 16? And when you look at the results, out of the 27 applications, only five passed and none scored the maximum of 16 points. And the way that it was designed was that the scoring was entirely subjective, which resulted in all these inconsistencies, which was amplified by the fact that there was no quality control, there was no transparency, and the evaluators were not trained.

And the problem with that was because a lot of the ICANN staff that designed Community Priority Evaluation left and all the new people had no clue what was going on or had little clue what was going on.

So, if they're training the evaluators while they're training themselves as well, and not understanding the history of what a community is and what the intent was, was a recipe for disaster.

So, the other issue is we found out through the .registry IRP and other DIDP stuff that the evaluators did not have any in-depth knowledge of the field which the application was related to and zero expertise with respect to the subject matter. So, we looked at all the people that we could see that were part of the evaluation team and they had not really the greatest of expertise, regardless.

So, when you look at the community objections, though, which costs—they cost hundreds of thousands of dollars—you could actually see the panelists and they had some sort of expertise, obviously. And my question was how can community objections cost hundreds and thousands of dollars and take a few months, while CPE took six months and only \$22,000? Who works for \$22,000, being an expert? Everything was not consistent. Also, when it came to the resolution, obviously it benefitted deep-pocketed applicants if you failed CPE. So, we're one of the few that finally we won.

So, in short, the broad definition of “community,” as formulated by the GNSO was restricted in the Guidelines and the EIU—the evaluators—provided an even more narrow interpretation, focusing largely on what the definition of the community was and not whether the community application was credible or having support. So, it's quite shocking. Next slide, please.

So, I'll give you guys a great example of one of the issues that we had. Defining "community" was what determined success—not your registration policy, not whether you had the biggest coalition ever assembled for music. It's how you defined "community," which is very, very silly and it is insane. So, we spent 99% of our time getting letters of support and outreaching to the community. And we were told that how you defined "community" in your application is whether you fail or not.

So, what they did in the evaluation was they took this definition and they started deducting points left and right, even double counting them, similar to the consequential errors. If you start at a math problem and you get one of the numbers wrong in the beginning, obviously, the final result is going to be wrong. But your working would be correct if you do it the right way.

So, I'll give you guys an example on what the Guidelines said. So, "a community can consist of a logical alliance of communities—" includes an international federation. And all are viable just as long as they know that there's awareness of this community. And it has to be "delineated, organized, and pre-existing 2007."

So, we just took the definition of what they wanted in the Applicant Guidebook and we defined our community as "a strictly delineated and organized community of individuals, organizations, and business, a logical alliance of communities of similar nature that relate to music." So, we basically took what the AGB wanted, in terms of a

definition, and we pretty much copied and pasted it and customized it for music.

So, in terms of the awareness and recognition of the alliance, it was the letters of support. Obviously, the alliance community purpose through our registration policies and our shared values, with copyright and protecting the rights of musicians. And by the way, our registration policies got a maximum score.

So, the alliance that we put together was the prominent and influential organizations representing members with over 95% of global music consumed. And we had multiple music federations that pre-existed 2007—International Federation of Music in 1948 and the IFPI, which was 1933.

And finally enough, when you looked at our CPE report, our definition was not mentioned once. It wasn't even mentioned once in their report. So, how can you answer? How can you grade us without even knowing our definition? And what the EUI did is they took a different answer from a different question and defined it as our definition, which was incorrect. And we filed a reconsideration in 2016 concerning this and it took three years for the reconsideration to be resolved. And it was resolved after we resolved the contention set. So, next slide, please.

So, the issues that we had was there were many loopholes. The first was this consensus that community TLDs were designed to serve the global public interest and there's no definition of the global public

interest. And when you file a DIDP request, ICANN says they'll disclose information if it serves the public interest. So, good luck with that.

Also, there was an appearance of conflicts of interest without redress. In our case, one of our competitors' chairmen was on the board of directors of the Economist. I disclosed this to ICANN before the evaluation and they didn't do anything about it.

And also, there was no quality control program, which created all these problems. No appeals mechanisms. And basically, ICANN just said you could only file a reconsideration if there was a violation of established policy and procedure, not whether the evaluation was credible. So, the evaluator could say pigs can fly and that's fine because that's a substantive disagreement with the evaluators and it's not a proper basis for a reconsideration. And the .registry IRP said, ICANN "failed to exercise due diligence and care in having a reasonable amount of facts in front of them and failed to fulfill its transparency obligations."

