
[MUSIC]

UNIDENTIFIED: Hello everyone.

UNIDENTIFIED: Hello.

UNIDENTIFIED: Good morning.

UNIDENTIFIED: Hey, good morning. Welcome.

JONATHAN ZUCK: Hello, this is Jonathan, can you hear me?

[CROSSTALK]

JONATHAN ZUCK: That's good. Sorry, I had trouble dialing in here in Brussels. I think I'm operational. So are we having trouble hearing Eleeza, is that what I'm reading?

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.

UNIDENTIFIED: Yes, but I'm working on giving her a dial out right now.

JONATHAN ZUCK: Okay. Thanks everyone for joining the call. Obviously, we're stalking up on the London meeting, so everyone is a little discombobulated in trying to get ready for that meeting. But I think we really wanted, if we could to finish going through our matrix, and get that work done.

And then we'd probably reserve the meeting in London to talk about next steps, and the RFPs, I think we'll have plenty to talk about there. But just getting through some of these questions raised by staff, etc. and categorizing the metrics. We made good progress on the last call, so I thought we should try to push through on this one.

Does anybody have any questions before, well why we're waiting for Eleeza? So much like being a late night radio DJ sometimes.

UNIDENTIFIED: You have the right voice.

JONATHAN ZUCK: I need to just spin some tunes here and assume people are listening.

UNIDENTIFIED: Well the tune [?] hearing is something that sort of recaps the progress you made on the last call, so we can pick it up mid-conversation. We were making progress, but it's hard for me to remember exactly what we progressed to.

[CROSSTALK]

RON ANDRUFF: Jonathan, this is Ron. I have a follow on to Steve's question, sense of timing, where we're at, where we need to be. Thanks.

JONATHAN ZUCK: Sure. I mean, I think that there is probably going to be a, this review team is actually going to form in the not too distant future, sometime in the early fall. And so I think if there is a gating factor in terms of scheduling that's probably it, that we're trying to finish our work as the implementation advisory group, prior to the formation of the review team, and presumably many of you will want to participant on that review.

But as we continue to discuss in the email list, I think our objective is primarily to provide a set of tools for that review team to do their job, and there are some value judgments associated with them, but I don't know that we're in a position to be doing anything that approximates policy development from within this team. And so, I guess Christopher is not on the call, but I'm somewhat, I'm interested in any conversation on this, but I'm very resonate to the notion of trying to issue some kind of code of conduct to registrars to ensure non-discriminatory behavior, vis a vis, their owned and not owned registries.

I mean, I see all of his points, I just don't think that's within our remit, and I think that that will stall the good work that we're trying to do. But

if anyone has an opinion on that, that differs from that, I'm open to hearing it. I know Christopher's views on it. Ron, at one point, you expressed concerns about the fact that not enough had been done to deal with registry/registrar separation. I'm just very concerned that we're not the right group to try and address that.

Does anybody else have anything that they want to raise on that issue?

RON ANDRUFF:

This is Ron. Jonathan, if I may just respond. I'm not too concerned, I just think that these are valid points, we just need to figure out where they should be placed. More going in that direction than saying that we should be doing it. I do agree, our mandate is very limited. No question about it. Thanks.

JONATHAN ZUCK:

Steve, go ahead.

STEVE DELBIANCO:

Yeah, thank you. One way in which it gets woven in to our recommendations is to suggest that if the evaluation that's done by the review team were to conclude if there were limits on competition or choice, it might investigate whether that result arose from the fact that there wasn't strict separation. And that is two levels removed from where we are now.

So all of Christopher's thinking on this should be preserved, and Christopher could lob it into the affirmation review team. But even they

wouldn't look at it as an outcome, if the outcome where there competition and consumer choice were not improved, only then would it make any sense to look at root and causes and suggesting that well, perhaps it's the lack of separation that's behind it.

So I think that I concur with you that it has no place here. And Ron, I don't even think it has a footnote in the work that we're doing.

JONATHAN ZUCK:

Well, I guess the one caveat that I would make, on Christopher's behalf in his absence, is the notion that discriminatory behavior. So, in other words, self-placement, you know, so called availability of, you know, competing registrar... Availability of products from un-owned registries, if you will, something like that, is something that we can suggest as a measure of competition, right?

So that doesn't even necessarily have to do with registry/registrar separation, but a set of behaviors that set out to do with just exclusive dealing, or something like that. That has nothing to do with ownership, but I mean, I guess the question should we be trying to looking at that behavior in our metrics? And I'm not opposed to doing that, it's more a question of whether or not we should be issuing any edicts about that behavior out to the registrar community, and with it is that which I take some issue.

RON ANDRUFF:

Just for the record. This is Ron speaking. I agree with what Steve was saying in terms of who this, what would be the logical steps forward.

And I just also want to be on record as saying I'm in agreement also with what you have said as well, Jonathan. I think all of these issues which we bring to the table, then at some point, which are within the mandate and which should be something else, and as Steve said, maybe even a footnote here or there if it makes sense.

But clearly let's keep the mandate tried to assist the working group that takes this on. Thanks.

JONATHAN ZUCK:

Okay. So I believe staff have incorporated some of the more numeric oriented, and again, making these solid might be the challenge of that, Christopher had recommended. But there appears to be some rough consensus, at least on this call, that it's outside of our remit to be issuing codes of conduct and things like that to the registrars about how they need to behave.

Eleeza, have you managed to get audio yet?

ELEEZA AGOPIAN:

Yes. Hi, I'm on the call. Sorry about that.

JONATHAN ZUCK:

Not at all. We were just doing our best without you, but I think, go ahead.

ELEEZA AGOPIAN: No, I was just going to say, I think I caught the last five minutes or so of this conversation. And I wanted to just jump in and say in terms of the issue, for example, self-placement and availability, I think, as I mentioned in the chart with the proposed new metrics, I think a lot of these will be captured in the economic study and we're working on the RFP now so that those are all issues that are captured, in things like marketing and availability.

So I think these are broader issues than just simply collecting numbers and need to be examined in a more analytical way.

