MARGIE MILAM: Good morning, everyone. We're going to be using the microphones because we have, Kaili Kan is in the Adobe Connect room and will be with us for some of the sessions and we want to make sure to speak so that he can hear and participate as well. And because the call is being recorded, this meeting is being recorded, if you could say your name when you take the mic so we know who's speaking.

Welcome to Los Angeles and to the ICANN meetings. We thought it would be great to kick it off with Theresa Swinehart from staff, she wanted to say hello to all of you before we get started

THERESA SWINEHART: And no I won't do it in multiple languages, Jonathan.

So I just wanted to say, first of all, welcome and thanks to everybody for the traveling of the vast distances and I know this is going to be the kick-off for a major, major project and really important review.

It's great to see a lot of familiar faces involved also in the accountability process, so I don't know what vitamins you're taking, but let me know because I don't know how you're keeping it up.

This review is incredibly important and, as we're looking at all the reviews it's also part of our accountability process. And I know that there's been a lot of dialogue around that.

As we're looking at these reviews we're also looking at how to improve them and picking up some of the discussions that have occurred in the

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other forums, so it's a good opportunity for us to be testing different things and trying them out obviously with this group. And I know many familiar faces here are really cognizant about all the issues that are going on.

I think there's been a lot of preparatory work going on into this, some studies and some background materials and all of that. Take a look at those and then see where there's gaps. And if there's gaps we can figure out how to fill those gaps as part of the contribution into the work that needs to occur here.

I understand this is going to be about a year, so within this year or something to that effect. Is that calendar year, is that the goal?

Jonathan's smiling, but yes, okay.

But anyway, you have a great team supporting you. If you need anything just let us know, and otherwise, congratulations in kicking this off and we look forward to seeing the work.

That's all. Thanks.

MARGIE MILAM: Thank you, Theresa. And we also have Samantha Eisner. Many of you know Sam. Before we get started, she also wanted to say something to you all.

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SAMANTHA EISNER: Good morning. Thanks to everyone for being here and thanks for all the work you're going to put in on the CCT Review. I know it's going to be a lot of effort and we really appreciate it from ICANN.

I'm Samantha Eisner. I'm Associate General Counsel to ICANN. In my previous life before I came to ICANN I was an anti-trust litigator and counselor.

One of the interesting things about the CCT Review is that it touches on sensitive issues about competition and we note that everyone in this room is aware of that and takes this very seriously, but we wanted to just provide a short statement to you and if you have any questions you can reach out to me.

The Consumer Choice and Trust Review team will play an important role in helping to shape the future rounds of new gTLD applications based on the experiences that each of you in your organizations have had in conjunction with the previous round.

We do recognize, of course, that many of your companies are actual or potential competitors. As a result, participation in this exercise does pose at least a theoretical risk that your efforts might be viewed as violating the anti-trust laws which are designed to promote competition.

The anti-trust laws permit competitors in this type of setting to share certain types of information in order to facilitate the implementation of performance review standards and new technologies, and also to reduce future cost. But everyone also needs to be cognizant that the sharing of information must not be designed to permit your

organizations to collaborate or collude in any way, such as for the purpose of developing standards or recommendations that would advantage some or all of your organizations at the expense of your competitors.

By way of example only, ICANN would not want this group to recommend that a certain technology be required in the future of all or certain new gTLD applicants if that technology was proprietary and required a payment to one or more of your organizations in order to participate.

Accordingly, we need each of you to monitor the discussions to make sure that they are designed to benefit the ICANN community as a whole and not individual organizations or groups of organizations.

If any of you at any time has concerns in this regard, please bring those concerns to me immediately and I'll of course treat your concerns confidentially.

We read this not to scare you. We don't anticipate any sort of bad behavior to happen in this room, but we just want to remind all of you that one of the potential effects is potential market setting recommendations, and so please just be cognizant. If you have any questions about appropriate areas of conversation or appropriate areas of recommendations, if you think that you're [touching] any line, please just call us and we're here to help.

And, again, good luck. Thanks.

MARGIE MILAM:	Thank you, Sam. Any questions for Sam or Theresa?
MEGAN RICHARDS:	I'm Megan Richards from the European Commission. My question is, did we not already fill out a Conflict of Interest form? Do you want us to update it, or…there was some question about whether we should update the Conflict of Interest forms.
SAMANTHA EISNER:	I believe during the 9:00 a.m. hour, during the Terms of Reference, there'll be discussion about updating Conflict of Interest forms in line with the Conflict of Interest policies that have been used in prior affirmation of commitments reviews.
JONATHAN ZUCK:	Megan may have been asking whether or not this discussion about competition will find its way into the new Conflict of Interest policy or document because they seem related. I think that's what Megan was asking.
SAMANTHA EISNER:	Thanks, Jonathan. They definitely are related. One of the issues, the example that was touched on in the note was about requiring new gTLDs to use a certain technology that's held by an organization, so that's the type of interest if you're talking about a technology that maybe your company has a patent for or has an interest in a patent for, that's one of the interests you'd want to declare as part of your

conversation. It doesn't mean it's a bad thing for you to bring to the table. It means that you need to be open about that when you have a discussion about it so that their team can use all of that information in the evaluation and also consider the level of any particular members' deliberations on a particular item that they might have a specific interest in.

So it really is about disclosure, then figuring out how to deal with it. And so the Conflicts of Interest form does tie in very closely.

MARGIE MILAM: Thank you. Thank you, Theresa. Thank you, Sam. And sorry we took up time off the agenda. Jonathan, over to you.

JONATHAN ZUCK: I didn't know I came up so soon in the agenda here.

Hi everyone. Welcome to L.A. and to the United States if you're coming from beyond our borders. I'm very excited to get this review started and it's been five years of discussion and preparation about this review and so I think it's the only project that I'm aware of that, besides the new gTLD program itself, that had a five year ramp up before it even began and so that's why we have data that was so diligently collected by staff, and a lot of thought has gone into what we're doing.

But at the same time we also have a fresh slate which is to really consider, as Samantha suggested, what would be best for ICANN and the ICANN community, and the broader end user community going forward with the respect to new gTLDs.

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And so I'm really excited to be working with all of you. And let's just dive right in.

MARGIE MILAM: Do we want to jump into the Terms of Reference…or should we, why don't we start with introducing ourselves. Go around the table since there's a lot of staff and people may have not met before, so why don't we start with Eleeza.

ELEEZA AGOPIAN: Hi everyone. I'm Eleeza Agopian. I'm so happy to finally see all of your faces in one place. I'm the lead researcher on the Operations and Policy research team. I work for Karen Lentz to my right, and our team provides policy research support for the Global Domains Division at ICANN, and I think I'll let Karen explain in a little more detail what that does.

But I've been at ICANN for two years, and probably my biggest task since I've been here has working on the CCT review, so I'm really excited to get started today. I worked with the Implementation Advisory Group which Jonathan also led, and have collected a lot of the metrics which we're going to talk about tomorrow, so welcome.

KAREN LENTZ: Thanks, Aleeza. I'm Karen Lentz, also from ICANN staff. My team is coordinating the various new gTLD program reviews, of which this is one.

DENNIS CHANG:	Hello. My name is Dennis Chang. I'm GDD Services and Engagement Program Director. And for this role, I serve as the Project Manager for the gTLD program review.
WAUDO SIGANGA:	Good morning. My name is Waudo Siganga. Member of the team and I'm looking forward to working with all of you over the coming months to get our report out. Thank you.
STANLEY BESEN:	I'm Stan Besen. I'm economist. I've worked on Competition Policy for a very long time, particularly in the telecom industry. I have a special role in this project to make life somewhat more difficult for Jonathan.
LAUREEN KAPIN:	Hi. I'm Laureen Kapin and I practice Consumer Protection Law at the Federal Trade Commission and I'm looking forward to working with all of you.
MEGAN RICHARDS:	Good morning, everyone. I'm Megan Richards. I'm from the European Commission. I'm here as a GAC representative, and we have the whole force and weight of the European Commission to contribute to this from Competition Policy, Consumer Trade and Consumer Protection, of course if that's of interest. And one thing of interest – it's not a specific conflict of interest issue, but perhaps of interest to you – and it's one of the reasons I've been sending around some of these details relating to

the ccTLDs is that the European Commission is the titular owner of the .eu registry, and so it's been very active, not directly but indirectly through the registry that operates the .eu, just so you know.

GAO MOSWEU: Good morning, everyone. My name is Gaongalelwe Mosweu and I am from Botswana. I am a member of an organization called the Botswana IT Society and also a member of [inaudible] committee member of the .bw domain.

FABRO STIEBEL: Hi all. My name is Fabro. I'm from Brazil. I act here as the [inaudible] expert. In Brazil we did [inaudible] and then we worked with the Brazilian Steering Committee. And I'm really excited to be here.

JONATHAN ZUCK: And I'm Jonathan Zuck, the president of the ACT Association, although after a year of the CCWGs I do, in fact, have employees that I haven't met yet. So it's been dominating a lot of time, but I'm very excited to work with everyone.

DEJA DJUKIC: Good morning everyone. I am Deja Djukic. I work in Serbian ccTLD. We're running two registries, the Latin one .rs which is more older than the newest one. Also, we're running the [idn] domain name. It's domain name registry. It's also .srb in Cyrillic. We've applied for that and finished the process five years ago for now. Thank you.

JORDYN BUCHANAN: Hi. I'm Jordyn Buchanan. I work at Google. I run our domains engineering effort that includes both our domain registrar which registers a number of the new gTLDs, and our gTLD registry operation. We're currently under contract for 46, I think, of the new gTLDs, and in contention for several more that have not yet been resolved.

KAREN MULBERRY: I'm Karen Mulberry. I'm ICANN staff. I work with Margie and everyone on the Strategic Initiatives Team on AOC reviews, and I'm new to ICANN so I'm a review trainee. So, I'm here to take lots of notes and learn a lot from everybody in the discussion.

DAVID TAYLOR: Hi. I'm David Taylor. I'm a lawyer from the UK, based in France. So I like my croissants. I've been involved in the new gTLD process for quite a while. I was on the GNSO Council back in 2009 to 2012 and I'm also a UDRP panelist with WIPO for gTLDs and new gTLDs as well as for .eu and .uk, so I do quite a few disputes but I hope they're not going to be disputing at all here.

CARLOS GUTIERREZ: I'm Carlos Gutierrez from Costa Rica, a member of the GNSO Council as well as [inaudible] to be part of this team. Before, I was part of the Accountability Review Team, too. I hope that's not a bad omen that after a review team you have to revamp the whole place on its head. And welcome everybody. Thank you.

CARLTON SAMUELS: Good morning everyone. My name is Carlton Samuels. I'm from Jamaica. I have been involved with the gTLD program through the At-Large. I served a couple of terms on the ALAC and I co-chaired Applicant Support Working Group, which was across-community working group looking at seeing how we could extend the benefits of the [inaudible] gTLD and the domain name business to developing and lesser developed economies. I teach Information Science at the University of the West Indies and I'm a Network Engineering background. I'm happy to be here. I have served on the Expert Working Group that's developing the registrant data system, new registration data service model. So I've met a lot of these good folks here, and good to work with you again.

JAMIE HEDLUND: Hi. My name's Jamie Hedlund. I am a recovering lawyer at ICANN. I do not practice law anymore. I work for Akram Atallah on the Global Domains Division Team, have done a lot of work particularly in the area of the GAC advice on new gTLDs. I also head up ICANN's US Government Affairs shop. Thanks.

MARGIE MILAM: I'm Margie Milam, Senior Director of – it's called the Multistakeholder Strategy and Strategic Initiatives Department. Theresa is my boss and we are responsible for the Affirmation and Commitments Reviews. And I'm also a recovering lawyer. Trying to do more policy work. Welcome to Los Angeles.

ALICE JANSEN: Hi everyone. I'm Alice Jansen. I'm based in Brussels and part of the Strategic Initiatives Team working with Margie. You are my fifth review team and I'm very excited to embark on this journey with you, so thank you all for being here.

PAMELA SMITH: It's Pamela Smith. I'm the Coordinator and Executive Assistant for what we call the MSSI Team.

CHARLA SHAMBLEY: Charla Shambley, staff. I work on the MSSI Team with all these ladies on the right of me.

ANNA LOUP: Hi. My name is Anna Loup. I'm an intern for Karen Lentz's team and I've been helping collect metrics.

MARGIE MILAM: And we also have Kaili. Would you like to say something, Kaili? If you're speaking, you're on mute. Kaili, we can't hear you if you're trying to speak. Okay, so I guess you probably can't speak. Do we have Calvin on the call as well? Oh, Calvin said that. Okay, so Charla just enabled the microphone right so you should be able to speak now.

We can't hear either of you. So we'll try back later in the day. We'll have Charla and Pamela try to figure out how to get the microphones to

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work. You're welcome to put chat in the room and we'll read the chat to the group.

So before we move on we have the agenda posted for today. We're going to at 9:00 look at the Terms of Reference and the Work Plan, discuss the Conflicts of Interest Policy. We'll have Erika Randall also from the legal team here. Then we'll talk about subteams, breaking out into the Competition and Consumer Choice subteam. We'll have another subteam for Safeguards and another one for Consumer Trust.

We also have Nielsen and Analysis Group subteams. And I believe, will we be having, Eleeza, the members from the Nielsen Team here?

ELEEZA AGOPIAN: Yes. Tomorrow morning.

MARGIE MILAM: That's tomorrow. Okay.

And then the other thing we'd like to accomplish during this time is to identify liaisons for each of these different streams of work.

We have a break from 10:45 to 11:00. And then at 11:00 we'll be joined by Akram Atallah, the president of ICANN's GDD and will be the interim president when Fadi leaves as well.

And then from 11:30 to 12:00 we'll do a brainstorming session about how we would like to, what our goals are for this review. We have lunch from 12:00 to 1:00 and then we'll do an icebreaker to try to get to know

each other better – hope that'll be fun. And then from 1:00 to 1:45 there will be some, a briefing on the new gTLD history and development program. Karen is here to do that. We have Xavier, our CFO that will be following that presentation to talk a bit about the CCT budget and the resources we have available for research and conducting the work of the review.

We've got a break from 2:15 to 2:30, and then in the afternoon we'll be joined for additional briefings from the Program Implementation Review, Christine Willet, Christina Flores, Russ Weinstein, and Christopher Bare, are all here to give you a background and also to answer your questions.

And then from 4:30 to 5:00 we'll have the discussion on the application and evaluation process. And that's our day today.

Any questions about the agenda? Okay. Anything from…Calvin, Alice says we've fixed the issue, so if you'd like to say hello you can go ahead and try.

CALVIN BROWN: Good day [inaudible] here from the other side of the world, the bottom of Africa, South Africa . I don't know if you can hear me. Let me know if you can.

MARGIE MILAM: Yes we can.

CALVIN BROWN: Great. Great to be taking part of this [inaudible].

MARGIE MILAM: Great. Thank you. And is Kaili still on the call? Would we like Kaili to say hello? All right. Well. I think we're…I think that's it. Welcome everyone and we'll hand it over to Jonathan.

JONATHAN ZUCK: Thanks, Margie. Thanks. Great to meet everyone. I would love maybe during the breaks or something to talk with all of you a little bit more about collaboration tools and what we might use as an alternative to e-mail. So I know some of you particularly that have government jobs have difficulty with some of the software that's out there. But let's at least try to explore some alternatives having lived through a year of this [inaudible] with the e-mail, it's a lot of e-mail.

Alice, I didn't know that you had done five of these. I think maybe over cocktails this evening we should try to get some do's and don'ts out of you for review team successes and failures since this is your fifth one.

ALICE JANSEN: How wonderful.

JONATHAN ZUCK: Okay. So I think the very first thing that we're going to do is review the Conflict of Interest Policy. Erika is going to go over that with us and I

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guess we're going to have to sign new Conflict of Interest documents because the policies have changed. So should we launch right into that?

ERIKA RANDALL: Good morning. This is Erika Randall from ICANN's legal staff and I think you all have received a copy of the Conflicts of Interest Policy, and so I just wanted to make myself available to answer any questions if you've had a chance to review it. But also kind of generally go over it.

Essentially what we've tried to do, and I think this is consistent with what we've done for past review teams like the ATRT and the ATRT 2, is to have a Conflicts Policy, and essentially it's the chairperson of the review team will be responsible for administering the policy.

It's meant to cover…

UNIDENTIFIED MALE: Is that like [inaudible].

ERIKA RANDALL: Well, I guess it depends on how you look at it, right? But essentially it is the way to disclose so that things are open and transparent and fair and that people know if others have interests in things considering the work that will be done by the review team.

So it is modeled after I think what was used in ATRT 2, but if there are any specific questions that you may have, let me know and we can go over them.

Also I'll add that we also, because of the information that is in the conflicts policy, we slightly revised the Statement of Interest to cover some of the points that are here to make sure that the Review Team have the information that it needs in order to assess potential conflict if anyone happens to have one. So there are slight revisions in the Statement of Interest which is why I believe we're asking you to refill it out so that the Review Team could consider any potential conflicts.

JONATHAN ZUCK: Are you able to highlight those differences?

ERIKA RANDALL: Sure. On the…let me try to open this up…

JONATHAN ZUCK: [inaudible] if you can open it, Alice, that would be great.

ERIKA RANDALL: One thing that I'll highlight is that in the Conflicts of Interest Policy this is in Article Two, Paragraph B where we have the definition of family. So before I think when you filled out your Statement of Interest I don't know that that concept was included in there or not. At this time we have a, the definition of family is "any covered person" which is someone on this Review Team. So the family is covered persons, spouse, domestic partner, siblings and their spouses or domestic partners, ancestors and their spouses or domestic partners…

LAUREEN KAPIN: Wouldn't that be, like, everyone you're related to?

JONATHAN ZUCK: It's about the voices that you hear, Laureen.

LAUREEN KAPIN: No, seriously [inaudible].

ERIKA RANDALL: It's more about – it's meant to define really your family, those people that may have some type of influence or reason as being related to you, to influence your [inaudible].

LAUREEN KAPIN: This is Laureen Kapin from the Federal Trade Commission. So what my concern is that, when you use a term like ancestors, that to me is so broad as to be confusing or unclear as to where you draw the line. If the degree of relationship is just sibling or spouse, that's very clear. Ancestors – not so clear to me.

ERIKA RANDALL: Sure , I see your point. And also if you look at the policy it really is about relationships with ICANN also so there are some things that limit, like ancestors may be perhaps your cousin. I think it depends on the situation.

LAUREEN KAPIN:	I'm just going on the record here as saying that is an incredibly over-broad term just from my perspective as a lawyer. Using a term "ancestors" is so broad as to be almost meaningless.
JORDYN BUCHANAN:	The definition – my understanding of the definition maybe is somewhat different, but – and this is part of the problem with using the word, probably – but I would certainly read that as being grandparents, great grandparents, etc., people there's a direct line of genetic linkage. But I'm baffled as to why a great-great grandfather would be included, whereas a brother would not be. So it seems like there's an odd – 6the nexus seems to be slightly odd in terms of how close it is to us in the family.
CARLTON SAMUELS:	I want to echo what the [inaudible] from the FTC said. I think my understanding of ancestor is those who have gone on before us. And it seems to me that it is overly broad to expect me to know who those are, all of them. We have some difficulties there.

And secondly, I can't see how those who have been before us would have anything to do with this. |
| ERIKA RANDALL: | Right. And so then you wouldn't – there would be nothing to disclose. I think that's part of, when you read the whole policy together, it may be |

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that there are other places where the definition is limited in what it is that you have to disclose, such that you don't have to think about your great-great-great grandfather.

JONATHAN ZUCK: Maybe more importantly is what are the changes that have been made to the Statement of Interest that we're actually going to be asked to sign? Unless it's just a reference to this new Conflict of Interest Policy, in which case…

ERIKA RANDALL: Sorry, just one second.

So, for example, in question 4, where the question originally was, "Were you or a company you worked for an applicant of a new gTLD, etc.?" The question now is, "Were you or a member of your family as defined in the Conflicts of Interest Policy or a company you worked for an applicant for a new gTLD?" And then it goes on from there.

Additionally, the idea about current or prospective new gTLD applicants, I think this is meant to cover the situation where perhaps someone may have not applied for – an applicant may not have applied for a new gTLD in the current round, but perhaps there are consultants or people on the Review Team who have agreements with people who prospectively want to apply for a new gTLD. And so it's also meant to cover disclosing those kinds of relationships to see if there is a potential conflict of interest.

And those were the only changes.

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UNIDENTIFIED MALE: So that's just [inaudible].

ERIKA RANDALL: Yes, just to question 4.

DAVID TAYLOR: If I could, just a question. When we're disclosing any current or prospective new gTLD applicant which I've been involved with, I'll have client confidentiality issues to deal with there. Some of them are public, because you can see that I've filed them, but others won't be. So I'm not sure what to do on that.

SAMANTHA EISNER: We would never ask you to breach your client confidentiality rules in order to participate in the review. I think it's something that you're in a unique position that you actually hold a special duty to your clients when you represent them and I think you also understand the duty that you have to the review and so, in that instance we'd ask you to just use your judgement to the best you can and be as open with your Review Team members about where you stand but also understanding there might be times where you choose not to participate.

LAUREEN KAPIN: So, if this is the way this is phrased, I would typically answer a question like this preceded by a "so far as I know," and I'm seeing heads nodding.

So I just wanted to make sure that that's an appropriate, "as far as I know, taking reasonable steps to inquire, here's what I think."

SAMANTHA EISNER: That is a perfectly acceptable way to handle it. The other part that that brings up is, there might be times when your knowledge changes. And that might be, there might be times when it's appropriate to update your statement, either to indicate that there are people that you no longer represent, or in the case that there are people that you're newly working with. And so we would never – this is just based on a level of reasonable understanding. So you don't have to reach out to every possible business partner that you work with to see how tangential relationship they might have. In David's case at a firm, it's a little bit clearer. But in other places, you go based on the best of your knowledge.

JORDYN BUCHANAN: So I have a question [as opposed] to the form, the policy itself, in recognizing that the primary function of the review is retrospective in nature, to understand what happened and in this respect I think there are a number of us, but I think probably Calvin and myself particularly, who are employed by and probably have compensation directly tied to the outcomes related to the gTLD program. And so to a certain extent I think it's obvious that some sort of conflict or potential conflict does exist in those cases. I'm a little troubled by the nature of the policy which says, "Oh, if it's determined that there is such a conflict which exists, you guys can't even participate in the discussion," which seems

like it will somewhat hamstring the ability of the – certainly the retrospective part of the review. And so I'm wondering, I think both – I certainly expect to be very transparent about what my interests are and to make sure all of the participants in the Review Team are aware of both Google's involvement as well as the fact that I have interests in the success of Google's involvement in the gTLD program. But I certainly feel like, if the result of that were that therefore I wasn't able to provide information to the Review Team in the discussions about how the gTLD programs worked and will work, I think that would – seems like that would make my role a lot less useful.

SAMANTHA EISNER: Thanks for that, Jordyn. We might actually want to take back and see if we can insert some additional language into the policy to help it track back. If you look at – so this Conflicts of Interest Policy is actually modeled in a large part off the Board's Conflict of Interest Policy. And one of the things that the Board does I think would help address that.

Really, the discussions around conflict of interests are really about, as you said, being transparent about where your interests might lie and the interests you bring to the table. And just because you have an interest doesn't mean that you're in any way inappropriate to participate in the conversation. In fact, that's why many of you are here.

And so we have a practice at the Board level that when we identify conflicts of interests we identify them, but then if it comes to a decision point, that's where the Board discusses whether or not it's appropriate

for someone who has an identified conflict to participate in the decision making.

There could be times where a conflict runs so deep that it's not appropriate for the person to even be in the room. I don't see that as being the case at any – I don't see anything right now that you guys would be talking about, particular in the formative stages of your work, that would lead to that, right?

So I think it's really about being transparent and about giving the team the tools if you come to a decision point about something, whether it's going to recommendation or not and if that's where it really would impair someone's financial or other really deep interests, whether or not you can participate in the decision making on it. But surely you should be able to talk.

So we can take back the policy and just look to see if we can add in some language on that practice.

ERIKA RANDALL: Also, just [to point] to that, and we will go back and look at it – but I think part of the Conflicts of Interest Policy has the Review Team members disclosing potential conflicts. But it's not until the Review Team decides that this is a conflict, that a person would be required to abstain from a vote or a decision or something like that on something of consequence.

So I think part of it is having that discussion, it's being transparent about your positions and things like that, and then the Review Team looking at all of that information.

JONATHAN ZUCK: One of the things that's most exciting about this particular review is that we're going to our very best to minimize the amount of voting that we do and opinion giving that we do and try to be as evidence-based in our findings and as rigorous in defining metrics for our recommendations so this will in some ways mitigate the issues around conflict of interest because we're going to try to make this as objective a process as possible. So, let's all reconfirm our willingness to operate on that basis so that we can maximize Jordyn's participation in the Review Team.

Any other questions about the Conflict of Interest Policy?

The SOIs are – I guess people are going to want to see the final Conflict Interest Policy before they sign the new SOI since it's a referenced document. But once we see that, maybe tomorrow or something like that, is that something that you want to bring copies of? Or we do online and have a signing party on the SOI over a break or something like that? Let us know what you want to do and we'll just do it there.

SAMANTHA EISNER: We can distribute paper copies so that we know everyone has it and can acknowledge as needed.

JONATHAN ZUCK:	Great. Thank you.

CARLOS GUTIERREZ:	Please Jonathan, did I understand it right that this is specific for the Review Team? It doesn't override the [inaudible] standing Statement of Interest that we have?

JONATHAN ZUCK:	That's right. This is a Review Team specific Statement of Interest, because it says specific to new gTLD program, etc.

CARLOS GUTIERREZ:	Another question related to the previous one on the anti-trust implications of whatever is discussed here or at coffee. Do we have to sign something, or it was just a warning simply?