And also, the ICANN Bylaws are pretty flawed and they can rarely hold ICANN accountable because and IRP panel cannot substitute the judgement of the Board. ICANN is the ultimate decisionmaker. The IRP panel can only give recommendations. So, ICANN has the ultimate power. They created an AGB where you cannot sue. And the reconsideration request and independent IRP were designed to favor ICANN. And that was a huge, huge, huge problem. It still is a problem and I still think the Bylaws are very weak because no one can tell

ICANN what to do except, it seems, the State Attorney of California. Next slide.

So, these are my recommendations that a successful community application should be based on demonstrable community support, which takes 99% of the effort, and aligning policies with the interests of the associated community, and the community definitions or anything that's subjective should not be part of any criteria. Also, there need to be a definition of the "global public interest" and consider it in relation to the community associated with that string.

Also, obviously, disclose who the evaluators are. Disqualify those that have an appearance of conflict of interest—not just a conflict of interest, an appearance. Ensure that the evaluators know what they're doing. Introduce quality control. Introduce appeals mechanisms.

Amend the IRP process to give IRP panels the power to make decisions. This is huge. IRP panel has to have power to make decisions because if they don't make decisions, it goes back to the ICANN Board. The ICANN Board is in the same position as it was before the IRP and they can do whatever they want. And we go round in circles. That was the case with .registry as well.

And the other issue that we had, because miraculously we prevailed, is that in order for us to continue to go to contracting, we have to withdraw our accountability mechanisms and/or our complaints to ICANN. So, we had to withdraw our accountability mechanisms so we can never hold ICANN accountable. If we continued with our accountability mechanisms, we could not proceed to contract. So,

that’s an amazing loophole. And obviously we had no choice. We want to go contracting. We want to launch .music. And that’s my final recommendations. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Constantine. And thanks for this very thorough feedback from your experience with the different programs that you had to navigate. And certainly, thanks for the tips on how to try and fill the form in future rounds. We next have Applicant Support Program being talked about, with Christa Taylor. Welcome, Christa. You have the floor.

CHRISTA TAYLOR: Great. Thank you. Trying to make something a little bit bright, thinking everyone would be tired at this time of day. But everyone has a whole bunch of energy, which is great to see. So, I’m just going to do a quick overview on the Applicant Support Program. Obviously, it’s hard to summarize all of the discussions that we’ve had over the past years on the Applicant Support Program. Maybe if you can jump to the next slide for me, that would be great.

So, just jumping in here. As Edmon said—and I think he summarized it real well—it’s about expanding the circles. And how do we create better procedures? And how do we improve the program? And what changes are needed to create those better results?

So, we’re looking at the different areas on how we can increase awareness. For instance, there was a great discussion on the

communication period and what we thought was a minimum. And I think we ended up around six months as a minimum to the opening of the submission period to ensure that there was enough time to do a better outreach program than we did in the first round. And then, if there is a consistent process going forward—not meaning rounds but—we’ll just end up having a little bit of a shorter period.

And then, other discussions came up of how can we do this better? For instance, we can have different communication tools. We can have a dedicated website on everything applicant support, including a searchable knowledge database, an opt-in notification system, where people can receive updates, a robust customer service that includes a chat feature, and just more flexible ways for people to communicate.

Then, in other areas, the expansion of the geographic area to go beyond what we called the “global south” back in 2012. But we also need to consider the middle applicants.

Let me take a step back. The middle applicant, which is one item that we discussed and defined as the struggling regions that are further along in their development compared to underserved or underdeveloped regions. And so, these middle applicants would be in a better position to operate a TLD and are probably in a more prepared market for expansion. So, again, not limiting there certainly helps by getting more of a base of really qualified applicants to apply.

And then, finally, in this creating better results is the use of regional experts. So, you need somebody there that people are going to trust and they’re willing to support them—they understand where they’re

coming from—and to develop some relevant business plans for that geographical area. So, those are the creating better results.

And then, if we go over to other side and we see some of the ... Now, how do we ... To achieve better results, how are we going to measure that? And so, one of the most straightforward ways is, of course, metrics. So, we gave some potential examples for the IRT, who may include them or may not and/or expand upon them so they best fit what is being implemented.

So, for instance, awareness and education. We might have a number of applicants who applied, perhaps the number of events that were held, or even how many providers signed up to provide pro bono services. Obvious one, approvals. How many were approved? Granted, the bar is pretty low. Hopefully the revised program will do significantly better. And then, later down the road, once they're launched, how did they perform? Metrics could include, say, the volume of registrants and then also being considerate of the areas. How many DUMs as a percentage of users in the region? Next slide, please.