JONATHAN ZUCK: I think that's right as well. I've often thought the economic study was captured. Again, I think Chris's primary concern is trying to prevent behavior, and I think that that's outside of our resolution. So that will again will be taken up in the context of the economic study RFP. Do you want to pick up back where we were in terms of going through the metrics in the different categories, and see if we can get through that list?

ELEEZA AGOPIAN: Sure, I would be happy to do that.

DAVID STUCKMAN: Jonathan, it's David. One final point on the discussion we just had.

JONATHAN ZUCK: Yes sir.

DAVID STUCKMAN: Yeah. When we tell Christopher that the consensus of this call is that preventative initiative is outside the scope of this particular group. We should remind him that the affirmation review team, in its recommendation, would impact preventive measures for the next round of new gTLDs. And while it's outside of this particular group's remit, it may fit nicely into the affirmation review team.

I just think it's one of these instances where we can give Christopher some place to steer his concern, as opposed to telling him this concern doesn't live here.

JONATHAN ZUCK: I think that's exactly right, and it would be part of the review team. It's just that it would be a year and a half into the program. That will be his pushback, that's all. But you're exactly right. [CROSSTALK]

DAVID STUCKMAN: ...is only designed to address, I guess, behaviors in the next round, rules for the next record and potentially behaviors that can be imposed on already delegated... So it might be a year and a half away, but at that point, his concerns may generate changes that have an impact.

JONATHAN ZUCK: That's right. That's exactly right. Good point, thank you. Eleeza.

ELEEZA AGOPIAN:

Okay, great, thanks. So just to quickly go through what I'd like to do. I'd like go through the few metrics that were remaining, a couple that we still had some kind of lingering conversations about. I also wanted to go over with you some of the baseline data I've already started collecting, just to show you that we're kind of underway on some of these items.

Then I wanted to go through the new metrics list which I have sent around to the group, and then we'll do a RFP update. So, first of all, I wanted to start with 4.5 and 8.1 on the question of improper use of domains and confusion or misunderstanding of TLD functions. I sent a kind of [?] email to the group on, I think it was Thursday, with possible categories that might capture improper use or confusion or misunderstanding.

So I spoke again to our compliance department last week and got a better sense of what they do with complaints that they close before taking any action on, and I now have a better picture of how that works. They use a number of different types of code to categorize why those workflows, whether it was a complaint that wasn't valid. For example, inaccurate WHOIS data that turned out that it was accurate, or a complaint about a ccTLD when in fact it's not a ccTLD.

And I went through, there is more than 200, and I presented you with some that I think might fit into how we made assign improper use or misunderstanding or confusion. I'm not going to read through the list I have here, and you have it in your emails. But hopefully you've had a

chance to take a look at that, and I'd like to hear your thoughts on that, see if maybe that's the way we can capture the metrics.

JONATHAN ZUCK:

Eleeza, this is Jonathan. I thought that was excellent work when I scanned through it. I haven't gone over it in any detail or tried to figure out what isn't there, but it certainly feels like a pretty good list of things to capture to at least start the process of addressing these metrics.

So did other people get a chance to take a look at that email and have comments? Ron go ahead.

RON ANDRUFF:

Thanks very much Jonathan. Eleeza, I wanted to ask, when you're going through those various metrics and going through and talking with compliance, was it anything that we have not brought to the table that kind of screamed out at you? Like, oh, here is something that maybe needs discussion, look at it a little more closely or something. Was there anything else that sort of an outlier that we've kind of overlooked that you might have seen? Just generally?

I thought also, just as a quick reference to the document itself, I thought it was very detailed but because you're so close to it, I'm wondering if there is anything there that, from your perspective, that we might have missed. Thanks.

ELEEZA AGOPIAN: Sure. Thanks for the question. No, nothing has really jumped out at me. I think we have some multiple metrics that relate to compliance data, and obviously compliance tracks quite a bit of that. But from what I've seen, I think what we're capturing are the most relevant for the purposes of this review.

So yeah, at this point, nothing really jumps out. Steve?

STEVE DELBIANCO: Yeah, thanks for that work. And you're trying to parse lots of different complaint categories into the two ALAC categories. Like you said, improper use, which seems to imply bad intention on the registrant that we have. And then misunderstanding, which implies an end user or a registrant doesn't understand something, and it could be a structural or a communications problem, but it's not, there was intentional misrepresentation.

And I appreciate the effort you put into trying to split among the categories, to fit that to the two ALAC metrics that they've proposed. The key question would be has ALAC, who originated these two metrics, 4.5 and 8.1, have they replied to you about whether they think it's an appropriate split? And if they haven't, it could be something that gets worked out later on as the affirmation team begins its work. But thanks for your good work on that.

ELEEZA AGOPIAN: Thanks Steve. No, I haven't heard back from anyone on those emails. I would love to hear from everyone on their thoughts, and actually I'm

glad you brought that up because that brings up an issue that I wanted to bring up at the beginning, which is that part of this group's remit was also to keep their communities up to date on any changes and keep them in loop on how we are evaluating metrics and making sure that we are, you know, representing things accurately.

So if anyone is on the call from ALAC, I'm not sure if they are, numbers here without any names, I would really appreciate hearing from you and discussions with the community your reactions to this one or to any of the other metrics that have come from the various communities on how we are approaching these.

Were there any other questions or comments on these two?

JONATHAN ZUCK:

Yeah, definitely we'll have to hear from ALAC on it, but I think the folks in this group are comfortable to move on.

ELEEZA AGOPIAN:

Okay. All right, thank you. Okay, this next grouping, 5.2, 5.3, and 5.4, is [?] short code, the URL shortening services. So we kind of started this discussion on the last call, and really the issue I wanted to bring up here is kind of a question of how do we categorize this data. Obviously, this is widely available, it can be purchased, it can be evaluated in a number of ways.

I guess the question I have for the group is whether this is really a value, excuse, this is more a measure of choice or trust. In my mind, it seems to reflect choice more than anything. But I also wanted to raise the

question of whether or not it's really a reflection of the new gTLD program itself. I really appreciate your input on that.

