

---

ICANN71 | Virtual Policy Forum – GNSO - (RySG) - Brand Registry Group - How Can ICANN Help Prepare New Entrants for the Next Round  
Tuesday, June 15, 2021 – 16:30 to 17:30 CEST

ANDREA GLANDON:

The session will now begin. Hello and welcome to Brand Registry Group- How Can ICANN Help Prepare New Entrants for the Next Round? Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in chat will only be read aloud if put in the proper form as noted in the chat. Questions and comments will be read 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, kindly unmute your microphone and take the floor. Please state your name for the record and speak clearly at a reasonable pace. Mute your microphone when you are done speaking.

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

---

***Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.***

MARTIN SUTTON:

Thank you. And thank you for all the terms and conditions there. I think I got them all. Welcome, everyone, to our BRG session for ICANN71. This is where we want to explore some practical ways that ICANN can help prepare new entrants for the next round and why we believe this is important or, indeed, critical for ICANN, the community, and for future applicants. My name is Martin Sutton, and I'm representing the Brand Registry Group which is a trade association for organizations operating a .brand or for those who wish to apply at the next opportunity. We're also a member of the Registries Stakeholder Group. Yes, it does work.

I'm really pleased to welcome, on our panel today, a couple of members that are probably a bit more familiar to all of you, and they were familiar with the last round. We've got Cole Quinn who's the principle program manager for corporate domain services at Microsoft. And he is the former president of the Brand Registry Group.

We also have Tony Kirsch, Head of Professional Services at GoDaddy registry and also a director on the BRG where he represents JPMorgan Chase. Now these are familiar face, but what I'm really thrilled to introduce you to is two new faces.

First of all, we have Olga Yaguez—and I hope I pronounced your name right, Olga—and Olga is the Head of Domain Name Strategy and Management for eBay. We've also got Rafa Gutierrez Senior Director of Intellectual Property from Uber.

Our panel will be given the floor to cover specific areas as we go through the session, and then we will open up the conversations towards the end of the session.

So, let me just start with a little background and refresher on where we are in terms of the current status for the next round. BRG and some of its members were also part of the 250-strong participants and observers of the Subsequent Procedures Working Group that accomplished its work over the last five years. And having been part of this community-wide effort, we are pleased to contribute and help deliver the set of recommendations and affirmations as well as the Implementation Guidance to the GNSO Council in January of 2021. Not that long ago, but already we're halfway through the year.

We'd also like to thank everybody that was committed to that Working Group and all the inputs that we received across the community. It was a highly-multistakeholder approach which gained the endorsement of GNSO Council with its unanimous adoption of the final report in February. Since then, the outputs have rested with the Board to review and decide on the next steps. So, hence we've got some question marks as we go forward in this diagram.

There is actually uncertainty at this stage as to what will happen next, but one option the Board is exploring is to instigate an Operational Design Phase. Although for now, this is still in the scoping phase with staff. But pending a Board decision, the implementation is then expected to begin, paving the way for the next application window.

But what could ICANN do now or in the very near future that will help new entrants? So, looking at what ICANN could now do is prepare a preliminary Applicant Guidebook. And I'll ask Tony to explain more, building on the origins of the last guidebook. So I'll hand it over to you please, Tony.

TONY KIRSCH:

Thanks, Martin. Hello, everybody. I guess just by way of quick introduction, in addition to the role with the BRG, my role is as an employee of an organization that provides backend technology for over 200 TLDs. But perhaps more importantly for the purposes of this discussion, I've been involved in new TLDs for quite some time, way back in 2008. Involved in writing over 100 new TLD applications back in 2012, right through to currently helping present TLD owners and potential future applicants in preparing for the subsequent rounds. As Martin mentioned, we've got a great group of people here today.

But the context behind where we're coming from is that we've got a great deal of excitement about this subsequent round, both on behalf of this .brand community that we represent, but also as passionate supporters of the wider Internet and the innovation that we can deliver to the community. We firmly believe that the 2012 round has brought this level of innovation to the Internet and to the industry as a whole. We further believe that the idea of progressing and stimulating this competition is exactly what we should be doing as a community in addition to our responsibility of securing the stability of the Internet.

Today we're going to share with you a model of an expedited process which is based upon an analysis of the 2012 round and a constructive review of the SubPro work being done by the community today. We sincerely hope that this model is embraced by the ICANN Board and the organization, so we want you to understand a few key elements from our presentation today.

Firstly, the community embraced a fluctuating application process in the 2012 round and adapted, moreover, to the necessary changes leading into the opening of the application window with an understanding that innovation is a complex task and that certain assurances were simply not available initially when the first guidebooks were released.

Secondly, as we sit here today, we understand that the New gTLD Program is a vastly better and more progressed place as a result of the tireless work from the community and the organization and the evolution of things such as the guidebook right through from 2010 through 2011 and 2012.

Thirdly, we believe that we have an obligation as ICANN and the community to help challenge and create implementation benefits by providing this insight that we're doing today.

