ICANN74 | Policy Forum - New gTLD Subsequent Procedures - Working Together
Monday, June 13, 2022 - 09:00 to 10:00 AMS

JUSTIN HO: Hello and welcome to new gTLD Subsequent Procedures - working together. My name is Justin Ho, and I am the participation manager for this session.

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With that said, I will pass on to Patrick Jones.

PATRICK JONES: Greetings, everyone. Welcome to ICANN74 in The Hague. My name is Patrick Jones, and I am with ICANN's Global Stakeholder Engagement Team.

For many of you, this will be your first in-person session at an ICANN meeting. For others, you may be following today's session online or perhaps watching on delay, or you may be an experienced participant in ICANN's policy work. Regardless of your status, you are able to participate at this week's ICANN Policy Forum.

Today's session is part of our ongoing work to interact with the community during the new Generic Top-Level Domains Subsequent Procedures Operational Design Phase. Some of you may have viewed our ICANN74 Prep Week on the Operational Design Phase on May 31st. For today's panel we will look a little

closer into one issue as the team proceeds with the various outputs from the GNSO final report.

The topic will center on the Predictability Framework, which will include a question-and-answer session describing scenarios how this framework might be applied in future Generic Top-Level Domain rounds.

And we know this is the first plenary of the hybrid meeting format, and as we proceed with the panel, if you have a question, please be logged in to Zoom and follow the guidance from our remote participation managers to be placed into the queue for the session.

On today's panel, I'm pleased to introduce Avri Doria from ICANN Board of Directors; Jorge Cancio from the Government of Switzerland on the Governmental Advisory Committee; Karen Lentz, Vice President Policy Research & Stakeholder Programs; Lars Hoffmann, Senior Director, Policy Research & Stakeholder Programs; Jeff Neuman, GNSO Council liaison to the Subsequent Procedures Operational Design Phase; and Chris Bare, ICANN Director of Strategic Initiatives.

And before we proceed to the panelist discussions, the ICANN team is hoping to present to the community a greater

understanding of the team's approach and the complexity of inputs that ICANN organization is working through in the Operational Design Phase.

Now, with that introduction, I would like to hand the floor over to Karen Lentz.

KAREN LENTZ: Thank you, Patrick, and welcome, everyone. Welcome to everyone online and it's exciting to see some people here in real life.

I will start our session, talking just briefly to make sure everyone has the context as to this work.

So the organization is currently working on the Operational Design Phase, and what that does is it takes a set of policy recommendations, and you see the policy recommendations linked in the slide here, and makes an operational design based on those recommendations, including what resources would we need to build them, what would be -- what would the risks be, what would the costs be. And the goal is to inform a decision by the ICANN Board, which is tasked with making a decision on the recommendations, whether that would be to implement -- direct

the organization to proceed with implementation of those recommendations or some other action.

Next slide, please.

Thank you.

So this is the timeline of the Operational Design Phase. This is also posted on our SubPro ODP web page which you can find also in the slides.

We began this Operational Design Phase in January of this year, and some of the milestones are shown here. The green boxes that you see are community status updates. We have accomplished two of those as far, and there will be one more we anticipate. Where we are now with the arrow is at the ICANN74 meeting.

And one update that is very recent, not on our page yet, but you can see here we did make a slight shift in terms of what we're calling the "pens down" on drafting the Operational Design Assessment which we had initially posted before -- estimated to be before the ICANN75 meeting, and we've moved it to after. We thought it didn't make sense to close off the drafting before we had a chance to share and discuss some of the material at ICANN75.

Next slide, please.

Finally, this is some more of the context. So as I noted, the key and what you see in the red box kind of in the middle is a decision by the Board of Directors, and should that be decision to proceed with the Subsequent Procedures policy recommendations to build processes for another application round, there would be many other milestones to follow. That would include drafting the Applicant Guidebook, forming an Implementation Review Team. There's a communications campaign that would occur. There's a step for pre-evaluation of registry service providers. So you see many of those milestones that would follow once the Board -- if the Board were to direct us to proceed.

So with that context as to the Operational Design Phase, I'm going to turn to my colleague Lars Hoffmann who is going to talk about the Predictability Framework.

Lars.