SAMANTHA EISNER:	You don't need to sign anything. So when I came in and read that to you this morning, those of you who might participate in trade associations or other meetings like that, it's a very natural thing to have what we call the anti-trust admonition read out at the beginning. There might be periodic times that we come and just remind you back of it on the record, so you'd hear me say the same thing over and over. But it won't be every meeting. So there's nothing you need to sign, it's just a matter of awareness.

JONATHAN ZUCK: Any other questions on the legal team?

All right. Thanks Samantha and Erika. I look forward to the new draft.

And if you're not speaking, could you mute your phones, because we're hearing some rather staticky elevator music. So either clear up your signal, or mute your phone. Thank you very much.

So, next on our agenda is to look back at the Terms of Reference document itself, and I think we're on the final stretch, as we say here, nearing the finish line for this document. And I will also be bringing it up in the Adobe Connect. I think the areas probably of most discussion in the final stages here is actually in the definitions section. So I think it makes sense to go right to that and look at those definitions. There were some added suggestions that came from Laureen on Consumer Trust and I incorporated the ALAC recommendation around, I coined the phrase, "Internet Identity Market."

One of the things that was discussed on the subteam call about these definitions was to be as expansive as possible in the Terms of Reference, but to potentially narrow our work in the Work Plan. In other words, there may be areas that we concede are part of the market, but that we might realize is beyond our capacity to get to in the short time or it's too soon to talk about them and it's for the next Review Team.

But the decision was to be more expansive than not in these definitions at this particular time. So I know, Laureen, that your competition [post] FTC said don't get into market definition. But if you actually look at the market definition, it's pretty big. So it's less of an issue. The Work Plan I

think is where we'll really narrow down to what parts of that we'll try to address as a team.

So does everybody have scrolling, or can you scroll to Definitions? What's our situation? I guess we all have scrolling ability.

Well, unless you can read the screen, I guess it's the…

So if you're not already on Adobe Connect it might behoove you to be in. We might be able to blow that up a little bit on the screen, but it might still be difficult to read.

LAUREEN KAPIN: It's page 4.

JONATHAN ZUCK: That's right. Under Definitions.

So what I may have to – just have everybody take a read, right? Rather than reading these aloud. So take your time and read these and then let's have a discussion about it. Just take a second.

I'll make one observation right off the bat that I think I probably should have mentioned during introductions. Everyone here on the team is brilliant. So I just want to concede that point now, right? And as a result, everyone knows a better way of putting everything, everyone has better grammar than everyone else, everyone knows how to be more specific and eloquent, and so let's concede that up front. So what I want to ask is that as you read this, the question to ask yourself is does the definition as stated negatively affect the way that we would in fact perform our duties? And that's really the test. In other words, if you

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think that it will somehow mislead us in our work, take us down a tangent we shouldn't go down, something like that, that I hope would be the basis of the comment and not just something that make it more likely to pass an essay contest from high school. All right.

Everyone had a chance to take a look at the document? All right. Go ahead and mute that if you would now.

All right. So then let's open up the floor for discussion, and I know Carlos and Jordyn both indicated they had a question, so Carlos? Go ahead.

CARLOS GUTIERREZ: Yes, thank you. I think we're clear that consumer covers both users and registrants. When we go to Consumer Trust it covers also both areas. But when we go to Consumer Choice, the definition is limited to registrants. This is my first comment. It is only a comment, observation.

The second observation is in Consumer Choice, we define the business of domain names, but in competition we don't define the business of domain names explicitly. So those are observations in terms of my reading. Thank you.

LAUREEN KAPIN: And if I'm getting confused or it's different from anyone else's understanding, chime in. What I have is Consumer Choice, the range of options available to define term consumers for domain names, including in their preferred languages and scripts – and that's in parentheses – that offer meaningful choices as to the proposed purpose and integrity

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of their – as to the proposed purpose and integrity of their domain name registrants.

Yes, that last part doesn't make sense. In fact, I have a comment here saying, "This is unclear." But that's what I have from a prior version. So that may have actually changed since this point. But by using the defined term consumer I think that does address your issue, Carlos, to get in all the relevant parties. But the ending still is problematic.

JONATHAN ZUCK: Can we just add the defined term consumer to the definition that's there and will that suffice? Replace registrant with consumer?

LAUREEN KAPIN: So would we end then with "that offer meaningful choices"?

JONATHAN ZUCK: Well we already have meaningful at the beginning in the current one. So what we're proposing to do is replace the word registrants with consumers. And since we've already defined consume – right.

LAUREEN KAPIN: [inaudible] for domain name [inaudible] preferred languages. Yes, I think that would do it.

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JONATHAN ZUCK: Okay? So Eleeza, can – are you capturing this? Okay. Literally just change the term registrants to consumers [inaudible].

WAUDO SIGANGA: Still on the definition of Consumer Choice, I think it will be a bit clearer if instead of saying "from new entrants" – that statement, arising from new entrants, maybe we need to change it to "as a result of new entrants." The difference is that that will include the legacy. The legacy situation has to be included in the choice, not just the [inaudible] gTLDs. I don't know whether that's clear.

The way it reads now, the range of meaningful options arising from new entrants, it's like "from new entrants" is the only choice. But it should be "as a result of new entrants."

JONATHAN ZUCK: I don't have an objection to that change. I think we all intend that. David, go ahead.

DAVID TAYLOR: Thanks. Just with the change we're making on Consumer Choice changing registrants as defined to consumers, I think in Consumer Trust we should also change the registrant there, then, shouldn't we, to consumer. Otherwise we're excluding Internet users. Or not.

UNIDENTIFIED MALE: [inaudible] actually had both in there separately [inaudible].

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DAVID TAYLOR: Oh, you've got them two – they're split in that. Sorry. Yeah, they're split. Okay. Yeah.

JONATHAN ZUCK: Go ahead, Fabro.

FABRO STIEBEL: On Consumer Trust, item 4, I have a question. In theory, we suggest two consumers, Internet users and the registrants. But does the 4 apply to both, or only to registrants? Confident that a TLD registry operator is fulfilling the registry's stated purpose. If apply to both, okay. But I'm not sure it only registrants here.

JONATHAN ZUCK: I think it's meant to apply for both because, for example, as a regular end user looking at .bank, can I rely on the fact that it's a registered bank, for example.

                           Jordyn, go ahead.

JORDYN BUCHANAN: So two points. I agree with Jonathan on the last point. I think the overall definition of Consumer Trust applies to consumers. There's one or two places where it specifies one or the other and then it becomes specific, but I think in general all of those points apply to both.

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So, I have two comments. First of all, I think the definition of – since our last call, the definition consumer has evolved significantly, I think in a way that I find not particularly helpful and that draws conclusions about – seems to imply a lot of things about the program that I find troublesome. Previously we had defined Internet users, the first half, as I think just Internet users who make use of domain names for DNS resolution such as by navigating to a URL or sending e-mail. And now we have added a bunch of text about going – risk at third parties, and incurring costs, about registrations, and this seems to actually, I mean I don't know what the intent of adding all this is, but it actually seems to limit this definition substantially. It means that an Internet user who's not falling into one of these more expansive definitions wouldn't, or one of these sort of caviated things, wouldn't actually be an Internet user.

And B, I think it just – I find it very troublesome that it implies that an Internet user is not just a person who uses a domain name, but a person who somehow is being burdened by all of these improper use of domains and so on. And so I don't understand why we need all this additional language where could say, Internet users are people who make use of domain names through DNS resolution which is what you do with domain names. And that would include everyone that uses them for any purpose.

LAUREEN KAPIN: The origin of this was suggested from some of my colleagues at the Department of Justice's anti-trust division. So I'm channeling them now. But as to your point as to limiting the definition, I don't think it's intended to limit the definition. To the contrary, I think it's intended to

expand the definition to include not just someone who uses the Internet as an individual but to incorporate the concept that, for users of the Internet there are always going to be costs and benefits. And so when you think of Internet users, it's not just Joe and Jane individual, but for example it also could be law enforcement who is responding to complaints by Joe and Jane individual that they're put at risk, or even individual companies who have to expend additional cost to monitor domain names if there's an increase in abuse.

So those are the concepts that I think they're intended to, by the use of the language, such as to expand the definition rather than restrict it. But if there's a better way to make that clear, of course, then we should do it.

JORDYN BUCHANAN: So [there] it's largely been done at the top already although it doesn't include government agencies where it says that a consumer is an actual person acting for personal reasons, but may also include businesses, I think we could add, for example, government agencies there or whatever else we want to add there to expand that part of it as opposed to trying to say an Internet user is someone who does something other than resolves a domain name. Because that's – like all this, all these things happen by virtue of resolving a domain name, not, like, I think if, we don't want, like this is another example of where I don't find it helpful to A, because of the implications and B, just by talking about specific modalities of use here I don't find it helpful to include in the definition all these things that, this sort of parade of horribles that might happen in the definition of a consumer as opposed

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to something like Consumer Trust or something like that where it might fall down. But more importantly I just feel like if we want to expand the set of people who are participating, that should be done at the top as opposed to by trying to change what we think an Internet user looks like.

JAMIE HEDLUND: I think I agree with Jordyn. A consumer is an actor and that's all a consumer is and that's who we need to make sure is included in any analysis. Whether these other parade of horribles I would think would all come under Consumer Trust. And those are the experiences of the consumer, so rather than trying to fit in the consumer and the potential experiences of the consumer in the definition of consumer, it would be better, I would think, to separate those two as they are currently.

JONATHAN ZUCK: Just trying to channel Laureen channeling her competition colleagues. Is the implication meant to be that you wanted to expand consumer to include people that were indirectly affected by the domain resolutions of other people? Is that why this is in there, that there's people that, if you are organizing a hate group or something like that and you're in the victim class of that action or something and you want to include people that aren't resolving domain names but that are somehow affected by that being done?

LAUREEN KAPIN: Yes. I think that that's correct, because it's sort of a couple of levels beyond that. And Megan made a useful suggestion which maybe would be a way to move forward on this. Perhaps we can incorporate some of these concepts into the Consumer Trust, and I think you just echoed that also, Jamie. Maybe that's a better place for it. Because I do think that they're relevant considerations and perhaps that would be a better place for it.

But I do like your suggestion, Jordyn, of adding government agencies because a government agency isn't a business.

JONATHAN ZUCK: I'm in the end fine with either one I suspect that you were trying to define a new type of actor, though. Or if not actor, an affected party or something.

LAUREEN KAPIN: They are affected parties.

JONATHAN ZUCK: Which is, in fact – and I'm not sure I agree with adding them, but if that's what we're doing and they are part of the definition of consumer and not part of Consumer Trust, that's the issue. Either they are or they aren't and we ought to resolve that because it's, if we're trying to say people that are somehow indirectly affected by the use of the DNS should be counted among consumers and not just the users of the DNS, then that's something we should say it explicitly and I don't think it has to do with Consumer Trust.

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JAMIE HEDLUND: I'm fine with including affected parties, but I would have that as a separate definition. They are not consumers, they are affected parties.

JONATHAN ZUCK: Carlton, go ahead.

CARLTON SAMUELS: I saw it and I read it. I thought it was proper to include indirect parties who are consumers who would be affected. I really thought that was what it was intended in the discussions we had in the team. We agreed. There was a lot of discussion around this and I thought it was appropriate here. I can understand if we want shift it from a definition of consumer and make it into the trust area. I could probably live with that. But I really do believe that there are consumers who are indirectly affected by DNS resolution and we should make some effort to include them.

CARLOS GUTIERREZ: I agree with your comments that Consumer Trust includes some kind of protection that can be exercised either by public entities or by consumer associations and so on. I would not like at this stage to start talking about governments. Thank you.

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JORDYN BUCHANAN: I just want to echo what Jamie said. I feel like it's fine if we want to look at effect on affected parties. I'd be interested to see if anyone has an actual concrete example of – like I understand theoretically it's possible that someone could see a domain name on a billboard and never type it in and be scarred for life from how offensive that domain name on the billboard was, but I've never heard discussion along these lines and so I wonder if we're getting a little bit ahead of ourselves with trying to expand the review. But once again we can deal with that in the Work Plan potentially. But it definitely doesn't feel like these people are consumers of domain names in my understanding of what a consumer of the product is.

LAUREEN KAPIN: Just to respond directly to – for an example. If there's a domain name under .mortgagebroker that is then owned by someone who's basically in the business of harvesting information when they're not really a bona fide mortgage broker, but they just want to steal your identity and sell it to a bunch of leadless brokers and then your identity is stolen, there are significant costs that you will incur with monitoring services, canceling credit cards, etc., etc. And that would be one example. But I'm sure there are many others.

JORDYN BUCHANAN: I agree with that. That is an Internet user as we've defined it here, which is that person navigating to that …

LAUREEN KAPIN: What about the credit card company? What about the police officer who is taking the report and has to…there are other actors.

JORDYN BUCHANAN: Sure. Those would be affected parties, but I don't think they're consumers. I don't think the police officer that takes your report is a consumer of the domain name. They are affected by the thing that happened when the consumer did whatever they did.

LAUREEN KAPIN: Well, another example then would be the brandholders who may have to incur additional costs monitor that their brand isn't being counterfeited, for example. They might be a consumer of one domain name that's impacted if someone else is misusing their brand. And the caveat here is – I'm not an IP lawyer, it's not my area of expertise – but I'm trying to think through your question of concrete examples.

JONATHAN ZUCK: Would a separate line under the definition of consumer along the lines of what the Review Team may choose to explore the impact on affected parties as well, or something like that, cover this in a functional way? Because I think again it's going to come down to whether we find examples and end up discussing them, but we leave room for it by simply saying that there may be indirectly affected parties that are affected as well and just put that as a second paragraph, or something of the consumer definition. Okay?

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CARLTON SAMUELS: Is Internet radio – in some places in the world you can't do Internet without radio and there are facilitators, brokers who will respond to information that are sent for brands by Internet radios. And then you have consumers making use of that and they're indirect consumers. We've got situations like that. So there are concrete examples I can assure you, of indirect impacts [inaudible] you call them secondary consumers or what that, but they are consumers and they're using – they're in a chain in which a resolution, a DNS resolution is connected to them with an action.

JONATHAN ZUCK: So are there objections? Thank you, Carlton, I appreciate that and, as I said, I think this will end up being driven by the discussions we have about Consumer Trust and the evidence that we try to gather and the hypotheses that we try to support. And so whether or not these affected parties make it into our work will be a function not only of our work plan but of the work itself.

But to deal with the issue at hand, can we remove the complex part of the consumer definition and create a second paragraph that says that the Review Team may explore effects on third parties, not directly resolving – I've talked myself into a corner linguistically, but I think you get the idea, that are not directly using the DNS or something like that.

LAUREEN KAPIN: I do think that the concept of benefit and risk is an important one. And I think that was something that was very meaningful to the folks at the

FTC and DOJ. If you look at their comments way, way back from 2012, that's a key concept, weighing benefits and risks.

JONATHAN ZUCK: And I think that that's a very good reason that we're having the review, but not necessarily a part of the definition of consumer, right? So maybe we can look at Trust or something to see where those terms should find their way, and so I think the actual definition of the people that, whose lives are affected doesn't need to be that specific. But the way that those lives are affected is I think through the benefit and risk I think. Let's keep the consumer definition as crisp as we can. Yes? Okay?

Eleeza, is that enough to try to draft something?

ELEEZA AGOPIAN: I think so. So what I've captured is to leave it as is? And add in a line about potentially exploring the effects, or the Review Team may explore effects on…

JONATHAN ZUCK: Well, when you say leave it as is, what do you mean by that? We're talking about removing half of the definition of consumer, everything after the "such as" and then adding just a line about affected third parties.

ELEEZA AGOPIAN: Okay. I understand.

JONATHAN ZUCK: Okay?

ELEEZA AGOPIAN: Yes.

LAUREEN KAPIN: Subparagraph two, "registrants and potential registrants," that would stay.

JONATHAN ZUCK: And that stays the same. That's right.

ELEEZA AGOPIAN: So the "such as" clause would be removed.

LAUREEN KAPIN: And maybe just repeat the language that you just stated for the record.

JONATHAN ZUCK: So the Review Team may choose to also explore parties – the implications of the new gTLD program on parties indirectly affected by DNS resolutions.

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ELEEZA AGOPIAN: And add that to the end of the definition of consumers. As a separate paragraph.

JONATHAN ZUCK: Thank you very much. Jordyn, go ahead.

JORDYN BUCHANAN: Thanks. Sorry, I had one more comment on the Consumer Trust definition looking at #2 and #3. I understand what #3 is saying and I think that reflects something that we agreed to on the last call when we had this conversation around DNS abuse and being able to safely navigate and so on. I still find throwing in the words "DNS abuse" randomly to be mostly confusing . So I wonder if we could just leave 2 as safely navigate to a domain name and consider that 3 covers what we're trying to get to by that term DNS abuse, which I think it does well without necessarily confusing what #2 is about.

MEGAN RICHARDS: I have a counter proposition, although I appreciate what you said. Then maybe the solution is to [complete] #2 and #3 and put "confidence by Internet users that they can safely navigate and find and safely use the one they intend to read…" or, there's probably a better way of doing it, but just to put the two together I think would resolve the problem and it covers both.

JONATHAN ZUCK:	I agree. I would rather have a concrete definition of what we're talking about than rather having these random term DNS abuse floating around in the definition.
CARLTON SAMUELS:	I would go with bringing those two together, completing them. That work. You take out after #2, you say, "can safely navigate to a domain name with confidence that they can find and safely use the site they intend to reach."
WAUDO SIGANGA:	I think I'm for just leaving them separate. I think they are two different things, navigating to the domain name and simply using it afterward are two different things.
JORDYN BUCHANAN:	I just typed in the chat a [completion] that maybe we can consider.
JONATHAN ZUCK:	Everyone take a look at the chat to Jordyn's suggested language as a [completion] between the two – of the two.
JORDYN BUCHANAN:	I'll read it aloud to you.
	"Confidence by the Internet users that they can safely navigate to a domain name to find and safely use site they intend to reach."

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JONATHAN ZUCK: Gao, go ahead.

GAO MOSWEU: I think the way that Jordyn puts it works for me because it also includes without falling victim. Safely is sort of an umbrella term.

LAUREEN KAPIN: Well I'll, just for the record, be in the minority. I do like the [inaudible].

JONATHAN ZUCK: Please leave your phone lines if you're not talking. Thank you.

LAUREEN KAPIN: Drew actually did note the background of that term which is defined in ICANN contracts and I realize it's not defined here. But I do think, practically speaking, the concept of without falling victim to domain name abuse is, from a public person's perspective, what people might be most worried about. They don't want to get ripped off, they don't want to be infected by botnet or malware, so I do think that's important and I'm in favor of keeping that. But if I'm in the minority, I'm in the minority.

JORDYN BUCHANAN: The reason why I don't like the term DNS abuse is because often it's used to cast a very wide net including child porn as a form of DNS abuse

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or something like that. And so when you say "navigate to without falling victim to DNS abuse," it doesn't make sense in the context of navigation per se, whereas I totally that when you get to the site, it should do what you want and it should be safe, you shouldn't get phished, stuff like that. So that's why I'm trying to include that you can safely, you can get to the site you want and you can safely use it once you get there, as opposed to things the act of navigation may land you in all these other forms of DNS abuse that people talk about.

LAUREEN KAPIN: So would it be a possibility to incorporate the DNS abuse then into the part where you get there? Because I understand technically what you're talking about and I think that's a very useful clarification.

JONATHAN ZUCK: I guess the trap that we fall into is that we need to avoid using terms that aren't explicitly defined I think in the document. So if we end up adding DNS abuse, we'll need to either parenthetically list what that implies or else just try to find a catch-all word that incorporates the things that we're concerned about in a general way, because again we're going to get to specifics as we have the conversation. We need to leave room to have that conversation.

So if we're somehow excluding in the current definition explorations of DNS abuse then we should definitely raise this point but I don't see how we're excluding it. Right? I think that's really what we should be looking at in Terms of References, making sure we're sufficiently inclusive.

GAO MOSWEU: I think when you said clear definition I was about to ask shall we also define DNS abuse? If we're going to put it there. Because then, for me it means something else, and for somebody else it may mean something else.

JONATHAN ZUCK: Thank you, Gao. I'm suggesting we don't go down that path because we can turn this into a 30 page document fairly easily, because I think as we go along we're going to look at reasons people are having trouble trusting, and we will go into all the things that would fall into a definition of DNS abuse in my opinion.

DAVID TAYLOR: Just comments are coming in from Drew which in the chat we might want to look at.

JORDYN BUCHANAN: Drew posted a position in the registry agreement that the new gTLD registry operators have which requires registrants agree not to do various bad things which, I agree, is, like I said, I feel like thinking about what is on the site and the experience that consumers have once they get to those sites is important, but shoving into the act of navigation I think is where I get confused and find the current layout confusing.

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JONATHAN ZUCK: And I'm not sure that we would restrict ourselves to contracted parties engaged in DNS abuse. [inaudible] in the definition covered.

JORDYN BUCHANAN: It's also the case there may be things that ICANN didn't include in the things that registrants aren't allowed to do that we would still be interested in that would still fall into this general concept of safety.

JONATHAN ZUCK: Again, I guess I encourage everyone to look at the language and see if it's in any way exclusive. If it seems sufficiently inclusive, then I would recommend that we leave it in place and then as we work, find ourselves determining our priorities.

Is there any objection to that approach? Because if the issue is, let's make sure we talk about DNS abuse, let's put it on the white board and make sure that it's one of the things that comes up on the discussion. But I don't think it needs to be part of the definition.

JAMIE HEDLUND: I had something I wanted to say about #4.

JONATHAN ZUCK: Are we good with Jordyn's suggested conflation of the two that he posted in the chat? Is there anyone who isn't, let me put it that way? Besides Laureen.

So Eleeza, let's just start from Jordyn's and if you see a way to not say safely twice, then I give you the liberty to do that.

ELEEZA AGOPIAN: I'll try.

JONATHAN ZUCK: Thanks. Jamie, you then wanted to talk about little bullet 4, right, under Trust?

JAMIE HEDLUND: Right. I just wanted to clarify a point about the intended purpose of the gtLD. Obviously when applicants submitted their applications they had to include the business purpose in their application. Once they sign the registry agreement, though, the application no longer has any legal standing or value. I just wanted to point that out now when we go back and look at whether this relationship and look and perhaps expand or at least understand that the applicant might say that the business purpose has evolved and the business purpose is now found in its website or whatever.

JONATHAN ZUCK: So what that boils down to is where in fact it's stated, I think is the issue. Okay. So that's another white board thing to keep in mind there. Okay.

Anything else on Consumer Trust? Okay.

And then we made some changes, backward revisions to Consumer Choice. Is everyone happy there?

And what about Competition then?

All right. Great.

And then finally, on the relevant market, again this is an attempt to be very inclusive in the definition, and so we added the ALAC requested expansion to the market to include which I just called Internet identity, the Internet identity market, which is meant to include things like social media, like you're a band and you chose to get a Facebook page instead of a website or to do blogger.com, or you're using a third level domain using a Wix or a Squarespace and therefor bypassing this process. Again, as we really dive into what we're going to try to work on, those things may not make the cut, but we're going to make them part of an expansive definition. Any questions about that? That was the primary change in that particular section. Okay?

So those were the big changes in this document. I don't know if you've had chance to read it again in total on the plane here? I already know some people, David Taylor, who didn't do their homework. But if there's anybody else who did do their homework and has a comment they'd like to raise. Otherwise we may, with the changes that as applied today consider the Terms of Reference near done. Maybe we'll look at it one last time over breakfast tomorrow and vote it into place, but I think we may be there. David, go ahead.

DAVID TAYLOR:	I was just going to say if we are going to look at this again over breakfast, beware of what you say to Jonathan over any meals.
JONATHAN ZUCK:	I have a good memory.
	All right. Well, excellent. So then may be it for Terms of Reference for today. No one threw anything.
	The next thing on the agenda is the Work Plan. Is that right? And I confess I have no idea how to run a conversation on this document.
	So has everyone had a chance to look at this document? If not, I think it might actually be the best use of time to give people a chance to read it. Even though that means we're all face to face and we're sitting in silence, I think it's best if everybody gets on the same page, so to speak, and is comfortable with the Work Plan.
	Yes Ma'am.
MEGAN RICHARDS:	Can I make a proposal? You're the boss, of course. I would never dream to [inaudible]—
JONATHAN ZUCK:	Fearless leader.

MEGAN RICHARDS:	Fearless leader, excuse me. If we have to – if you want to give time for us to read, is it not more useful, use of our time to do it over the coffee break. If people really haven't read it. And then we come back and discuss it later, because I think you could go on to look at some of the other things. No? I don't know. I leave it in your hands obviously.
JONATHAN ZUCK:	Thank you, Megan. And I'm happy to do it either way, to let you do it over the break and we can skip past this part. We have – I don't remember what the next thing on the agenda is. My only thought was it's just a question of everybody having a focused objective to get through the document, that's all, so as opposed to around the conversations that – I feel like we could get to the end of the break and people won't have read the document. Carlton, go ahead.
CARLTON GUTIERREZ:	Might I recommend that you give people a heads-up as to what were the most important pieces here, like breaking up the Work Teams and just let them focus on those things.
JONATHAN ZUCK:	That is what I would have liked to have done in a sense, except I'm trying to remember what the latest changes were since we brought this to the – have we brought the Work Plan to the entire group? Eleeza, maybe you can help me. I can put you on the spot and you can help me remember what homework the team was sent back with afterward and what changes came out of that.