We started to have this conversation coordination [?].

MICHAEL NELSON:

This is Michael Nelson, Microsoft. I'm having a real hard time convincing myself that we're going to be able to make any reasonably defensible conclusion based on any of these three metrics. There is going to be all sorts of things that are going to change these numbers, and the main names and trust in the domain name will have very little to do with it, I suspect. So I'm just, at the end of the day, in two or three years, we'll see a trend in these numbers, and I just don't know that we'll be able to say anything intelligent based on those trends.

And I think we would be laughed at if we tried to.

JONATHAN ZUCK:

Thanks Mike. Steve?

STEVE DELBIANCO:

Yeah, thank you. Having working on this for two years, I know that ALAC, particularly Evan, feels very strongly that you want these things to be measured if they can. And if staff's advice is that the data is available, it can be purchased, it is going to be very difficult to tell ALAC, "No, we don't want to gather the data, simply because we don't think the data could ever reveal that there was a lack of trust in the DNS."

So what we've ended up doing, and I've been vocal on this, is that I, like Mike Nelson, I challenged Evan and the ALAC at every turn on their conclusion that it would somehow be a reflection of a loss of trust if UR codes and other forms of navigation began to grow. So what Eleeza has done has found a way to say, given that the data is available, perhaps at a moderate or late toss, we could recommend that this data could be gathered, but do not buy us the results.

We do not have any view that an increase of UR codes is a reflection of the lack of consumer trust. We're not even sure that it's a reflection of increased choice, by the way. Although it's a little more benign to say that it's perhaps an indicator of choice. It's better for us to say that we discover that the data is available at moderate cost, but reiterate that this working group, just like the original group, and I wrote this text in there.

The original group did not suggest that this data or targets in this area would be a reflection of a lack of trust. A lot of our targets had to do with the fact that Bruce Tonkin's resolution had asked us to come up with three year targets, and when you do that, it forces you to say, "Well, do we think this thing should go up or go down?" And when you stick it in a category of trust or choice or competition, it implies whether you think the cause and effect could be through the trust.

So we've kind of boxed ourselves into a point where we're going to find ourselves disagreeing with Evan and the ALAC. And let's make that disagreement as agreeable as possible by preserving the opportunity that this data could be gathered, and we've done our work as a working group because we said yes, we discovered that this data is available.

But we should pull it out of any implication that it could be a reflection of lack of trust. And I don't even want to dump it into the choice bucket, because that implies that a growing QR code is a positive indicator of choice. That's just going to reignite the disagreement that we had with ALAC. Thank you.

JONATHAN ZUCK:

Yes, just a second Ron. Steve, I think actually he would argue that a growing QR code is a reflection of the decrease in choice or trust, not an increase. I mean I think the, what he's trying to get at is if somehow the program drives people away from explicit domains to, you know, to not worrying about it, which is using search engines or QR codes that essentially mask the explicit domain name.

And, I mean, so there is some conceivable universe in which there is a causal relationship. I just, I agree that I don't think we'll ever be able to find it in a definitive way. [CROSSTALK] I hear your point.

And I've had extensive conversations with Evan about this, and he's not budging even though he has made no offer of any causal relationship. He doesn't think that's his burden. He thinks it's just about having more data, more is better, and I can't seem to get him off of that point. I mean, that's really the issue is I think if it's affordable to provide this information to the review team, to use in the context of something that comes up in the survey or something else.

I think that's the way to position it, much like these [?]. have any targets associated with it, or any implied conclusions that we would draw from it.

MIKE NELSON: Jonathan, this is Mike again.

JONATHAN ZUCK: Mike could you raise your hand? Ron has got his hand up.

MIKE NELSON: Oh, I'm sorry. Okay.

JONATHAN ZUCK: Ron, go ahead.

RON ANDRUFF: Thanks Jonathan. No, I support what Steve is saying and I think Mike and all of us are saying. Technology is, you know, and apps, different things they just rotate through so rapidly. While we're making a note, I mean, QR codes came out two, three, four, five years ago. There was a big push, a big bubble, everybody was talking about QR codes.

I don't see a whole lot about QR codes these days. You know, there is probably something that's coming down the pipe going through, transpose that as well into something else. So my point here is, I don't know why, there is no relevance to what we're doing.

The use of URL shortening services, I don't think people use that to mask a domain name as much as they, I've got so many letters I can put into my Twitter, and therefore I'm going to take the shortness so I can Tweet more about what I'm discussing. So at the end of the day, while

these are interesting [?] issues, they have nothing to do with consumer choice, trust, and so forth.

So for my part, I don't think we should be trying to do [?]... we're looking at this from a point of view of an advisory group, and the majority should rule how we go forward with this and how we should move on. I don't think we should be wasting a whole lot of time on this. It doesn't make sense to me. Thank you very much.

JONATHAN ZUCK: Thanks Ron. Mike, go ahead.

MIKE NELSON: Ron just said exactly the same thing I said. If one person, this isn't all of the ALAC, this is one person, am I correct?

JONATHAN ZUCK: Well, no, these are ALAC official, they were voted on by the group, and Evan is under the conclusion that they were accepted by the Board. So I mean, that's the problem. [CROSSTALK] This group was given a remit to look at each of these metrics to see if they were essentially feasible. And we were meant to look at the utility of them, and the question has come down to the definition of utility.

But at this point, the ALAC and Olivier is not stepped in to change this perspective, have taken the position that all seven of these metrics were accepted by the Board, which I don't necessarily concur with, but

the only job of this group is to figure out ones that would be impossible or impossibly expensive or difficult to collect.

And that we're not retrying the actual usefulness of them, because that's what led to the separate submission of metrics...

MIKE NELSON:

We would not need a committee to do that. I mean we have a responsibility to focus this study so that it actually collects useful data, and not waste a lot of time and effort and money taking stuff that's not needed. I agree with the statement that was made. You know, the vast majority of us on this committee should count for something, otherwise why are we here?

If we're just supposed to rubber stamp a list that already exists because somewhere somebody suggested it, then why are we here? I just, I think this is a strange procedure. Thank you.