LARS HOFFMANN: Thank you, Karen.

Yeah, I'm going to give a quick overview of the framework and what the working group, the PDP Working Group recommended

and some consideration around the framework that came up during the ODP to date.

Oh, the slides work. Thank you, Justin.

Some background. The final report on the Subsequent Procedures noted that the predictability in 2012, during the 2012 round, was hindered to a degree due to the number of changes that were made once the program commenced. And in considering how such changes in future rounds of new gTLDs could be minimized, the working group in its final report recommended the creation of the Predictability Framework.

The next slide, please, Justin.

The framework is described in the report as a framework for analyzing the type, scope, and context of an issue, and, if already known, the proposed or required program change, to assist in determining the impact of the change and the process or mechanism that should be followed to address the issue. It's a quote from the report. And, therefore, the framework is a tool to help the community understand how an issue should be addressed as opposed to determining what the solution should be. And also in bold here, the framework is obviously not a mechanism to develop policy.

The next slide, please.

These are some of the goals again that are from the final report, going to the fact that it's not supposed to develop policy. The framework is meant to complement and not substitute existing GNSO processes and procedures. The framework would not identify solutions to the issues raised but instead is a tool to help applicants understand -- and the wider community, for that matter, understand what mechanisms will be used to address issues in a predictable and consistent manner.

As part of the recommendations, the working group suggested the formation of a Standing Predictability Implementation Review Team -- I believe, Jeff, it was consensus view that it's pronounced "spirit" -- to be responsible -- to be the responsible body to review issues that arise, and utilize the Predictability Framework to identify mechanisms to resolve said issues.

And the SPIRT is not intended to replace the role of the Council or the Board or the ICANN org, but instead it will help foster collaboration with all stakeholders as needed to identify appropriate mechanisms to address the issue that may have arisen when the program has started. And so the SPIRT, in fact, comes into place essentially when the AGB has been approved and, quote, unquote, has "gone live." Before that, during the

implementation process, you may recall that from Karen's slide with the three-color blocks, and we will obviously work with the IRT in implementing the recommendation as is usually the case or always the case for implementing consensus policies.

And ultimately, the combination of the framework and the SPIRT will create a consultative process, working together as the name of the session also suggests, that provides clarity and transparency on what mechanisms will be used to manage issues after, as I said, they arise -- that arise after the Applicant Guidebook has been approved and is published.

The next slide, please.

Just a couple of process overviews. Again, these are from the final report. And in the framework, issues are essentially categorized as operational or policy issues, and then operational issues are further subcategorized as minor, nonminor, or significant changes, and policy issues obviously can be those that require changes to something that is based on policy recommendations or obviously new issues that arise that require the development of new policies.

All issues -- operational, obviously -- and changes made to the program will be documented in a change log. And all issues

beyond minor operational issues, so nonminor and significant operational issues, may require the consultation from ICANN org with the SPIRT in determining the best way forward and also consultation on proposed solutions.

ICANN org, ICANN Board, and the GNSO Council are the only entities that may initiate consultation with the SPIRT on a raised issue, and to determine appropriate mechanisms to manage those issues. Other SOs and ACs may raise an issue or refer it to the SPIRT via the org, the ICANN Board, or obviously the GNSO Council.

And finally, ICANN org and SPIRT will work together to review raised issues and determine then if the issue impacts multiple applicants and if the suggested change has any policy implications. And if it does have policy implications, I'm just going to add that here, then it's up to the SPIRT to consult with the GNSO Council or to recommend to the GNSO Council what the best and most appropriate way is to address and solve those policy issues.

The next slide, please.

These are some of the assumptions that came up or that we made as part of the ODP. For a list of those, also on the SubPro ODP

wiki. I think we'll have a link to that in the chat as well. They have been shared previously with the GNSO Council by Jeff, the liaison. And some of these we have here on the slide. No changes to the roles and responsibilities of Board, org, Council, or the Implementation Review Team itself as a result of the Predictability Framework. The framework is there to identify mechanisms for solution. We also assume that no issue will come before the SPIRT more than once. Again, that came up also previously on another slide. Essentially the established GNSO processes take precedent over the SPIRT in the event of a conflict. And the resolution of operational issues and changes will be managed by ICANN org. And once solutions are proposed there, there will then be consultation with the SPIRT on whether that's the right way forward.