ELEEZA AGOPIAN: I don't think there were many substantive changes at all. In fact the document is pretty much in the same shape it was before our discussion on February 10. We had a brief discussion about it on that last teleconference, but we didn't have a very deep discussion about it, and I think part of it was agreeing on the subteams. We didn't discuss that in too much detail on the teleconference I think. So this might be a good time to talk about how you want to split up your subgroups. I also just wanted to point out the next agenda item is your welcome from Akram Atallah which is at 11:00. So we have a pretty big chunk of time between now and then, so if you do want to spend a few minutes reading it, I think five or 10 minutes won't kill it. It could be a brief coffee break while you read it.

JONATHAN ZUCK: To combine my suggestion with Megan's, this is now currently a brief coffee break and an opportunity to read the document. [inaudible] the discussion we had thus far was not very extensive, so let's really get into it.

DAVID TAYLOR: What we did discuss, because I got my notes, was originally on the subteams. We'd got the five potential subteams – the application evaluation process, safeguard, competition, Consumer Choice, Consumer Trust – And we had the discussion where we said about merging and staggering.

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JONATHAN ZUCK: That's right. And we'll go over that. I think that's the only thing we managed to cover, though, on the call. So let's cover more. We just didn't put very much time into this document on the last call , that's all. Okay? All right. Thanks everyone.

So take 15 minutes and at the end of that, be refreshed and well-read. Thank you.

All right everyone, let's try to reconvene once Jamie has his donut.

Okay folks. Welcome back. And hopefully everyone, I guess if Calvin and Kaili on the Adobe Connect were able to enjoy their own donuts that they keep in their pantry. So hope everyone has had a chance to just peruse the document. I think very large portions of this are non-controversial and so should hopefully be easy, but just to kind of go through it.

So here at the top of the document under "Preparation" is some of the things that we're going to be doing at the outset, which is reviewing some of the metrics that – and these are presentations that are coming up – so we're not going to do that as part of this discussion. Remember this is really just creating a plan of attack that is – some of which will happen while we're here in L.A. But this is just the discussion of it.

We'll look at the recommended metrics by Implementation Advisory Group. We will look at the Consumer and Registrant Surveys, and get opportunities to talk to both of those vendors about what the phase

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two of those surveys look like, the economic report and the two surveys.

And then we're going to look at Program Implementation, Rights Protection Mechanisms, and the DNS Abuse Review. So those words have already found their way into the Work Plan without our intention here.

So those are the things we're going to be looking at in general that have already been done. These are some studies that have been done, metrics that have been collected, etc. If you recall the CCT Working Group came up with 70 metrics, and the IAG, through a gargantuan effort, was able to narrow that down to 66 metrics, most of which were collectible and some of which were not. And so we'll have a discussion about that as well. So we'll have those things as a starting point and with the two studies we'll look at what to do next, etc., with those two studies.

As you'll see later in the Work Plan the subteams will have the ability to identify additional data sources that might need to be explored or analysis that needs to be performed and will be able to make some recommendations for additional data as well.

Are there questions about the preview portion of the Work Plan? Again, I consider this to be one of the less controversial sections of the document, so that's why I just thought I'd go over it quickly. Okay?

So what Section Two is, of the Interim Recommendations – that there may be interim recommendations that might begin with additional data that needs to be gathered.

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So then the next part of the Work Plan is dividing up into subteams and this is worthy of some discussion, but the discussion that took place on the phone was that we potentially had too many subteams identified, so people, they would be very small . And it made sense not to parse it quite so much. So we sort of divided the work into three categories. One was the stuff related to the application processes [inaudible] was something we were going to handle as a whole, as a group, and get into the groove of what that discussion looks like, and then divide into two subteams to handle the Safeguards and Consumer Trust, and the Competition and Choice were the other two subteams.

I guess it makes sense, again we can discuss this further, to think of the subteams as maybe active vs. passive participation or something like that. In other words, there's nothing that would prevent you from being on any of the calls of any of the subteams and participating in any way that you want to. I think what the objective would be is to limit how much you're taxed by this effort to some extent, because I think when you were asked to apply, they said something like two hours a week. I think that's probably not going to happen, right? Even if we set a number that's a little bit higher than that, you being on everything could be unduly taxing. The idea is to figure out where you feel like your expertise would be most useful and identify a primary subteam to work on. That's not in any way exclusive. It's not like you go on a blacklist for the other subteam and can't participate on the calls.

I just wanted to make that clarification. It makes sense to focus your efforts on one, but feel free to participate in any way you like on the other. Okay? Does anybody want to talk about the notion of the

subteams or that division that we made any further? Is everybody happy with that? Not everybody was on the call, etc. Carlos, go ahead.

CARLOS RAUL GUTIERREZ: Yes. I understand the idea of the subteams and the procedure of the calls, but I missed – to jump into subteams before we have agreed on [inaudible] structure of the report. What you just said is very encouraging, the submissions which are general and come first, like the whole application process, and we should do this together. Then we have two subteams, but what I missed is number four. We're [inaudible], so it's a report that will have different segments of analysis, different segments of discussion, different segments of recommendations. Before the subteams are jumping on their issues, because there might be double work or there might be some issues that fall between the definitions of the subteams, and then four months down the road, we say, "Oh, we missed this. I thought you were doing it."

The subteams may spend also a lot of time on common background issues that will be in the introduction of the report. There is a lot of carpentry work of structure that should not be left to the end. I will feel better if we turn around three or four, this list, and say, "Okay, what is our report about? Is it more analysis? Is it more recommendations? How much of each one?" And then we jump into the subteams. Thank you.

JONATHAN ZUCK: Thank you, Carlos. I guess my reaction to that is that we don't need to think of these as walled gardens that go up, and then as soon as we divide into teams, we don't talk anymore. What you may in fact be suggesting is that we task the subteams with making some structural recommendations for the report as an initial task. That's one of the things we reconvened to discuss. I think there is going to be a value of not having every discussion be in such a big group. I think what you may be suggesting is an additional early milestone for a subteam that brings things back to the main group so that there is some conclusion about, "Oh, this will be part of an introduction. This is part of the structure that we'll try to do."

There is some discussion of the format of the final document in the Work Plan, and that's, again, open for discussion, but the draft discussion is here. We will have that level of conversation about what the expectations are of the subteam and what sort of sections we need them to do. Let's figure out as much of that as we can as part of the work plan, but we can, as an early milestone, have a reconvening of the whole group to discuss overlap and things like that, potentially.

UNIDENTIFIED MALE: [inaudible]

JORDYN BUCHANAN: I think I come close to agreeing with what Jonathan said. I think it's very challenging to imagine that we're going to understand what the outline of the eventual report looks like until we've done some work to better understand the issues. As an extreme example, we could find no one

had registered any names. I know that's not true, so it's hypothetical. Therefore, there's been no effect on competition, consumer choice. That would be a very different report than one where we found that there's tons of them being registered and they're all being registered in abusive ways or something like that. These are all very different reports with, I think, different outcomes in how much of it would be retrospective versus prospective.

I think, as Jonathan said, it's obvious that we're not going to divide up and never talk to each other again. What we should rely upon is, I imagine we're still going to have big group meetings, and the subteams would report back and we'd use that to coordinate. In particular, if we're going to have chairs of the subteams, they should probably talk on a regular basis to make sure that things that Carlos is worried about don't happen.

JONATHAN ZUCK: Agreed. Thanks, Jordyn. Anyone else on that point?

As we walk through, Carlos, I need to address that. Let's just, to the extent that we can, define some milestones for the subteams that help to address some of those things, and let's try to remain flexible and raise things as we go, as well. Okay?

Then if you look at the subteams, which is section three, you'll start to see what the work of each of the subteams would be. They're going to look at scope of work. This is where some of the very expansive language of the Terms of Reference will get narrowed down. There will be an exploration of what seems to be the scope of work. We can do

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some of this as a broader group, too, as part of this work plan discussion, but I think again, as Jordyn just said, some of this is going to stem from actually doing some observational analysis to get a sense of what a good report is going to look like. That was part of what the subteams were going to do, and again, come back to the major group with their recommendations for what their scope of work should be. It would give opportunity to everybody to expand or contract that.

Timeline and process. Coming up with a schedule. You'll find at the bottom of the work plan, there's a very tentative schedule for when [inaudible] people may report in. That's obviously an organic and dynamic document that will hopefully be informed by the process of the subteams kind of defining their own schedule and suggesting when they would be willing to make presentations for the group. I think what we envision is that a large majority of these global calls, review team-wide calls, will be in large measure led by a subteam leader presenting some milestone from within their subteam and managing the discussion around that.

Then C, early on, is identifying additional data. What is it that you don't feel, one of the discussions you feel has come up that's been discussed, now that time has passed, that we didn't think of when we were doing the start of this process five years ago, thinking about potential metrics? What data should we try to find, explore, etc. that we don't have? So that those additional data recommendations can be rolled up into review team-wide recommendations, back to ICANN staff and turned into either additional work for the staff or outside research where necessary. That's something that I think we want to set as a very early milestone in order that that work can be done.

One of the discussions today is with Xavier, CFO of ICANN, who is going to talk to us a little bit about budget and what kinds of resources are available to us, both in terms of out of pocket funds available for outside analysis, as well as staff resources. We need to make sure that we think of staff resources in a budgeted fashion as well, and not as an unlimited resource, because even they sleep sometimes, apparently, so we need to be careful about that.

The one thing that we discussed and we'll discuss further is that the degree to which a subteam lead can participate in the actual process of the outside research, identifying a vendor, etc., signing confidentiality agreements. In the past, it's been a black box process. "We would like to study X," and then it goes into the contracting department, generates an RFP, finds a vendor, and the community is not aware of that. A lot of that has to do with things like confidentiality requirements and things.

Xavier is willing to experiment with someone from a subteam being identified as a representative to that process, and that person then signs the same confidentiality agreement the staff does so they can be a more active participant in vendor selection and the RFP creation. That's one of the things we'll experiment with. That's something that we'll discuss more with Xavier. Bear in mind, let's try to participate as fully as possible in these processes.

The next part of the subteam work will be to do this analysis and findings. One of the things that we settled on in the early discussion of the Terms of Reference was the distinction between findings and recommendations. Findings are what it is that we think has transpired. Hopefully when I say think, we formed hypotheses and supported them

with evidence and facts. The analysis and findings for each team, and again, they will bring that analysis and those findings to the review team and go over them with the review team as a whole.

Then the next step for each subteam is then to look at recommendations to address those findings and to further the objectives of new gTLD expansion. We're going to put a jar on the table that you have to put a dollar into every time you say "new round of gTLDs" because everybody needs to break their vocabulary of that. Then we will buy drinks with the jar. We'll throw a party at the end of the year with the money from the review team. Yes, go ahead.

JORDYN BUCHANAN: I will buy everyone drinks if no money goes into the jar. I will be extremely pleased if that happens.

JONATHAN ZUCK: All right, excellent.

UNIDENTIFIED FEMALE: You win.

JONATHAN ZUCK: Yes. When Xavier's here, let's get that incorporated into the budget, the party that Google will be throwing for the review team if everyone avoids the use of the term "round."

The expansion of the TLDs and its goals. Those recommendations will be based on the data that we use, hopefully, and then have mechanisms for measurements down the road so that two things can happen. One is that the team can participate in the implementation of those reviews, can be available for questions and things. Another thing we're experimenting with on this review team is not vanishing after we're done, because there's been some issue where the review team makes recommendations and then dissipates into the wind and the staff are left to figure out what was meant when trying the implementation of that. We're going to try to retain some cohesion. We'll have reunions or something like that at the ski lodge to discuss implementation, and then hopefully future review teams as well then will be able to look at the recommendations and see whether they were effective. That's the structure of the recommendations we're going to try to make, with objectives to make sure that they're as clear as possible, actually implementable, and probably prioritized because some things will take longer than others, and that's another issue that's come up with previous review teams.

Then when all of the subteams have finished their work, there will be a draft report where we bring everything together. Again, as Carlos suggests, we'll try to coordinate along the way on the sections of overlap. I think it's a given that there will be an overlap on background sources that people study, and I'm not sure that's necessarily a bad thing. That type of repeated work isn't a problem. Maybe on the recommendation side, it's something to be avoided.

There will be a public comment report on that draft, report, and then finally a final report that is submitted for Board approval. Then you can see #7 is the implementation feedback that we talked about.

That's just a broad overview. You've all had a chance to look at this in specifics. Is there language that bothered you that was used in this? Is there something you wanted to add? We can go into milestones of the subteams a little bit more explicitly if we want to be more granular about that, what the check-in spots would be. We can have that conversation per Carlos's recommendation. I open it up for discussion.

JORDYN BUCHANAN: I'm sorry to be hogging the mic today. I've been thinking a little bit about the way we interact with the data. We've already talked about creating two sub-efforts to help interact with both Nielsen and Analysis Group.

I have two general thoughts about the use of data as it relates to how it's reflected in the Work Plan. The first is, I think that we ought to be more explicit about the use of data that exists already and is not necessarily fit for purpose but is still helpful. Right now, we mostly list collections of data that were done in order to support this review, whereas I think there's a lot of data already out there. We've already seen some of it sent around to the list about registration trends in certain regions or certain ccTLDs, etc. I think that's all very helpful enough to compose a significant part of the review. I just don't want it to feel like we're limiting ourselves to using the data that's being generated for the purpose of this review.

Secondly, with that in mind and as I've been thinking about the complexity of the interaction with Nielsen and Analysis Group, just looking at the Nielsen giant document that we were presented, there was quite a bit of understanding and expertise that you would have to have about Nielsen's methodologies and practices in order to fully understand that document. I wonder if we might want to have a separate standing team of metrics ninjas or something like that that could be a resource for all of the subteams to say, "Hey, we have questions like this." That team could make it so that they could really understand both the work of Analysis Group and Nielsen, and could also understand other existing data sources and essentially be a resource for the rest of the subteams to help hook them up with the right data. I think that would be heavily staff-supported, but having a few people from the review team who are particularly interested in the metric side of things might be helpful.

STANLEY BESEN: This may already be contemplated, but the economic study and the [inaudible] study and the Nielsen registrant survey come late in the process, or later than the competition and consumer choice subteam is supposed to report. I guess my preference would be something where we could interact with them while their work is in progress so we don't have to wait for their final reports to find out the things that we might need for our own work. I personally would be happy to work with the Analysis Group to talk to them about what they're doing and learn what they're doing along the way.

JONATHAN ZUCK: I guess I'd like to turn that question to staff on whether or not … Or is it really just a question for the vendors about whether that interaction can take place during the execution of their work? I want to come back to Jordyn. Maybe we should just keep track of all these comments because there's a whole discussion about Jordyn's thing, and there's one about …

KAREN LENTZ: Just to clarify the question, the question is can there be a set of our team members that interact directly with Nielsen and Analysis Group? Is that the question?

JONATHAN ZUCK: While they're performing their work.

KAREN LENTZ: I don't know why not.

JONATHAN ZUCK: Okay.

KAREN LENTZ: We had sort of anticipated that to happen, and that's why we thought you guys wanted to split off into sub-groups, smaller groups that may want to interact directly with them as the process [inaudible]

JONATHAN ZUCK: For sure. I guess what wasn't clear is whether or not that was a one-time thing to go over with them before they [submitted] their survey, for example.

KAREN LENTZ: No. No, not at all.

JONATHAN ZUCK: Okay, so I think then we're already on a plan that's similar to what you're suggesting. Perfect.

MARGIE MILAM: Most of the real heavy lifting is now before they do the study. You've seen the questions. Because the rest of it is data crunching at that point, and then later on, looking at where they land. I think phrasing the consumer study in a way that collects the information that you want to see is really important, and making sure you understand how Analysis Group is doing the analysis in the next phase, that sort of thing. This is the critical time, really.

JONATHAN ZUCK: Definitely. Why don't we go back, and if you've got another issue to raise, just hold it for a second. Write it down, but let's discuss Jordyn's recommendation. If you have a comment about his comment, then speak up because I may ask for some clarification, as well. One thing that occurred to me when you were talking is that the metrics ninjas might have a job of looking at some of these additional data sources

and helping to make some assessment about whether they're statistically significant, things like that, so that it's not just random articles on CircleID that we're using as "data" or whatever. We need to find a way to evaluate data and help subteams understand whether that's a good source, or at least contextualize the data before it's used. Carlos, go ahead.

CARLOS RAUL GUTIERREZ: I share Jordyn's idea. I have stated before, I worry about the amount of data that might be produced by different sources, the amount of data that we don't see. Megan was very gentle to give us very good data produced in Europe, but I think it's very important either with a ninja group or in this work that we discussed, what kind of data is going to be produced in the future by ICANN on a regular basis? Because right now it's very difficult to follow what is internal KPI, which of course is very important for GDD, what's the health index, what's the mandate to produce an analysis by the IAG group. What the contractors are doing is great. [It lets] a thousand flowers bloom, but at some point, I would expect that you open an ICANN report and in the annex, you have the data.

It becomes a single authoritative source of data, and that, of course, is the responsibility of ICANN and its staff. I think it's very necessary that while we wade through all data sources and definitions and so on, we get a clear view of how the statistical annex of ICANN, of all the new gTLDs, of course, because both have to be included, is going to be looking in the future. I think that would be a great output of this group Jordyn is suggesting. Thank you.

JONATHAN ZUCK: I want to parse your statement a little bit because I see different components to it. One is that I think we need to make sure that we stick to our remit, which is to look at when making recommendations that we think specifically will improve the application process, the safeguards, and then consumer trust, choice, and competition. If part of those recommendations, we believe that the collection of some type of data would facilitate that, I think it's probably within our purview to make that recommendation.

I think it's probably a mistake for us to see ourselves as the arbiters, somehow, of what data generally ICANN collects going forward into the future. Again, I think there's some avenues there, whether it's recommendations for data that could be useful to the next version of this review team, data that the collection of which and publication of which will improve consumer trust. I think that's a possible recommendation as well, but let's make sure that we look at everything through the prism of our remit, which is recommendations related to those things.

Other comments on Jordyn's data ninjas recommendation? I'm trying to make the name stick.

UNIDENTIFIED MALE: Metrics ninjas.

JONATHAN ZUCK: Metrics ninjas. [Exactly.] Is it? Wow.

LAUREEN KAPIN: I love your suggestion, Jordyn. Being someone who's very much going to be in need of such guidance, I think that could be very constructive.

JONATHAN ZUCK: Okay. Is there anybody that thinks that's a bad idea?

Why don't we say that we will try to form a metrics subteam? Let Eleeza know because she is our metrics ninja on staff. Let Eleeza know if you are interested in being a part of that group, which is the metrics advisory group. Exactly. I'm just kidding. The metrics ninjas. The very first order of business will be to actually figure out what they'll do. Right? So the things we thought about – yeah, maybe write an e-mail to Eleeza with a brain dump, and then in addition, like I said, evaluation of outside data sources.

The first part of your comment I don't want to lose is if anyone thinks that the document somehow precludes the use of other data sources, it's certainly not meant to. In fact, the work of the CCT working group in IAG presupposed that their responsibility was to identify data that would erode or not be available. So it specifically excluded data that we thought would be easy to get now if people desired it. It was already this anticipation that if it was easy to get data, that they weren't going to worry about trying to promote its collection in advance. It was not meant to be dispositive in any way.

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JORDYN BUCHANAN: I think something in the Work Plan saying, in the available data saying, "In addition, the review team will take advantage of other sources of data available in the ecosystem or whatever, pertinent data." Yeah. I think that would just be helpful to clarify that we anticipate using these other types of data sources.

JONATHAN ZUCK: Okay. Eleeza, were you able to capture that?

ELEEZA AGOPIAN: I think so. I'll add a note under the data section about other possible data sources, and that a subteam – a subgroup of review team members will work on analyzing and assessing their pertinence.

UNIDENTIFIED MALE: Context and pertinence.

ELEEZA AGOPIAN: Context and pertinence.

JONATHAN ZUCK: Excellent. Thank you, Jordyn. Other comments on this? I guess relevant also to Carlos' discussion is that one of the things that we're going to be doing is identifying liaisons, if you will, to these other processes that seem relevant so that we're not doing too much overlap or contradictory work or something like that.

One of the things we should do while we're here is identify what – and Karen will help us with this – identify which complementary things are taking place, and then identify who has an interest in staying in touch with those teams from this team, and can report back on issues and areas where we might want to coordinate. That's one of the things that we'll be trying to do to address these thousand blooming flowers. Thousand points of light. Any other questions about the work plan?

One of the issues is on what should be in this document versus what should come out of subteams with respect to scope. How do people feel about – because we left scope broad in the Terms of Reference and said we'd clean it up in the Work Plan. Now in the work plan, we've kicked the can down to the road to the subteams. The question is, what do we want to – is there work we want to do on scope now as part of the work plan, or do we want to leave it as a bottom-up process from the subteams and drive those discussions based on subteam recommendations about scope?

CARLOS RAUL GUTIERREZ: Thank you. Can you clarify your previous statement of the number of subteams, because you said that six may be too much, but we still have six or seven then? You presented a picture of a general one and two subteams, if I remember right. Thank you.

JONATHAN ZUCK: That's right.

UNIDENTIFIED FEMALE: Sorry. I think the document that's in here, I apologize, is an old version. There are three, the one, which is everyone really, the application and evaluation process, and then one on safeguards and Consumer Trust, which is a smaller group, and another smaller group on competition and consumer choice. That's the only change that, for some reason, is not reflected in this version.

JONATHAN ZUCK: Other questions? Is everybody comfortable with the notion that the subteams will drive the discussion about scope? It will still come back to the main group, but the subteams will drive that scope discussion based on their initial looking at these issues, as opposed to us trying to make those final determinations right now as part of this document.

Okay. Then as I said, at the back is the calendar that, again, was thrown at the wall and things falling out in the calendar. As Stan mentions, there are already issues with deliverable dates that may be in the wrong place for the return of data. Again, I think the subteams should look back at this and say what we think the calendar items are, the deadlines that we can meet as a subteam to drive that discussion.

MARGIE MILAM: Jonathan, so you're saying that work teams would come back and try to fill in dates for some of this stuff and then it would feed into the Work Plan. That's how we would intend to approach it?

JONATHAN ZUCK: I turned it off. I believe that's what we're talking about trying to do, is let them, based on their understanding so that the competition knows that they won't get a final report back from Analysis Group until date X. Then that will affect their final presentation to the group of their findings, for example, although as Stan suggests, by working with them as they go, they'll be able to do some work. They'll set their own deadlines, is the point.

I think a number of people have raised … Just to prepare staff, there's a grumbling among the review team that the deadlines might be too tight and that it might go a little bit longer than the year, but hopefully not much more. Maybe we're looking at a year and a half or something like that, again, because of some of the waiting on some of the final reports from these outside vendors. That conversation's pending, but let's let the subteams drive it, I guess.

Carlos, go ahead.

CARLOS RAUL GUTIERREZ: Are we on the schedule, on the timeline? GNSO is in panic about the short meeting in June. The question, independently, where it happens, do you think it's reasonable to plan for time during these short four-day meeting for the review team? Because the way we have analyzed in it in the GNSO is we won't have time for anything, and staff has been very strict in terms of keeping the new meeting schedule, so whatever. I just feel obliged to push the panic button, expecting something out of the short meeting from this review team, because some of us have a lot of work to do during the meeting.

JONATHAN ZUCK: Staff, does that restriction apply to this team, or could we, in theory, because our overhead needs are much smaller, convene at the venue or one of the hotels of the meeting and meet outside the four days?

MARGIE MILAM: I've received confirmation that the review team process is considered in scope for that meeting, so we're allowed to meet during that meeting to cover review team things. They are a little strict about adding before and after. The question, I think, particularly for Carlos, is if we scheduled during the four days, is it overlapping with his council meetings and other things that are going on as well? I'll look into it. I don't know if I'm going to have an answer right away. I'll see what the options are. Then I'd like to hear from this group as to what you prefer. In the perfect world, what days would you want to meet? I'll see what our options are.

JONATHAN ZUCK: If I might, I think that again, at the level of just grumblings at this point, there might be a preference to try and find a way to meet outside the bounds because even people who are not on the GNSO council try to participate in it and things like that. People don't want to leave behind their other, or GAC or the other committees they're on. I know you said that the infamous "they" are concerned about before and after things. Again, it's just a question of if we end up scheduling another face-to-face because of this, it feels like that would be more costly to the organization than scheduling an amendment or something to the date. Go ahead and identify yourself please.

UNIDENTIED FEMALE: I was going to make exactly the same point. It's a bit, what we say in English, cutting your nose off to spite your face because it's much more cost effective, if we're all in the same meeting anyway, to add an extra day instead of having a whole new other meeting. Maybe when Xavier comes, we can raise it [then].

MARGIE MILAM: [inaudible] [Xavier]. It's the meetings team, and it may be that they don't have the facilities beyond those four days. I don't know the answer to that. That's why I don't want to commit either way, but I'd like to know. Again, in the perfect world, would you want it before? Would you want it after? Then at least I know what to try to advocate for within our meetings team, but I just don't know how much flexibility we have. I don't think it's the same as the typical ICANN meeting where we had a lot of ability to add before and after and there was a lot of room available. I'm not sure it's the same setup.

JONATHAN ZUCK: To ask another relevant question, when we have face-to-faces scheduled that are off-cycle with an ICANN meeting, are they all meant to be here?

MARGIE MILAM: No. It could be what's more convenient for this team, so it might be the DC office. It could be Brussels. Ideally, we like to have it around a hub because we have facilities that are, you know—

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JONATHAN ZUCK: Right. I guess what I was asking is could we, in theory, schedule one? I don't know where Panama's going to end up being, but let's say that it was Marrakech. Can we say that we want to schedule a face-to-face, and we all just happen to agree that Marrakech would be a great place to meet, and wouldn't it be great to meet right after the ICANN meeting? Instead of imposing it on the meetings team, is there a way to just make it the face-to-face scheduling as an independent thing where it just happened to be a really convenient place to meet because we all just for some coincidence end up being …

I don't mean to get involved in too much of a semantic exercise, but that feels like it's the process that we might engage in. Then the meeting room could just be at a hotel or something like that that's there because our numbers are small.