So then, some of the key policy recommendations that ... This is just a high level. There's a bunch more. I would encourage everyone to dig in there and really read all the details.

But the most significant change—in my opinion, the most significant change and Edmon already alluded to it—was, in the prior round, if an applicant didn't qualify, it was game over. And now, we've reduced the bar there and said, "Okay. If they didn't qualify, we're going to give

you an opportunity to raise the additional funds,” provided we think that there’s not gaming going on. So, if there is willful gaming, then that’s a different track and they won’t be given the option to pay. But for everyone else, you will be able to move to a standard application process, just by talking it up, if you like.

Again, as mentioned, the applicant supports should be open to everyone, regardless of where they live or their geographic locations. Emerging markets and groups are a global area and groups. So, they shouldn’t be limited to a specific area.

Again, the middle applicants, we need to go beyond and expand that reach into more developed areas. People that are in the underdeveloped regions, they have bigger things to worry about and probably domain names might not be on the top of their priority list, if food and water aren’t sufficient.

And then, beyond the dollars. Let’s cover the cost beyond just the application fee. We need to include writing fees, attorney fees that are related to application, mentorship programs on how to manage it, the operational, the technical aspects of running a registry to help ensure that they actually can be a viable business for the long term.

Again, we want to improve the outreach and awareness. And we have ICANN’s Global Stakeholder Engagement teams. And suitable partners to educate and promote the awareness within the different regions. And again, that ties into ensuring that we have sufficient time to do a proper implementation.

Then, ICANN should also evaluate where the funding will be seeded from or whether additional funding is going to be required through, perhaps, multilateral or bilateral organizations to support the program.

And then two last items here. I have auctions. So, if the Applicant Support applicant is in a contention set, how can we make sure we even out that playing field a little bit? And there is some discussion on the providing a bid credit, or a multiplier, or some other mechanism to help level that field. And there's obviously some requirements there to, again, minimize the gaming but also balancing with ensuring that we're reaching the right applicants and providing them with the right support.

And then, last is where we're requesting input, which is should the applicant support program include the reduction or elimination of ongoing registry fees. Some people say yes. Some people say no. Some people might say for a period of time. And what's that balance is a real question that we're still debating. So, really encourage everyone to add their two cents or their opinion to there, which would be helpful.

So, that's a quick overview, so far, on some of the aspects in the Applicant Support Program. We're hoping the expanded outreach, the improved communication, the additional mentorship and education will result in a greater pool of applicants while building in the metrics to gauge success with a variety of metrics.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this update, Christa. I'd like to mention, at this point, noticing there's a good discussion going on in the chat, there is also a Q&A tab that you can click on if you have any specific questions for any of the panelists to respond to. I know that so far, we've only had one question asked on that. And the panelists are able to, then, reply right away.

We will open the floor after our last panelist to hold discussion. And if you want to get yourself in the queue already, you can put your hand up. And at some point, when we open the floor, staff will be able to then provide you with microphone—the ability to speak and so on. Or, of course, put your comments and questions in the chat and in the Q&A.

We now have Justine Chew from At-Large, from the ALAC. And she's going to speak to us about the Community Priority Evaluation and At-Large's interest in the topic—in the program—from an end-user perspective. So, Justine, you have the floor.

YEŞİM NAZLAR: Olivier, if I may. We have a hand raised by Tijani. Would you like to give him the floor or after Justine's presentation?

OLIVIER CRÉPIN-LEBLOND: I was going to open the floor afterwards for everyone to be involved, then, because I'm a little concerned of the time. We're running a little bit behind. So, if we can have Justine, then we'll open the floor. But Tijani will be the first one in the queue.

JUSTINE CHEW:

Thank you. The great thing about going last is you have the other presenters who have expertly laid out the context for you. So, it makes my job a little bit easier. Then again, let's see. The first thing I want to do is, actually, I want to express my regret at being unable to welcome all of you in person to my fair home city of Kuala Lumpur. And all we can do is blame COVID-19. That's bad.

Okay. As Olivier mentioned, I'm one of the members of the 15-person At-Large Advisory Committee, or ALAC, as we are well-known as, which is the primary organizational body in ICANN voicing the perspectives and concerns of individual internet end users. And of course, the community that we are most associated with is called the At-Large community or At-Large for short. Next slide, please.