And then the last slide for me. Thank you, Justin. Some consideration around the framework that have come up during our internal deliberations. Consultative processes with SPIRT may require additional time to resolve issues, obviously especially when it comes to policy issues, and this could have a considerable impact on time and costs to process an application. And the development of clear and well-understood criteria to categorize issues and proposed changes will help to facilitate quicker processing through the framework itself.

And with that, I think I'm going to pass it back to Patrick for the Q&A session. Thank you.

PATRICK JONES: Thank you very much.

So I'm going to start with some questions. There will be an opportunity for the participants here to also raise questions of the panel. And I'll start first from a Board, community, and organization perspective: How do you see the Predictability Framework operating? And what role do you see for the Board, community, GNSO, and ICANN organization in that process?

Avri, can I start with you?

AVRI DORIA: Thank you.

First, I've got to say that anything I say is purely speculative. The Board is still talking about this. The Board -- the only decision the Board has made so far is to have an ODP to try and work our way through this. But it is -- it is a very interesting and complex design that I sort of look at as the design that comes before the code and the implementation and something that we'll see work. I can see it working. I can see that it can add predictability in terms of

knowing what kind of process we will follow when things go awry, when things are questionable, when there are nuances.

So at this point, though, the only thing that I can see the Board doing with it is trying to understand it, is getting to the point, once we have the end of the ODP with the ODA, is deciding will this work, will this not.

But from the vantage point that I take as someone that has designed such systems and built such systems and eventually seen whether the code worked or not or whether it needs to be tweaked, it does look like a promising beginning to something that could possibly help.

Thanks.

PATRICK JONES: Thank you very much.

Jorge, can you add?

JORGE CANCIO: Sure. Perhaps from the GAC point of view. I think this is a work in progress. Of course we will see how it works out. I can share some of the, let's say, comments or concerns or issues of importance to

the GAC during these last years, because let's say the tension between predictability and also having flexibility to address emerging issues whenever a new round starts is something we have been discussing for many years. I have here a collection of all the GAC inputs we delivered, so it started in 2016 when we answered first questions from the SubPro PDP Working Group. And we always -- as the GAC, we always stressed the need of having flexibility to respond to those emerging issues.

So this Predictability Framework gives a possible solution, and with the SPIRT you add kind of a working group structure to channel that solution. And as GAC, we have been very clear in saying, okay, this might be a way. At the same time, we have to be careful that it really provides some added value; that we don't have too much of a complexity with this. We know here in ICANN, we are sometimes prone to establish very process-heavy solutions.

So we said that it should be lean, inclusive, and transparent.

So we are still, I think, in this process of seeing whether this will meet those -- those requirements. And what we also mentioned is of course we are talking here about the role of the Board, org, and the GNSO. But beyond those, we have other advisory committees. And of course speaking for the GAC and thinking or recalling what happened in the first round in 2012 and part of the

reasoning behind establishing this -- this framework, of course the GAC will need to play a role in this -- in this process. So we've been floating some ideas of, for instance, having a representation of the GAC within the SPIRT or having a GAC liaison. This was discussed in the PDP Working Group itself.

So this is one thing we also mentioned in our last input to the ICANN Board on the SubPro recommendations in June 2021, where we raised these issues. We mentioned that of course if there's any dialogue between any of these parts of the community and the SPIRT regarding GAC consensus advice, which could give rise to such activation of the SPIRT, we want to be involved. And it was also mentioned in this input that the GAC would be looking forward to an equitable participation of all the ICANN groups or all the ICANN constituencies in the SPIRT and in this process.

So I'll leave it by that. I think we are still, yeah, in -- halfway through the process, and we will need to see how this is established. And the GAC is, of course, looking forward to contributing, to finding the right middle ground between predictability, between stability, and flexibility.

Thank you.

PATRICK JONES: Thank you, Jorge.

Before I turn to Karen Lentz, can I have -- Jeff, can you talk a bit about the -- from the GNSO Council perspective what you're hearing regarding the Predictability Framework?