JONATHAN ZUCK:

Thanks Mike...

MIKE NELSON:

My main reason for making a point of this is because we might have two or three more items like this where we're looking at spending 50 or \$100,000 to get some proprietary data, that's feasible. But if the data has no use, and if the person advocating for it can't give us an example of how they would interpret the data to say anything about the topic at hand, I think are perfectly right to...

JONATHAN ZUCK: You're preaching to the choir today, Mike, but thank you for your input. I think, we can try to figure out what the best approach is. One of the things that I've been trying to do is get Bruce to engage with the group at some level and perhaps we'll be able to do that in London, to clarify what the Board's intentions were, etc.

I mean, right now, the question is whether the juice is worth to squeeze, as the expression goes, in this space. So but Mike, your point is well taken and I share it, but I don't know what, I'm not sure what the best approach is. And so, perhaps given that it is purchasable data, maybe we can kick the decision about whether to purchase it down the road to the review team, and that's when that decision can be made, since it isn't data that we need to be collecting ourselves to collect baselines.

The trend data itself is available, so that maybe eliminates the issue about the financial investment that you raised. Eleeza, do you have a point?

ELEEZA AGOPIAN: Yes. Thanks. I was just going to suggest that, I mean, clearly there is a number of opinions here. You know, ultimately you're making a recommendation to the Board and to the review team. I think we can present all of these viewpoints in there. I also wanted to point out that even as baseline data, that isn't going to disappear. We can buy, you know, previous data from some of the market firms that we talked to.

So I think it's perfectly reasonable to include all these viewpoints in your recommendation and allow the review team or the Board to make their own choice.

JONATHAN ZUCK: Yeah, I mean that's where I'm headed with it as well. So I think the review team will make a determination on whether to buy that data. It's not as essential for us to get the baseline data. I think let's move on because we're just echoing each other's points of view right now.

ELEEZA AGOPIAN: Okay. Thank you. All right. So the next metric I want to talk about is 6.2, number of complaints, [?] alleging fraud or misrepresentation based on [?] domain names. We talked about this one before. This remains a metric that is going to be very difficult to connect the domain names. There is obviously a lot of data on cybercrime and on fraud, and we can parse a lot of that.

But in talking to some of these organizations that do collect the type of data, particularly E Consumer dot gov, which gathers data from a number of different government agencies, through the FCC, excuse me. They made it clear that this would be [?] as possible number [?]... to focus more on fraud or cybercrime or some [?] of that terminology, I think it would be more useful.

JONATHAN ZUCK: Eleeza, I could be wrong, but it could be the reason that ALAC are trying to tie us to domain names is to deal with the same causal issue that

we're discussing in the previous one. In other words, if there were some way to make a connection to the rapid expansion of available TLDs, and an increase in fraud, or misrepresentation, that would be very interesting.

The question is how to make that connection. Steve, go ahead.

STEVE DELBIANCO:

On metric 1.13, it had to do with security breaches. Evan and I have noted that this metric would only be obtainable if law enforcement agencies and governments collected the data in a reliable way that was accessible to us. And I believe we concluded that the answer is no. And once we made that conclusion, I think Evan concurred that we would recommend against proceeding with that metric.

So with that precedent in mind, are we reaching the same conclusion here? That this data is not available in a way that even potentially going to serve the intended purpose of the metric, and therefore we would recommend not proceeding.

JONATHAN ZUCK:

Probably. Was that an email conversation or a phone conversation?

ELEEZA AGOPIAN:

It was on the last call, I believe.

STEVE DELBIANCO: Right. And Evan was on the call and I recall, help me Eleeza, but I recall that once we reached the conclusion, that it wasn't available from law enforcement and government, I think Evan concurred if we can't get it, we shouldn't recommend it.

ELEEZA AGOPIAN: I believe so, yeah. I don't have the transcript from that call, but I think that's right.

JONATHAN ZUCK: Mason, go ahead.

MASON COLE: Thanks Jonathan. I concur with Steve on this because during my time as chair of the registrars, we collaborated with law enforcement on any number of issues, and ask for any manner of data, and either it was proprietary and they were unwilling to let it go or they didn't collect it. So I have to concur with this point.

I'm not sure that it's a productive road to go down.

JONATHAN ZUCK: Ron go, Mike, I'm assuming you just left your hand up. But keep it up if you want to speak on this issue. Ron, go ahead.

RON ANDRUFF:

Thanks Jonathan. Having heard the [?] thoughts of this, and Mason [?] on the head, you know, if we can't get it, we can't get it. But I would say this, maybe we could, having heard with Eleeza said, this is a recommendation, maybe we could put that as an aspirational goal. Because quite frankly, the amount of fraud that is going on right now, there is a baseline.

There is some sort, they're going to say there is a baseline of just having fraudulently, as a result of domain names. And as we go forward, and as technology evolves, and as things change, we may be able to start getting more information [?]... So I would say, we might just want to put that as an aspirational goal, it is important for trust and it is an important metric, but if you can't get it, and it's going to be a fight to get it, what are we doing?

But aspirational, if we can kind of go into this because this, the work we should be metrics going on for a long time going forward. So, operationally we could [?]...

JONATHAN ZUCK:

Thanks Ron. Mike, do you have your hand up or is it left up? Okay. Any other comments on this? Again, I think we've reached some consensus on the call here that this, you know, should be set aside because of the inability to collect the data in a relevant form. So that appears to be the consensus on the call, so let's make that the decision associated with this metric.

ELEEZA AGOPIAN: Okay.

JONATHAN ZUCK: I mean, again, let's put noted etc., as Ron suggests perhaps let's figure out a way to talk about the desire to capture fraud based data that somehow could be tied to the expansion of TLDs, but right now we're failing to figure out what that might be.

ELEEZA AGOPIAN: Okay. I've noted that, thank you. All right, I want to move on. So I just wanted to go through, those are all of the metrics I have left actually. But I just wanted to go through the baseline data that I collected so far, just to show you what kind of work we're doing. A lot of these are related to compliance [?]. ... databases of available metrics for us.