Now, technically, everyone who uses the internet is an end user. But when the At-Large talks about end users, we're actually addressing a category of use, which is to say that you and I using the internet and domain names for finding information, reading the news, doing online booking, shopping, restaurant reservations, that sort of thing, or even communicating and associating with our respective communities. And it's less about using a second-level domain to run an online business or registering domain names for investment purposes, or what we call domaining.

So, from an end-user perspective, you can see that there are many things within the domain name marketspace which concern the At-Large, key of which would be things like consumer trust, public

interest, competition as well. And of course, there's ... Humans being the social creatures, the end users tend to gravitate to groups. So, this is where community TLDs become important to us, in that we expect community TLDs, or community top-level domains, to be operated for the benefit of communities.

So, in this context, or the context of this session, expanding the circle of new gTLD applicants, our intervention here is actually focused on how we can increase the diversity amongst the parties that operate top-level domains in the domain name space and by being more inclusive of new entrants—new entrant applicants, smaller entities, less well-resourced companies or groups, first-time applicants that hope to run small or even smaller registries which operate niche community top-level domains, as opposed to a few things that the other speakers have said—opposed to incumbent, wealthy portfolio registries.

So, within the new gTLD program framework, we actually think that there are two areas which are specifically aimed at helping such smaller applicants, new applicants, to get niche top-level domains. And these two areas are obviously applicant support and also the category of new gTLD applications for communities, which we call community-based applications.

And we know that community-based applications, with that category of applications, those applicants can opt for something called the Community Priority Evaluation. And that only happens if they string that they applied for happened to fall into a string contention set,

which arises when there are other applicants who are vying for the same string or a similar string. Next slide, please.

Okay. There's obviously a lot of information on this particular slide. So, I don't purport to go into details. But we do know that Community Priority Evaluation, as it stands, is an evaluation of community-based applications, as I mentioned before. But it uses four criteria, which covers, then, 10 sub-criterias. And there's a threshold of 14 points—at least 14 points out of 16 to prevail.

So, if we go back and have a look at the community-based applications from the 2012 round, as laid out in the table here and as Constantine mentioned earlier, also, there were 27 such applications—community-based applications—which involved 23 strings. Obviously, this is a snapshot. I derived this data from the Community Priority Evaluation webpage on the ICANN website. So, if there's some discrepancy with the data here, I apologize for that. But it's derived from that particular page.

So, as I said, there were 27 such community-based applications, which involved 23 strings altogether. And out of the 27, 25 opted for Community Priority Evaluations. And if you look through the 27 applications, I could really only pick out five applications, give and take, which could be said to be structured around grassroots communities. The ones that I picked out are the ones that's highlighted in the full block color horizontally.

Well, you've heard already from Edmon on .kids and Constantine on .music, respectively. So, take what you need from their interventions.

But my point is the large majority of these applications propose to use their selected strings to actually denote groups that are either in a professional context, or business-oriented groups, or possibly even government-related public sector, which is the wonderful .radio.

Now, why do I say this is important? This is important to note because these grassroots community TLD applicants were, in fact, ultimately being evaluated by the CPE panelists with little community expertise and who interpreted the evaluation criteria, which was biased against communities which are more loosely-organized, less structured, perhaps even less well-resourced. But again, they're still groupings of grassroots communities.

So, we ask why should that be the case? Notwithstanding that in the 2012 round, only five applicants prevailed, we should look forward and guard against the CPE process being used to favor mostly professional communities in Subsequent Procedures.

So, given the time, I can't get into more details with all the challenges with CPE. And we've already identified some of them through the presentations that Edmon and Constantine took us through. So, that's great. So, we have some context there. In any case, a lot of these challenges have been well-documented and are being considered within the new gTLD Subsequent Procedures Policy Development Process Working Group—PDP Working Group.

But I'd like to just point out five of them, if I may, because the interventions that At-Large is going to make touch on these five key challenges. The first one is perceptions that panelists misinterpreted

applications in evaluations and/or improperly applied the CPE criteria. The second one is an excessively high threshold to prevail. So, I said before that we needed at least 14 out of 16 points to prevail. The third being a lack of transparency and predictability around the process, including costs. The fourth one being an imbalance in reviewing support against opposition. And the fifth one is allegations of conflicts of interest on the part of panelists.

So, can I get onto the next slide, please? All right. So, earlier, I mentioned that there were two areas that the At-Large feels are important in terms of helping niche TLD applicants. Of course, there are many areas. And one of the difficulties within the SubPro PDP Working Group is there is a tendency to examine areas by topics without really going into a cross-analysis of what might happen if you tweak one element in one topic and the impact of it in another topic. So, sometimes you need to look at it from a cross-topical point of view.