MARGIE MILAM: The meetings team does that, as well. The meetings team set up some of this as well. We work with them hand in hand for the short, small meetings and the large meetings, the large ICANN meetings. Like I said, I'll take it back, but I do want you to tell me what you prefer.

JONATHAN ZUCK: You mean before or after or during.

MARGIE MILAM: Or during, right.

JONATHAN ZUCK: Some people might [still] not have more than four days, and I don't know the answer to that. Do we want to spend an extra minute there? If it's Singapore, I don't want to.

David, go ahead. Identify yourself.

DAVID TAYLOR: I think it is one of those problems, isn't it? Because if you have it during the meeting, a lot of us have got other things if you have it before, if you have it after. I know of this. We've got this week. Then next week, I'm away. Then we're in Marrakech, so I'm in the office for one day after three weeks, which has its own problems.

I know with the WHOIS review team, for instance, they met in London. Something like that, I think, we shouldn't be trying to necessarily tack it on if it causes problems. Then we meet somewhere like London or Brussels or anything like that. I'm quite happy to offer our office in London if [inaudible] needs space and you want to do it in London. I'm not in London, so I'm still traveling, but I'm just pointing out if you wanted London.

UNIDENTIFIED FEMALE: If you'd like to come to Brussels, and your Brussels office, which, in fact, I think would fit us all around the table, but if for some reason, it's unavailable, we can offer rooms in the Commission. No problem. You have to bring your passport to get in.

MARGIE MILAM: Then when we talk to Xavier – I'm sorry to interrupt. We can talk to him about funding, but we do have separate funds for travel, so that's why even if it's not part of the traditional ICANN meeting, we've got funds for travel. It's just a question of how expensive some of these cities are, but to the extent that we can take advantage of existing space somewhere else such as the European Commission, we can certainly explore that.

JONATHAN ZUCK: Margie, so the homework assignment is for everybody to get that, and you want to do a Doodle or something like that? How do you want to handle collecting that feedback? Okay. Then just get back to us with what we need to do logistically and how we need to phrase it to make it work, but I think there's a lot of creativity here to find places to meet and things like that. Good point, Carlos. Any other questions about the work plan? Yes, sir.

WAUDO SIGANGA: Yes. [This] question of when we can schedule team meetings. [inaudible] vis-a-vis the ICANN meetings. I think we had already organized a day in Marrakech when we shall have a community meeting with the team. That's correct? Two days. Is that the consideration if we are planning team meetings,that we should perhaps synchronize them in some extent with ICANN meeting so that we can have community input?

JONATHAN ZUCK: Sorry. To clarify, the meetings are not community meetings that are happening at the … We're not ready to have, I think, community meetings yet. Those are just meetings that we're holding ourselves in conjunction, at the same time, in the same venue as the ICANN meeting, but it's really like another one of these meetings for ourselves, not a community input meeting at this point.

WAUDO SIGANGA: At what point are we going to start involving the community to come and maybe give questions, give their input?

JONATHAN ZUCK: That's something we should discuss. I think we should probably have a conversation about that because there's a lot of varying views about that and when that should be. I had a big discussion with Fiona about this at one point. Let's discuss that process. Right now, as it stands, it's with the draft report and recommendations is our first official interaction with the community. Margie and then Jordyn.

MARGIE MILAM: Sorry to jump the queue. Actually, we have a session in Marrakech. It's a community-facing session in the afternoon to gather input because we anticipated you'd want one. I suppose we could take it off the agenda, but I think it's …

JONATHAN ZUCK: I'm not even sure I realized it was there.

MARGIE MILAM: Yeah, we already have it. I think there's value in getting input from the community on what issues to examine, even if we're early in our analysis.

JONATHAN ZUCK: So it's like an hour-long session or something.

MARGIE MILAM: Does anyone remember? [Lucy], you might remember. 75 minutes. Sorry, Karen. That's the question. What questions would you like to get from the community and all of—

JONATHAN ZUCK: Okay, well then let's actually add to our agenda discussing what that should look like and what we want that to be.

UNIDENTIFIED FEMALE: It's on the agenda for tomorrow. It's the last item.

JONATHAN ZUCK: To talk about it. Okay, perfect. Sorry I missed that. Waudo, that answers your question better than I did. Jordyn, you had a—

JORDYN BUCHANAN: I was just going to suggest that we – I can defer most of my comment to that discussion tomorrow. The one thing I was going to suggest that might perturb the existing agenda that we have as an evil conspiracy plan to force people to choose lanes is to devise a breakout at some point over the next two days where the individual subteams meet and start to craft their Terms of Reference and milestones so that we can all see that while we're here together. That would have the side effect of actually preventing people from trying to be in all of the subgroups at the same time because they couldn't physically do so. Yeah.

UNIDENTIFIED FEMALE: [inaudible] That's also on the agenda for tomorrow afternoon.

UNIDENTIFIED FEMALE: Should we start with some introductions for the staff members that came into the room?

AKRAM ATALLAH: Hi everybody. Thank you for having me here. My name's Akram Atallah. I'm responsible for the Global Domains Division, and with that comes pretty much all the implementation pieces that we deliver for ICANN. Any time that there's an implementation, we're pretty much in charge of it, whether it's IANA department or some minor ccNSO requirement like Fast Track. In addition to the naming community, we do all of the implementations.

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I want to welcome you in LA. I think you're all enjoying the weather inside, so it might be good to schedule some time where you can have some time at noon outside instead of just being inside the whole time. I will talk a little bit more after the introductions about this new gTLD round. What? No.

UNIDENTIFIED MALE: [inaudible] Use that term, the term round.

UNIDENTIFIED FEMALE: You've got to put a dollar in the jar.

UNIDENTIFIED MALE: You put a dollar in the jar.

AKRAM ATALLAH: Oh, okay. Okay, so I will not be saying that anymore. Let's let the introductions go through and then we can go further. Okay, thanks.

CHRISTINE WILLETT: Good morning. My name's Christine Willett. I have been with ICANN since 2012. I joined ICANN to take on implementation and operational responsibility for the new gTLD program. I have overseen all aspects of the implementation of the program since October 2012, and I will be speaking with you this afternoon to give you a little more information on the operation of the program, as well as the program

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implementation review report that my team did earlier this year and last year on our insights into the operations of the program.

Let me introduce my staff. I've got a few staff members in the room who've joined me, and you'll see them later this afternoon. Cristina Flores, she is one of the managers on the new gTLD team. She has been here for over three and a half years. She's overseen aspects of the evaluation process, as well as many of our dispute resolution processes. Chris Bare is here. Chris has also been on the program team, actually, almost four years now, and he is currently managing multiple aspects of program execution and contracting. And Jared, do we [inaudible] Jared? Hi, Jared. Jared has also been a staff member, what? Two years? Almost two years. We'll be back later this afternoon to answer any questions you might have about program operations.

AKRAM ATALLAH: A few things that I've had on my mind about the CCT reviews that I would like to share with you is that most of our reviews tend to, every time we have a review, they tend to start all over from scratch. That is not very effective because we get to review the same things over and over again. What my recommendations would be to focus. It's very important to not spread the net too wide because then we will get, at the end, recommendations that maybe cannot be implemented or take a very long time to implement or even not to the point of what we're trying to do here. So please, make sure that you narrow and you focus on the remit that you have and use as much of the previous work that's been done in this as much as possible. That will get us to the final outcome much faster.

Some of the things that I see a lot of focus on, which are focusing on the price of a domain name. In the market, I believe that the price of a domain name is not as critical in the competition space. If you look at who cares about the domain name price, it would be mostly the large portfolio holders of domains, which means, in general, it's the domainers that care about the price of a domain to be very low. Because if you think about somebody that wants a website to put the business, to put an idea out, to put a comment out, the price of a domain name, even if it's $30, is not [relatively] a barrier to entry. Therefore, it shouldn't be the focus of our competition area. The focus of our competition area should be a little bit more encompassing than that.

What is a barrier of a domain that can work? It's not only the price. The price is the smallest portion of that. There is building a website. There is hosting a website. There's getting e-mail. When you look at the bigger picture, you say, "Okay, in order for competition to be vibrant and help people get on the Internet, we have to take the barrier of entry as a whole." If we look at that, that will be a lot more meaningful, especially when you start talking about third world – well, developing countries or areas where $400 or $500 a year are material. This is what I would like you to shape your focus on a little bit more, is on the entire space.

Another thing that, in my view, is important, is this time that we've allowed from the launch of the new gTLD program until today, is that enough to see competition? Typically in a market, it takes some time when a lot of people enter a new market until the market starts consolidating. When the market starts consolidating, typically, that's when the competition is measured because until then, investors in this

market would have more money to spend on their ideas and they keep going with their ideas. Only when that money runs out is when they start looking for ways to consolidate and exit. That will tell you whether the competition is working or not.

If we come back to after all is said and done to an incremental increase in the number of operators, for example, then we have not succeeded. If the number stays after the market consolidates to hundreds of operators of TLDs, then I think we have competition. It's important to make sure that the time that we're taking, that we're measuring the competition at, is sufficient for the market.

The third area is, in my view, the total dollars invested in the market. If you look at that, that also says a lot about competition because the more money that you have in the market, the more players you're going to have, and the more players you have, the more competition there will be. That's another aspect that maybe we could look at to see if there is a lot of competition.

These are not absolute by themselves. These are just some ideas that I think that we should be expanding on and looking into and making sure that we're measuring the right level of competition. On choice, I think it's a bit more easier. When you look about choice in the DNS, you have a lot more choices now, and I think that that's an easier one than the competition area.

The innovation, I think the jury is still out, and I don't know how you're going to measure that. That's a very hard thing to measure, innovation in a space like this, but that's where, I think, narrowing the focus and

trying to set some parameters around it might actually help you get to an outcome much faster.

In general, I think that doing a lot of planning upfront will be very helpful to actually, before we start the work, so that we don't actually spend more time during the working phase trying to get the data and then realize that maybe that's not the right data that we wanted or that the outcomes that we're coming up with are not really that clear. Having a lot of planning upfront will help you get to a more focused outcome. I'm here to answer any questions that you want, and I was planning to keep this session your session, so after having said this, please, if you have any questions, go ahead. That's why I'm here. Thank you.

LAUREEN KAPIN: Thank you. I found that very, very helpful and practical. I'm interested in your comment about one year perhaps not being sufficient to really measure competition because the market hasn't had a chance to consolidate yet. Given that we've been tasked to start at a certain time and perhaps end within a year or maybe a little more, what are we do with that observation, if essentially what you're saying is maybe it's really too early to come up with meaningful measurement right now, yet here we are?

AKRAM ATALLAH: Thank you for the question. I enjoy the fact that I'm not sitting on this panel. I should have started with a footnote that I'm not an economist. I think maybe there is ways around that, that you could study an early

market with different parameters. You focus on different parameters if the market has not gone through its curve of maturing.

I don't know, but that's why you can have resources to help you with these things where you can get an economist that tells you if you want to study something that is a little bit earlier, in the early stage, these kind of parameters are more important to focus on than these kind of common parameters. I don't know, but I would recommend that you get some advice from more experienced people in these kind of areas.

CARLOS RAUL GUTIERREZ: Thank you, Akram. A very interesting term you use is total dollars invested. Does it include the application fee or all the fees that have to come after that, and also auction fees in your definition of total dollars invested? Because to me, $40 million for an auction is not as high as when you are buying spectrum, which is another way to look at [scarce] resources, but is quite an amount of money. Do you include all the costs of the assignment of the [inaudible] total investment, and what else do you consider under these very interesting total dollars invested in the market? Of course, do you keep track of this number and can we look at those numbers? Thank you.

CARLTON SAMUELS: Before you answer Carlos, can I just ask if you could configure motivations for people getting in the market there? I had the same question. If you see what has been invested in terms of registration, all things we know that led up to the ... If we see what people are willing to put in for the auctions, then there [inaudible] some other motivations

that we might want to look at. I wanted to know what you thought of those things.

MEGAN RICHARDS: Sorry to jump in. Just to add to the other two comments because it relates as well to the [inaudible], thanks for your contribution, I also had a question about your comment that the more money you put into the market means that theoretically there will be more competition. I'm not entirely convinced because given the amounts that have been invested in some of these cases, I haven't seen – and well, we'll see what happens over time, but I'm not entirely convinced that some of those investors will actually get their money back. That will possibly lead to oligopolistic or monopolistic attempts, at least, to corner some part of the market. I'm interested also in that comment that you made. Thanks.

AKRAM ATALLAH: Sure. I think that when I talk about money invested in the market, it's more about how many back end providers do we have today? How many companies came in and invested monies inputting back end service up and running and now they're providing that service versus before, how many we had? How many people are interested in selling registrations? How many people are interested in putting websites up and running?

Today, for example, it's an unusual phenomenon. I don't remember two years ago or before when on American national television, where you would see a provider of website development being advertised in major prime time. For me, that says that there is money coming into this

market for a reason. Now, is it tied to the new gTLD program or not? These are the kinds of tough questions that we have to do, but I've seen at least three or four times Wix advertising in national TV in prime time. That's very expensive, so what's driving these things? Is it investment into the DNS? Is it because there is demand?

There is a lot of investment that's coming into the market that is important to understand the increase in that investment, and if that's relative to the new gTLD program, and if that's going to drive competition. Much more than I'm talking about auctions and the fees that were paid in the business because these could be one time investments that do not actually succeed.

To your question whether the investors are going to get their monies back, I don't think that's really relevant in any kind of open market where you see an innovation that generates a lot of investment. There are some that lose their money and there are some that win. I don't know that actually seeing some investors losing their money is a negative thing. It's more of a competitive landscape, and the people that don't have enough money to invest for getting to the finish line will actually lose their money or they will have to sell to others. That consolidation happening, in fact, in my view, is not a sign of success. It's a sign of competition.

JONATHAN ZUCK: Thank you for your presentation. I have a little bit of a reputation for not being entirely diplomatic all the time, and so I'm trying to find the best way to ask this question. If we look at any system that you put in

place, let's say a judicial system for example, you try to identify risks associated with that system and the bias that you want to build into that system. For example, with the American judicial system, at least in theory, we have this notion of innocent until proven guilty. We have this notion that better that ten guilty people go free than one innocent person goes to prison. That's a bias that we're building into the system intentionally.

I think one of the things that may be worth trying to get on the table, and this may have to do with our brainstorming session or something like that, is what, if any, risks you see, and that we should all maybe have this conversation, associated with the outcome of this review, that we might be trying to avoid? In other words, what are outcomes that – it's sort of like, we recommend that there be no further TLDs entered into the root or something like that because it's bad for consumer trust or something like that. If there hasn't been enough time that has passed to make that evaluation, then we may be doing something that's counter to consumer interest by making that recommendation.

In other words, the relevance of your comment about having enough time to assess competition has implied a risk that we should be trying to avoid. It may be worthy, as difficult as it is, to have the conversation for us all to try and look at what are risks or scenarios or outcomes that would be bad because we jumped the gun on something, we did something, etc. Because that may better frame and create the stakes for the conversation that you're trying to have.

AKRAM ATALLAH: Thank you. I think that's very relevant, and I think identifying the risks because of some assumptions that have been made. The advice of the policy was to actually start this process a year after. These were all done before the program even launched, so I think looking at these assumptions that you're taking into starting this exercise and identifying the risk areas and getting some expert opinions on these things should be maybe something that we do to make sure that we don't make mistakes that could actually end up hurting the consumers in the long run.

I think that you're onto something. There are some areas that we need to clarify and justify before we can jump in and start making outcomes out of the study, like the time. Is this the right time? Are these the right parameters we're looking at? All of these things. Getting some expert opinion on these things would be very warranted, I think.

But in general, I'm not that concerned about the outcomes. At the end of the day, whether the outcomes come up and say, "We think that was enough. There's no more need for other rounds and stuff." If that's the outcome, then it should come back to the policy and the PDP, and they should look at that and evaluate if they want to change their policy. The outcome of this is not the policy. The outcome of this is the recommendation that will go back to the board and the policy and they will review that.

JONATHAN ZUCK: Of course. The risk wouldn't be a bad outcome. It would be that outcome given a set of circumstances that didn't support it. That's the

point that I'm trying to suggest, is that it's a scenario. We're so early in the process, it's difficult to even come up with hypotheticals, but an introduction of new gTLDs has led to a drop in consumer trust or something like that, and we later realize that it's because things like .bank, etc., haven't had enough time to percolate into the consumer awareness to have made that assessment about consumer trust, and are therefore making a recommendation of foreclosing on future … Again, they're just recommendations, but again, it doesn't matter whether there's been enough time unless there's an implication to drawing a conclusion without enough time. That's why I was trying to get to this notion.

I think it will probably make sense for all of us to, as we're talking about goals for the review and things like that, which is one of the conversations that we have on the table, to talk about that. What are your concerns, aspirations, and fears associated with the review? Personally, my fear of the review is that we make recommendations that aren't implementable in a reasonable period of time or that cause so much push back from the community that are anxious not to wait another five years to be able to have a new TLD or something. To me, that would be a fear for the review, and it doesn't have anything to do with any particular outcome, but my fears are all about, again, the sort of process we engage in.

I think getting all those things on the table to the extent possible, "I'm worried that the IP interests are going to override this conversation and there's going to be too much emphasis on trademark or something." Let's try to talk about things that might be risks so that we're on the table and that we address and mitigate those risks. I think that part of

that will talk about how we talk about things for which there might not have been enough time, and how conclusionary we are about things like competition.

AKRAM ATALLAH: I agree 100%, and I think that maybe from what you said, there needs to be an understanding of different types of applications and which types have moved [long for] a period that is actually now you can measure much better versus other types of applications that haven't. If you look at brands, for example, we haven't seen the majority of brands go out and generate a lot of innovation and show how they're going to use these TLDs. When you look at that, you say, "Do I put this in the same category as the generic commercial TLDs that are open for everyone?"

The time is not equivalent in both categories, so maybe that's another way to look at dividing up the different kinds of applications and look at them separately.

DAVID TAYLOR: Thanks for that, Akram. I think two points merge here, which is quite interesting. I think on the timing factor of whether we've got enough time to be looking at this from the launches, and you mention there are different types of applicants was a question I wanted to ask because to my knowledge, obviously we had standard. We had community. We didn't have brands. There was not a call for a specific category of brands, which doesn't exist currently, but my concern is more on the communities.

I think [today, and] certainly about a month or two months ago when I last looked, there was no community applicant that was actually in the root. I might be incorrect on that, but I don't think there was when I last looked. It might have even been three or four months ago, but there's 918 are in the root, basically, as of this weekend. That, to me, is something which concerns me in that it was always my understanding when I looked at the process that ICANN wanted …

It was like a [joker]. If you're community, you've got ahead of a standard. Actually, what we've seen is the other way around, is that the standards have got ahead and the communities have been left behind. That's something which how do we compare that when we're looking at different types, but also, what's your feeling on that with the communities, and is that something which we could have done better in the first place?

AKRAM ATALLAH: Everything in hindsight maybe could be done, could be improved and more effective. In particular with communities, I think I agree with you on the contention sets that had the community in. I'm not sure that the applications that were community but didn't have contentions, that they are not in the root. There's two types, the ones that didn't have any contentions versus the ones that had contentions. I think the ones that didn't have contentions and they passed and finished, I think some of them are in the root, but we'll check on that and get back to you on that.

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The ones that are in contention because of the way it was set up that if you are a community applicant and you prevail, then everybody's out. We are mired in our deconsideration mechanisms because everybody that got out is not happy about being out, even when somebody [won a] community application. So that's an issue I think that is maybe – I mean, there might be a better way to do that in the future, but let's not talk about that because that's not the area that we are focusing on here.

There is a review in the GNSO that is actually looking at all of the processes, and including this one, whether it could be improved or not. The fact that the bar was set so high on the community applications to prevent gaming, I think, encouraged less people to apply as a community, and therefore you had a lot of in the contentions that many more non-community applicants than community applicants, and therefore you had a lot of issues when somebody prevailed as a community from all the other applicants.

I think that's an area to look into. These probably are also some of the most wanted TLDs, if you want. There could be something there about when they will go out, how will they affect the registrations and how successful will they be? We need to take that into consideration as well, but I don't know that we can here address the CPE itself. We should be more focused on whether it's a category that warrants separation by itself because it's very few numbers. If we separate them, can we learn something from that because of the small numbers?

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MEGAN RICHARDS: Just on that point, on the issue of the community applications, the GAC has raised this a number of times, and the ombudsman has done a full assessment of the process. There's an interim report that the ICANN ombudsman has prepared, so I'll send it on to you two.

JONATHAN ZUCK: Any other questions for Akram? I'm sure there will be more as we go along.

AKRAM ATALLAH: Thank you, Zuck. Thank you, everybody, and if you need anything from me, please do not hesitate. I'm here, and I'm here to support you and help you get your work done. Whatever you need from staff or me … No, not you. Please do not hesitate to reach out to me. I'm available by e-mail or by phone, so either way. Thank you very much, and good luck. It's a tall order. It's a tough job, and we couldn't have a more diverse and focused team on this, so good luck. Thank you.

JONATHAN ZUCK: Thank you.

MARGIE MILAM: The next part of the agenda is the brainstorming session. Do we want a break before we jump into the brainstorming session?

UNIDENTIFIED MALE: Five minutes.

MARGIE MILAM: Five minutes. Yeah, just quick. Okay.

Shall I get started giving a background on what I'd like this exercise to be? Carlton, you may remember when we did the expert working group, one of the things that I thought was really successful for us is in our first meeting, we all wrote down our goals and issues specifically that we wanted addressed. The reason we did that was because it helped us organize our work plan and really make sure that we touched upon all the issues that were really key to our members.

What I'd like you to do with these Post-Its is, obviously each of you come from different perspectives. Some of you are in the business. Some of you come from the government side. You may have specific areas that you think are important to get looked at, and you want to make sure it becomes part of the work plan. So you take the Post-Its and you write down whatever the issue might be that you'd really like to make sure gets focused on.

We'll organize them here on the wall by subject matter, and then we'll take them back and give them to the work teams so that it becomes, eventually, part of the work that the group does. At least it's a way of each of you being able to identify the key issues. They're not the only issues, but we just want to make sure that they get touched on in this process and that the Work Plan accommodates some time to examine those issues. Jonathan, does that make sense to you?

JONATHAN ZUCK: It makes sense, and I guess all I would maybe add to that is what you described as the aspirational side, but as we just discussed with Akram, if there's another side whereby there's concerns that you're afraid of a way something might go or something like that, that we should be aware of as well, please express those also.

I think they could take the form of concerns that are what are happening outside this group, that the train will leave the station before we get our review recommendations in, or something like that could be one of the things. Or as Akram mentioned, we make some sort of definitive dispositive recommendation with insufficient information or something. If you have any worries or concerns about, we do raise those as well.

MARGIE MILAM: Calvin and Kaili, if you want to put them in the text … Drew's on as well. Sorry. If you could put them in the chat, in the Adobe Connect room, and the staff will write them down and put them on as well. That way, we can capture your input as well. These are, again, the issues you might want to see addressed, concerns you may have, things of that nature.

Does that make sense? All right. So let's take about—

JONATHAN ZUCK: We should attempt to do four different ones because [of] your intention to …

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MAGGIE MILAM: I have those four. It could be more. I have general, and then I have the application process. I have competition and choice as a category, and then I have safeguards. Is there another category you'd like to see addressed? I was just trying to organize it so that you could formulate your thoughts on each of these categories. Safeguards and trust. Yes.

JONATHAN ZUCK: Safeguards and trust, he's saying.

MAGGIE MILAM: I'll add that right now. It just depends on how much room you need to write. It could be a one word issue. It could be small.

JONATHAN ZUCK: Then we go stick them on the wall, or we give them to you?

MAGGIE MILAM: Then stick them on the wall. Yes, please.

UNIDENTIFIED MALE: Is the idea one concept per Post-It?

MAGGIE MILAM: No. Actually, I'm sorry, yes. I thought you meant one per member. No, you can have many ideas.

UNIDENTIFIED MALE: On this nicely lined one, we wouldn't put six.

MAGGIE MILAM: No, it's best to break them up by subject matter so that the work streams, the different subteams can take them and then organize them in how they want to examine the issues.

UNIDENTIFIED MALE: Okay.

JONATHAN ZUCK: All right. Let's see.

MAGGIE MILAM: I'll recap for the member that just joined.

JONATHAN ZUCK: Who was that, for the record?

MAGGIE MILAM: Jamie. The members are writing on Post-Its their goals for the session, both in terms of general and specific topic areas. If there's issues you'd like to see addressed as part of this review, write it on a Post-It. We're going to organize them on the wall, and then we'll give them to the different work streams so that they can take that into account while they do their work plan. Does that make sense?

And fears. It could be fears, concerns, issues, just things you want to make sure get addressed during this process. That way we don't leave anything off that you may have come here wanting to address. It could be the process itself, the application process or the review process, sure.

Is anyone still writing? It looks like Jordyn's still working, so a few more minutes.

Okay. Are we good? Anyone else in the room need more time? Okay. What about online? Do you need more time, or are you good with your input?

Calvin, yes. We'll read them off in a minute.

All right. Can you hear me okay? Yeah. It looks like we're done. I think I'll just go ahead and read them so you can get a sense for what everyone said, and we can also add to it, if you think. This is obviously not a fixed list, but I think it gives us a good starting point.

Under the category of general, we have, "Have the new TLDs made the DNS more useful?" That's a question. We also have, "Not pre-deciding whether there should be more new gTLDs." Someone wants to point that out. "Can new TLDs improve the experience of the DNS for mobile users?" Interesting question. Someone wrote "Timeline," so concerns about what the timeline will be. "Will there be adequate data to make meaningful assessments and recommendations?" Someone's concern. Also, "We want to structure a program that recognizes disabilities in emerging economies." Then we have a question, or it looks like it's a concern. "Will the analysis carried out be premature to fully assess the

impact of the new gTLD round? 4 billion new Internet users may change market circumstances."