So for example, on 1.6 there were no breach notices issued [?] registries in 2011, from 2011 to 2013. We've calculated the number of breach notices for registrars, all the compliance complaints, BDR complaints, WHOIS complaints. Moving forward, kind of the number of national regimens, where all the legacy TLDs are located. And in the process of looking through sunrise registration, domain blocks, legacy TLDs.

Not all of these numbers are readily available, but the numbers that are, we collected that on policies available, [?] TLDs websites. And on 8.2 the no registries that are subject to compliant activity based on reported [?]...discussed before, so we couldn't find any of that in the past as well. So we have quite a bit of baseline numbers already that are ready to be compared [?] the next set of data is available.

JONATHAN ZUCK: That's great Eleeza. Steve, did you have question, before you continue, do you have a question?

ELEEZA AGOPIAN: ...go ahead.

STEVE DELBIANCO: Thanks Eleeza. 1.6 and 1.7, I had a note in there, a year and a half ago, that said all breach related notifications should be counted. So you used the shorthand of breach, and I just wanted to ensure that when we looked at it, we would look at ICANN compliance, even sending a potential notice of breach. It was supposed to be counted as a statistic. I realize that there are opportunities for the contract party to cure a potential breach, and thereby avoid a formal breach notice.

So the original working group on metrics wanted to get a broad as possible account, of the notifications of possible breach that were coming from compliance. In other words, if compliance deemed it serious enough to send a formal notice of some kind to a contract party, we need to count it in that bucket.

ELEEZA AGOPIAN: Okay. Thank you. I had not noted that, but I can go back and look at [?]. Any other questions or comments on this? Okay.

MIKE NELSON: This is Mike Nelson. I was just curious about what the explanation was for the dramatic reduction in compliance complaints from 2012 to 2013? Item number 1.8.

ELEEZA AGOPIAN: Yeah. I [?]. From what I've heard [CROSSTALK]... I'm sorry?

MIKE NELSON: That's a full year in both cases, correct?

ELEEZA AGOPIAN: Yes it is. I was told that the number can really be attributed to the number of FAQs that the compliance team has made available on their site, that has really reduced their total burden, I guess you can say.

MIKE NELSON: The same trend under WHOIS complaints as well.

ELEEZA AGOPIAN: Exactly. I think they've made it a lot easier to determine what complaints go where, and which ones are valid and invalid. Or complaints that can actually be acted upon by our compliance department.

JONATHAN ZUCK: That might not actually be a trend, but just better classification.

[CROSSTALK]

ELEEZA AGOPIAN: ...onetime thing.

MIKE NELSON: Okay. Thank you.

ELEEZA AGOPIAN: Sure. Any other questions or comments?

JONATHAN ZUCK: Go ahead.

ELEEZA AGOPIAN: Okay. Great. So I wanted to go through the new metrics that were recommended. And I sent out the Excel file that Christa was so kind enough to create for us, with some comments. I tried to summarize it here. It was a little too tiny to put onto one PowerPoint slide. So within the, I've kind of grouped them together, but I wanted to point out a few things.

There was a number of metrics related to failed registrations, pre-registration converted to real registrations. A lot of things that relate to that and that we have to request directly from registrars with some of the data that we have easily available. So those might be difficult in that we don't know [?] might be, and then depending on what the

response rate might be, whether or not these are statistically significant findings.

So that's one. There were a couple of metrics that I believe Christa had recommended. I don't know if she's on the call, that related to arms-length or non-arms-length transactions. I wasn't sure what those meant. Maybe someone else might know if Christa isn't on the call. And then the, as we discussed earlier, with regard to shelf space and marketing and premium pricing, my recommendation is to include all of these in the economic study.

I think they [?] lend themselves to all of the issues that the selected vendor will be studying. There was one, Ron hopefully you can speak to this, on domain registration. It is sort of broadly worded, and I looked back through your emails to see if I could capture what you were getting at, but we have all kinds of numbers on domain registration. So I'm not sure what more you're looking for Ron other than what's already in there.

Maybe we can talk about that. There was a new metric that came up in Singapore, which I've now added to the list, on the number of ports of name collisions. I think everyone would agree that these are all pretty important to keep track of. And I also wanted to discuss 2.6 on the issue of IDNs. I'm not sure that I captured accurately the, how we wanted to reword that.

So then you can all take a look at that and let me know what you think. So I'm happy to start anywhere. Just looking in the chat box here.

RON ANDRUFF:

This is Ron. I'm sorry, I should have put my hand up, beg your pardon. So Eleeza, just we're speaking to the issue of registration data and new domains, what I was speaking to was the fact that some of the new registries are pulling names that are even trademarked names. They maybe generic words, but nonetheless they're trademark names out of their systems and putting them into their own premium domain pricing structure.

So they're selling domains at the registry level, at the 2,000, \$3,000. But these in fact are trademark names that are owned by others. And they're putting a price tag on them [?]. I understand [?] checked, but that there is a potential, one of the applicants is suggesting that names could go for \$25,000. So if you have a large brand, they may have to buy a \$25,000 name or a bunch of them, that's pretty accepted.

So that's what I was getting at, is that I don't find that right and it's something we should be trying to track. The pricing on premium names, and particularly if they are trademark names. Does that help clarify?

ELEEZA AGOPIAN:

Yes it does. And I think, again, that this was something that could follow to the economic study, where obviously we're going to have a hard look at premium name pricing, including how trademarks are being priced. I mean, I feel like that's something we could include there. Would you agree?

JONATHAN ZUCK: I think so too. This is Jonathan. And I think this is the context in which it got raised in the first place.

RON ANDRUFF: All I wanted to do is throw it up there on the table, and then you, who understand how to deal with this better, and run with it. I just wanted to provide a little bit of background, flesh that out a little.

ELEEZA AGOPIAN: Yeah. That's very helpful, thank you.

JONATHAN ZUCK: So I think that's meant to be part of the study as well. Steve, you had a question about what category, trust, choice, or competition, is different metrics that we fall into. Did you have something specific? A specific one that seemed unclear?