JEFFREY NEUMAN: Yeah, so I -- I guess like I have to make a similar disclaimer as Avri that, you know, this is not an issue that was talked about by the Council at all, except as set forth in the final report of the Sub Pro Working Group, which was -- at least these recommendations were all unanimously adopted.

What I can say, though, from a personal and one of the co-chairs of the Sub Pro Working Group -- and I think we'll get into this a little bit more, maybe, in some of the later questions -- but, you know, there's -- there definitely -- after the 2012 round, given the number of changes and the reason for those changes, and also for one of the reasons you sort of mentioned in your question. And just remind me, Patrick, what were the parties that you mentioned? And I know Jorge brought it up with the GAC. But you said what are the interactions between -- what were the parties that you said?

PATRICK JONES: Between the GNSO Council, the Board, the wider community, and ICANN organization.

JEFFREY NEUMAN: Yeah. So the one important element that wasn't included in the question, which is actually one of the main reasons for developing this, is the applicants, right? And so -- And the reason I point it out is not -- you know, it's not the fault of the question but it was kind of one of the reasons why the 2012 round and the changes didn't work as well as it could have, is because it really didn't consider the applicant point of view in terms of what they were going through, especially after applications were submitted.

And so one of the things that the Predictability Framework hopefully tries to address is to try to consider some of those other viewpoints that maybe the ICANN Board, the community as a whole, the Council or the GNSO, even the GAC didn't necessarily or didn't have the opportunity to really assess because the applicants were always sort of considered last in the process.

So we'll get more into this, but really I think that one of the good things the Sub Pro Working Group did is collect information from applicants and really use that to help with establishing the framework. And I'm sure I'll go into some examples in some of the

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later questions. But I just want to kind of use that as an example that the parties you mentioned are all important, and as Jorge said, the GAC, but, you know, the applicants need to be considered because of all the work that they do with their application, all the time, money, and resources. And some of these changes that were made significantly impacted the business or the proposals of those applicants in a way which caused some of them to completely withdraw their applications and others fundamentally revise the business model completely.

PATRICK JONES: Thanks, Jeff.

So the point that you raise actually is a good transition to a question for Karen and Lars. Can you take us through a possible scenario, perhaps an example of a lesson learned from the last round and how that might play out within the Predictability Framework.

LARS HOFFMANN: Thanks, Patrick. Yes. As -- We've put together some ideas here and kind of worked through the process as we -- as we see it based on the final report. Though essentially if an issue arises, a change needs to happen due to an external factor or internal factor, ICANN org, as the -- you know, leading the conduct of the process

and of the program, would start identifying whether we would consider that as an operational or a policy issue. And we would then also maybe start discussing already, especially only if it is an operational issue, what solution may be appropriate. And then there would be a consultation with the SPIRT to see if they would agree, a), that it's an operational and/or policy issue; also to see what their view is on our subcategorization. If we consider it to be an operational issue, is it minor, nonminor or significant. And then we would work with the SPIRT to finalize the solution if it is an operational issue. And we would then implement it and obviously register in the change log.

If it is a policy issue, then the SPIRT would consult within itself to see what recommendation they can make to the GNSO Council about what's the most appropriate process, existing GNSO process, to address the policy issue. There's obviously, many in this room will know, several ways: EPDPs, PDPs, there's the GNSO Guidance Process, the GGP. And then the GNSO would work within itself and the wider community to develop policy as appropriate, and that would then be implemented or included into the program when completed.

And I think that's roughly, I think, a walk-through of a hypothetical example.

Thanks.

PATRICK JONES: Karen, go ahead.

KAREN LENTZ: Thank you. I wanted to add one -- one thing in regard to the various perspectives that people have been sharing, and that is when we look at this -- at this framework, you know, it seems very complicated in some respects in having many different paths and many different kind of possible outcomes, but I wanted to emphasize that this is not the only tool we have for predictability. The PDP Working Group spent a lot of time on defining processes, defining criteria, going into detail so that we could provide clarity before the application period begins as to what would happen in these -- in these various cases. And when you asked, you know, how -- what's the role of the org, I think that's one of our roles, is as we continue to advance the thinking on this, is that we are building in predictability in all of the places that we can.