And finally, the thing that we'd like to demonstrate for you is that demand does exist. Both from current TLD owners who are seeking to obtain another TLD for a variety of business reasons—for example, competition, internal drivers, an opportunity to innovate, all these sorts

of things—right through to new applicants who were not part of the 2012 program.

Some of whom did so under the assumption that another opportunity would be shortly following. Others who were not aware of the program and found out or found out within sufficient time. Or others whose organizations just simply didn't exist back in 2012 and now have the opportunity to want to participate in this mindset.

So as Martin mentioned, our point here is around a preliminary Applicant Guidebook. And as I mentioned earlier, this is not the first time that we did this. And I thought, very quickly, for my part of the presentation today I'd give you a bit of a summary as to what happened after 2008 with the approval just to show you the similarities in the positions of where we are right now and to give you some context.

What would a preliminary Applicant Guidebook look like? As I said, it's consistent with the previous round but, importantly, it gives us some insight as the community in demand and it helps us to now identify other community concerns and implementation issues.

For those that were part of it back then, you'll remember that as people were consuming the guidebook, they were looking down the road and they were seeing issues and bringing it to the table. We think this is really important for ICANN as an organization to be able to get that feedback from the people that are not part of the immediate group that are working in the SubPro and things like that.

But more importantly, for the community at large, it shows some commitment to the program and it gives people who were applying or interested in applying for a TLD the opportunity to start to do some planning and really start to engage within their organization. We'll talk a little bit more about that in a moment. Go to the next slide, please.

But here are just some ideas of some of the similarities and a quick refresher for those of you. If you're like me, you might be reading this and starting to get a little itchy. There's a bit of scar tissue here, but this is important for folks to get some recollection as to where we're at.

The first iteration of the Applicant Guidebook was in October 2008. It was 97 pages and it contained six modules, very distinct components. For those of you who recall this, you'll understand the way that it was laid out. And you might be just starting to remember this. It was very, very simple. A lot of information in it. Obviously, a lot of pages. But even as I reflected on that—and I went back earlier in the last couple of days and read that first version of the guidebook—it was very simple to understand. You knew exactly what it was and you could see what they were doing. We'll move forward with the slides, please. Thanks, Martin.

Four months later in February '09, there was a pretty significant change. There was a decent amount of red when you were looking at the redline, and there were some new things that were added to it or some pretty big adjustments. Things around refunds, the clarification of what it meant to be a geoTLD, and a lot more detail around string contention and how to object if there were issues for you.

Of course, in that time it also opened up new topics that weren't really covered in the first guidebook in any great level of depth around trademark protection. The first time I recall hearing the need for a significant amount of trademark protection which was a voice through the ICANN community, as well as things like root zone scaling and malicious activity management.

As you move forward in October of 2009, again some maturing content here around those evaluation criteria, dispute resolution, contention, and some new content around pre-delegation testing requirements, malicious activity. And we still, at this point, hadn't got a grip around trademark protection or another topic around vertical integration which was about to become part of the future. Moving forward, please.

Don't worry. You're not going to get a full blow-by-blow description of every part of the guidebook, but I'll keep moving relatively quickly. Iterations 4, 5, and 6 were relatively quick. In particular, the 5<sup>th</sup> one which was the important one, it was the proposed final. For those of you who remember—I'm an Australian—this was a bit like a boomerang. It came back at the community very quickly. In particular, based upon GAC advice, and we had a 6<sup>th</sup> iteration which was that discussion draft back in April 2011. Nonetheless, we're getting pretty close to the final at this point. Moving forward, please.

The 7<sup>th</sup>—and supposedly final at the time—iteration was sent to the board for approval in May 2011, which indeed did get the approval of the June meeting in 2011. Some small updates in September 2011. And then the 9<sup>th</sup> iteration and the final-final—not to be confused with the



previous finals—was passed to the applicants at January when the application window was open. So, that concluded everything.

Now, if we skip forward, I just want to show you what that means. That's a good two and a half years of changes in the guidebook and, obviously, there are nine versions. Thanks, Martin.

And there were some pretty hefty things that were added to the guidebook. There's no denying that. New things. We included—those of you who were part of the process, you'll remember this Right Protection Mechanism and the Trademark Clearinghouse, URS, all these sorts of things that were new. They certainly weren't included in the guidebook at the start back when the first iterations were released.

We had to handle other topics that were never done before around root zone scaling, priority draws, how were we going to handle multiple applications, all of those sorts of things, and do them in a structured order. We had vertical integration that we got to the bottom of. And we had the other topic which threw a few months in there along the road—for those that remember—was name collisions. Okay.

And then there were other things that were part of those six modules but ended up becoming a lot more meaty as they went along. Things like the evaluation criteria. We talked before already about the disputed and the string contention, geographic names. And of course, the community priority process.