That sounds like a good list. Anyone want to comment or add to the list? Anyone online? Okay.

We'll move to the application process. "Previously unserved areas and markets." Looks like that's a theme. "Standing in the objection process." We also have another objection process. "Can we simplify the process by eliminating rounds?" That's a question. Under the application process, "Dispute resolution lessons from developing regions." It looks like we want to take a look at developing regions, and in particular, the dispute resolution lessons. "IDNs and application support." "String confusion." "Singular and plurals." "How do we define community applicants and design an evaluation process that is fit for its purpose?" "Examining barriers to entry for prospective participants from emerging economies."

We've got another objection process. Another one, "Objection process inconsistent decisions and appeals," although there's a question about whether that's in scope. "Too expensive," so we're talking about the applications. [The picks.] "Risk of unfair advantage for those with more money or disadvantage for those with fewer resources." So we're looking at the resources and how it affects those with more money versus those that have fewer resources. Is there anything else in the application process that I missed or you'd like to highlight?

UNIDENTIFIED FEMALE: I just saw Calvin noted in the chat, "Are ICANN fixed costs a barrier to entry?"

UNIDENTIFIED FEMALE: Let me write that down.

UNIDENTIFIED FEMALE: Okay.

UNIDENTIFIED FEMALE: I think Alice is getting it, but just to capture it now.

MARGIE MILAM: Okay, good. Anyone else? Okay. We'll move onto competition and choice. "If the competition is not focused on price, what services should be identified for competition?" I think that's following up on what Akram was saying earlier. "As more and more applications go directly to service providers, example Facebook, etc., what's the impact to the market for domain names and implications?" "Has introduction of new gTLDs expanded markets, reduced costs, increased competition?" "Impact of alternative routes to DNS access by users." "Too soon…" This is the risk that I think Akram raised: "Too soon to accurately consider." "Do Internet users expect different TLDs to have different types of registrants?" Question. "Market forces cannot be the only compelling estimation of competition." Who wrote this one? Any [inaudible]? You want to explain that, Carlos? I'm sorry. Carlton, go ahead.

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CARLTON SAMUEL: It's a takeoff on Akram, actually. [Earlier] Akram said that price cannot be the most important one. There are other forces in the market other than price, and there are forces outside of market. There are regulations that can impact.

UNIDENTIFIED MALE: [Right.]

CARLTON SAMUEL: That's what I was saying.

UNIDENTIFIED MALE: That's what you mean by things like regulations, or outside of market forces?

CARLTON SAMUEL: Yeah.

UNIDENTIFIED MALE: I would argue that regulations are part of [inaudible].

CARLTON SAMUEL: No.

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UNIDENTIFIED MALE:	Please identify yourself.

UNIDENTIFIED MALE:	Do you mean non-price competition? Is that what you're talking about?

CARLTON SAMUEL:	Non-price competition. [inaudible] market forces.

UNIDENTIFIED MALE:	[inaudible]

UNIDENTIFIED MALE: I would have problems limiting to non-price competition. We have the fact that many countries have restrictions on trade, and you have an exchange rate and you end up paying more for a ccTLD that you could pay if you could buy directly a TLD from Donuts or GoDaddy and have it operating off-shore. So – what? That's – okay. As long as it is included, those barriers, then I would.

UNIDENTIFIED FEMALE: Microphone. Okay. Good?

MARGIE MILAM: Okay. I'll keep reading. "What is the impact on competition and choice in the developing countries?" What does that say? Oh, you want to look at competition between TLDs, g's and c's.

UNIDENTIFIED MALE: Price.

MARGIE MILAM: Price. Okay, so we want to write that. Write price here. We want to look at previously unserviced areas and markets. "Are domain names being allocated more efficiently to registrants who will use them well?" A question. Someone said, "DNS is a wholesale business." Does anyone want to clarify that? Go ahead, Carlos.

CARLOS RAUL GUTIERREZ: We have in telecom a clear separation and a different appraisal of the business, if it's a wholesale or if it is a retail business. I would assume that if we find that people are moving to Facebook or to other solutions, it's more important the relationships with registrants than with users, we should ask what's ICANN's role? Just assigning the resource or being a market maker?

UNIDENTIFIED MALE: Isn't the market in which registrars sell the retail market?

CARLOS RAUL GUTIERREZ: That's the question. That's the question.

UNIDENTIFIED MALE: That's how I think about it.

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MAGGIE MILAM: Jordyn?

UNIDENTIFIED MALE: Guys, one at a time.

JORDYN BUCHANAN: Isn't the distinction here, it's not that the domain name [is necessarily] wholesale or retail. Those both exist. The registry to registrar is a wholesale relationship, and the registrar to registrant is a retail relationship. It is that there's a regulated channel for the distribution of domain names, not that it's a wholesale business, per se.

CARLOS RAUL GUTIERREZ: Who is the market maker, then? Who has to promote it? We have an assumption here that we have to introduce the new gTLDs, and there are two positions here. We introduce them and if the domainers go wrong and cannot sell them, let them die, or we have another assumption here that because ICANN pushed the new gTLDs, then we have to promote gTLDs in every corner of the world and spend a lot of money on outreach and so on.

JONATHAN ZUCK: Carlos, your question is who's responsible for promotion. That may be a way to simplify that particular part of the question. That has come up a lot, so if the program was insufficiently promoted.

MAGGIE MILAM: Okay. "Universal acceptance." Someone else said, "Measuring innovation. How do we measure innovation?"

JONATHAN ZUCK: Oh, I'm sorry. That was mine. Again, I was just doing trigger phrases, but in the absence of universal acceptance. In other words, when you sign up for a bank account and you put in your e-mail address with .gallery, and it says: "That's not a valid e-mail address," is that, in fact, limiting your choice? Right? That's what I meant by that.

I have a question. The term innovation's come up twice. That concerns me. I don't know whether we've been tasked to figure out whether or not the market's been innovative or not. So Akram mentioned it, and then it's just been mentioned here. It may come up indirectly, but I don't know that that's in our remit.

MARGIE MILAM: I don't think it's in the Affirmation of Commitments. Right, Karen? I know you and I have had this discussion before.

STANLEY BESEN: Isn't the array of new products being offered the "innovation" we're talking about?

JONATHAN ZUCK: There's been a lot of discussion that one of the byproducts of the new gTLD program will, in fact, be innovation in that space, and that innovation could include things like .bank or the expanded searchability of .museum. Those are all things where there were attempts at least made at innovating in the DNS space to some extent. But it may be something that comes up in the context of competition as a means to competition, but I think we've been tasked with just assessing whether or not that we've increased competition.

STANLEY BESEN: Just to be clear, is the fact that a wider array of domains are now being offered [inaudible] non-price competition? [inaudible] that part of our mandate? [inaudible]

JONATHAN ZUCK: It is, but whether or not that is innovative or not is an open question, and I don't believe that that's necessarily one that we're supposed to answer.

STANLEY BESEN: That's terminological.

JONATHAN ZUCK: You think we are. You're disagreeing. Go ahead.

KAREN LENTZ: I think innovation was definitely one of the goals of the program – was to support and create a space where innovation could occur. I think, as Margie just noted, there's nothing explicitly in the Affirmation of Commitments that tasks this review team with measuring or looking at innovation.

I think it's very relevant, however, when you start talking about competition or choice, if you're looking at factors beyond price, if you have new services and other things being created, it's relevant there, as well as what are the array of choices that you're looking at.

JAMIE HEDLUND: I obviously agree with Karen, what she just said. I think innovation very much is part of competition. It's part of opening a market. It's one of the major benefits of opening a market, is allowing not only for better prices but innovation. If a market is closed, it's marked by higher prices and lower innovation.

I don't see how you don't look at the competitive facts of the new gTLD program without also necessarily looking at innovation. Otherwise, we're just looking at price and market share compared [inaudible] gTLDs. I think that's way too narrow. I don't think – it's just this is a different—

JONATHAN ZUCK: Maybe it's a red herring. It's more a question about that we're trying to form some conclusion about whether or not there was innovation as opposed to whether in fact there was meaningful choice or

competition, and innovation will be one of the things that in fact leads to that conclusion. But if we are going to tackle the notion of there was in fact innovation or there wasn't, we need to define it. We need to make it part of our Terms of Reference.

That's what I'm getting it is that I think the term innovation will get bandied around in the context of competition and choice for sure. But I mean, the question is not – I don't think as a question has not been asked to us. We'd need to define it. We'd need to come up with what that meant, and how we're trying to measure it. I think it will come up in the context of the things that we were tasked to review.

JAMIE HEDLUND: Just quickly, I think the term innovation is in the Terms of Reference at least once if not twice. Sorry?

UNIDENTIFIED FEMALE: [inaudible]

JAMIE HEDLUND: In the Terms of Reference that we just – or maybe it was in the Work Plan. But it is non-price competition and whether or not there is a benefit. Stan, correct me if I'm wrong, this is basic economic theory about the way markets work. They open, and so we can define innovation.

JONATHAN ZUCK: [inaudible] I apologize. I'm not saying we should never discuss innovation. [inaudible] as an objective to identify whether or not there was innovation.

JAMIE: So, are you saying that innovation would not be a benefit? If we were looking at benefits and costs, innovation would not be a benefit?

JONATHAN ZUCK: No. I'm not saying that.

JAMIE: Okay. Well, then you'd have to look at it.

UNIDENTIFIED MALE: I think the problem here is innovation exists and is a potential factor all up and down the value chain here. It's not just like that's the end result of competition. It's a way that people will compete. It's not just a way that people compete in terms of the product.

                      Registrars will have to innovate in order to show search results differently. Now, instead of showing eight TLDs, there's 900 possibilities, so they have to change the display of how they merchandize things. That's a kind of innovations that I'm not sure we want to make. It's not relevant to us to make a judgment as to whether that qualifies as innovative or not. It is relevant if that has made registrars more successful or given users more choice.

It seems like this is just a means to an end as opposed to something that we need to [inaudible]. [crosstalk]

JAMIE HEDLUND: Just to be clear, I wasn't talking about a registrar or indirect innovation. I'm talking about innovation as a result of different types of TLDs with different business plans.

UNIDENTIFIED MALE: Right. But I guess I'm saying innovation is all throughout all of our discussions. Innovation will be a thematic element of what the market participants are doing in order to try to either compete or improve their product offering or provide better consumer choice. All these things will incorporate innovation, but I don't think it's something that we should try to measure in and of itself. It's just a fact that will happen as part of looking at the things that we're actually trying to look at – competition, consumer choice, and consumer trust.

JONATHAN ZUCK: Maybe I need to be more blunt in order to be more clear. I believe that innovation in and of itself is valueless unless it leads to increased choice or competition. So giving it innate value is something that I think we need to be careful about doing. Because they were innovative, doesn't mean it led to more competition or more choice.

                       I can be innovative in my marketing campaign and give away free hats any time. But if it didn't actually lead to more choice so that the end

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result is not innovation, it is a means to the result of creating meaningful choice and competition.

JAMIE HEDLUND: This is the last thing I'll say on it. I'll give you an example of .cat, which is often cited .cat. At one point, there was only 50,000 registrants. To you, who don't speak Catalan, it is valueless. But to others … [crosstalk]

JONATHAN ZUCK: Not in the least. That's not what I'm saying. I'm not trying to replace it with price only. That seems to be what you're objecting to. I'm the first proponent of not just specifying it based on price.

I'm just saying that us making the value judgment about whether it was innovative is valueless. If it, in fact, led to increased choice, which .cat does presumably, then we make that assessment, and they accomplished that by being innovative. So the only value came from providing competition and choice. That's the value proposition we've been asked to assess.

That's what I'm trying to say. I'm not trying to take it back to a quantitative thing.

JAMIE HEDLUND: [inaudible] so I will stop. But I just think that one of the big predictors of wide success of this program was the amount of innovation that might be introduced. This is in the last economic study by Katz and Rosston, that innovation was one of the main potential benefits of [inaudible],

and in fact, it was less likely particularly this early on to have competitive effects against some of the incumbent TLDs.

MEGAN RICHARDS: I don't disagree with what either of you have said, but isn't this something that's being looked at? Don't you have another review on the overall gTLD issue? You have a whole review on the overall introduction of gTLDs, do you not?

We're looking only at competition, consumer trust, and consumer choice, so innovation, as you say, is also a result. But I thought there was another review. Exactly.

UNIDENTIFIED MALE: Yeah, but that's different. This is the only [inaudible].

MEGAN RICHARDS: Is it the only one? Then my argument just loses all its appeal.

JONATHAN ZUCK: That's really the issue. I think it's not a question of saying that we won't discuss it, it's that we value it based on it having led to more choice and competition. That's all.

STANLEY BESEN: I think we can have this whole discussion without mentioning the word innovation, so I propose that we fine [inaudible] by $1, $2 if they say it.

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Let me just say that here's what the analysis group said, which I think we all agree with. Registries may also compete on product differentiations by offering TLDs with like value a specific communities, provide enhanced-security international domain names, which can only be registered by consumers meeting certain restrictions.

But we'll want to evaluate that, right? We don't have to say – they never used the word innovation. If somebody really objects to it, we don't need it.

UNIDENTIFIED MALE: [inaudible]

STANLEY BESEN: What?

UNIDENTIFIED MALE: [inaudible]

STANLEY BESEN: Yeah. But we don't need the word innovation.

UNIDENTIFIED MALE: [INAUDIBLE]

MARGIE MILAM: Jonathan, I want to do a time check. What time is it right now? It's 12:20. We had a half hour slotted. This is a great discussion, and I think we should continue it.

My question is should we take a lunch break, go outside, come back and continue this? Because otherwise, it will be rushing this, and I think this is – I mean unless you disagree, it seems like a very fruitful use of our time.

How much time do we want to take for lunch so that the online folks know when to come back and check in with us?

JONATHAN ZUCK: 45 minutes.

MARGIE MILAM: 45 minutes, so come back at what time?

JONATHAN ZUCK: [inaudible]

MARGIE MILAM: Okay. We're going to take a break right now. We're going to come back at 1:20. Is that correct? 1:20. Thanks to you online, and we'll see you in about an hour.

I think we should get started. We're going to do it a little bit differently the rest of this list because if we try to delve into all of these issues, it

may take a very long time. What I'm going to do is I'm going to read them, and if you have any questions about the topic, then just raise the question for clarity purposes, and then the review subteams can actually focus on them and see how they might want to put them in their work plan. Does that make sense, Jonathan?

JONATHAN ZUCK: Yeah, so we're just going to spend maybe 15 more minutes on this with the objective of clarity so that as these things are rolled up by staff and given to the subteams, the cryptic chicken scratch has actually been translated for that purpose. But that's all we're going to try to do is identify things that don't make sense to people and get clarity and then move on.

MARGIE MILAM: Okay, so we were in competition and choice. Stan took his off. Stan, are you going to try to …

STANLEY BESEN: [inaudible]

MARGIE MILAM: Stan's will go in the work team level. One of the questions is, "Who is responsible to promote gTLDs?" I think Carlos raised that one.

"The impact of competition of new gTLDs in areas where uptake of ccTLDs is low." Does that make sense? Any questions?

We already talked about innovation.

Question: "Choice or confusion?" Who wrote this one? Anybody want to own up to this one? [crosstalk] Who's got a blue Post-it?

"Community versus standard versus brand." Does that make sense [inaudible] or something to look at? David, what were you thinking here? Use your mic if you don't mind.

DAVID TAYLOR: That was me. Yeah. I was looking really at the competition aspects if we're comparing community to community, standard to standard, and brand to brand, whether there's some competition and certainly choice aspects between the community and the standard when you've got them applying for the same TLD, and then the ultimate use of it.

MARGIE MILAM: Is that clear?

"How has the introduction of new TLDs affected competition between registrars?" That seems like a good question.

"To what extent have new gTLDs displaced legacy gTLDs, ccTLDs, and is this good for competition/price?" That seems like a good question.

"How to segment the market?" I've got "Cost and cost structure; fixed versus variable for providing registry, registrar" – I don't know what that is.

JONATHAN ZUCK: [inaudible]

MARGIE MILAM: "Cost and cost structure. Fixed versus variable for providing registry, registrar," I imagine it's services. Administrative services? Who wrote this one? Kaili? That was Kaili's?

STANLEY BESEN: By the way, that's related to the question of the survivability of the new gTLDs that have very low numbers of registrants. Mostly the costs of variables, who can survive. Most of them are fixed. They probably [inaudible].

MARGIE MILAM: Got it.

I have "Ways in which new gTLDs might or might not affect consumer trust and confusion in the marketplace. For example, are cyber criminals preying off of the fact that a legacy TLD operator most likely won't register all of the TLD versions of a domain name? A user can successfully navigate to a domain name that violates Consumer Trust through" – what's that say – "form of DNS abuse. Therefore, it is really important for the study to look beyond the mere domain name resolution in this category."

Did that come from Drew by any chance? I don't know who. That's from Drew?

UNIDENTIFIED FEMALE: [inaudible]

MARGIE MILAM: This one right here. Okay. Yeah, I think that one moves over here to safeguards and trust.

UNIDENTIFIED MALE: [inaudible]

MARGIE MILAM: Can you clarify this one? "Choice versus confusion," and what you were thinking?

UNIDENTIFIED MALE: There's a lot of new gTLDs, and so I was wondering [inaudible] the registrants are aware about that new choice that they have after the launching of the lot of new gTLDs?

MARGIE MILAM: This is more of an awareness question. You're talking about potential registrants then in that case. Correct?

UNIDENTIFIED MALE: There's also maybe a specific [inaudible]. This probably varies in that .com versus .photo might be one choice. Anyway, you might draw one

set of conclusions about that, but .photo versus .photos, you might draw a different conclusion about whether that's choice versus confusion.

I think there's a little bit of a spectrum here that's not just an awareness question.

MARGIE MILAM: Okay, good. That's all I have for competition and choice. Anything else anyone wants to raise before I move on to safeguards and trust?

Safeguards and trust. "What are the costs of defensive registrations, and do we need to seek to reduce them in the future?"

Then we've got "Trust business models." Who wrote this one and what were you thinking?

JONATHAN ZUCK: Oh, that was me. I guess what is the impact on various business models, or, as Jamie put it, innovations had on consumer trust. The topic that comes to mind is .sucks or something like that, and what is the degree to which the [crosstalk].

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Exactly. Now, I'm back in junior high.

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What is the impact that business models have had on trust? I don't know a way to be more specific other than to list a bunch of examples. But the one that I know will get discussed is .sucks, for example. So, do the business models of the new registries – I guess predominantly we're talking about registry business models probably – what impact are they having on consumer trust?

MARGIE MILAM: Okay. That's clear.

"Can registrants get better domain names in new gTLDs?" Oh, move this one over here. Yeah, I think that's right.

"The extent to which public interest commitments have consistently been applied and how have they helped to promote or maintain consumer trust?" That's a good question.

"The impact of predatory pricing and defensive applications."

"Impact of public policy advice on safeguards on consumer protection." Does that make sense?

UNIDENTIFIED MALE: What was that again?

MARGIE MILAM: "Impact of public policy advice on safeguards on consumer protection." Is this a GAC kind of question? Yeah, looking at this corner over here. Do you want to clarify what you're thinking here?

MEGAN RICHARDS: One of the issues that comes up in the GAC over and over again and with the Board is relating to the introduction of safeguards. The argument that has been introduced by the GAC is that their public policy advice is to increase and make more effective safeguards including the public interest commitments, etc.

So, the argument was, has the introduction of that public policy advice been useful in encouraging and protecting safeguards and trust? That's a much longer way of doing the shorthand version.

MARGIE MILAM: Thank you.

"Can a new TLD reduce the risk of consumer confusion for a brand?"

"What is ICANN's role in engendering trust?"

"Brands and IP protection." That's an area to look at.

"DNS abuse." Whoever wrote this a little more specific here. It was a great idea, but can we delve just a little deeper?

DAVID TAYLOR: Yeah, that was me. That was just because it was supposed to be in the Terms of Reference, but it wasn't, and then it was supposed to be in the Work Plan, but it wasn't, so I thought I should at least get it on a Post-it.

MARGIE MILAM: Okay, thank you, David.

"Dispute resolutions." All right. "How to bake safeguards in the new gTLD process." And then, "Experiences from developing regions." This is in the area of safeguards and trust. Who wrote this one? Does anyone want to clarify this one?

UNIDENTIFIED MALE: Just remind me what I wrote in form.

MARGIE MILAM: It says: "Experiences from developing regions," and this is in relation to safeguards and trust.

UNIDENTIFIED MALE: Yeah. I think there's some examples of what has happened in developing regions, and I think they could be worth looking at. I don't want to mention them specifically right now, but there are some examples of issues that came up from developing countries.

MARGIE MILAM: Thank you.

"Sufficient data." Anyone want to elaborate a little bit more on this one? This is Jamie.

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JAMIE HEDLUND:	I put that one on. During the run-up to the 2013 RAA negotiations, and then continuing through the new gTLD program, there have been a lot of concerns about bad stuff that could be happening, would be happening, would happen unless we do X, and so I would think in terms of looking at the effectiveness of the safeguards that we would want data to show that, and then not just within new gTLDs, but comparing it to legacy gTLDs. I don't know if you can compare it to CCs if the data's out there, but them, as well.
MARGIE MILAM:	Thank you. I think that's everything on safeguards and trust. Oh, yeah. I'm sorry. "Sunrise pricing."
JONATHAN ZUCK:	[inaudible]
UNIDENTIFIED FEMALE:	[inaudible]
JONATHAN ZUCK:	I'm seldom asked to speak louder. The sunrise pricing was just a reference to, again, maybe go back to business models. What is the impact it's had on consumer trust? The definition of consumer that I guess that has to do with the registrants probably and some of the experimentation that's happened there and that whole sunrise program and things. I think it's probably worth looking at.

DAVID TAYLOR: Just to add something. Maybe we can add in premium pricing, as well on that one, the sunrise premium.

JONATHAN ZUCK: Sunrise and premium, yeah.

JAMIE HEDLUND: So that I think would go to the GNSO policy recommendation not to put any pricing controls, right? I don't know if you want to limit it to just premium pricing, sunrise pricing, or whatever, but expand it more broadly for whether it's appropriate to put some sort of pricing guidelines. Not to set prices, I'm not saying that, but you can't really talk about it.

                          If I understand what you're talking about, it's not just specifically about sunrise pricing or premium pricing, but pricing in general, then flexibility to price however one wants.

JONATHAN ZUCK: That's right.

JORDYN BUCHANAN: There's a difference, right? You guys are talking about situations in which brands feel like they're forced to pay a premium for their brand in particular, which I think a distinct concept from whether a TLD ought to

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be able to charge a lot of money for, like a random generic term in that TLD.

It could be that we should revisit the whole issue. I'm not saying that's out of scope, but I do think they're somewhat separate questions with a set of separate issues around them.

JONATHAN ZUCK: Jordyn, I think you're right. I mean, the source of the recommendation is from a constituency which has a concern of brands and the various attempts to charge them more. In some form, that's sunrise and sometimes it's premium, and that is distinct from premium generics or something like that. I think that's right, and I don't know whether to identify those as a problem or not.

MARGIE MILAM: Should I write brand and generics, so that you at least identify that there's two different aspects of it, and you guys decide whether you want to do it further?

JONATHAN ZUCK: Put them both, and it may be a decision that one matters and one doesn't. It can be put in later.

STANLEY BESEN: I just want to remind everything that admittedly, the weakest part of the analysis group study was their ability to get retail prices. This will be

a problem I think we're going to have throughout here. They cut perfectly decent wholesale price data. They pointed out they really had a devil of a time trying to get good retail prices. I think this will be a data problem that we're going to have to face to address these questions.

UNIDENTIFIED MALE: [inaudible]

STANLEY BESEN: He says there was no problem about retail pricing. I'm saying you'll have difficulty capturing what the retail prices actually are. Jordyn's example makes it even harder if there's not just a single retail price charged in the same registry.

I think there's a serious data problem here.

JONATHAN ZUCK: Luckily, in the case of the brand question we're raising, we're mostly dealing with the direct to registry pricing now I think.

UNIDENTIFIED MALE: Mark up [inaudible].

JONATHAN ZUCK: The net effect was or something, yeah.

MARGIE MILAM:	So that's more of a competition issue, right? It sounds like another issue. Do we have sufficient data on pricing, right, or no?
STANLEY BESEN:	We certainly wouldn't want to analyze prices, and there are going to be limitations in doing so.
JONATHAN ZUCK:	Right. That's a completely different issue, but a good one.
MARGIE MILAM:	Okay, and then I think the last one here is "Recommendations for increasing consumer trust, especially in developing countries." I think that's pretty clear, right?
	So, we'll move on to the next one unless there's anything else on safeguards and trust that you want to highlight. Okay, it looks good.
	AoC review process. One of the questions is "There's too many parallel discussions." Another one raised is "Transparency." I guess the question is do we have enough transparency in this group? Is that the question?
LAUREEN KAPIN:	We should be mindful of transparency because the community is so interested in this work.

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MARGIE MILAM: Maybe later on, we can talk about what we are doing for transparency because I think we're doing just about everything at the moment except for allowing direct participation on calls. There's observers, but not people that need to converse with you all.

"Worried that time constraints limit discussions." So, as the discussion that was raised earlier, is the one year too short? You need more time to go through the issues.

"Are there issues that must be addressed prior to the further expansion of gTLDs?" Good question.

"Implementation …" What does that say? I can't read this. "Implementation, timing, and policies." Do you want to elaborate?

JONATHAN ZUCK: That was me.

MARGIE MILAM: Sorry.

JONATHAN ZUCK: That was politics.

MARGIE MILAM: Oh, politics. Sorry.