And so the times that we would be needing to use this framework would be, if we've done it right, infrequent. And so I wanted to make sure that we -- we're viewing this as not something we would be using hopefully every week but this is something that is

available to provide us resources and provide clarity for all the stakeholders when we have something unexpected.

Thanks.

PATRICK JONES: Thank you.

For everyone, based on your understanding of the framework and the examples that Karen and Lars have outlined, to what extent do you anticipate the framework will assist in achieving the end goal, which is predictability?

Maybe Avri, may I start with you?

AVRI DORIA: Thank you. As I sort of said in the beginning, the first bit of predictability is, indeed, the fact that we know what kind of process to enter. We have or would have, if it all goes through, if all gets decided -- need to always put that caveat in there -- but assuming that it is implemented, it builds a structure. In other words, we don't find ourselves in the situation that Jeff was alluding to where there is a problem and we have no idea how to approach it, so, therefore, the Board had it in its lap at the time and it put together mechanisms for trying to solve them.

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In this case it's saying as long as the problems are coming through and can be understood and such, then there is a tool, in addition to all the other tools that Karen mentioned, that can be used. That is, in my mind, a first step in predictability. It does not predict the outcome of such a process. That depends on all the other aspects. But I think that that's actually an important, you know, attribute that it could have.

So I guess that's how I look at it at this point.

PATRICK JONES: Jorge, what are your thoughts on that?

JORGE CANCIO: So -- thank you. Yes, basically I agree with what Avri just said. I think that it's, of course, good to have the process on paper, to have this structure on paper. What is very important is to keep good and open communication channels between the different interested parties.

So some parts of this may be covered by the -- by the process. Some may not. So, for instance, if a change request or some change comes from an advisory committee, as I said before, it's important to involve that advisory committee in the process, even if that's not covered explicitly in the process. But probably what

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is most important, so beyond the providing for this process for this Predictability Framework, is to build on the trust we have been I think creating during these last years between different parts of the community. Which is something, at least to my mind, very different to the situation we had in 2012 where we had a very siloed approach between different and important parts of the community which led also to many emerging and unforeseen situations, which were resolved on an ad hoc manner with direct dialogue with org, with the Board.

So we have a good basis there, but we have to be mindful that the -- probably the most important ingredient is the trust between the different parts of the community.

Thank you.

PATRICK JONES: Thank you very much.

I understand we have a couple of questions in the Zoom from remote participants. Justin, can I ask you to read out one?

JUSTIN HO: Our first question comes from Marita Moll: Who will decide if one issue is the same as another issue? There are many shades of gray.

PATRICK JONES: Karen, perhaps.

KAREN LENTZ: Hello, Marita. Thank you for the question.

It's a good question, and we obviously considered this in developing our assumption that, you know, once we brought an issue to the SPIRT, we don't need to keep bringing the same issue. The question is do we all agree that it's the same.

And so I think essentially what would happen, you know, the process provides that we -- we, as the org, can pose issues to the SPIRT. And I think in that case that we believed that this was a repetition of an issue that it had already looked at, that we would present it that way and say this looks to us to be the same case as we addressed previously, and then they can confirm that it is, indeed, the same, or if they think it's different, continue with that discussion. So I think that's how that would occur.

PATRICK JONES: Jeff?

JEFFREY NEUMAN: Yeah, if I can add to that, too, because it would be great to get a little bit more color on that question. But -- and I agree with Karen, with everything Karen said, but I also want to add to that that the intention of the SPIRT is not to look the a issues involved in like one application, right? It's really meant to be looked -- to be looking at more systemic-type issues that apply, you know, to multiple applications.

So I'm not sure how much the same issue would come up, because I guess if a couple applications were having an issue, then, you know, you'd have to look at it. And of course we're generalizing here, but if two applications have an issue, then there's probably likely that others will, and then that's what sort of causes this, okay, we have an issue here we need to consider because it affects multiple applications. If it affects one application, I don't think that's what the SPIRT was intended to kind of look at. It's not -- At least in my mind, and I think it's consistent with the rest of the SubPro group, but I'm kind of going out on a limb on that one, so if I'm wrong, anyone is free to come up and point a different point of view. But I think the way we

always approached it was that it wasn't issues in applications. It was issues in the whole process itself.