So, all of this happened over a two-and-a-half-year year period even though the ICANN staff had done an amazing job at preparing that first

level of guidebook. And nonetheless, we get to a point two or three years later—there are about 300-odd pages in the guidebook by this point. Skip forward, please. Sorry, we missed those.

There were other things that were added, some of which didn't necessarily make it to the guidebook. Some of it went to registry agreements, others became subsidiary parts to the guidebook by way of public interest commitments and what we call the PIC spec for those who are part of that. Eventually, we had a Spec 13 for .brands to be able to protect our .brand terms so that we could have domains that weren't being sold to the marketplace. And I mentioned before about the community priority clarifications.

So, they weren't just in the guidebook. If you take the program in its entirety for a period of a about two or three years, we'd made an enormous amount of change as a community between the original version of the guidebook and Version 9 which ultimately proved to be a final. If we just skip forward please, last slide.

Despite all of this and all of the backwards and forwards, there was still almost 2000 applications for a new TLD. And as we sit here today on the Internet, there are over 1,200 new TLDs delegated to the root zone. Millions and millions of domains in new TLDs have been registered globally, and we have achieved exactly what we set out to do as a community which is introducing competition and choice and paving the way for innovation.

So it's interesting that—and I said this in my opening remarks—despite the unstable nature of the application process, people who wanted a TLD were not deterred. They understood that it was a moving target and that this innovation is never perfect and we need to work together to do our best. And, of course, there's a little bit of backwards and forwards and a little bit of it's not an easy thing to manage, but our obligation as a community exists to provide this same framework in terms of innovation to future applicants. And we've learned a lot as a community both through this application development process and since then in the last almost 10 years since we did it the first time around.

And that's where I'm going to pass to Martin to talk about what the SubPro group have done to understand and put in a box exactly what those lessons have been. Thank you, Martin.

MARTIN SUTTON:

Thanks, Tony. I think that illustrates a lot of the heavy lifting that is the construct of the existing guidebook that has already taken place. Now there was a lot of heavy lifting that's taken place over the last five years with SubPro and the Working Group activities there. And at first, this can be a little bit daunting. The final report is a bulky document. Yes, and it's got lots of elements that are tied to it which show that it was a substantial piece of work.

But a lot of the content relates to explaining the key deliberations and the rationale behind what amounted to approximately 300 outputs. But

I think it's helpful if we break that down somewhat. So out of these 300-odd outputs, we've done some analysis and broken it down into pockets. And straight away, with the affirmations or affirmations with some modifications, they account for over 50 of those outputs.

Now 125 of the outputs were Implementation Guidance, so this is supportive of the next piece of work which is the implementation phase for the next round. So, it's a lot of guidance to help that activity so that it's interpreting what is the real meaning of the recommendations and the way forward to determine how that could be implemented. So, there's a strong steer there.

So really, the core changes that we're talking about are under the column here called Recommendations of which there are 123 in total. So let's have a little bit further dig down on here. In this assessment, the bulk of the changes at the bottom here are the 80 recommendations that fall into what we would consider minor. They're refinements to the existing Applicant Guidebook or underlying processes that took us through the 2012 round.

Above that, we've got a series of recommendations totaling 33 for this section which are moderate, which are things that perhaps were introduced outside of the Applicant Guidebook during the course of the application and evaluation and delegation phases.

So, Tony, alluded to a couple of those earlier. For instance, with the GAC advice we saw the introduction of Public Interest Commitments. We

also saw the later introduction of Specification 13 to depict a .brand and the special requirements around operating that model of registry.

So, not everything was contained within the Applicant Guidebook. But during the Subsequent Procedures work, these have been looked at again and folded in, if you like, now as confirmation that these are ways to go forward and combine into the set of rules for the next round.

So, what are we left with? We're left with relatively few that fall into the substantive category that we've looked at. And, really, these are ones where they're either substantive changes to existing work or rules and processes, or they're the introduction of new processes altogether.

And the ones that we've picked out here are Predictability Framework. So, that's about improving the processes where there may be some tweaks and adjustments made post-delivery of the Applicant Guidebook, but in a very controlled manner. And it takes it somewhat out of the elongated process of an ICANN Board structure where they're not always the right place to deliver those decisions. It should be back into the community. And certainly, this Predictability Framework makes sure that any policy adjustments are pushed back into the GNSO.

Some other streamlining processes like RSP pre-evaluation are a very practical approach to try and avoid duplication of efforts, reduce costs and processing, and therefore speed to progress the applications through the evaluation phases.

Now something like that, and even the Predictability Framework, may not have a significant impact on the Applicant Guidebook, the set of rules. But there will be some adjustments and references needed to be made within the Applicant Guidebook, nevertheless.

But as you can see from this, what we're looking at, really, is a set of changes out of these 123 recommendations where over 90% are either minor—the significant portion—or moderate changes. So I think that this reflects largely on what Tony has put forward as the example of a practical way forward. That's to deliver a preliminary guidebook very quickly. And I understand that there are a few unresolved issues but, again, these are likely to have a low impact on the future guidebook.