STEVE DELBIANCO: Yeah. All of them on the very first slide, are they meant to imply, this is the same test we applied to the ALAC's conclusion on QR codes. So the discipline that this group showed earlier on the phone call, is the same discipline that we should show with respect to every new metric. If we don't understand how it fits either to consumer trust, choice, or competition, and we have to have an understanding that an increase in that metric must mean a decrease in trust, or an decrease in a metric could mean an increase in choice.

We were holding the ALAC to that standard. Let's hold ourselves to the same standard on all of these new ones.

JONATHAN ZUCK: Of course. And I don't know if there are names associated with these...

MIKE NELSON: ...hold the ALAC to that standard.

JONATHAN ZUCK: Yes, you're right Mike. The ALAC isn't present on this call, which is part of the complexity of that, but I think Steve is right that we should look at these new metrics in that light for sure. I don't know that they have names associated with them, that's why I was asking to go specifically because some of them, a number of reports of name collisions, it seems to me, would fall under the trust category.

The IDN statistic was suggested before as a measure of choice. And then the, obviously the ones that came from Christopher, about premium names, and shelf space, etc. that we think are going to be part of the economic study are meant to be descriptors of competition.

So that's why I was asking if there is something in particular that was jumping out at you, like QR codes, that you wanted to take some issue with and potentially draw out.

STEVE DELBIANCO: Yeah, this is Steve. So, in this sheet that Eleeza put together, I would just suggest adding a call amount indicating which category this fits, competition, choice, or trust. And some indication of a higher measure means more trust, a lower measure means less choice. In other words, indicate which category, and which directional effect we expect.

And that is far short of actually setting a target for three years, I don't think we're going to go there.

JONATHAN ZUCK: Agreed. Eleeza, do you want to take a shot at that and raise the ones that don't seem self-evident?

ELEEZA AGOPIAN: Sure, I can do that.

JONATHAN ZUCK: Because I don't know who owns these, because it won't get done otherwise. That's why I thought I would put it back in your lap and then if there is ones where you can't make that leap of logic, then we need to describe them. And as Steven might have suggested, potentially drop them if we can't suggest what we would like the outcomes of those metrics to be. Nathalie, go ahead.

Nathalie, are you on mute? Oh, a mistake, all right. Didn't mean to raise your hand. Anyone else want to raise issues about these? I guess we don't know what a non-arms-length transaction is, but that also sounds like it would be part of the pricing RFPs, pricing study.

ELEEZA AGOPIAN: So what I'll do is, I can make that evaluation and I'll include that in the agenda.

JONATHAN ZUCK: All right, thank you. Steve, go ahead.

STEVE DELBIANCO: 2.6 is, was a conversation that we had a couple of weeks ago. And Eleeza came up with a rewording that I'm afraid, I think Eleeza would even agree, is pretty confusing. It's right there on the part of the slide. So I went back and reviewed another choice. In 2.6, it concluded that it wasn't really going to be helpful to compare the density of IDNs to the density of the language or script across the planet.

[?] we can get the data in third languages [?]... So what I proposed [?] to simply 2.6, capture something that is useful, and easy to get, and would reflect whether the new gTLD program, and its introduction of lots of IDN TLDs, whether it has in fact, generated choices that were made by registrants, to select IDNs, domain registration.

And my proposal is to change 2.6 to just measure the quantity of registrations using IDN scripts in the new gTLD program.

JONATHAN ZUCK: Right. I mean, I guess the problem is what is your delta then in that context? My recollection of the last conversation had to do with

numerators and denominators, and that we would have some difficulty. You know, there wasn't a point in grabbing baseline and deltas for the denominator simply because it wasn't going to change substantially over the review team, but we were just trying to track the number of IDNs now, guess, and try to do some collection baseline, collection of IDN registrations and then select them later as well. Yeah, go ahead Steve.

STEVE DELBIANCO:

I could respond to that. In fact, the denominator was the problem, because it's the denominator for say Arabic was really going to be difficult to get, that is to say the share of the planet speaking Arabic as their primary script for writing, then it made no sense to have that metric. So we went back in and examined, we did have a metric in there, on 2.4, which was the quantity of TLDs that used IDN scripts at the top level.

And we think that it will roughly be 200, because there were only about 200 applications for gTLDs in IDN scripts. But that was a plain old measure of choice, and we know that it will be somewhat, something between 150 and 200 new ones. And there are metrics like that where a metric is a raw number, or a measure, not a relative measure, some of them are absolutes, and there is every expectation that the new gTLD program will produce an improvement in that metric.

Registrations in IDNs, however, was never proposed as a metric. We only measured the number of TLDs. So I'm proposing just simply using 2.6 as a slot that wanted to focus on registrations by counting the

number of registrations in the zone files of the IDN permitting TLDs. If we wish, the review team can divide that by the total number of new gTLD registration to see what the penetration rate has been of IDNs divided by total new gTLDs. That could be useful.

They may instead compare it to the ccTLD IDNs that have been out in the fast track. And that might produce some useful information about choice in the gTLD space. But if we don't put 2.6 in, and the way I've proposed, we will have a bit of a gap in our metrics, because nowhere else do we propose measuring in the zone file, the number of registrations that occur in the IDN.

JONATHAN ZUCK:

Make sense to track the quantity of registrations for sure. Does anybody else have any other questions? I guess what we need to do is collect a baseline now of IDN, I don't know if that data is available of what sort of IDN [CROSSTALK] registrations there are now or something like that.

STEVE DELBIANCO:

But that's a zone file snapshot, and I believe staff has told us before that they have zone file snapshots from today. So there isn't any to start collecting a new baseline.

ELEEZA AGOPIAN:

Yeah. I think this is doable. So what you're suggesting is just count the total number of registrations in IDN TLDs.

STEVE DELBIANCO: Probably want to say IDN gTLDs.

ELEEZA AGOPIAN: I'm sorry. IDN gTLDs.

STEVE DELBIANCO: Right. And since there were no IDN gTLDs prior to the new gTLD program, you can say IDN new gTLD.