PATRICK JONES: Chris, can you add?

CHRIS BARE: Yes, thank you.

I find this question interesting, and I agree with everything that Jeff and Karen said, but it occurs to me, I'm -- I've got my operational hat on when I'm talking here. I would like us to think of ways that we can minimize the impact operationally to what we do in these processes. So during the implementation of this, I'd really like to see us concentrate on those categorization criteria. We talked about the operational versus process, the nonminor, minor and significant impact. But I think there's other ways we can classify these and hopefully come up with a very clear way to understand why we would consider something the same as a prior issue that came up so that we can minimize the times that we might come up with a disagreement on that.

Thanks.

PATRICK JONES: Thanks.

We have a second question from the remote participants.

JUSTIN HO: This question comes from Santanu Acharya: Is the Council
                               working on the fees structure also? Is there any -- There are many
                               not-for-profit organizations who may be helped through reduced
                               fee structures?

PATRICK JONES: Karen, please go ahead.

KAREN LENTZ: Yes, hello.   Thank you.   Thank you for that question.   So I
                               understand this question to be if there is an application process,
                               is there work in progress on the fee structure. And the -- the final
                               report from the PDP Working Group did contain recommendation
                               on the fee structure in terms of developing the application fees,
                               and it also did contain recommendations for applicant support.
                               So those are both topics that we are working on in the -- in the
                               Operational Design Phase based on the recommendations in the
                               report.

There is possibly, if you attend the GNSO Council meeting this week, a discussion about the Council or the GNSO taking up the applicant support topic, to perhaps provide some additional guidance. So maybe Jeff wants to add anything, if you like.

JEFFREY NEUMAN: Yeah, I think that's -- that's exactly right. I would just also say that the GNSO, the Council wouldn't be involved in, you know, setting fees or anything like that. And if you look at the recommendations in the final report, it was really guidance and policy about how ICANN org should go about determining the fees. So kind of formulaic as opposed to saying that we think the price should be this and these entities should have these types of discounts. And it wasn't the policy pro- -- Those aren't policy questions, per se. Those are more to try to give guidance to ICANN org, who will ultimately have to figure out the whole cost of the program, which is part of this ODP process, and then figure out how, based on its assessment of how many applications it thinks it's going to get, to try to figure out application fees. But that's not something, ultimately, that the GNSO Council or the community, for that matter, will be involved in.

PATRICK JONES: Thanks. Justin, I understand there are some hands raised. How do you want to take those?

JUSTIN HO: We have one hand raised. It's Nitin Wali. I'm going to allow you to speak, and you can unmute your mic.

You're permitted to speak but your mic is still muted.

PATRICK JONES: Perhaps go to the next one.

JUSTIN HO: We have another raised hand from Sebastien Bachollet. I'm going to allow to you speak right now. Please unmute your mic.

PATRICK JONES: Actually, Sebastien can come to the microphone.

SEBASTIEN BACHOLLET: Sebastien Bachollet. Hello, do you have interpretation? Very well. Thank you very much.

My name is Sebastien Bachollet. In a way, I want to test this new atmosphere, and it's quite complicated to organize the work here. But I had two remarks. First of all, when we talk about predictability and collective work, well, the first thing that comes to mind is when will the new round of application will start. When

will it start? That's predictability. And of course if there is a structure that's put together to -- in order to solve a few questions, will you use this structure as well in order to solve the backlogs that are there since the last program?

PATRICK JONES: Thank you very much. I'm not sure who --

SEBASTIEN BACHOLLET: Thank you.

PATRICK JONES: -- will take this.

                         It's good to hear and see you.

LARS HOFFMANN: It's good to hear and see you.

                         I'm going to start with the second question, whether the framework is there to address issues from the previous round. I think essentially it will depend on the issue. If the issue also impacts applications or the overall process of the next round, then I would expect -- I'm looking to my colleagues; I have to admit we haven't discussed this hypothetically yet -- that the

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framework would also be used for the next round to address those overhanging issues or over -- remaining issues.