So I think Tony's suggestion that he's talked through there to issue a preliminary Applicant Guidebook is a practical and realistic opportunity for ICANN to help new entrants understand at an early stage what the next round will look like, the majority of rules that will be applicable, and where there will be some adjustments to the guidebook as that implementation work progresses.

So, I hope that gives us a good indication of why we think the set of outputs from the Subsequent Procedures Working Group, while substantive, once you break it down it can be relatively straightforward to begin the implementation work, but on a practical basis to use what we've had in the past with some slight adjustments to create an Applicant Guidebook—a preliminary one and one that can be translated into multiple languages and issued as quickly as possible to the community and wider.

## Next Round

---

And this would help certainly with outreach efforts and communication processes at an early stage, which was something highly criticized of ICANN in the last round.

Cole, if I could turn to you now. There's been a fair amount of time since the final report was reviewed and unanimously approved by the GNSO Council at the start of the year, but very little visible signs of progress. For example, in the GAC meeting earlier today we heard that ICANN is still scoping a possible Operational Design Phase for the Board.

So, could you perhaps talk to us about why there may be a cautious or potentially a series of burdensome and steps taken by the Board and staff that may prevent us from progressing the delivery of this important work?

COLE QUINN:

Yeah, Martin. Thank you very much. So, the title of this session is How Can ICANN Help Prepare Entrants for the Next Round? What I'd like to do here is maybe call out some of the things that are at stake. Some of the factors that are involved here. And I don't want it to turn into an exercise of rhetorical speculation, but really I want this to be potentially a helpful exercise in naming potential risks and fears or elements of resistance that ICANN might be experiencing so that we can candidly address these things and hopefully unblock the flow and deliver the good work done by the SubPro Working Group as well as the recommendations from the Council.

So one of the things that I wanted to do is define what I mean by fears. What I mean is these are possible reasons to avoid risk or for risk aversion. Now the flip side of fear could be seen as responsible pragmatism really. We don't want to have any responsible decision or a set of circumstances here. And what we're really talking about is arriving at and talking about what's an acceptable level of risk.

So, I'm just going to call out some things, not in any particular order. And some of these fears or some of these elements of resistance, I might be off base, and I also might not hit at the true objection or the true fears or risks. And so it's not an exhaustive list. So I invite you, if I missed something, to go ahead and put your own thoughts in the chat window. That would be great.

The first thing I was thinking of here is basically the fear of being overwhelmed. It comes down to a bandwidth issue because, as we all know, ICANN—the whole community—has just been hampered with GDPR and unified access and EPDP. There have been recommendations from the SSR2 Review, and there's the ongoing issue of DNS Abuse, basically reaching assured understanding of vernacular and making the definition that we can get rough consensus on; and also making steps and progress towards prevention and mitigation of DNS Abuse.

So, maybe it's a bandwidth issue and they're happy to kick the SubPro can down the road a bit so they can catch their breath because of all the other competing priorities that they have in their wheelhouse.



Possibly there's a fear of rolling out a less than perfect plan and rolling it out prematurely. You've all heard the expression. "Perfection is the enemy of good enough." But what is the definition of "good enough" in this case? In a multistakeholder community like this, "good enough" is subjective and contentious. And from what I've observed, ICANN seems to regularly err on the side of caution.

So, it's not a surprise that they are avoiding risk in this case. And they don't want to make any announcements or set a deadline that they don't feel is believable that they can be accountable for. Also, perhaps they want to avoid the churn and confusion of signaling prematurely or sending out work that's not fully baked to the community, and they don't want to hold themselves liable for causing any churn or confusion for potential applicants.

The thing that comes to mind here is this thing called a cone of certainty. I don't know if you've ever heard of this before. But if you picture a cone on its side where the big wide mouth is at the beginning of a time frame, and as time goes on the cone narrows.

So at the beginning of this process, there's a huge gap. There's a big wide range of fluctuation in terms of estimations, and those estimations could be the confidence in the content of the guidebook, for instance, or the target for an application window. And so, you can be off plus or minus 100% or more.

But as time goes on, that cone narrows and your estimations become more and more confident and more and more accurate. And I think that

we have seen the SubPro process take us through that timeframe far enough down the cone of certainty so that anything that can be released and sent to market at this time—like you said Martin—most of the big chunks have been hammered out and nailed down and are fairly stable and certain.

So with that caveat, I don't think that it would be irresponsible to release what they know now along with saying, "There are some minor things that could change. So, here's what we know so far. We're bringing it to market for your information, and here's the timeframe that we're aiming for." I think that would be really helpful.

But the fear of being inaccurate or the fear of causing confusion might be at play here.

Of course, there's the fear of exacerbating the DNS Abuse situation. If the sentiment is that by introducing thousands of new gTLDs in the last round to the root zone and we have DNS Abuse issues, then I think an oversimplification conclusion could be why would we want to increase the attack surface by adding more TLDs to the root zone? And that's fair enough.