ELEEZA AGOPIAN: Okay.

STEVE DELBIANCO: I'm aware that registries like dot com and dot net, they do permit IDNs to the left of the dot, but that is a mixed script domain name, where you have say Arabic to the left of the dot and you have ASCII for the COM. I'm not aware of any significant use of those, so I think we are trying to focus here on the fact that the gTLD expansion allowed a couple of hundred IDN gTLDs.

And it's the registration activity in those 200 IDN gTLDs that we're seeking to count in this metric.

JONATHAN ZUCK: Right, which is an absolute number, a growth number. I guess the question is [CROSSTALK]...

STEVE DELBIANCO: ...measure it, you know, you said growth over time, but in fact, new gTLDs, they roll out on their own schedule. And I'm told that IDN users struggle with things like email clients and browsers that don't accept IDN scripts...

JONATHAN ZUCK: That's right. There is going to be other things that cause delays. I guess the question is, do we have the figures on the left of the period IDNs as some mechanism of what use was made of IDNs to the extent that it existed, in order to provide some comparison? I mean, the problem is the growth is going to be the growth and we're not going to know how to evaluate whether that growth was good or not.

I mean, I think that's going to be the challenge for the review team. But I don't think anybody would object to tracking these registrations, and that's really the question at hand. The challenges are probably those for the review team to face, which is what to do with that number.

ELEEZA AGOPIAN: If I can ask a question, because I'm kind of technically, I don't know the answer to this. In the IDN gTLDs though, can you register [?] at the second level? Would you have to, for example, [?] for IDN... Because I wonder if your...

[CROSSTALK]

STEVE DELBIANCO: ...an IDN string is XN, dash, dash, plus a number, that has a strip. So you can have XN dash, dash to the left of the dot, or XN dash, dash to the right of the dot. So they technically could permit it, but I just don't know whether registrars in the IDN gTLDs will even allow people to enter. You know, a Latin script to the left of the dot, an Arabic to the right.

ELEEZA AGOPIAN: Okay. So going by your suggestion, can I take this back to our technical team and see what exactly we can track? And I can report back to the group on that next week.

STEVE DELBIANCO: Well, I don't want to make this more complex than it needs to be. [?] snapshot of the IDN gTLDs is a known universe. There are roughly 100 IDN gTLD applicants, and you know exactly who they are, and you simply count the number of registrations in their zone.

And it may be that you counted midway through the review period team, and you count it again at the end of the review period, which is roughly a year, and that growth could be an interesting statistic. Or they may just compare that statistic to the total number in the ccTLD IDNs.

So I don't know that there is a technical check on this. It's number of registrations in an Arabic IDN gTLD, is the number that get its own file count. [CROSSTALK] ...sorry, not counting the Latin scripts to the left of an Arabic [CROSSTALK]...

ELEEZA AGOPIAN: Not that we wouldn't count them, but I would like to know what the difference is. So for example, if there is a substantial number of ASCII second level registrations in an Arabic script, I think it would be interesting, in an Arabic script gTLD, I'd be curious to know that, or in any of them really.

STEVE DELBIANCO: Yeah. And they're all ASCII, because XN dash, dash is ASCII. Right? The difference is Latin and non-Latin.

ELEEZA AGOPIAN: Right. That's what I mean. So yeah, I mean, I agree with you. The data is available on how many registrations are in each IDN gTLD. I think it would be more interesting to know what the breakdown is at the second level. So we can certainly get the first number. Okay. Any other questions or comments?

JONATHAN ZUCK: Sorry. I think there is consensus to go ahead and collect that data. Are there other questions about this slide?

ELEEZA AGOPIAN: Nathalie has a question. How can you check in the zone files how many entries there are? Well, we're tracking the total number of registrations in each new gTLD. Does that answer your question? Our technical

people have that information, Nathalie. Thank you. Mike has his hand raised.

JONATHAN ZUCK: Go ahead Mike.

MIKE NELSON: Yeah, I just wanted to say a thing or two in support of collecting the data on name collisions. I think that's one where if we see a spike in name collisions, that means there is a lot of reasons not trust the way things are being implemented. It could also be some decrease in competition and choice if we have a lot of name collisions coming from certain new domains and those have to be suspended, or something weird has to happen in that regard.

So in some ways, I think you want that data, and a lot of it is already being collected. The question is whether it's going to be collected in a consistent way over the lifetime of the study. Is anybody at ICANN trying to get to the bottom of that?

ELEEZA AGOPIAN: I know that we're tracking it [...]. I don't what exactly the data [...] but I know that it will be available.

MIKE NELSON: Okay. Good.

ELEEZA AGOPIAN: Anything else on the new metric? Okay. Lastly, I just wanted to go through... Oh, I'm sorry. Go ahead.

CHRISTOPHER WILKINSON: This is Christopher Wilkinson. I just felt that the next screen would be discussing the new competition metrics that I had proposed.

JONATHAN ZUCK: That's actually on this screen, Christopher. And before you got on the call, we discussed some and realized that there was sufficient complexity that they would be a part of the study on the economic survey, it's not really a survey, the economic study. And which you are part of the RFP team.

CHRISTOPHER WILKINSON: I'm looking forward to that too, but from a business point of view, what concerns me at present is that, actually the recommends that I received on the list, we're facing abuses which could become entrenched. And if the data is not collected, as the registrations are being made, and if ICANN does not react by the time this economic study is done, certain registrars will feel that they have an economic position in terms of a fati complete, that will be very difficult to reverse.

Whereas what I see happening is, as I've seen in other comments, quite serious abuse of any reasonable understanding of what the registrar's business is. The registrars cannot register to themselves, they're not speculators for themselves, and the names that they're offering to the market, they're offering as a public service to the registrants.

And what we're seeing is the inverse of that, and I think the data needs to be collected now, and I think ICANN needs to act now, because if we wait until the end of this project, for all of its merits, and the review team, whoever that will be and when they will... And the economic study, if you're talking about waiting for a couple of years before anything is done about abusive speculative registrations by registrars, dear friends, you've got another thing coming.