So, just coming back to these twin areas that At-Large is very concerned about. These two areas are the key avenues which we think would help expand the circle of applicants. So, I would like to not miss the chance of mentioning some of the comments that At-Large have developed to Applicant Support Program. After all, they worked hard at coming up with these comments in deliberation.

So, further to what Christa has already tabled in terms of the key recommendations, we believe that to improve the utility of the Applicant Support Program, you have to look at things like compelling

... ICANN ought to actively coordinate the pro bono assistance, not just have a list of service providers that are interested in providing pro bono services. You need to have the parties actually talking to each other. You need to lay the foundation and groundwork to have proper, effective engagement and communication—not leave the poor applicants to flounder around with a list.

Additionally, financial support. We do note that the financial support is now looking to be extended to a lot of fees and costs pertaining to the application process. But within the original intervention of the Joint Applicant Support Working Group, we did say that financial support should be also extended to operational costs. And as Edmon has already said, it's not just about the application process. You really want to help the poor applicant or the struggling applicant to succeed.

Important, also, is the inclusion of business model allocation. Relying on expertise to help you write a business plan is one thing. But you need to be able make sure that the potential applicants also understand what the business they are getting themselves into look like—the potential different kind of business case studies.

And obviously, last round we only had two million dollars for the Applicant Support Program. There needs to be more push—more active efforts into securing and raising funds for the ASP for the next round, especially if we're going to be expecting a lot more applicants for the ASP next round.

And the last thing, which we asked for, which we have received pushback on, is priority for the successful applicants in string

contention, failing which we are going to look at the multiplier that Christa has already mentioned.

And just moving on to CPE itself ... Can I get onto the last slide, please? Okay. So, some of the things that I'm going to be explaining here are generally in line with the draft recommendations of the new gTLD Subsequent Procedures PDP Working Group. But what we want to get at are the elements that are not specifically addressed or not addressed to the level of specificity that we are comfortable with. So, to be clear, in order to improve the utility of community priority evaluations—to not be biased against niche TLD applicants—we are calling for changes in three sub-areas.

So, the first one is greater community participation in the engagement of the next service provider. Now this, At-Large has consistently asked for community experts to be on the CPE panel but we have repeatedly gotten pushback on that.

So, the next alternative that we're considering is to make sure that there is community participation in selection of the CPE provider so that we know—we are satisfied that the service provider is the suitable service provider for the next round and have access to panelists that we deem suitable. So, in terms of that, we're trying to look at things like desired criteria within the shortlisting process, financial selection process, and eventually, the contractual terms that ICANN would be entering into with the service provider.

The second sub-area would be the actual changes to the CPE process. Obviously, conflict of interest is one of the areas what we're concerned

about. And there has to be mechanisms for handling conflict of interest of panelists. And these have to be interlocutory in nature. So, they have to be taken care of before the actual main evaluation takes place.

We also looked at the possible elimination of a supplementary call for documented support and opposition. This came about because, as implementation went in the last round, the community-based applications, somehow, were subjected to a second round of application comments where opposers could submit last-minute, 11th hour letters of opposition, which impacted on the scores that a particular applicant got.

And in terms of reducing processes and costs, we wonder whether this—we could look at the elimination of the call that's made by the panel itself because at the end of the day, that would possibly save on time. It could possibly save on costs. You reduce the administrative tasks that you are putting on the service provider. So, that's something that we want to look into. And also, obviously, it would eliminate unfairness, in terms of panel getting last-minute letters of opposition or comments of opposition that would affect scoring.

And limited challenge and appeal mechanism. Obviously, that's something that the other—Constantine, at least, has spoken of. And there is a recommendation to create a limited challenge and appeal mechanism which didn't happen ... We didn't have that kind of mechanism in the last round.

Now, in terms of changes to the CPE Criteria Guidelines itself, we are pushing for the allowance of a broader, more flexible interpretation of “community,” to include people like grassroots community, groups that are less well-resourced, less structured, perhaps, less organized, even.

Also, the inclusion of grassroots community expertise within the process. Now, earlier I talked about having community experts on the panel. And because we have received pushback on that, we are now trying to insert it through the Guidelines itself, through mandates that community expertise be called upon, especially when an application involves a community that is touching upon human rights-based issues or smaller communities, like linguistic, cultural-type communities.