But I think that the data from the DNS Abuse data would show that the types of new gTLDs that may be introduced here that would be—specifically I'm talking about .brands, the closed generics like the pharmacy community and also Geos or even IDNs—I think that the nature of those are represented as trending down in terms of representing DNS Abuse for those types of TLDs.

Finally, I think that we come to what ICANN might be fearing as a reputational risk both to itself, ICANN Org, as well as the multistakeholder model that we've invested so much in. But ironically, it would seem that if we don't deliver this good body of work and these recommendations and deliver the next round in a timely manner, I think that this risk could actually be actualized and the reputation of ICANN is at stake here and the model of being able to get work done.

I heard a comment on a session earlier today where one of the material risks to ICANN is unfinished work, and I think that's what we're looking at here.

So, that's an incomplete list of potential fears and risks and things that ICANN might be grappling with, and the result of which is that we're seeing a sluggishness to bring these to market.

So, what do we do with it? As a program manager and a firm believer in the iterative agile process and framework, I'm really urging ICANN to overcome their hesitance to release the known solid bits to market and also to announce a believable application target date for the next round, something that they can work backwards from and other businesses and interested parties can use as a working target so that they can bring meaningful discussions into their organizations with adequate time to plan.

It's not too early and, most certainly, not too late. And most of all, for ICANN to trust and deliver the plan developed by the SubPro Working Group as well as the recommendations of the Council.

Next Round

---

Martin, you're on mute, sir.

TONY KIRSCH: Martin might be having a bit of trouble unmuting himself, Cole. I'll jump in to help out. Thank you. I think your points are well made around the risks from ICANN. Looks like we got you back, Martin.

COLE QUINN: Thanks. I had started getting the cold clammy thinking that I was on mute that whole time.

MARTIN SUTTON: I apologize.

COLE QUINN: And now you guys have moved on. Anyway, thanks for [keeping it light].

MARTIN SUTTON: Thanks for that [inaudible]. I was just saying there that we would try and come back to and circle back on a couple of points that you raised there, but I think that's really helpful to sort of gear us forwards a bit more because ourselves we've been through a large portion of this process or all of the process in the past. So, I'm hoping that gives a strong flavor of where we see the value in the work done in the past, plus the recent deliverables of the working group can actually come

## Next Round

---

together to make the path a lot easier as we go forward to the next round.

But I think it's really important at this stage that we look to find those that are considering applying in the next round to see what it is that they feel they need, what's important to them, and what would they like to see come from ICANN as quickly as possible in the coming months?

Rafa I'll turn to you first, if I may, and to just get your perspective on that.

RAFA GUTIERREZ:

Sure. I mean, I think what would be most helpful to potential applicants is some degree of commitment from ICANN. I think that we're operating in this ... To borrow Cole's analogy, this cone of certainty feels more like a cylinder of uncertainty. Time is going on, yet we're not narrowing at all because we really don't have anything in terms of what will be needed from new applicants, what's going to happen with the guidebook.

I mean we've hit all the points of what would be helpful for a potential applicant. These aren't coming from a potential .brand applicant. This isn't something, I'm not the only person who gets to decide this. I have to drum up interest and support and justifications for these. For the budget, for the resource commitment of people. And in order to get this support, I need some degree of certainty that something is going to happen.

At a company like Uber and most tech companies, really any modern company, things move really, really quickly. And so if there's uncertainty about something and it's not sure that it's going to happen it doesn't get much attention and people just want to move on saying, "Okay, let's deal with real issues, real things that are coming up." I think not having any official word from ICANN about their commitment to another round of gTLDs, to what the application process would be like, it becomes really difficult to get that internal support, to get that buy-in to be able to commit to say, "Yes, we will be a new applicant."

In the chat, there were some comments about it's been a really long time. It's been almost 10 years since the last time that gTLDs were opened up and a lot of new companies have formed in that time. I mean, Uber was a small little company operating I think only in the United States in 2012, the last time. So it didn't make sense for Uber to apply for a .brand. But now we're a multinational company operating in over 65 countries throughout the world.

This might be the time that it makes sense for a company like Uber to apply for a .Brand. But without knowing anything from ICANN, it's really hard to get that buy-in to say, "We are committed to that."

MARTIN SUTTON:

Thank you, Rafa. And some really interesting points, especially from the aspect of companies like yours that either were much smaller or non-existent at the time of the last round, so they have not had the opportunity yet to consider applying in the future. But that lack of

## Next Round

---

commitment could impede or have an adverse impact for potential demand in the future. So absent that commitment, absent of a drive towards opening the next round, could actually disintegrate or dilute any of the demand that may exist today.