As far as the start of the next round is concerned, Jeff talked about how looking at the fees is part of the ODP work. Similarly, I think to establish a timeline of when we expect the implementation work to -- to reach a point where the Applicant Guidebook can be published and the application window can be opened, that is also going to be part of the ODP work. But I hasten to add, obviously we will work as diligently as we can. Few things are more difficult to predict than the future. But, yeah, it will be part of the ODA work. Thank you.

PATRICK JONES: Jeff.

JEFFREY NEUMAN: Yeah, I -- I agree with Lars.

I just want to take this opportunity, because -- to remind everyone one other point of the -- the Predictability Framework. So if -- if people recall, in the final report, SubPro final report, it talks about not just one round followed by, you know, an indeterminate review period but it talks about one round followed by the next

round, followed by the next one without these long, indeterminate, decade, now over-decade gaps.

So one potential role for the SPIRT team is to -- and it sort of is brought up by Sebastien's question about looking at previous rounds. Obviously for this next round, hopefully the SubPro team was able to look at all the previous-round issues and try to come up with some solutions for this coming round. But for subsequent rounds after that, since it's not envisioned to have, you know, review periods in the middle, the SPIRT team could likely be one of those tools to help address issues that arose during the previous round that you couldn't necessarily solve during that round but which you could offer a solution for the following round.

So I think to use Sebastien's question to say that this predictability model is -- I wouldn't say a substitute at all for reviews but it is a way of dealing with issues for the next round while reviews are going on, and that may take, you know, a much longer period of time.

PATRICK JONES: Avri, to you next.

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AVRI DORIA: Yes, thank you. I just wanted to add one quick thing, is should this round go through, should this tool get built, we have to remember that one tool is not the solution to absolutely everything and that there are other tools. And the notion of using a nonexisting tool on problems that exist or may exist from the past is difficult to fathom.

So it looks like a great possible tool but I think we have to be careful to look at it in the context that Jeff put before. It's looking at future systemic issues and not necessarily past systemic issues, which are issues that were looked at by the PDP and will be looked at by org and IRPs and everything -- IRTs and everything else in terms of building the next system.

So it is not a tool for everything. When I read at it, I don't see it as a tool that's a possible use for everything.

Thanks.

PATRICK JONES: Thanks.

I want to go next to ask a question of everyone. The framework is intended to provide more transparency for applicants, the

community, and ICANN organization. Can you talk about how this process may help build trust for different shareholders?

Open question. Quite a large -- Lars, to you.

LARS HOFFMANN: Thanks, Patrick. I'll give it a go.

And I also saw a couple of questions in the chat that I may be touching en passant as well.

So the framework is there not to make predictions or to develop items that affect essentially -- make future decisions that affect the future, be it future rounds or other items, but to establish a predictable process to make changes to the existing program and process. So it's not a tool to kind of look ahead and be proactive in that sense but to make sure that applicants understand how their application is affected by possible changes to the ongoing round at that moment. Obviously those changes may well have an impact on future rounds if there are more than one and ongoing rounds as envisioned in the final report.

And to Patrick's point on the collaboration, I think it goes to what Karen said as well. We hopefully will set up this program in a way, together with the Implementation Review Team, with the IRT, in

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a way that makes the program in itself already very predictable. The AGB, the Applicant Guidebook, will obviously lay out the process from application to post delegation in hopefully a very predictable manner. And if there's issues that appear be it due to applicants, as Jeff said, or other external factors that require changes, that we establish essentially a culture of cooperation with the ICANN org team and the community and the applicants, as applicable, to find suitable solutions that are timely and address the issue in an effective way and also sustainable for that round and potential for future rounds as well.

Thanks.

PATRICK JONES: Thanks, Lars.

Jorge, can I turn to you? And then I want to go to Chris and then Jeff.

Jorge. I'd like to get your perspective on this building trust with the Predictability Framework.

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JORGE CANCIO: Thank you. Yes, basically it goes back to what I said before, I think. So it's a good basis to have it on paper, but then we have to put really flesh on the bones of this process and really listen to each other whenever an issue emerges.

So it's a very abstract discussion without having an issue, but we could imagine issues that could be similar to what we witnessed in the last round, although a lot of work has been done, of course, to cover those in the recommendations and hopefully in the Applicant Guidebook, to the extent that we minimize the use of this Predictability Framework and of the SPIRT.