Also, adjustment to the criteria, sub-criteria, and scoring guidelines to eliminate undue bias against these, what I would call, unconventional communities. Again, I talked about human rights-based, minority, linguistic, cultural, ethnic groups.

I’ll give you an example. With the criteria of community establishment, there are two sub-criterias, which is delineated and extension. Now, under delineation, there is a requirement that there must be awareness and recognition of a community amongst its members. With grassroots community, loosely organized communities, it’s hard enough to draw strict boundaries across the community itself. But to require awareness and recognition of the community amongst its members is quite a large hurdle.

Not to say that only, but this particular requirement of awareness and recognition appears in not only the delineation sub-criteria but also the extension sub-criteria. So, essentially, if you fail to score in one sub-criteria, then you automatically fail to score in the other sub-criterias. Is this fair? The criterias themselves should be evaluated independently of each other.

And preventing imbalance and considering opposition versus support. So, we tried to introduce a number of safeguards, in terms of making sure that there's an obligation for the identity of the commenter in opposition to be identified, in case that person is actually acting in conflict of interest in favor of an opposing applicant. So, things like greater clarify in the application of terms such as "relevance," "relevant," and "non-negligible size" that are elements in the opposition's sub-criteria or the CPE Guidelines, those need to be looked into as well.

And lastly, we definitely believe in lowering the threshold to prevail. We've bandied about a score of 12 out of 16 instead of 14 out of 16. And yeah. In terms of if a community-based applicant that is vying for a niche community TLD does not prevail in CPE and they are also a qualifier in the Applicant Support Program, then they should have the secondary benefit of the multiplier or a bid credit, as we're debating it, if they are forced to go into an auction.

So, I will leave it as that and conclude by saying that the At-Large have actually produced two documents that encompass our interventions in CPE—in Community Priority Evaluations. And one of it is an

explanatory note on our interventions. The second is actually a revision of the CPE criteria and guidelines that was drawn up by the previous CPE provider. So, we've actually gone the extra mile to look at that particular document and revise it to a level where at least we are pushing the envelope a little bit to what's changing it for the benefit of niche TLD applicants. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Justine. I see the chat is already having a life of its own. The Q&A tab, also, is being used profusely. There was a question towards GSE. I did send a note to Baher. I don't know who else from GSE is there. Let's go through the queue and then maybe someone from Global Stakeholder Engagement can go in the queue to answer the question from Joanna Kulesza in the Q&A.

First in the queue is Tijani Ben Jemaa. So, Tijani, you have the floor. Welcome. Tijani, you're going to have to unmute. You're given the mute to unmute. You can probably unmute now.

TIJANI BEN JEMAA: Okay. Thank you. Thank you, Olivier. I do agree with Edmon who said that the Applicant Support Program wasn't done to expand the circle at all. And the CPE was even worse for 2012. I am speaking about 2012 round. I was on the JAS Working Group. And before the JAS, to reach the JAS, there was a fight inside ICANN community between those who think that the new gTLD program is only for people who can pay

the \$185,000 as an application fee and those think that this is not normal and the community and poor people will not be able to apply.

So, on the JAS working group, even those who were against the support joined the group. And inside this group, we had people who tried to push very, very, very strongly to have very tough criteria. And we had tough criteria.

And I agree with you, Edmon. The criteria wasn't to help anything for any support. The proof of that is that we had money for supporting 14 applications and we had only three applications for support. That means that the criteria didn't encourage people to enter this Applicant Support Program. And among the three applications, we had only one who passed the criteria. And this one who passed the criteria was dropped by the CPE. So, you see that the result of several months of hard work was zero—absolutely zero.

I also agree with Constantine, who said that the CPE used subjective criteria and perhaps that's why it was a very bad result. I know that a lot of people love the subjective criteria and hate objective criteria. I think that we need subjective criteria but we need also objective criteria because without them, we have the opposite of the intention of the program. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Tijani. What I suggest, because I noticed that there are four hands in the queue, let's go through two hands and then any response from our panelist. Liz Orembo is next.

LIZ OREMBO:

Thanks for the floor. My name is Liz Orembo, from Nairobi, Kenya. My question goes to the ... It addresses community applications on jurisdictions, in terms of district. Has this been looked into, given that we had one that was really contentious? And if an application is not successful because of community support, then what jurisdiction does it have when it comes to district? Because I think it would be fair for each to go to the jurisdiction of that community where it would seek support.