RAFA GUTIERREZ:

Even for companies that were in existence and were large companies 10 years ago, they may have decided to sit the first round out to see what would happen. Stay on the sideline, let's not get into the scrum. But, okay, we've sat on the sidelines. When's the next round going to be? When's our chance going to be? Again, I know ICANN has said that interest doesn't always translate into new applicants, but it's certainly not going to if you don't foster that interest to some degree, some conversation.

"This is what we're looking at right now. This is what we want to do. We want to get more information from potential new applicants." Just any official word because everything that I heard about the process has been on panels like this or in the chat. People were talking about, "Well, I've heard. I've heard." Okay, great, who's got the best information? We don't really know. It all seems to be rumors right now.

MARTIN SUTTON:

Thanks, Rafa. I think one of your points there ties us nicely to asking Olga, because eBay was around before the last round. Likewise, Olga, what's your perspective on working towards the next round and what it is that you need to help your organization?

OLGA YAGUEZ:

Thanks, Martin. Yes, Rafa actually mentioned something about that ICANN shouldn't misinterpret that organizations aren't interested just because they aren't hearing things. I mean it could be further from the truth. It's a bit challenging to socialize internally with our business partners when there isn't information being provided by ICANN with respect to round two. I feel organizations may have lost faith in ICANN because of the lack of information.

It's been going on too long. Again, the failure of putting out information there. It's not enough for us to go back to our partners internally and say, "Yes, this is a good idea and why is this a good idea." For all organizations. From a brand perspective, we think a .brand would offer a huge opportunity both for the business and for the customer experience. And not having that ability to apply for round two puts us at a disadvantage.

So not being able to see information from ICANN today is making it challenging just so we could go and prepare and discuss it with our partners. There's always been this talk about pricing and all these aspects of it. While we appreciate that ICANN wants to work in finalizing those details, it's not necessary for us to be able to discuss it internally.

What I feel would be beneficial to see from ICANN is maybe a stronger dedication in their communication efforts. Be more transparent, offer more channels of communication, and provide some kind of interactive—maybe a live chat—something so that we as organizations,



not just brand owners, but all new entrants can see and hear from ICANN quickly about what they are doing to help prepare for round two.

Looking at what Cole said, the cone of certainty. Focusing on the smaller bits and the ones, the more substantive improvements that they would like to focus on, and again the preliminary guidebook that Tony mentioned. Maybe if that's on a particular dedicated website with a team that's interactive to provide that we can see so that we can feel prepared to go to our businesses or our business partners and discuss this round two.

Like Rafa said, I was here for round one and there was interest and we'd like to get that opportunity again to be able to apply for round two, but we just feel that we're not hearing enough to understand exactly what will become of round two.

So if ICANN can create a team, get a dedicated page. I don't know, maybe hold the availability of meetings so that we can discuss and have real-time information so that we can, again, work with our businesses and provide the information they need, they want, so that we can prepare, I think it would be critical and very beneficial for the new entrants, the new organizations that want to see a round two sooner rather than later and our very excited about it.

ICANN is—as we all know—the custodian of the Internet, and their focus is to provide fairness and competition and innovation so we want to see that. We're excited to see that. We're excited for round two, but we just need ICANN to provide more communication and commitment in their

## Next Round

---

round two so that we can work with our businesses and our partners and hopefully see a round two launch sooner rather than later.

MARTIN SUTTON: Thank you, Olga. Really good points, and I think there was the added frustration perhaps in your tone that...

OLGA YAGUEZ: Sorry.

MARTIN SUTTON: This is really helpful because there was that frustration for those that wanted to wait and see. They didn't want to go through the painful process of being first because it was going to be an extremely bumpy road. And those that went ahead chose to take that risk and take the bumpy path in the hope that it would smooth out over time.

What we've gone through is 10 years where that should've been smoothed out with the changes implemented either during the process or later through Subsequent Procedures as recommendations and that should pave the way to a much smoother process, we hope, and a quicker path to the next round.

RAFA GUTIERREZ: I just wanted to add to that, too, that as potential applicants we don't need absolute certainty as to how everything is absolute perfection. I mean, we just need a general framework to know how things are going

to go in order to get that interest, keep maintaining that interest, and get that buy-in. We don't need to wait for the finalized polished perfect product because it's never going to be perfect.

Somebody was saying in the chat that perfection is so subjective, you're never going to reach perfection. And that's great. That's great to admit. Sany, "We're never going to reach perfection for everybody, but we're going to get as close as we can to something that's really good, and here's what it is."

I really liked Olga's idea of having a site where you can almost have a window. I mean, I almost imagine taking the side she talked about and taking Tony's presentation about the changes and having almost a real-time feed on the side that says what's going on right now. "These are the sections of the guidebook that we're looking at. This is when we plan to release the updated version." Anything like that, just any amount of information would help.

MARTIN SUTTON:

I did mention earlier that one of the criticisms for the last round was a lack of communications, and it was shrunk into a very short window before the application opened up. I think some of the suggestions we've heard today really maximize that communications time without putting severe obligations on ICANN. What we're saying is that you can produce something of substance that is valuable to those that want to consider applying in the next round. You can do that very early on, on

the understanding that there will be elements of that which will vary, will be altered during the process but we will keep you posted.