But in the end, I think it's really about very carefully listening to what the concerns are from each and every party involved in such an emerging issue. And the framework gives us a way of channeling that. But of course it's -- first it's only channeling the issue, as is said in the recommendations; it doesn't provide for the solution itself. And the solution will be found by the different parts of the community involved according to the roles and responsibilities.

Thank you.

PATRICK JONES: Jeff, I didn't mean to jump -- have someone go ahead of you. So, please, can you go next.

Jeff.

JEFFREY NEUMAN: Yeah, I -- The point I wanted to add about trust is to just -- I see a lot of people out there that were around for the 2012 round. I mean, there's a lot of new people, which is fantastic, in the last decade, but I see a bunch of people that were applicants, and so they're going to know what I'm saying.

You know, the whole reason we developed this -- If you look at it today and just read it and haven't been involved in -- weren't involved in the last round, you'd think this is really bureaucratic. This seems like so much excess, like why do we need all this? And you probably are thinking issues in terms of the bigger policy issues that you may have heard of that -- you know, like closed generics and some other, like sensitive strings; you know, the big policy issues. But there were so many other things as an applicant that got changed from a much -- from either an operational perspective or just from a nonpolicy perspective that didn't necessarily -- although people knew about it at the time, didn't really make most people's radar.

So, you know, for those that were involved, you know, there was -- And there was no process to handle it. And so applicants, when these issues came up, were just completely in the dark. And ICANN -- as I think it was Avri that said, the Board just had to deal with it. And the staff, I'm sure they -- the staff worked with the Board and they came up with something, but there was no insight at all from the community. There was no transparency.

And so you had things like, for those of you who remember, and sorry for bringing back some nightmares, you know, the final Applicant Guidebook was designed -- or was finalized in June of 2011. That's when the Board approved it. But in the guidebook there was a provision that said that there would be a mechanism for prioritizing applications in batches that would be -- I think the words were something like skills based. It was very kind of open. So that was in June of 2011.

And so ICANN had to come up with something that was skills based, and they came out with something called Digital Archery that was approved on March 28th, 2012, which was already nine months after the final guidebook. Applications were already being submitted. And at that time -- and I'll get into -- it brings up the second example -- it was about ten days from when the applications were due to be submitted, and that's when ICANN released its Digital Archery proposal.

And so, okay, so that was now going to be it. And there were some pretty obvious flaws that people saw from the beginning, but it took some people to show ICANN what the flaws were; that if they -- if those people knew what ICANN was really contemplating, they could have pointed out, like in a SPIRT team, what those issues were without having the Board go pass a resolution in March accepting Digital Archery, and then in June, June 23rd, it was suspended because of what people knew already what the issues would be, and then of course then they abandoned it like a week later. But then it took until November 2012 was when the proposed prioritization draw was finalized.

So this is -- Let me do my math here. 18 months -- Well, it was implemented in December. So it was 18 -- it took 18 months from the drafting of the final guidebook to come up with what ultimately was applied.

So, you know, that's an example of where, hopefully, the SPIRT team is successful and gets the people that are at least envisioned -- envisaged as being members of experts, ICANN could kind of work with that team to just understand some of the implications before, you know, finalizing this type of process, right?

So that's one example. We'll get to others later, I'm sure.

PATRICK JONES: Thanks, Jeff. I think we are at the end of the session. Karen, can I turn to you for some last remarks? And then thank everyone for joining today.

KAREN LENTZ: Yeah, thank you, Patrick, and thank you, everyone, for the questions and the comments.

We've talked here about a variety of stakeholders within the ICANN community, as we all have different roles. That includes applicants, as Jeff has been reminding us, but it's also -- I think it's also bigger than that. Bigger than the current ICANN community. We're building this program we're doing around people to be able to support Internet users around the world. And so the more that we can make a straightforward, predictable process and have tools to deal with changes, the better off we all are.

Lastly, I'll just say, and I know it was -- I know we're out of time, but if we didn't get to your question, if you have a question, more questions or comments, come talk to us. We will be here around the week -- or all week. We will be around all week.

Thank you very much.

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PATRICK JONES: Thank you. Session is closed.

[END OF TRANSCRIPT]