JONATHAN ZUCK: And that was just, again, a concern that I think will come up, that there will begin to be political pressure associated with further expansion of the root. It's like playing that game of the words you're not supposed to say.

It's related to the question also about which reforms are critical paths, and we should probably make that one of the structural milestones for these subteams is to help try to make that assessment and what needs to happen before they're any further, which is what's something that should happen over time and things like that, as well.

MARGIE MILAM: Say that again because I think that's something we want to capture. What was it? "Which reforms are critical paths."

JONATHAN ZUCK: That's right.

MARGIE MILAM: Thank you. Excellent.

Process. "Are we spending too much time spinning our wheels?"

JONATHAN ZUCK: By definition, yes. I think that is almost always the case, and we may not have a cure for it.

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MARGIE MILAM:	It's ICANN. I think that's part of ICANN.
	Worries. "Get the community to discuss our work." I don't know who wrote this. Do you want to clarify? Anybody? Was that an online question? This one right here. Okay, so it's something to do with consultation as a community.
	Consumer behavior [re] trust. Anyone want to elaborate on that one?
LAUREEN KAPIN:	That's mine. A lot of the studies – and I commented on this in the Terms of Reference – talk about [inaudible] consumers trust. Some of my comments were geared towards, you can't use the word trust by itself. You really have to marry that to what is the behavior of the public. Are they giving over their credit card numbers, their bank card numbers, their Social Security numbers, that sort of thing?
MARGIE MILAM:	Thank you. And then, "How do we build a solid foundation for the CCT Review Team II?" So the second one that follows this one. All right. Anything else on the review process itself?
JONATHAN ZUCK:	I would recommend actually moving Laureen's thing on behavior over to Consumer Trust and make sure that the team – and probably the Nielsen subteam in particular ought to take that into consideration about some of the questions we're asking. Because I think that's the

context in which she raised it originally, which is we can't just ask you do you trust, but ask about their behavior.

MARGIE MILAM: Perfect. All right. Thank you, everyone. I hope you found this useful. I think it'll be good for you guys to take a deeper dive in your subteams.

JONATHAN ZUCK: Were there any that actually dealt with safeguards particularly?

MARGIE MILAM: The public policy one that Megan raised. Public interest commitments and how to bake safeguards into the new gTLD process.

JONATHAN ZUCK: What do we have next on the agenda?

MARGIE MILAM: We have Xavier at 2:00. Do we have anything we can squeeze in before 2:00? Can you do it in that amount of time, though? If it's okay, we'll jump to Karen, then.

KAREN LENTZ: We thought it would be helpful – understanding that people have joined the ICANN community at various times – to recap a little bit about the new gTLD program and the origins of it. I'll go through a few slides of history, but it's mostly to make sure everyone is up to speed on this

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background, and if there are any questions that those can be answered quickly as you go forward.

As I think most people are aware, some of the goals of the program included introducing TLDs, especially IDNs. There actually weren't IDN gTLDs prior to the new gTLD program.

As you'll see, there are a lot of the goals that were discussed, including competition, choice, innovation, and particularly, there was a lot of discussion about how various communities could benefit from an expanded and more diverse name space.

If you look at the founding documents of ICANN from 1998, this is actually one of the responsibilities of ICANN, was to determine a policy for the circumstances of how TLDs should be added to the root system.

So throughout the various guises of corporate documents, that's always been one of the key streams of work, is to work on the process by which TLDs are added. Next slide.

This is a timeline of the gTLD space. The very left bucket there, which we sometimes call legacy TLDs, are gTLDs that existed prior to ICANN.

In 2000, there's a word there that I won't say. But in 2000, there was what we called a proof of concept, and the idea there was to add a group of TLDs, and there were a number of proposals that were selected, but they were intended to gain experience of TLDs of different types, so you had something very generic, like .info, and you had something very industry specific, like .aero for example.

In 2004, there was a process to add TLDs that was particularly focused on sponsored TLDs, which meant that they were designed to serve a particular user group or community. It's similar to what we have now as community TLDs. They had provisions in their agreements with ICANN that included certain mechanisms by which their community could participate in the policy making in that TLD.

When it came to contemplating a much larger scale, expansion of the name space, there was a pretty considerable effort in the GNSO to provide some policy guidance around that, and I'll speak a little bit more about that process in a moment. Next slide.

Once the policy recommendations were completed and approved by the ICANN Board, the implementation work began in earnest, and that took the form of creating several drafts of the applicant guidebook and that included the process for how to apply the registry agreement, the requirements that registries were expected to meet. Essentially, the rules of the program were in that document, and as you see there, it went through several drafts based on public comment, some studies, and several other meetings, which I'll talk about also in a later slide.

Once the final guidebook was approved, that green launch date there is the date that the application system was opened. Next slide.

So in terms of the policy development work, there was the foundational question that the GNSO addressed of whether there should be new gTLDs, as well as the conditions that should apply to them in terms of the allocation methods and the selection criteria. And so especially in terms of those discussions, there was some attention given to what's in

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the slide there as implementability, so even while the policy discussions were happening, there was consideration about what that might look like in practice.

For example, if you have a policy recommendation that a TLD shouldn't infringe legal rights, the implementation of that that was worked out was that there would be an objection process if someone thought their rights were being infringed. Those discussions happened across several years. The GNSO had some working groups looking at specific areas of policy. They also received advice from several of ICANN's advisory committee. The GAC principles on new gTLDs were used quite a bit in the GNSO in developing the policy recommendations, as well as the At-Large advice and SSAC advice. Next slide.

So, the policy conclusions. They came up with 19 policy recommendations recommending that there should be new gTLDs. Some of the stated expected benefits: increased participation, increased choice and competition. There was a definite expectation that IDNs should be included in that. Certainly, there was guidance that we don't want to add gTLDs that will cause security or stability issues or add them in a way that would cause security or stability issues, so that continues to be paramount.

In terms of the allocation method, this is just speaking of the GNSO's policy advice. It did suggest that we have rounds. It didn't suggest any limitations by category. What I mean by that is as opposed to something like the sponsored TLD process, there wasn't policy guidance saying we're only looking for this type of applications or this type of business

model or this type of TLD, so there weren't those types of limitations built in.

The GNSO advice did list several important types of interests that should be protected. I think those are in a future slide, but for example, user confusion was one of them, legal rights, morality and public order, and the interest of communities were particularly listed there. Next slide.

There they are. Yes, I think I listed most of them: interests of governments also, especially in terms of certain names or certain concerns about applications. Next slide.

In terms of the implementation process that I described, there were multiple versions of the applicant guidebook. I can tell you out of all the public comment processes, there were really significant changes from the first version to the one that we ended up with, and I think in a positive way, there were a lot of explanatory memorandums looking at different approaches to certain parts of the process, like resolving contention, for example. We did do some particular economic studies, which you all have talked about, and technical studies. I think that's what I want to cover here.

 But there were really quite a few groups and individuals who participated in building the implementation. Next slide.

I sped through that quickly, but what I've tried to hit on are the themes that were discussed pretty widely in the community in terms of developing the program, and key to those are we should always be keeping watch over the security and stability of the DNS. There was quite a bit of work done on the legal rights of others. Rights protection

is one of the key themes and also something that will be looked at here in this group. Promotion of competition and choice has always been a goal, and global stakeholder participation, so looking for participation from all of the regions of the world.

I think it's, retrospectively looking at that, that's actually exciting to be where we are and looking at some results and how we did against some of these goals. Questions?

MEGAN RICHARDS: Thank you very much. Thanks, Karen. That was very useful.

I just have a question, and perhaps you can clarify exactly what it means. "Protected the legal rights of others." Does that mean the existing rights of the legacy gTLDs or does it mean intellectual property rights? Can you expand? You were rather brief on that one. Thanks.

KAREN LENTZ: Sure. Thank you, Megan. This policy recommendation was primarily aimed at intellectual property rights, and in particular was looking at the application process itself. So if you're going to apply for something that infringed a trademark or something like that, the recommendation was that there be protections built in to help mitigate that.

UNIDENTIFIED MALE: Thank you very much. This is very useful information. If we could add some numbers of these different stages, we already would have the first page of the report in terms of how many delegations happened over

this timeline in the first, second, third stage, how do they stand today, the ccTLDs and so on. That gives us a tremendous definition of the field at least, and as I said, I don't want to be running in three months down time saying, "Now, can we find those numbers and so on?"

I think it's already, as I said, the first few pages of the report that we should be working on immediately. Thank you very much.

JONATHAN ZUCK: This may just be woven throughout the process, but was there any attempt in a high level way to look at what were considered failings or shortfalls or shortcomings of the prior expansions, that there was an attempt to mitigate those challenges? Were they ever enumerated as specifically that, things that didn't work in the prior attempts that we're trying to get right this time. That would be something that would be well worth us looking at.

KAREN LENTZ: Thanks, Jonathan. I think there were attempts to capture some of that, and it's certainly something that we could collect and provide to the team. I think it probably wasn't ever in a [concertive] big picture way.

In terms of the 2000 group of TLDs, they each actually gave these proof of concept reports, which describes their start up experience and they actually provide a narrative in some cases as to what they might do differently. There was also an independent evaluation report that looked at that process and that set of TLDs.

There was something similar for the sTLD group, as well, focused on the process and procedural questions, so in that respect, I think those experiences with some of those applications really did inform creation of the procedures that were in the new gTLD program to contemplate how you'd handle some of those types of issues in advance.

I'll also say that if you look at the area of rights protection, for example, one of the commonly known takeaways from adding a bunch of TLDs is that the feedback was that everybody did their own sunrise differently, and rights holders had to go to several different places or produce different types of documents every time, and so that was also something that I think has evolved in the course of building the program, was a desire to have more streamlined processes. So just a couple of instances.

JONATHAN ZUCK: [inaudible] standardized process because there was something related to .travel, as well and things. I don't know whether, again, there was any kind of a direct relationship between policy recommendations so that such a confusion wouldn't happen in the future. There was certainly something about which there was some discussion. Other questions or statements? Megan and Jordyn.

MEGAN RICHARDS: Mine is a statement rather than a question. Just to follow up on what you've discussed here, I think it would be very useful if there is something that exists that gives us a better idea of what really took place and what the issues were that were raised. So if the staff could

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make a commitment to give us an overview, I think that would be helpful – don't you think – for the work of this group. Trying to get a commitment.

JONATHAN ZUCK: Is that reasonable? I don't know what that task looks like.

KAREN LENTZ: I think so. If it requires going back and looking at the materials, looking at the 2000 and 2004 experiences and providing us a synopsis of those, I think that's very doable.

JONATHAN ZUCK: Yeah, and at the very least, it might just be expanding these lists based on things that were identified in the interim, something like that.

KAREN LENTZ: Okay.

JORDYN BUCHANAN: Karen, I don't know if this question belongs here or somewhere else later on, but there's various post-delegation safeguards and dispute processes. Is there any data on whether they've been invoked and to what extent and outcomes etc., etc.? Do we know anything about what's happened operationally in terms of safeguards after TLDs have actually been delegated?

KAREN LENTZ: Can you give an example?

JORDYN BUCHANAN: Sure. Well, so there's [inaudible] the PICDRP and the PDDRP. Have those been invoked, and do we have data on how often that's happening and what the resolutions are, etc.?

KAREN LENTZ: Okay, thanks. For the most part, yes. We have data on all of those post-delegation things that we've put in place. In terms of the two you mention, PICDRP and PDDRP, the last I knew there hadn't been any invocation of them.

                       But generally speaking, yes, we have data on most of the safeguards and their uses.

JORDYN BUCHANAN: Yeah, it would just be helpful for you guys to confirm. If there's anything else that's supposed to apply after a TLD has been delegated as opposed to during the delegation process, it would be interesting just to know and get perspective on what's going on with those processes, as well.

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KAREN LENTZ:	Thanks. Agreed. I think there's actually a couple of metrics that relate to that. The PICDRP process is actually a metric, which right now is at zero, but it will continue to be monitored.
ELEEZA AGOPIAN:	I was going to reiterate what Karen said. We have several of the metrics which we'll go through tomorrow that relate to that. There are none that are related to the PICDRP. We've also been tracking cases that go through UDRP and URS providers, and we have lots of detailed breakdowns of how those cases have resolved.
DAVID TAYLOR:	Yeah, I was just going to pick up on Jordyn's point on the PDDRP. As somebody who was involved in the writing of that back on the IRT days in 2009, one of the things which we talked about then was, which ties into the metric, if it's never used, then that might be a success, which means it's worked.
LAUREEN KAPIN:	It also might be a failure because it's so complicated or time consuming that no one wants to do it.
JONATHAN ZUCK:	Any other questions for Karen?
	We've got a special guest in our midst here. Xavier is going to talk with us a little bit about budgets, and then also hopefully that will lead to a

little bit of a discussion about greater participation by review team members in some of these processes that are often separate.

I'm just going to give the floor to Xavier. You can take the walking microphone if you want to, but you do need a microphone.

XAVIER CALVEZ: Thank you. Is there anyone on the phone? Hi, everyone, on the phone. Good afternoon.

For those of you I don't know, I'm Xavier Calvez, the CFO of ICANN. Thank you for the opportunity to come and work with you and the team.

I will start really less with numbers. Actually, I have a document that has not one figure in it. It's probably a first for me.

But to talk a little bit about how we can try to work on how to conduct reviews as projects in the future and how do we allow ourselves as team members collectively to share the work of a review and also share the information relative to the reviews and share all the roles relative to reviews so that we can allow the review team members to have information on budgets, to have information on the resourcing to be able to also share the control, the responsibility, and ultimately, the accountability of the reviews.

So we've had a conversation with Jonathan last week to try to introduce a bit those concepts, and we thought that it would be useful to use your review, the review that you're currently conducting as at least starting a

bit introducing those ideas and test them with your experience and your views. Let me start with the first slide please, Alice. Thank you.

I apologize for the colors that are not very easily legible. Part of what we've been dealing – and you all have been dealing – in the past years with the reviews is that we have a distribution of the control over what occurs during a review, we have a distribution of the responsibility, and we have a distribution of the accountability.

Part of the challenge for all of us together is when a review is being conducted, the review team works and produces recommendations that sometimes and logically feels disconnected from its implementation or of the resources that are available to even conduct the reviews.

The staff carries out scheduling the meetings, carries out hiring consultants when consultants are necessary to conduct a review. But those consultants, those resources, are in support of the review happening, so there is a distribution of the various roles that contribute to a successful review between the community and the staff and the stakeholders and the staff, you participating to review and the staff that support making the review happen.

We have all seen the challenges that exist of sharing information in a timely fashion, involving adequately people into processes to hire consultants, for example, or to define travel support or define how much we're traveling, where we're traveling, when do we need to travel or not.

Often, we also have the question as, "Well, how much money is available for the review?"

So in order to try to evolve from a model where we have more questions than answers or where the roles are distributed and where the staff has control but does not necessarily have the definition of what their work is, but the stakeholders have the objective to get the review conducted, to issue recommendations, and that those recommendations are effective, how do we distribute control, responsibility, and accountability across the resources that contribute to a review happening? Next slide please.

For some reason, it is not appearing well. If we look at a review as a project, when the staff conducts a project, like for any project, not just about a review, there's a project sponsor, there's a project owner as well as a project manager. Sometimes it's the same person. It depends on the size of the project. Then there's project resources that contribute to the project happening.

If we look at a review as a project, which it is for all of us together, it's accomplishing a project. How do we have those roles being carried out? When the staff manages the project and there's no correlative participation or communication with the stakeholders who carry out the review, this is where we have a wall here. This is where there's a lack of information that leads to sometimes you guys not knowing how much money, for example, there is available or the staff not being clear up front as to what the resources are that are required to conduct the review.

So, is there a way for us to work in a different fashion to distribute the roles and responsibilities in a different fashion that allow the control,

the responsibility, and the accountability ultimately of the review and its outcome to be carried out differently? Next slide please.

Can we create similar roles in the review teams to those that carry out the responsibilities of the staff in order to be able to have effectively the roles and responsibilities in the team that help carry out control, responsibility, and accountability? I'll move quickly to the next slide.

If we can create those roles, take, for example, the project manager here. The control and the responsibility of the spend, for example, on a review. At the end of the day, currently, the review teams have input on what the work is that occurs during a review, but don't have the ultimate responsibility of the cost incurred for the review, for example.

If I push the concept a little bit further, who's going to prison if we don't do things correctly? In this room, there's only person who's going to prison, and it's me because I'm an officer of the company.

That's called responsibility. But I'm going to want to share that benefit with you guys. And this is what I'm talking about here.

Can we share the roles that contribute to getting this review accomplished so that I'm not the only one to go to prison, so that at the end of the day, we do share the control, the responsibility, and the accountability of the outcome of the review? Because we all need to understand the resources that are available, we all need to be able to define what those resources are.

You want to be able to get to a successful review. At the end of the day, we all want the same thing together, so can we create those roles that

then allow, for example, a project manager and a set of two project managers, one in the staff, one in the stakeholders, to work together to define the scope of the review?

Let's see what we need to get done. What are the resources that are required to get it done and how do we put these resources in place? Do we need external consultants? Do we need to travel? Let's put that together.

The project owners and the project managers work together to be able to say: "This is what we think needs to get done. This is what the review team has said we think we need to get this done. Let's put the plan together so that we make that happen. We think it's going to cost this much. We think we need an external resource. We may need to conduct an RFP as a result to put in place those resources. How do we do that together?"

If we have those roles working together, then we start sharing together (next slide please) the control and the responsibility and ultimately the accountability of the review and its outcome.

Now, it's obviously different than what we've tried to do in the past, but at the same time, we know that we've had challenges in sharing that control or that responsibility and ultimately the accountability of the reviews. So can we do this?

I think we can, but this is innovative. This is a different way of working for us. In the new world of accountability that's in front of us, we need to find innovative ways to allow us to work together as a multi-stakeholder model and conduct those reviews.

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The reviews are really at the core of the accountability mechanisms of ICANN. You guys are here because we want those reviews to occur. We want to be able to say, "We review ourselves and we improve ourselves as a result of those reviews," so they are absolutely core to the multi-stakeholder model, to the accountability of ICANN, to the public. At the end of the day, we need them to be successful.

Let me stop there to see if there's any questions, any thoughts, any reactions to what I just said, and then we'll take it to how can we find ways to maybe start applying a little bit this model for this review team and its work. Jonathan.

JONATHAN ZUCK: I guess a couple of things. I guess if I was coaching you, I wouldn't have used jail time as an incentive.

XAVIER CALVEZ: It woke up a few people, though.

JONATHAN ZUCK: Yeah, it did. It may be worth describing what the stakes are associated with accountability because obviously this presentation, I think, we can all regard as a "be careful what you wish for" result of the year-long accountability process in which we've been engaged. It's revealed certain concerns on the part of the community about their ability to participate in things, and so this is an attempt for Xavier to address concerns raised by the community.

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I think in the context of the accountability process that's taken place has to do with being removed from your job or something like that, and so I actually don't know a scenario in which the actions of this group could result in anyone going to jail. But I don't know, so it might be worth looking into that. Maybe it has to do with the contracting process or something like that.

XAVIER CALVEZ: Absolutely.

JONATHAN ZUCK: But then the other thing I guess I would suggest is to ask you to explain what the distinction is between those jobs on staff because it could also be that we can't make a one-for-one crossover between the two of them. Some of them are going to be above the review process, and others – I see a world in which people might be willing to sign up to be the project manager, but probably within one of these substantive categories.

In other words, it won't make sense for someone on the review team to be a global project manager. But instead, there might be a project manager in the competition department that specifically wants to be engaged in the RFP and vendor selection process or something like that. So part of this diagram might not be one-for-one, it might be many-to-one also as a structure going forward.

So, two things. Explain what those roles are, and then I'm guessing that the willingness of this team to engage in this experiment with you will probably be if it's a little more granular.

XAVIER CALVEZ: Yeah, understood. Thank you, Jonathan, for that segue moving into a more practical way of how to look at this.

The project manager is the person, at the end of the day, who understands the overall objective of the project – in this case, the review – and understands also the plan that the review team has to get from the start to completion. What are the milestones? What do we want to get done in nature? That role is enabled to be able to say, "In order to achieve this, this is the type of resources that we need."

So, objective, types of action, and we need these types of resources. And of course, when I say project manager, it sounds like we're talking about one person. Could be one person, but could be a group as well that defines what the plan of action is.

And from that kind of action, the project manager can then – and again, very often, the project owner and the project manager are very often the same individual – but then the project manager can identify the resources and then manage the resources to completion.

If we said, for this review, we think we need to meet three times once every six months over the next year and a half, we need to have a number of analysis or research being done. We are going to have three meetings. This is who will travel. This is the type of money involved with

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the traveling. This is the amount of money that we think we need to be able to conduct the research, and these are the meetings that we will have along the way to use that research to maybe plan [inaudible] use that research and use the results of the research for our recommendations.

The project manager would be the person working with the procurement team and the staff to say: "We need a resource. We need a firm. Who's going to do the research that we need? We need to get it, so we're going to use the help of the procurement team in ICANN who conducts the RFPs." But the project manager – and I'm talking now about the role, not the individual because it may be two individuals here – the project managers are going to work with the procurement team of ICANN to conduct the RFP.

We've done this, for example, for the ICG. You may remember that the ICG needed to have an external secretariat support, so we did an RFP. Vivek, our procurement director, conducted this RFP, and he worked with Alissa and Adiel and Patrick, who were the co-chairs of the ICG at the time, to conduct the RFP, and they were very involved together. They were a team of project managers as it relates to that team's work. That's the type of events.

To your point, the jail thing is only in the sense of are we using adequately the resources of ICANN for lawful purposes. I was only using that as an illustration of what that means to be responsible. At the end of the day, it's simply that we use the resources of ICANN adequately.

That's what the project manager/project owner does. I think that when we apply this to a review, this is a role that would help, and whether it's distributed across several different work streams within the review or whether it's a singular role, this is a role that helps defining the milestones of the project, the content of the project, and what type of resources are required to conduct that project, and then that helps managing those resources.

So when we said at the beginning of the review, we need to travel three times once every six months, for example, along the way, if things change as part of the work of the review, then this is the role that will say: "Well, are we changing that? Do we need to change this? We had this plan. Can we do something different than traveling five times, instead of the three that we were originally planning for?"

But having that role, it does, to Jonathan's point earlier, create a little bit of a responsibility in the review team and in the members that participate to that role, and do we have the skill altogether to carry out those roles, as well? So in the case of this review team, maybe it makes sense to break down a little bit this project manager role.

I don't remember how many streams you have within the review team, but maybe there's a project manager role for each of those that can look at the plan of action for these work streams, and what are the resource requirements that are specific to those. I don't know if there's a schedule of meetings, for example, that you guys have already laid out that would be part of the plan of action, as well as the resource requirements, as well as, therefore, the budget that would be defined for the review team.

When you aggregate all that together across each of the segments, then we have an overall review plan, work plan, and budget.

JONATHAN ZUCK: Just a follow up. So at a very high level, do you see any analogy to the project sponsor or project owner within the community side of that, or is everything really about project manager? I'm trying to actually figure out if we're trying to build a kind of liaison relationship between – I don't even know who the project sponsor or owner in ICANN are today.

XAVIER CALVEZ: The community, I think, is the project sponsor at the end of the day, isn't it?

JONATHAN ZUCK: Okay, so, again, I sort of feel like the attraction of this is participation, that the ability for members of the review team to be a more active participants in functions from which they are typically excluded is the incentive to take on some kind of role, and that someone would want to take that on at a fairly limited way.

In other words, I could see, for example, the competition team identifying two outside research projects that they wanted to take place, and for each of them, requiring hiring of a firm. I could see realistically that team appointing someone to manage each of those independently. If there's a particular research project related to competition, Stan might get assigned to be the project manager for something that granular, and so they would be involved in figuring out

what the budget for that should be, helping with the RFP process, things like that.

It could be that this is too high level, and that we're really just looking at, at a practical level, project management, and then what might be the community side to that and who would engage with the project manager on the ICANN side at a fairly granular level? I think that's the only conditions under which anybody would take on one of these responsibilities.

XAVIER CALVEZ: Oh, of course. This is fairly theoretical. Now, I'll give the mike to Carlos.

This is obviously a theoretical model that we now need to see how it can be applied to this review team, and again, the roles are not necessarily just individuals and they're not full-time jobs. It's how do we want to break these concepts of responsibility and control across the entire team and how does the staff help in making that happen. If you have identified the project manager for a specific research project, that's what it is. Now, let's work together to make it happen, and just the staff here will bring in the rest of the resources of ICANN to help with the RFP, for example, to help with the contracting for the negotiations.

So I agree. This is how we use those concepts to try to apply them to the review team here, and then we can then use this to allow the deeper involvement and the control to a certain extent of the actual work procuring. Then you have more participation in the selection of the

vendors, for example, and it's more transparent and clearer to you how the vendors are being selected because you participate to it.

That's a big difference in the way we are suggesting to work is that you have visibility, understanding, input, and ultimately control over how we select a vendor. It simply needs to be under the guidelines that we need to have an RFP above $150,000, for example, in ICANN. In order for you guys to leave me out of prison, we need to do an RFP correctly.

But that's the guidance and the rules and policies that we can leverage for the team to participate to the elaboration of the work. Carlos, sorry.

CARLOS RAUL GUTIERREZ: Thank you very much. Thank you, Xavier. I understand where you're coming from and praise you for the ideas. Nevertheless, compared to other groups, if you were telling that to the PDP of the GNSO, I would go forward and go forward with the discussion.

But this is not an internal project. This is a review under the Affirmation of Commitments, so this is like when your auditors come and check on your numbers.

Secondly, we are all members and we are all the same, but the process we've got here is very different. Some are experts by themselves and not bound to any of the SOs/ACs. Some are representing the chair of the GAC – I don't know if Jamie wants me to say this or not – and representing three CEOs of ICANN, the previous, the transitional one, and the new one. You deserve a raise.