And then, number two, I believe Justine has talked about the different community supports—the grassroots support, the different subjects support and all that. So, the question is when an applicant is applying, do they have to choose one of them or does it apply according to the gTLD that is in subject at that time? So, does the applicant have to justify support just for one community or various kinds of community in that case? Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thanks for this, Liz. Let's see. Are there any comments from our panelists or responses? Don't all jump in at once.

JUSTINE CHEW:

Olivier?

OLIVIER CRÉPIN-LEBLOND:

Go ahead, Justine.

JUSTINE CHEW:

If I understood the question correctly—and forgive me if I haven’t—but when an applicant applies for a gTLD, the first thing they need to do is to indicate that they are submitting a community-based applicant, which means that they are trying to get a TLD for a community, I suppose. And then, within the application process itself, it has to try and make out why—explain why it should be given this community TLD.

It really depends on the community that they’re targeting as to how to structure the application. So, it’s not necessarily cross-community. It really depends on the string itself and the community that the applicant is targeting. Thanks.

OLIVIER CRÉPIN-LEBLOND:

Thanks for this, Justine. Let’s go through our queue. I see there are more hands up. So, next is Sebastien Bachollet.

SEBASTIEN BACHOLLET:

I think we do have the tools for that purpose. Can you confirm to me that it is possible? Can someone confirm the fact that I can speak French, please?

YEŞİM NAZLAR:

Through the app, yes, indeed. We have French and Spanish interpretation. Please go ahead.

SEBASTIEN BACHOLLET: I'm sorry. It is very useful to use the tools that we have on hand. Thank you to the four panelists for their presentation. This was very interesting and useful. Once in a while, I find myself 10 years behind. Just for information and for fun, let me tell you that 10 years ago exactly, on the same day, on the 23rd of June, in Brussels at the ICANN meeting, there was a specific session on that same subject—so, how to reduce the obstacles for the creation of new extension in the underdeveloped region, exactly on the same date, on 23rd of June in 2010.

We haven't made any progress in 10 years. Tijani said that earlier and I support what he said. I still want to add that some people have participated, saying clearly that they were there. So, it could be the most difficult for organizations who needed support or for those community criterias because they knew that they would be in competition with them. And in that effect, they had to be very feeble. And therefore, it would be very difficult to overcome the obstacles.

We talk about a lot of people who are afraid because some people play with the system. Those who we were afraid of are not the ones who play with the system. Those who knew they were playing with the system—cash machines who also obtained a lot of applications and found private solution to keep the money, etc.—those are the people who played with the system.

And the last thing, because I don't want to speak very long, we have to be very careful in the use of the word “niche” because for 20 years

now, extension has a success if they have a lot of domain names. Point, .fr, who has only three and a half million domain names is less appreciated than the .uk because they have 10 millions of domain name. It's the same thing in the world of the gTLD. Maybe we should find another word but the word of niche but there should be people that are happy to have their own gTLD, even though they don't have 100 millions of domain name.

Again, thank you very much for this meeting, which was very interesting.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Sebastien. Thanks for your comments. I'm going to have to, unfortunately, close the queue at this point, keeping the people that are currently in the queue because we are ... time is just going very fast. I still have Holly Raiche and Hadia Elminiawi and, okay, Benjamin Chong Castillo, who just jumped into it. But after Benjamin, no one else. And if I could please ask everyone to keep their comments short so we don't run over time. So, Holly Raiche, you have the floor.

HOLLY RAICHE: Sorry. I just found I was muted. I was interested, Constantine in your statement [that there are] no appeal mechanisms. Now, I note your response, Justine's response.

There isn't time now but have you worked with Justine? And Justine, can we actually understand what's meant by "no appeal mechanisms"

and then what sort of mechanisms, particularly, Constantine, you think should be there so that we can actually respond as to what wasn't there but should be there? I'll leave it at that but I expect, Justine, if you can deal with Constantine and get some kind of understanding about what should have been available and wasn't but should be. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Holly. Justine, did you wish to say a couple of words?

JUSTINE CHEW: Sure. In one of my interventions, I did say that the SubPro EPDP Working Group is looking to introduce a limited challenge and appeal mechanism. That is not to be confused with the accountability mechanisms that already are included in the Bylaws. This new limited challenge appeal mechanism is specifically to deal with challenges to evaluation decisions or appeals to objections that are dismissed. So, it would cover anything that is going through an evaluation process or an objection process. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Justine. Next is Hadia Elminiawi.