Something along this line is going to hit ICANN in the accountability and transparency context. You cannot sell this worldwide. [CROSSTALK]

JONATHAN ZUCK:

I think that's a good point that you've made and made on the emails as well. I think the real problem is one of venue. I mean, we're part of a process that was setup by the affirmation of commitment to perform a review, year out, to determine whether or not the... Christopher, Christopher, can you give me just a second?

To determine whether or not the program, increased competition, choice, and consumer trust, and that review team will be in a position to make recommendations to change the path of the program. And your concerns about them being entrenched are perfectly valid and somewhat systemic at this point. But unfortunately, we're not empowered with changing that or making ICANN behave differently in the near-term with respect to registrars.

I mean, those processes have been going through, and I obviously don't know what the next place is to take this is accept the ombudsman or the Board directly, or try to launch some sort of an emergency team

within the GNSO to address this. But I think unfortunately, it's just not in our remit to be prescriptive in the behavior of contracted parties.

We simply won't get anywhere going down that path as in this formulation. So I'm happy to stand with you in another venue to try and make something happen along those lines, because I share your concerns, I just don't believe that we are the group to carry that ball.

CHRISTOPHER WILKINSON: Well we may be talking at the forum in London, because this cannot go on, or more precisely, I believe in ICANN as a global public service but it's, you know, there are hundreds of people, stars of governments, other international institutions looking over ICANN's shoulders. And what we have been told and learned recently through this interim advisory group, turns out to be the case, you know...

ICANN is going to have trouble. And I think we owe it to ICANN, and I hope the staff is passing some of this on to, up the hierarchy, because this is going to cause trouble. And I feel that this comes from the ITU or from the governments who do not accept the ICANN model.

JONATHAN ZUCK: I think that's a good point Christopher. And again, let's explore the possible remaining venues to address this. I mean, again, I think you know, a lot more should have happened during the [?] creation phase, etc., and the registrar contracting process. But I mean, it's worth bringing up, I don't think this group has the remit or the influence to bring about a preventive type of policy.

CHRISTOPHER WILKINSON: I happen to be on this group. I did not, I submitted to the guide book process with warnings about these kinds of risks, and here we are. Okay.

JONATHAN ZUCK: Thank you Christopher.

ELEEZA AGOPIAN: If I could just add, some of the examples that have been brought up on the list server, will be after the economic study. Obviously, there are going to be particularly high profile. I know that they will be captured in economic [?] something that... For one thing, I don't think it's going to disappear if we don't capture it now, if you get my meaning. So I think that it's something that can be explored in the analysis.

JONATHAN ZUCK: And I think we're all agree to pursue that. And the question that I think Christopher is raising is whether that will be soon enough to prevent bad consequences from not having done something about it sooner. And I don't think we need to disagree with that point in order to move on with our own remit and make sure that it is part of the analysis that we do, but those of us that are interested can work with Chris and others to figure out what might be done in the near term.

I think it's not [?]...

ELEEZA AGOPIAN: Okay. Thank you. Shall I move on?

JONATHAN ZUCK: Please.

ELEEZA AGOPIAN: Okay. So last slide, I just wanted to give you an update on where we stand on the RFP. We received an outline from NORC, the National Opinion Research Center, we have contracted to do a scoping analysis for the consumer survey RFP. And they had a number of points in there which I sent to the consumer survey, the smaller working group.

I haven't heard from any of you on that. I would really appreciate it if I could hear from you, hopefully today. But there was one question that I had in there from NORC, and I posted it over to the group. This was about metric 1.64, which is a pretty substantive metric that kind of introduces the idea that consumer survey in a larger group.

But basically, it references [?] registrant experiences in being in different gTLDs. And NORC wondered what particular metrics of interest that would be? What kind of experiences are you looking to measure here? So if anyone has any thoughts on that, I welcome them. But I also wanted to point out, we're anticipating a full draft scoping analysis from them on Friday, and we'll share it with the group in time for the session in London.

And I'm really hoping [?] the London meeting on that. And similarly, on the economic study we're looking to [?] ...doing for now, to conduct the scoping analysis. Does anyone have any thoughts on the question...?

JONATHAN ZUCK: Sorry, I'm trying to bring Adobe Connect back up again. It went out on me here. So, I don't see, I can't see whether there are hands up or anything.

ELEEZA AGOPIAN: There aren't any.

JONATHAN ZUCK: Okay. So let me just put that request back out to the group, and in particular the folks that are on the consumer survey working group to look for Eleeza's email, and provide feedback so that we are prepared as possible for that discussion in London.

ELEEZA AGOPIAN: Great. And that's all I have.

CHRISTOPHER WILKINSON: Is the time of London meeting confirmed?

JONATHAN ZUCK: I believe it is. Eleeza, we have a set time, right?

ELEEZA AGOPIAN: I'm sorry. I didn't quite hear what Christopher's question was. What was that?

CHRISTOPHER WILKINSON: I just asked whether the time for the London meeting was confirmed?

ELEEZA AGOPIAN: Yes, it is. The schedule is set. It is, I believe, 2 PM on Wednesday.

CHRISTOPHER WILKINSON: 2 PM Wednesday, okay.

JONATHAN ZUCK: All right. Ron, do you have anything you want to say or are you just typing? Because we might call this meeting...

RON ANDRUFF: Actually, I was just typing in that my apologies in advance for that meeting, Jonathan, I have NomCom duties...

JONATHAN ZUCK: Yeah, you mentioned that in the email. Thank you.

RON ANDRUFF: Thank you also. Thank you for the quality call today everybody, I appreciate that as well.

JONATHAN ZUCK:

All right folks, thank you for your participation. I hope as many as possible can make it either in person or by phone for the meeting in London. And again, let me say again, those on the consumer trust volunteer group, let's make sure we get and familiarize ourselves with the materials that Eleeza has provided thus far on the survey, so that we can move expeditiously once we meet in London.

Is there any other business or anything else that others would like to bring up? All right folks, thanks a lot for the call.

[END OF TRANSCRIPTION]