But in our case, the GNSO, it was pretty complex to get here, and we had to be endorsed. In my case, I was endorsed by three different groups out of the seven groups. The GNSO expects me to report back. I'm not voting in the name of the GNSO, but they expect the members endorsed by the GNSO to have a direct line with the GNSO.

So by saying that, I cannot participate in any of those boxes in my case because I'm here with a hat, and they gave me this hat and they told me how to behave or what they expect from me and so on. So this is a comment that I really understand where you are going, but I see three different kinds of projects. The projects that transform the corporation, so there is no limit in expenses like the CCWG accountability.

XAVIER CALVEZ: There will be limits.

CARLOS RAUL GUTIERREZ: The projects that really deserve more resources so that they become more effective, meaning all the PDPs. We have had very good discussions with you over the last two years of the resources for policy development, and I see a clear use of this, and this which I consider, as I said, is an external review under the Affirmation of Commitments with very particular responsibilities and expectations.

And with all respect, we have to keep the line between the experts, the representatives of the community, and the staff very, very clear. Thank you.

XAVIER CALVEZ: Sorry. Jordyn.

JORDYN BUCHANAN: Well, you can respond because I'm going to come to a similar conclusion for an entirely different set of reasons.

JONATHAN ZUCK: Again, I think part of the problem, Carlos, is that this began as a philosophical discussion, and it's really just a question of boiling it down to a practical level. I don't think you as a representative of the GNSO would be precluded from being our assigned project manager for the Nielsen team, for example, to add questions to the survey, or Stan because of his expertise maybe is the person that's the liaison to the analysis group.

At some point, you add enough questions to the survey or complexity of the survey, it might affect the budget of the survey or something like that, and so somebody that kind of owns that conceptually and brings it back to the group to figure out if it's worthwhile. Given the overall budget, I don't know that that's in any way a conflict with your role as a representative of the GNSO if it's taken it to that granular a level.

I guess that's what I'm getting at. The carrot here is participation, and the stick is some level of responsibility and accountability.

JORDYN BUCHANAN: Xavier, like Carlos, I like where you're trying to get to. God knows I've gotten up in enough ICANN meetings and said, "Hey. You guys need to

consult with us and work together to make this process go as opposed to just doing stuff and coming at the end."

But I don't think this direct mapping of the roles that you guys have internally in your organization – you need people on the community side to be doing roughly those same things – works very well. Part of that is because you have these things laid out top to bottom on the left, and that's correct. It's basically hierarchical.

If Akram's the sponsor and someone further down is the owner and eventually you have a project manager, at some point, [inaudible] you're going to be like, "You are doing a crap job. You're fired." Right?

There's controls in place there, whereas that's not in the case on the right. If we were to have a program manager or project manager from this group, it would be because we all said, like Jonathan said, it's almost like we need an incentive for them to do it. It's like, "Please, someone, go on behalf of the group and do something on our behalf."

I don't know if anyone's read about it. Apple uses this crazy management philosophy of holacracy where everyone's the same and you elect your own managers and stuff like that. That's more like how the community process works. Just the relationships between the various levels, I think, are very different.

I think there are places where it absolutely makes sense for staff just to go and do stuff on its own. But I think that should happen as part of a dialogue with the review team to say like, "Hey. What are the things you guys need? Where do you need support?"

There's places where you guys should be project managing the hell out of the process, and we're just going along with it. There's other places where we're going to want to be very involved, and that should just be part of the dialogue as opposed to trying to figure out a mapping of roles to the way that you guys organize the project internally I think.

JONATHAN ZUCK: I think that's right. We have to wrap this up a little bit, but I think we've started a conversation. I will sign up to coordinate with Xavier at a high level in terms of the overall budget and travel things and things at that level.

Then let's also take away from this the notion that ICANN is trying to make it possible for greater participation in some processes that ordinarily you don't get to participate in. I think that's the big takeaway, and that we will then work as experiments to identify someone as the PM for a particular area, and that may require signing an additional confidentiality agreement in order to participate in the RFP process, for example.

Let's handle that on a case-by-cases basis, but take away as an objective to have members of the review team involved in every step where it makes sense to be involved and to interact with you to figure out what responsibilities inure from that increased participation. Does that make sense?

XAVIER CALVEZ: Makes complete sense to me, and Carlos and Jordyn's comments are very well understood and they're very on point. I would argue in favor of what you just pointed out, Jonathan, is that this is a very theoretical model, and of course, the words of project manager and [inaudible], it's difficult to translate them very directly and immediately in this room with the work that you're doing.

But I think that this is a bit of an absolute model. If we move the needle by 10% with the conversation that we already had, I think we've already started making progress. I think that if we find the ways practically speaking, as you said, to increase participation under the notion of roles and responsibilities because they go together, then I think we'll make progress, and I think we can take this further and further and to see how it works and how it becomes effective at participating and sharing information.

Just one illustration of what that control, responsibility, and shared accountability is is I think we should have much more reporting of the activities and the budgets of the reviews, and not only among ourselves, but also outside for the community to know. It's important that the community knows what the review team is doing, what its budget is and why these activities are what they are, and what the costs are at the beginning and maybe at the end.

JONATHAN ZUCK: So if we're picking exotic locations for our face-to-face meetings, we should look at cheaper ones like Thailand or something as opposed to expensive ones. I think we get it.

Thank you, Xavier, for your presentation and for being part of it. We agree to be your guinea pigs in this evolution and we will try on a case-by-case basis to get people assigned to interact more intimately with some of these processes.

XAVIER CALVEZ: That's success already. Thank you very much.

MARGIE MILAM: Yeah, let's go ahead and get started. Okay.

CHRISTINE WILLETT: Hi there. Thanks for having us back. I've met some of you. I'm going to be presenting today with Cristina Flores. We'll try to keep this presentation portion brief so we can move onto questions and discussions.

I'm going to briefly go over the phases of stages of the new gTLD application processing and highlight some key dates and timings, then give you a little bit of a status as to where we are in completion of the various stages of the program activities. Then Cristina, as the editor and primary author of the programs presentation review report, will take you through at a high level some of the findings and the high level of that report.

The new gTLD application processing, I think you left off with the discussion with Karen Lentz with the application guidebook getting approved. The program was broken down into essentially five phases of

processing: application submissions, then evaluation, objections and dispute resolution overlaps with that, along with contention resolution, and then ultimately applications proceeded to contracting and ultimately to delegation.

Application submission window – application window opened 12 January 2012, closed 30 May 2012. Some of you may be familiar with a brief period in which the application system [tabs] was taken down, and so that window was supposed to close on 12 of April, and it was extended to 30 May. The list of 1930 applications which we ultimately received, was published on 13 June, at which point, we began reviewing the applications and beginning the evaluation work.

The evaluation work fell into three broad categories. Background screening, which was reviewing the entity itself, its directors, its officers, versus a string review. The string reviews were string similarity, as well as DNS stability. That was reviewing the string and the nature of the string, and then the application reviews. That was their financial review, our technical review, the geographic names panel review, and the registry services reviewed application content.

The first initial evaluation result: There was an initial evaluation, and then an opportunity if applicants didn't pass the initial evaluation to a less definitive evaluation. But the first initial evaluation results were published on 22 March of 2013, ten months after the close of the application window.

98% of all evaluation results were published by 30 August 2013, so that would have been 15 months, and then all initial evaluation results were

published in November of 2013, a total of 18 months from the start of evaluation to the end.

The prioritization draw, I neglected to mention that the guide book anticipated approximately 1500 applications and referenced a lot of time frames, etc. based on an estimate of 1500 applications being batched together. What did I say? 1500? Sorry, thank you, 500. Absolutely, 500, and then subsequent batching beyond that.

After a few unsuccessful attempts at methods of prioritization that I didn't live through – others did – we ultimately settled on a prioritization draw approach. We published that plan for public comment in October, 2012, and then held the draw on December 17th of 2012.

So all of the further application processing, evaluation results, publication, all other processing of applications were based on that prioritization number. There were multiple objection and dispute resolution mechanisms. The GAC early warnings, those came out in November in 2012. Only 187 applications were named in GAC early warnings, versus 517 applications ultimately named over the course of the program in GAC advice.

We first received GAC advice in April of 2013 with the Beijing communique. The objection filing period was open from 13 June, 2012, when the 1930 applications were initially published, and closed 13 of March, 2013. Again, approximately nine months for objections to be filed.

Moving on to the contention resolution stage, based on the questions this morning, this group seems quite familiar with both community priority evaluation as well as ICANN's last resort method of auction.

Those two, once evaluations were done and application completed and all objections and disputes resolved, then we moved to contention resolution. So if applicants weren't able to resolve contention amongst themselves, they were able to – we moved them through the auction as a last resort.

Contracting to delegation, there is the registry agreement with ICANN, first signed in July 2013 for this round. Once contracted, then we move the applicants through a pre-delegation testing. We simultaneously go through an onboarding process, as you would with those customers, and then once all of that work is completed, we issue tokens which enable the applicants to move towards delegation. They can go to IANA to redeem these tokens.

Go ahead, next slide. This GAC chart reflects the timing and phase of the various phases. We have still one dispute resolution, one objection outstanding, so we're 99% complete with dispute resolution. Contention resolution, we're at 8%. We still have some outstanding contention sets, likely to go through either CPE and/or auctions.

Here, you'll see 97% of all potential TLDs have been contracted, and almost three quarters of those have been delegated. From a work perspective, that gives you a bit of an idea of where we are, and then finally, this is a chart we publish on a monthly basis. The intention is to reflect on the entirety of the 1930 applications originally submitted.

563 of those applications have been withdrawn, 911 as of the preparation of this slide – we're up to 918 I think – delegated. 310 more contracts awaiting delegation. Some are in contracting and some prior to contracting. Based on contention sets and anticipated contention resolution, we would expect another 108 applications to withdraw barring any unforeseen circumstances, other accountability mechanisms changing, contention set status, etc.

That's my overview of what the plan was and what we've gotten done to date. I'll turn it over to Christina to talk about review [inaudible].

MEGAN RICHARDS: Thank you very much. Just a question, what's the one last dispute resolution that's outstanding? Can you tell us?

CRISTINA FLORES: The objection and dispute resolution module, the way it's framed in the application guidebook is they actually include both objections and GAC advice, so that 1% is to reflect a couple applications that still have outstanding GAC advice that has yet to be addressed. The last objection closed a few weeks ago, so we did – I want to say either the last week in September or the first week of January. Sorry, I should talk into mic. All the objections are closed.

JONATHAN ZUCK: This may be in your report as well, but I know some people were asking yesterday about – within contingence, how many were resolved

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independently versus went to auction and things like that? Is that part of your presentation?

CRISTINA FLORES: We weren't planning to go over the details of the report in that level of detail. That is in the report itself though. I think we've only had – how many auction events have we had, Jerry? 13? 15. Yes, so out of over 200 contention sets, only 15 have gone to an ICANN auction.

CHRISTINE WILLETT: We'll take notes, but we'll take notes on statistics and numbers that you're looking for us together, and we'll be happy to gather them and send it back to the group.

CRISTINA FLORES: Hello everyone. Thank you Christine. The next section of the presentation is going over the program implementation review report. Some of the history to the report, what its intention was and then our methodology in terms of putting together the report ultimately for this team to review.

Looking at the first slide, when we began this project, we knew that we would need to capture data ultimately to provide to this review team for the review called for by the Affirmation of Commitments. If you're familiar with the report, it includes many statistics, but in addition to the various tables and charts and numbers, it also provides some context and narrative to the data. That's why the report is so lengthy.

Additionally, while we still have the team that executed the 2012 application round engaged and working on this application round, we wanted to capture the collective knowledge that we had gained, and share it with this team and then also capture it both for ICANN and the community to consider as future rounds are developed.

It was – as we've talked about previously – it was self-assessment performed by ICANN, and although it was largely written and edited by the people you see in front of you, it's the result of many, many people's observation.

In performing the review, we started by collecting the metrics and statistics that we had available from program operations, but then we also reviewed feedback from participants, including comments submitted through customer service, comments made at public ICANN meetings and published correspondence. To supplement that information, we relied on observations from staff and service providers. Next slide, please.

The report is organized into eight chapters, and the first five chapters follow the same model as the applicant guidebook and the same five application phases that Christine just described, and then the last three chapters are on topics that we felt were important and definitely warranted conversation as part of program implementation, but they don't necessarily match the applicant guidebook.

The first two topics are on the applicant support program, which was the financial assistance component of the program. The continued operations instrument, which is the funding mechanism for the

emergency back end registry operator program, and then there's a chapter on program management, which covers things that touched on all different aspects of the program, such as customer service, communications, financial management and so on.

Then if you have read the report – just to kind of help facilitate this conversation, I just want to point out that these eight chapters are broken into 26 individual sections, so there are sections dedicated to each of these individual processes, such as auctions or each of the seven evaluation strings. Next slide, please.

For each of the 26 sections of the paper, in performing assessment we considered how they were implemented along the six review dimensions that are outlined on this slide. We looked at efficiency, how well did we utilize resources to execute a process. We looked at effectiveness, how well did we actually execute the process. Fairness, in terms of how decision-making was performed. Was it consistent, was it objective?

Did it initiate all of the documented policies and procedures? Predictability, to what extent did we provide predictability in our practices to applicants and other people impacted by the program? Security and stability, did we support security and stability of the DNS? And then finally, alignment to the policy and implementation guidelines that we had from the GNSO and in the applicant guidebook itself.

Next slide, please. The final slide here touches on the lessons learned or the findings of the report, and then also I wanted to quickly discuss the

public comments. When assessing the implementation of the AGB, we identified key lessons learned from this application round.

We identified some for each of the eight chapters, and you'll note, if you scroll to the end of the report, there's 49 of them that have been consolidated in NXA. We weren't planning to go over them individually in detail in this forum, but if anyone has questions about any of the individual lessons learned or about any of the sections, we'll be happy to try and answer them today or get back to you with further information.

I also just wanted to bring to the group's attention that we published the draft version of the report in September, and then this was subject to public comment and we updated it based on the public comments in January. So in addition to the report itself, I would encourage anyone interested to review the public comments or at least the staff summary and analysis of the comments, because there were certainly a lot of very substantive comments and good suggestions made.

That's all I had. I guess I'll open it up for questions.

JONATHAN ZUCK: Folks had this on their reading list, and we are going to begin the discussion of this part of the review while we're here in LA, so I don't know if people have questions right now or if there's more that you want to share, that some subset out of the 49 lessons learned that you feel were more controversial for example, or you were able to be less definitive or something where it behooves us to discuss them with you as opposed to sort of within the process that we haven't identified yet

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to discuss this. But while we have you here, is there anything that you would like to draw the team's attention to in the report that you would like us to focus on? Does that make sense? Megan, go ahead.

MEGAN RICHARDS: It's more of a comment, well, partly a question perhaps too. Earlier, we were talking about our activities and I asked a question about the overall review of the gTLDs and I was told there wasn't one, but this is what I was referring to. Your review, which apparently is not – I don't know. Maybe there's a confusion about the definitions or what is what. My question or comment is that this, for me, is an overall review of the most recent round of the new gTLDs, is it not?

UNIDENTIFIED MALE: [inaudible]

MEGAN RICHARDS: The process, only the process. Okay, good, so that's clarification.

CHRISTINE WILLETT: So yes, the program implementation review report is a review of staff implementation of policy and the guidebook, it's not a review of the policy process or a review of the guidebook development process, or review of the ongoing operations of the new gTLDs, other topics that I know you're covering in these two days.

The report is 200 pages of content. To go over even the 49 findings is about a 90-minute slide deck. I know, Cristina, we've presented in Dublin the draft report, and that was a solid 60 minutes of presentation and it was a high level version of that. We can certainly share that version of the slide deck if you want to flip through that at a high level. There were certainly some controversial areas we could talk about.

I think the treatment of community overall has been the subject of a lot of discussion and debate. We got a lot of feedback and public comments about brands. I'm happy to talk about any of those findings or any of those comments. Different folks have different opinions, as I'm sure some of you do.

One of the findings we had, and that I think the GNSO is going to be discussing as part of the PDP they're considering, is the idea of gaining some efficiencies and improving the future TLD application periods. Processing is the idea of accrediting registry operators or registry service providers. That's one of the findings that I heard has some interest in the community. Cristina, anything else, objections?

CRISTINA FLORES: Objections, we received quite a few comments, particularly about the fees, the process overall in terms of the timing. [inaudible] some of the objections [inaudible] very, very long. Time to complete, I think Christine mentioned all the objections were filed by March of 2013, and I just mentioned an objection that just finally closed in the last month or two. So there were definitely some comments about that, around the

concept of the independent objector and around the lack of an appeals mechanism.

CARLTON SAMUELS: One of the concerns was the cost of the application, and the idea was that if you improve the processes, then we might see some gains and reduce some of the costs for applications. Did you get a sense of what we might gain from these changes for efficiency that has been implemented? How will that impact the bottom line cost for the application?

CHRISTINE WILLETT: Thank you. Yes, I think that there are some efficiencies to be gained, especially with – such as an RSP accreditation program. We have not gone to the level of defining what those potential cost savings might be yet, however we do intend – as we state in the report – we do expect to have a full financial analysis of the execution of this program at some point in time, once we believe that the majority of costs are completed.

The intention has been for this program to be on a cost recovery basis, so at this point I think a lot of the remaining funds may potentially be spent on dealing with a lot of accountability mechanisms, potential litigation. We're getting to the point in which the costs for executing the program are dropping down.

The evaluation work is largely done, but the ongoing work, which was originally budgeted and planned for as $60,000 of the $185,000 application fee – or a third – was for hard-to-predict costs, and it's just

the cost of addressing fully the accountability mechanisms and other potential litigation.

So I think in future program processes, although we might save some costs in efficiency of evaluation, depending on what that next process looks like, we could have appeals mechanisms, we could get policy that states we have to have two evaluations – two panels for every evaluation. We don't know what other policy might come down to address some of the disputed or more controversial results, so I think there's potential we could save on one end and increase costs on another.

JORDYN BUCHANAN: Is it possible that we'll see, or at least this review team could see some preliminary financial analysis? I think that would be helpful for us to understand at least – obviously there's still some processes going on, and obviously the hard to predict costs remain hard to predict – or maybe they aren't hard to predict and we figured them all out and we just didn't need the reserve after all.

But in any case, I think it would be helpful for us if we're going to make recommendations that do relate to costs or improving access to the program to understand where you guys did end up spending the money.

CHRISTINE WILLETT: I think it might be valuable, might be helpful to review with this group a report of the actual to-date on the program, and I know we're in the process of doing RFY 17 budgeting, and with that we're reforecasting

the remainder of the program, so that is to be published the first week of March. Perhaps after that is published, we could even sit down and discuss the actual to-date as well as predicted costs going forward for the entirety of the program, and then I'll let Xavier decide how much detail we drill down into, if we can go below any lower level of granularity than we've already published.

JONATHAN ZUCK: You expect to publish this prior to the meeting in Marrakech it sounds like, so we could potentially add you to the agenda, to our meeting in Marrakech to have a conversation about this, about the actual to-date and things.

CHRISTINE WILLETT: Sure. I'm sure Xavier would like to also participate in that session, but absolutely.

JONATHAN ZUCK: We'll give that some thought, but certainly, yes. I think the more we know, obviously the better the recommendations are that we can create. Other questions? Carlos, go ahead.

CARLOS RAUL GUTIERREZ: Thank you. When Jonathan sent the reading list, I was already traveling, so I didn't read it. But there is one thing that I think is very interesting from your numbers I guess, that some applications will be sold for the benefit of one and the other ones have to pull back. Is that why you

have this number, 108 expected withdrawals? That means those will lose the process, because only one can win? Is that right?

The reason I'm asking this is because for us it would be interesting to see in these contentious applications, the number of contendents. If there were only two or three or four or five for the applications, just for some discussions that we are developing here.

I don't know if it's in the report, excuse me. I will read it, but that would be interesting to know if the contention chapter can be analyzed from that perspective. Like if it was only books, and if it was only Google and Amazon, no problem, but there are other ones where there are more wider applicant spectrum. Thank you.

CHRISTINE WILLETT: Thank you, Carlos. Yes, the 108 expected to withdraw is based on contention resolution, so based on the full complement of contention sets we have remaining, and knowing that those only one applicable prevail – we don't know who that might be, but we're expecting the other parties in those contention sets to withdraw. That's where we're getting the 108 number.

I don't believe that the program implementation review report goes into exactly how many applicants were in each contention set, but I know we have that information. In fact, it goes back to how we published the original list of contention sets. We'll take a note on that to make sure to share that list of contention sets, and we can give you how many contention sets had two members, three members, six members, ten members. Sure.

JORDYN BUCHANAN: Thanks, yes. I think it would be helpful just to do almost exactly what you just said, but just give us enumeration of each contention set. How many applicants there were, whether it's been resolved or not, and if it was resolved, whether it was resolved – what the resolution mechanism was.

My other question is, in the 108 are all the .home, .corp and .mail applicants included in that, or are there three of those in priority contracting right now?

CHRISTINE WILLETT: .home, .corp and .mail are all included. The 20 remaining are expected to withdraw.

JONATHAN ZUCK: Other questions? I think we'll be having more along the way, obviously. One takeaway is we'll try to schedule your participation in the meeting in Marrakech.

CHRISTINE WILLETT: Would you be interested in an optional or more substantive presentation of the PIR, program implementation review report?

UNIDENTIFIED MALE: I think so. I think people would appreciate that. Maybe not everyone. Some people are more familiar with it than others perhaps, but our

schedule is a little bit dense here, but we are going to try to dive into these processes a little bit, so I don't know what the most efficient use of time is, but let's plan on it.

At the very least, it may be a conference call devoted to it or something that we do via Adobe Connect and let people get all on the same page, because there are people on the team for which this is all new.

JORDYN BUCHANAN: Are you guys planning on presenting the final report in Marrakech?

CHRISTINE WILLETT: No. We don't have that [inaudible]

JORDYN BUCHANAN: Okay. I was going to say that would be an easy way we could piggyback, if that were the case, but apparently no.

CHRISTINE WILLETT: But I'm happy to schedule a conference call, or as you're having other discussions, if you want to talk just about objections and dispute resolution or just about contention, we can also join you for whenever that makes sense in the course of your work.

JONATHAN ZUCK: We haven't defined our process yet. That's part of the complexity, so as that comes to bear, we'll get back in touch on how best to engage. Thank you.

UNIDENTIFIED FEMALE: Your next agenda item is really to talk about the application and evaluation process. I think it was from 3:30 to 5:00 that we had scheduled that. I don't know if you want to get more into more of that, or if you want to talk at a higher level, but kind of have this next open...

JONATHAN ZUCK: I confess I don't know the best way to proceed. One question is, is there somebody that's interested in – we're not creating a sub team, or we're creating a big master, a big sub team, but if there's somebody interested in owning this topic much like the competition and the trust topics. So maybe we should try to identify somebody as the team lead on this particular topic if there's some interest. Who are you thinking of, are you thinking of David?

UNIDENTIFIED MALE: I'm voting [inaudible] and Megan.

UNIDENTIFIED MALE: Co-lead.

JONATHAN ZUCK: Co-leads. Okay. That's not completely irrational, given the two interests represented by these two individuals. All those in favor of David and Megan being the co-leads of the... Raise your hand. All right, good, it's settled.

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Yes, exactly. Eleeza, go ahead.

ELEEZA AGOPIAN: Cristina does have the slides from Dublin that were presented, if you want to use some of this time to go through the findings. As Christine mentioned, it's substantive. It could take a while. I don't know if that might be the best use of your time or if you want to spend this time really talking about how you want to do this piece of the review. It's up to you.

DAVID TAYLOR: Maybe I shouldn't be saying anything about this. I was going to say that it is worth doing it now, but it strikes me as something worth going through the presentation for us all. I didn't know when you presented it in Dublin, it wouldn't be videoed there, would it? Or would it have been

videoed? Because we can just all – give us the link and we can watch that when we get home.

UNIDENTIFIED FEMALE: [inaudible]

DAVID TAYLOR: That would be good use. It seems a shame to use this time – when we're all face to face – to go through something like that.

STANLEY BESEN: Can you say a word or two about applicant support? I'm not familiar with that.

CHRISTINE WILLETT: The idea was that applicants from underserved regions of the world who could not afford the full $185,000 application fee could apply for applicant support and receive funding. It was grossly underutilized. We only had three parties which applied for applicant support, and only one which received it.

My other observation – and I think, I hope we state this in the review report – was that those applicants, those reviews did not provide any rationale. It was a community panel, I believe staffed by ALAC members and it was – the panel unfortunately did not provide us with any rationale on their scoring, so we received scoring we published. Those were the first evaluation reports we published, and unfortunately if

those applicants did not receive funding, they were eliminated from the program.

So I think there's much to be done to raise awareness of an applicant support program. Depending on – I expect that ICANN and the community would want us to fund such a program to a significant degree, but I think that the awareness was not there based on the number of applications, and I would hope that in all of our lessons learned from our other evaluations, we'd be able to produce more substantive evaluation reports.

UNIDENTIFIED MALE: Sorry, what was the level of support? Do you know?

CRISTINA FLORES: It was the reduced fee from the regular $185,000 to I believe – Karen, $47,000? Does that sound right? $47,000, so the $140,000 discount.

CARLTON SAMUELS: Can I just say something about – I co-chaired the working group that developed the criteria for applicant support. It was a cross-community group. There were some structural disabilities with that criteria. We had a set of criteria that was simply not fit to purpose.

On top of that, we were late in the game to get this program on stream, and so the time it took to beat the bushes in the places where you needed the applicants to come from was very limited, and very little was done, really, to do that.

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It would be remiss of me to sit here and not tell you that we didn't do very well at it, because it was half-hearted to start. Secondly, we just did not have enough information to create a criteria set that would have made it useful to the people we were targeting for help.