HADIA ELMINIAWI: Thank you to our presenters. And thank you, Olivier, for giving me the floor. So, there was a question from Joanna about promoting the

program and building capacity in relation to the new gTLD program. There were also a couple of comments in that regard.

And I lead a center called the Domain Name System Entrepreneurship Center, which was founded in order to foster the domain name industry in Africa and the Middle East. And our regional strategy includes promoting the new gTLD program and providing support and guidance when needed. And actually ICANN Org Middle East and Adjoining Countries Regional Plan includes also, in its implementation, a plan for a Fiscal Year 2021 supporting the Center in this regard.

So, we do plan, with the support of ICANN Org and the Global Stakeholder Engagement in the region, to conduct sessions, workshops in relation to educating the community about the new gTLD round and also providing support and guidance in this regard. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you, Hadia. Next is Benjamin Chong Castillo. We have just a couple of minutes. Over to you, Benjamin.

BENJAMIN CHONG CASTILLO: Hello?

OLIVIER CRÉPIN-LEBLOND: Yes. Welcome. We can hear you.

BENJAMIN CHONG CASTILLO: Thank you very much for your presentations. They clarified many current issues. We have to think about the less-connected. For example, in the Latin American and Caribbean Region, in addition to respective official languages, there is still an immense diversity of indigenous languages that are spoken by many people and that is very valuable for the heritage of our culture.

Justine, from your expertise, what tools are needed to achieve a true inclusion of requests from indigenous communities with their own languages in Latin America? We must take into account the benefits they bring multilingually, seeing as there are many people who are part of these communities. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Benjamin. Any panelists able to answer this question?

JUSTINE CHEW: Hi. That question goes, I think, more towards—really outside of ASP and community priority per se into non-English, Latin scripts—non-English TLDs. I’m just wondering whether Jeff Neuman or even Cheryl Langdon-Orr, who are co-chairs of the SubPro PDP Working Group, would like to address this question for us. Thank you.

OLIVIER CRÉPIN-LEBLOND: Yeah. Thank you. I can’t see Jeff. Just looking through the list of attendees at the moment, if either Jeff or Cheryl is here. The

difficulties we have, of course, with this is the problems of using the webcast system, which makes it more difficult. There we go. Cheryl Langdon-Orr you could unmute yourself now. It's taking time. Okay. Looks like we have a few technical problems on this. Benjamin, I think we'll have to take this one in and then follow up afterwards on a proper response for that. Thank you for your question.

I just want to close off. I guess we are at the end of this call. Time's up. But over to Jonathan Zuck to close.

JONATHAN ZUCK:

Yes. Hi. Thanks, everyone. I wanted to thank everybody on the panel for participating in this. I think there's still a lot more to discuss because to some extent, it feels like what we're doing is stitching around the edges of an overly bureaucratic, overly cumbersome, overly expensive system.

The idea that the Community Priority Evaluation system is this enormous, laid out system with outside consultants and everything, just to see who would win in a string contention. It's not even really about allowing niche TLD applications, as Justine said. That requires a sort of hybrid thinking. And we're thinking about applicant support like we're trying to support people in underdeveloped parts of the world and things like that. I just wonder if we should be taking a step back and looking at the system from the outside.

It used to be expensive to put up a website. And then, you had all these services for hosting for you, etc. As Olivier mentioned in the

opening, developers can [inaudible] applications with things like AWS, etc. I just wonder if the balsa wood hobbyists around the world wanted to get together and have a domain of .balsa, why should the barrier to entry be so high?

It seems like this is something that ought to be commoditized a lot more quickly than this has been. We already have an infrastructure in place with registry service providers that do all the work of running a registry. And so, that overhead of having a \$185,000 application fee that has so much litigation expense and things like that built into it feels wrong to me as this evolves.

It ought to be possible for truly niche TLDs to happen. And the system really seems rigged toward people that are only planning to do a high volume of business. I guess I'd really love for us to think creatively about how to move it into a modern era that takes advantage of the infrastructure that's already in place. Just some closing thoughts. But thank you all for participating in this ongoing conversation.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Jonathan. We need to close. And so, thanks to everyone. And see you, of course, in the future days of this ICANN meeting. I hope it was interesting and you've taken some good takeaways from this session. Thank you. And thanks, of course, to our interpreters and to staff for organizing everything that needs to be organized behind the scenes. Have a very good morning, afternoon, evening, or night. Goodbye.

YEŞİM NAZLAR:

Thank you all. This meeting is now adjourned and the recording will now be stopped. Thank you.

[END OF TRANSCRIPTION]