I think from what Olga was saying, there's a number of detailed elements you don't really need to know. You can estimate, as potential applicants, the fees, for instance. So that you don't need to pin down everything before releasing that information. So I think that works hand in hand.

Tony, you were about to say something there, I'm sure.

TONY KIRSCH:

No doubt. Thank you, Martin. Two things that just come to mind and one of them was something Olga said that really resonated with me. I wonder whether we have—as a community, and perhaps this is an ICANN Org question as well—a little gap in our philosophy because we have this mantra of security and stability of the Internet. But something Olga said around fostering innovation and fairness and competition seems to me to be lacking a little bit in what's happened in the last few years when it comes to this program.

For me, that seems like almost a fundamental thing at the core. It feels to me like we are waiting for perfection. We've talked about this a few times. But the second point is that that desire for perfection or at least further analysis and analysis is that we lose momentum in the space of moving forward. Yes, we can go around the periphery and research, and research, and investigate, but we lose momentum.

And I'm a firm believer that momentum breeds momentum. Right? So, we are in a state where—and a few folks have mentioned this on the chat here today—where the momentum has also impacted, no doubt, people within the ICANN organization. A lot of people have left through that timeframe. We know that a lot of people who were potential new TLD applicants that wanted to apply again no doubt are no longer working for those companies.

So, if we've got this state where we're not moving forward with the level of momentum that's required and we fundamentally believe that in our core this to me—I'm going to use a different analogy Cole—I think this is like a painting. You can get it to a point where it's pretty good and if you leave it there long enough, people will continue to come along and add a little color here and a little splash there and a little color there. Eventually, it gets to the point where perhaps you might have undone the core principle of the painting.

I feel this is where we are right now. My personal suspicion is that this lack of momentum with vigor, there's some momentum but we really need a kick in the pants here in my opinion. And that that momentum can come very quickly through this preliminary guidebook. As Rafa and Olga have said, it doesn't need to be perfect. But this absence of noise and the desire for perfection is ultimately causing us to lose the momentum and perhaps even get further extreme where it's starting to lack relevance within the community.

## Next Round

---

And I just personally think that's not where we need to be going. I think this really needs some solid momentum and support and this preliminary guidebook is just one idea of how that could occur.

COLE QUINN:

Tom Petty once said, "You know, you're never really done recording an album. It's taken from you." I think that might be a relevant analogy here.

MARTIN SUTTON:

Bearing in mind that this is the next step where it should open up to frequent and periodic application windows, what we're talking about a lot of the time is gradual improvement. So, it's constantly thinking about how to improve it, but you don't have to do everything upfront at the same time. I think, going back to some of Coles points, where there could be issues in parallel with going forward with the next round such as the DNS Abuse which does seem to be a key focal point across the community. And it is an important issue, but as Cole illustrated it's not the one thing that affects every model.

It's largely still related to legacy, ccTLD, registries versus new gTLDs where those models may be very different, may have already various controls and barriers that actually prevent DNS Abuse let alone have the ability to quickly address any DNS Abuse in these new places.

So I do think that there is also some kind of educational piece to help the board that may not be familiar, with such activities with the staff as

well, to make sure that we can move ahead and think about things in parallel and they can be gradually moved into play when resolved and support new applications going forward. I think there are a number of ways that we can look at some practical ways forward on this, let alone the ones that we focused on earlier today.

So I think we're coming up to about eight minutes left, so it's not a lot of time and I think I'll tease you all with one question that we can go around the table on. Which is, if you could give a key message to the ICANN Board at this stage. They're about to contemplate their decision for SubPro or actions that they want the staff to do and the CEO. So, what would your key message be to the ICANN Board as they consider that, in particular to help benefits that come forward in the next round?

I'll start with Tony on that one. And then I'll go to Rafa, Olga, and Cole.

TONY KIRSCH:

Okay, I'll be quick in the interest of time. I think if there's one message, Martin, for me is that there is demand. It should not be lost on the community that having Rafa and Olga here representing two global organizations, and indeed Cole as well. This is a pretty big deal. They're here talking about the fact that they're interested in this and we leave behind this world where we don't know the demand because we didn't ask people anything. We didn't put anything out.

Well here's the demand coming to us and saying, "Hey, we're interested. We're open to listening, we're open to talking about it," and I think just for the record this is not just about .brands. You could be

Next Round

---

talking about any city in the world that didn't get their top-level domain in the first round. It could be some new entrepreneur that has a new idea in the generic space that wants to do or a community or a charity group. So, there is demand.

And I guess my point to the Board would be you'll never know if you don't start to engage them with some appropriate interest in activity.

MARTIN SUTTON: Thanks, Tony. Rafa how about you?

RAFA GUTIERREZ: Really the same. There is demand, so tell us what's going on. Just let us know. Engage with us. Give us information. Again, not looking for perfection, but just some official communication from ICANN that there's commitment to this, that it's going to happen and we're moving forward. Really, that's it. Communication is absolutely critical here.

MARTIN SUTTON: Thank you, Rafa. Olga, what would you like to say to the Board?

OLGA YAGUEZ: Honestly, it's really more of the same. Tony nailed it that there definitely is demand. There's such interest in that we want to just see some more effort from the ICANN staff in showing that they're committed. There's just a loss of faith and trust from the organizations. We don't see a lot of action from the ICANN side, so there's a broken



trust. What we'd really like to see is a more I guess intense effort from their side and be open about it.

Communicate what you are hoping and planning to do. Make it very live and interactive, but do it now because the demand is there. Don't misinterpret that there's no demand because organizations aren't stomping their feet. It's just, it's been such a long time that we don't have a lot of confidence in ICANN, in wanting to do it or investing to do it.

So, the demand is there. We're looking at ICANN to do what they have been created to do and that's create this space for us, the new organizations interested in launching. So, we're waiting here.

MARTIN SUTTON:

I think in terms of how that can be relayed back to the Board is they consider whether they need to do an Operational Design Phase or not. Is at least whatever they decide to do next, to make sure that there is a strong instruction included in that to direct the CEO to communicate out what is happening and have some commitments such as delivering a preliminary guidebook in the earliest stage possible to circulate and start communicating out to beyond ICANN which is again a critical area that needs to be considered. So thanks, Olga.

Cole, how about you?

COLE QUINN:

Yeah, you nailed the thing that I was thinking which is, in Maarten Botterman's response to my letter on behalf of BRG to the Board, he intimated that there was still significant work ahead and we're talking about the operational design plan. And so if they decide to implement the ODP, I agree. I think that they should also simultaneously instruct the CEO and the staff to provide not only a timeframe but also to prepare and issue a preliminary Applicant Guidebook with multiple translations so that new entrants can use that in their assessments and planning, knowing that it's not 100% baked.

And that goes back to what we were talking about the adjusting their acceptable level of risk of what they're able to release. And really lead strongly with clear communication. This is an opportunity for them. I think that there's still some egg on their face with regards to GDPR where their posture has been relatively weak and it's caused a lot of churn. And this is an opportunity for them to redeem themselves. There's still time to pull it out and make some sense out of this.

I think if they do that with the preliminary guidebook and the meaningful timeframe I believe that's really going to maximize the amount of time that the potential applicants have. Especially if we're talking about reaching out to businesses and underserved regions that historically had not participated in the last round. So, it takes a little bit more time to reach those businesses, for instance, and those groups that might be interested in owning their slice of the domain name system. And I certainly would just encourage them to invest in those areas.

Next Round

---

TONY KIRSCH:

Sorry, Martin. Just quickly, I think it's important to note those two things though Cole. This is consistent with what happened the first time. So if there is an ODP program, this timing and certainty absolutely needs to be part of that foundation. And it's not inconsistent with what happened the first time. We did announce a timeline when there was some fluctuation in the guidebook back in 2012. It was, I guess at that point, was 2011. So this is not inconsistent with what happened last time.

But I guess, just philosophically, back to Olga's point, as a community and I guess for ICANN, these words of broken trust should be hurting us. It should sting because if that's the case, I mean it's very easy for us to have this separation between the ICANN organization and those of us that are in the [inaudible] industry and then the people out in the street and the companies that we look after.

But if you look at this as a holistic community and we all have responsibility for it, those words of broken trust should sting. We should feel that and think, "Okay, well what are we going to do? That's a real problem."

OLGA YAGUEZ:

I think at the end of the day it's ICANN doing business with people, and people need communication and to hear that back and forth and to believe in them again. That's what makes it successful when the communication is strong.

MARTIN SUTTON:

That, I think should resonate with Göran our CEO as he's stated in his opening video with Maarten Botterman and today in the GAC meeting that this is an opportunity to expand out and create the communities with IDNs, with scripts that suit the local native languages and to get the other millions of people on board. Billions, on board onto the Internet over time. I think that should resonate well.

Now, we are coming to the close of the session. This did conflict directly with the GAC and Board joint meeting, but we will make sure to follow up with the Board. We did notify them of this session and what was to be contained within it. And I think they should be interested in viewing this and getting some reports back afterwards.

But lastly, I do want to thank my panel. It's marvelous to see you all there and to hear from you. I think this is really helpful for the position that we're in with regards to the status of progress within ICANN for the next round, and I think this will be a very helpful trigger of awareness to the Board and staff going forward.

So thank you very much, everybody. I think we're wrapping up—oh, just missed it—but nearly on time. Thanks, everyone. Enjoy the rest of ICANN71.

ANDREA GLANDON:

Thank you, Martin. We can end the recording.

**[END OF TRANSCRIPTION]**