JONATHAN ZUCK: I remember one of the conversations that happened as part of the applicant support effort was the notion about whether or not the principal target for that support was potential new operators or communities that might benefit from the presence of a new TLD or IDN.

One of the suggestions that was on the table, for example, was providing some discount on the application fee to someone that was willing to add an IDN to something else they were applying for, for example, to make it available, but then there were those that felt that was corporate welfare, that they could afford the other fee. But if they could make a decision that there wasn't sufficient market to justify the cost, they would make it purely on that basis and not on the basis of it being helpful.

So one of the problems was how to create an incentive for existing operators to move into markets for which there might not have been sufficient incremental financial justification, and I know that was one of the contentious issues within the JAC. Jordan, and then Carlos.

JORDYN BUCHANAN: Yes, I think this is an important topic and I'm sure we'll spend a lot of time talking about how to improve the ability of applicants in regions

that are underserved today for participating in subsequent expansion of the gTLD space, assuming there is some. But I think we would be really remiss to focus on the [inaudible] that we were using last time, which is the "I can't see."

I feel like there are many other barriers to participation in the process, including things that were in the evaluation but not the fee. For example, letter of credit, what kind of back end you're using, all these things that would add substantial cost to anyone applying, regardless of what feel the ICANN was charging.

So I think as we think about opportunities to improve participation, I think we're going to have to cast a much wider net than thinking about the application fee.

DAVID TAYLOR: I was just going to say while you are here, you did mention certain problems or bigger problems which you had looked at in the report. Maybe you could highlight two or three of those which [inaudible] interest while we're all here.

CHRISTINE WILLETT: Definitely. I think the community priority evaluation is a topic that is not dying down. I think that the criteria as envisaged in the guide book – maybe some of you were part of that team, and I was not – expected it to be applied differently than it's being applied now, expected different outcomes from the evaluations. I know Karen or Akram said earlier that it's a very high bar.

The idea of the 14 points of 16 was a very high bar intentionally. I think it's an area we all need to explore further. I don't have solutions here, but how do we recognize – as we've gotten from the GAC, as we've gotten from the ALAC – that we need to respect and honor communities.

Maybe we need to separate the evaluation of the existence of the community or the support from the community from the receipt of priority. My observation that this area, like objections to some degree, any area of the evaluation where there are winners and there are losers, has become the area of where we're using all of – all of the accountability mechanisms are coming into play, and I don't think that that is the right answer for the applicants and the other members of the contention set.

I don't think that it moves us towards increasing competition, choice, and trust, and I think that it's a lot of expense there, a lot of cost on all parts, to travel down that path. So I don't think we as staff have an answer there, but I think it's an area as the ICANN community we need to explore further.

What else was... Objections. Objection fees and the timing of objections. I think that the fees from our perspective were spelled out in each individual dispute resolution provider's website. It's their fee structure that was passed along. Perhaps we could have been more clear about that. It was the ICC that had some significantly higher fees than others.

That was a significant cost, since you talk about cost to participate in the program. Significant cost there, and when you combine that with applicant support, I think that's something we need to explore as well, how to defray some of those costs. And simply the sheer length of the program, I think. I've heard a lot of criticism, probably since day one, about the timing of the program. I think largely the evaluation went about as quickly as it could have.

Perhaps if we had done the prioritization draw earlier, that would have laid the groundwork for slightly faster pace in hindsight, but I think not just the objection procedures themselves took a long time. The continued advice from the GAC, the fact that we continue to have to deal with new advice from the GAC and factor that into the processing of applications and to contracting created new information that we had to deal with along the way.

I know some of you are very familiar with the program, others not so, but perhaps you have heard good things or bad. Do you have an idea of areas that you want to focus on, areas that you think are problematic?

JONATHAN ZUCK: [inaudible] conversation yet, and that's probably the next thing that we should do if there aren't further questions for these folks. I think we need to do – that David and Megan need to lead a brainstorming session a little bit about what the high level themes are that we want to address in this portion of the review, and then break those down into subthemes underneath them and things like that, because obviously things –

That's sort of what this exercise was here, that we've already got the start of it, and maybe we can already put those up on the board. I don't know if there's a way to easily just have a whiteboarding functionality up, or on the screen with Adobe Connect or not, but to make it easier to interactively type things as they're discussed, and so that we can include the remote participants.

There are obviously some high level themes that came out of the exercise we went through at the [inaudible] and [inaudible] here. Let's have that brainstorming session I think, and then divide this up into manageable bites, because otherwise it feels enormous and I think there are some high level themes, like making it easier and more affordable, too, for different communities to participate, or different types...

I think there's going to be these high level themes, and then we'll dig into each of those, maybe. Jordyn, go ahead.

JORDYN BUCHANAN: One more question for Christine before we get on. The invitation review is obviously a staff exercise looking back on implementation as you perceived it. I wonder if – did you guys give any thought to trying to validate – like I think about some of the goals of the community application process.

 [inaudible] I'll choose mine I'm annoyed about. String confusion for example. Is there a way to go back and validate, like "Oh, did the things we do work?" What would the criteria out in the world that we would've thought of then, in order to say whether this works or not?

So in the case of community evaluation, you might say "Oh, we would have expected, if this worked really well, that things that – I don't know, things that a common person would consider the community for this thing would consider to go together, and did the evaluation process actually produce that expected result?"

Similarly on string confusion, if you went and maybe observed people typing in plurals or something like that, would they actually be confused as between the two? To see whether or not that criteria you used actually satisfied that overall objective.

I'm wondering if you guys have given any consideration to trying to figure out not just whether you did what the policy said, but whether the implementation was actually successful in accomplishing the underlying goal for it as measured by sort of like a reasonable person test or something like that.

UNIDENTIFIED MALE: Passed the [laugh] test.

JORDYN BUCHANAN: Passed the [laugh] test, yes, sure.

CHRISTINE WILLETT: It would have been great if we had been given those metrics at the beginning. What would the expected results have been? We didn't really so much try to create those after the fact, but I think we did our best to incorporate what we did here from the community. I think – I'm

hoping it made it into the final draft – string similarity, string confusion I know was a hot topic for many.

What I've learned in my three and a half years here is that what seems reasonable to the common person might fly in the face of actual law and/or ICANN policy. I had very little knowledge of IP interest and IP law, and the whole idea of brands and generic terms and what might be generic to me, prior to joining ICANN, as a layperson, and what's generic to an IP attorney, and have to abide by the policies as such – very different things.

So what passes the sniff test, the [laugh] test, I think varies. Someone completely outside the community might have one perspective, but the deeper and deeper you get into some of these issues, there are real complexities to this.

We can maybe have a conversation over cocktails at some point about what's string similarity. Someone said "Well, if I ask my second grader, can she differentiate between car and cars? Does she think it's the same word? No. She can read car and she reads cars." So, is that too – I don't know. We brainstorm what could have all these tests been.

I'm not saying that that's the right test. I'm not – that is not the test any panel applied. The second grader test, no. I was thinking – I asked whether they liked the four-point font test. No. So, much more complexity of linguistic studies and... that did all of that. But there's so many ways to do this without more prescriptive guidance. I think that each panel endeavored to the best of their ability to apply the criteria that were in the guidebook as accurately and faithfully as possible.

JORDYN BUCHANAN: I know it's hard. Certainly, I think almost everyone that would look at unicorn versus Unicom would say those are visually confusing, but I know you've still got a reconsideration request on that one, so apparently someone at least disagreed with that conclusion. So I know it's hard. I guess I'm mostly just asking whether you guys tried to figure out what success criteria outside of just the remit of the policy would look like.

Sounds like – I think Jonathan said it as well, sounds like that's going to be our job to try to figure out how this stuff should have worked or what the goals should have been and whether they operated towards them.

JONATHAN ZUCK: And maybe how it should work going forward. The whole point is obviously not a recrimination by any means. These conversations, we're going to just at the outset say that I'm sure that people are going to end up shortcutting the way they describe things and not caveating them sufficiently when they bring them up, but I think our job is to look at whether or not there was a mismatch between the criteria that Jordyn come up – that weren't come up with.

By definition, it's not recrimination. We're going to come up retroactively with what success would have looked like, and did it succeed? And then use that to inform recommendations going forward. That's the entire exercise, and I know – we all know that the staff worked diligently on trying to implement all of these things, and so it's

just a question of trying to figure out what recommendations to make going forward.

Some of those might be strict implementation recommendations, and this is in a work plan and others might be things that need to be thrown back into policy development. So we need to make that distinction as well, and as we start to talk about interim recommendations, if there are things that we know need folks outside this room to work on the next iteration, trying to get those recommendations out to the GNSO – or wherever they belong – sooner rather than later, we'll have some of those things happen in parallel.

That's the onus on us, but obviously, we will be retroactively defining success criteria that you weren't given initially.

DAVID TAYLOR: To pick up on your – Christine, on your second grade test for string confusion, which actually is fine. I think the key thing I have with string confusion, contention and the objections filed is that it would have been fine if everybody applied the same test, and that's the crux, because you're having different results. Singular, plural, sometimes it was confusing, sometimes it wasn't.

And that, I think, just is nonsense for the layperson and the lawyer, because at the end of the day you've got absolutely no idea what to do in the next round, and we'd have situation where a client would say "So, can I apply to this in the next round?" And you go "I have no idea." They'd say "Well, surely you know the process" and you say "Yep" and then "Could be that way and it could be that way. Not idea which."

I think that's one of the issues. On the community point, which is what I mentioned when you were in with Akram as well, are there any of the community applications which have gone to contention and been tied up with the accountability mechanisms? Have any delegated? I don't think they have. Something to check on. Obviously, if you have it to hand, that's great.

And do we have the metrics on that, exactly how many community applicants have been tied up?

CRISTINA FLORES: I think you're asking just about the ones that actually went through community priority evaluation and were successful?

DAVID TAYLOR: Yes.

CRISTINA FLORES: There were five applications in that category, and four of them remain on hold, so there's one that's been delegated, and that was .osaka, but to Akram's point from this morning, I think it's worth noting that there weren't just the 25 or 27 community applicants that went through CPE. There were 84 in total that were applied for, and of those, many of them were not contended, and I think 49 of the 84 are contracted. So there are a lot of community TLDs in the root.

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CHRISTINE WILLETT: Just in closing, we totally respect the job you have to do, and it's a challenge, and there's no – it's recognized, this is not personal. We spend a lot of time and energy into executing and operating the program, but I think we all want this to be improved as much as possible.

So please, I hope my second grade allusion – I don't mean to make light of anything. Dozens and hundreds of hours on some of these topics were spent. We take these things very seriously and we want the best outcome and we want – we looked at the six dimensions of review. Effectiveness, predictability, efficiency – I'm going to lose all six of them, but the consistency of treatment, one of the overarching factors we considered was that there was a consistency of treatment.

Maybe fairness is not always fair to whom, but at least by consistent treatment theat was a dimension of fairness, and also predictability of process. So to David, your idea – what would another application process look like? What could be expected and anticipated? I agree, I think the more we can make the overall program more predictable, the better.

STANLEY BESEN: Quick question. You spend a lot of time in the initial choice of a domain operator. What about subsequent transfers of registries from one party to another? Is that just a cash transaction, or do you approve those? And if so, how do you do so?

CHRISTINE WILLETT: Thank you, Stan. I believe that there's going to be other folks coming and talking to you tomorrow about our contracting process and some of the compliance activities post-contracting, but yes, we do look at and review those transfers, that there are different procedures if the assignment is to an existing registry operator rather than a brand new registry operator.

Potentially, there could be a both financial as well as technical reevaluation. If the underlying service provider or a material subcontractor changes, we can also – we look at that and look at if it's a vendor that we also have familiarity with, that has been tested before. If not, then they go through a technical testing process.

So depending on the type of change post-contracting, there are certain of those evaluations which, again, get invoked.

STANLEY BESEN: Here is a broader question. I have had a lot of experience looking at the Federal Communications Commission process for allocating broadcast licenses, and for a long time, the process that they used had some similarities to yours.

That is, they compared applicants and chose the ones they thought best. It's what they call comparative hearings. And this is broadcasting, this isn't wireless, it's [inaudible]. Over time, the FCC has largely abandoned that process and it's replaced it with an auction process. I guess the general question is, have you thought of radically different ways of doing what you're doing?

Because some people think that the comparative hearing process is inherently wasteful, subjective, and especially if they're post-application transfers, you don't really get what you thought you got in the process of choosing the best person initially.

JAMIE HEDLUND: I worked at the FCC when we did some of the auctions, and agree very much that auctions were a much better method of allocating a spectrum than the beauty contests or comparative hearings, but in this case, I think the ICANN process is a lot closer to auctions with some major differences.

Number one, this process was open to anyone. There is no scarcity until multiple people apply for the same application, and once they do apply for the same application, unlike the FCC where it says "You guys can't coordinate," we want applicants to coordinate. We want applicants to self-resolve. We're not interested in holding auctions – I mean, I would like a nicer office, but we're generally not – it is the method of last resort, so it only comes in – and then there is, in 90% of the cases at least, there was self-resolution in contested applications. Go ahead.

STANLEY BESEN: I guess, think of the simplest case. Two well qualified applicants want the same name, and they can't reach a resolution. Well, you can spend a lot of time trying to get them to resolve it. What would be wrong at that point [inaudible] having them –

JAMIE HEDLUND: That's exactly what the rules require. If they can't resolve among themselves, then we hold an auction.

STANLEY BESEN: There's really not much flavor in this picture of how these were variously resolved. We don't have what the numbers are, but – I guess I can't. [inaudible] it does, but I can't tell here.

UNIDENTIFIED FEMALE: [inaudible]

STANLEY BESEN: Oh, that one? You only gave it to me this morning.

UNIDENTIFIED FEMALE: Yes, I know, but you're supposed to have memorized it.

STANLEY BESEN: I haven't read it by now.

JAMIE HEDLUND: Stan, I can just tell one other thing. It's post-auction or post-allocation or delegation. They do come back to us – as we'll hear more tomorrow – in part so we can perform another background check, and then it's part security and stability, but the review others and that – to make sure that they have all the same competencies that they would have had to, had they applied it for the string in the first place.

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JORDYN BUCHANAN: Actually, in thinking about this and thinking about how we're going to take a look at the contention resolution process, given that such a high fraction of the contention sets were self-resolved, have you made any attempt to gain visibility into what mechanism applicants use to self-resolve individual contention sets?

CHRISTINE WILLETT: We have some, a handful of anecdotal information, but we don't have much information at all on prices paid. I think we have the name of one vendor, but we don't know for a fact that – which contention sets were resolved that way versus independent.

JORDYN BUCHANAN: Right, so you don't know which ones were resolved by a private auction versus someone hiring the mob to go get everyone else to drop out, versus...

JONATHAN ZUCK: We have our first research project, I think.

JORDYN BUCHANAN: We did notice the [inaudible] did pick up a number of – Google, rather, did pick up a number of applications.

JONATHAN ZUCK: Okay, thank you very much, and I think this is only the beginning of this cooperation between your team and ours, so thank you very much for your time today. So you continue now at the bottom of that, to read –

CHRISTINE WILLETT: I made this deck last week, so, sorry.

JONATHAN ZUCK: Exactly, it's an old deck.

DAVID TAYLOR: I think we need to hold a bottom-up process and decide exactly how we're going to run this over the next few hours.

JONATHAN ZUCK: Let's do that. I'm putting out there as a strawman the notion that we begin with some kind of a brainstorming session that gets us to a bunch of themes and subcategories that divide this up into sort of bite-sized chunks that we can then go at one by one. I welcome discussion about that, but that's the thought that comes into my head. Or we could all just meditate on it. [inaudible]

JORDYN BUCHANAN: Yes, we're in the unfortunate position that all rooms this size get into, which is it's hard to make good progress with whatever, 20 people sitting around the table. But I guess we could very quickly try to subdivide further, or we could make Megan and David go and –

UNIDENTIFIED FEMALE: Do everything.

JORDYN BUCHANAN: Subdivide it at least as a first pass or something like that, or we could try to just brainstorm, but I worry that it feels like a big room to try to do actual work in.

JONATHAN ZUCK: We made the decision to try and do this part of the review together. That doesn't preclude is from breaking into little workgroups or something to deal with these issues. We can organize it however we like, there's no outside authority looking in on how we do this.

So if folks – it might make sense to see if we can accomplish some sort of a brainstorming exercise, just to get at some high level themes, because those high level themes might then suggest ways that we could break into smaller little groups to talk about them, or something like that, but just as a starting point because this is the big white rhino, as an author once referred to it.

UNIDENTIFIED FEMALE: I have a suggestion. Could we go back to the slides that Christine Willet had? Because she had I think the outline of the report. At least it gives you categories of things to –

JONATHAN ZUCK: Well, the intention of the report – the criteria, the predictability and that sort of thing. Yeah.

UNIDENTIFIED FEMALE: Yes, because I think it might help focus your brainstorming if you've got that to look at.

JONATHAN ZUCK: Fairness, predictability. Exactly.

DAVID TAYLOR: I was going to add to that. Perhaps we can also start with – we've got the brainstorming on application process there. Have those been captured in writing? Because we could put those up on the whiteboard.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Yes, we can we preload them into the – let's take maybe a five-minute break and let's try to preload them and look at what some of the larger themes are that came out of the brainstorming [inaudible] we've already had, and then try to supplement it, and then maybe discuss what the best way is to tackle it, which may be dividing up or [inaudible] lot of people.

UNIDENTIFIED FEMALE: Just one last suggestion. There was a reference to the [annex A] of the lessons learned, and that might be something we want to at least scroll through. It's rather lengthy, but there is that whole annex that is just lessons learned, so I think that would be useful to consult.

JONATHAN ZUCK: For sure. So a five-minute break, and then start by capturing the last part of the brainstorming exercise onto the whiteboard here. Oh, you have already written them up there. I see what you're saying.

UNIDENTIFIED FEMALE: Oh yes, everything is up there already.

JONATHAN ZUCK: So what is the best way to work from them there? Those are small. And that's like an outline or something, so we can easily create subtopics under them or something as we discuss.

UNIDENTIFIED FEMALE: [inaudible] Each topic is separate things, and all of the bullets that are written on the process are bullet points on that [inaudible]

JONATHAN ZUCK: I see that. Is it easy – will it be easy as part of a brainstorming discussion not only to add to that list, but to expand the items in that list with sub items?

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UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Okay.

CHRISTINE WILLETT: Should we go back on mic so that Kaili can hear?

JONATHAN ZUCK: [inaudible] Welcome back, everyone. I think the one possible point of discussion at a high level here is between the criteria as they are outlined here by the implementation report, and potentially the brainstorming that we did over here. In other words, how would you like to organize your findings and recommendations?

Some of this is a question of emphasis. As I said, the perfect example is fairness. It's one of the criteria that they used. Does fairness sufficiently speak to the notion of bringing in underserved communities, or does that word not sufficiently capture that? In which case, we may want to come up with our own review criteria or themes that we want to cover, and then we cover sub points under those.

Does that make sense to folks? But how would – what will we imagine our hypothetical outline of this might look like in terms of thematically? Is fairness a high level concept, or is reaching underserved communities

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a high level concept? Because I think one would be under the other, depending on what we chose. Carlos, go ahead.

CARLOS RAUL GUTIEREZ: I would suggest that we put these two lists in the matrix, and then go through the report and see if the report has answered it or not, because maybe fairness is very relevant to two of the nine, but not to all of them. We have the six plus string – [inaudible]

UNIDENTIFIED MALE: The eight carriers and there's six.

CARLOS RAUL GUTIEREZ: Nine areas, six plus three. There's six that were officially on the three-day audit, so it's nine, or is it eight?

UNIDENTIFIED MALE: Eight, I think. You're back on the criteria?

CARLOS RAUL GUTIEREZ: I want to go by the – the segments of the report.

UNIDENTIFIED MALE: Of the eight.

CARLOS RAUL GUTIEREZ: Eight, with the criteria, and see how far the report – I want to read the report. [inaudible] the report covered very well these issues in terms of fairness and efficiency, but didn't cover it in terms of fairness or something like that.

JONATHAN ZUCK: [inaudible] What came out of this process were – I'm sorry. What came out of this process were some high level themes, and they don't match one for one with the criteria the staff used for the program implementation report. In other words, do we want to make those subthemes under the themes they chose, or do we want to organize ourselves around these themes that came up on our brainstorming session?

Because it might be rhetorically more powerful to say that one of the areas the team found the most work needs to be done is in serving underserved communities, and that's a very specific and kind of bold statement that has a long number of areas underneath it, as opposed to just going back to fairness, efficiency, and things like that. So that's a decision for the group about how we want to organize the way we want to communicate this back to the community. Jordyn, go ahead.

JORDYN BUCHANAN: I have two potential suggestions on how we might do this, neither of which have anything to do with what Carlos just said.

UNIDENTIFIED FEMALE: [inaudible]

JORDYN BUCHANAN: No, he's showing what he would do on the board behind you. In any case, one approach that I might suggest that we could consider is just a very pragmatic one, which is to say we think the staff did a pretty good job with their review, and what we'll do is we'll all read through it, we'll say "Yes, in general we agree with it. In particular, recommendation 8, 15 and 22, those are really important ones, please make sure those happen, those are high priority fixes" or whatever, or we can just go through and prioritize from our perspective which of the things they identified were.

If there's things that are missing in their review, we could identify those from our perspective, and just basically use their review as the foundation for what we're – we would review the review, essentially. I think that would be pretty easy. It's not principled at all, it's just saying we think they've done a pretty good job and that's a good foundation for our work, and I think we'll get through this effort relatively quickly.

The other approach that we could take, which is maybe a little closer to what you were suggesting, Johnathan, at least one of the ways of organizing –

JONATHAN ZUCK: [inaudible]

JORDYN BUCHANAN: One of the ways of organizing it, but maybe coming back to what I had suggested earlier, which is sort of like what do we want the outcomes to

look like, is to say what do we think the character – maybe not the adjectives they're using, but what would a good application process look like? What would we – And maybe we'd just end up using the same words that they would, but come at it from first principles and say "What would we want? We'd want to make sure –" Maybe it's just some key statements of things that the review team members thinks are important.

"We think everyone that wants a TLD should have an equal chance to get it," or something. That would be like a statement of principle, and then we could go through and see whether or not we think the application process fulfilled that high level objective or not.

I think that would probably be a more principled approach, but it would also take us forever to – first of all, figure out what those objectives look like, and then evaluate them.

CARLOS RAUL GUTIERREZ: The way I understand what Jordyn just said, which is very similar to what I was trying to say, is that we have the process and the staff already evaluated the process according to their criteria, according to the second list. They might have done a very good job. I doubt that all criteria applies equally to each step of the process.

If we read it and we find that they did very well, all is fine, we can go to the second one. If not, we might see if we have still some issues that we have to analyze, because our list is not so much criteria – or at least our red lights. Why this didn't happen, why I worry about this, and so on.

I don't think they're equally comparable. The criteria of ICANN is already a very high level criteria, so it will be difficult to change or to enlarge. What we have here is more of a practical reason. If the process is perfect and it was perfectly fair, why did 400 people drop off the race? Things like that.

So I prefer this first option that Jordyn proposed. Thank you.

JORDYN BUCHANAN: So never mind, my suggestion did have something to do with what Carlos was suggesting.

CARLTON SAMUELS: I am going to support the first option. I like the idea of revision and extension of what the staff has done, and say there are gaps and this is how we would fill the gaps. I think it's very important for us to add stuff that we think are important in revealing the entire program. So I would go with the first option.

JONATHAN ZUCK: I'm interested in how other people feel about this. Bear in mind that that first option really means everyone reading it, and it's 200 pages long. That could be your homework assignment for tonight, so limit the alcohol to one drink after dinner or something. But no, and it's perfectly realistic to expect us to read it along with other inputs that we're talking about.

One of the other things we were talking about was some other possible inputs to the process, so the ombudsman report that Laureen mentioned, and the reconsideration requests that Jordyn mentioned are all three inputs, but we could still – even with those additional inputs – use the staff report as a starting point of structure.

But right now, unless everyone feels comfortable with the 200-page report, we don't have anything to brainstorm about in terms of where we think its failings might be, so that's why we need to figure out sort of – we're using this time to figure out what we want our structure to be, so that's the notion of that first suggestion. Jordyn, go ahead.

JORDYN BUCHANAN: I think there's an easier, or less reading consuming path forward that still encapsulates this, and I actually now like the way that Carlos has framed it, so thanks Carlos for explaining. Your graph was very helpful, your grid was very helpful.

We could divide up the report and have it so different groups, smaller groups of people read different sections and were responsible for making sure that those parts lived up to our expectations, and then I think there would be a broader effort as Carlton and I have both suggested I think, to make sure we talk about any gaps that we think are either in the criteria, in the way that the staff divided it up or in their analysis that somehow we missed, that should be sort of outside of reading a report line by line. That's what I would suggest.

JONATHAN ZUCK: So we can divide it up. Again, dividing it up by the process, which is what Carlton's got along the left hand column, it sometimes will separate us from the themes or objectives that we might have otherwise identified. Those processes are the things up there. Application processing, application evaluation, etc. that would be the way we would divide up the document.

The question then becomes, are we able, through that exercise, to bring to the surface conclusions that are more rhetorical in nature, like the criteria they're using for each one, like fairness, or that we had talked about, which is underserved communities for example.

The application processing team, are they going to make their own conclusion about fairness, and therefore we try to roll those together? That's what I'm getting to. Is that an outline? Is this application process an outline for recommendations? Are we comfortable with that as being our output as well? Our structure. Is that what we're comfortable with as our structure for our output on this area, based on the areas that are listed up there? Carlton, go ahead.

CARLTON SAMUELS: Can I tell you, this report, I read the chapters that were of high interest to me. [inaudible] I didn't read all 215 pages. I went to the chapters that were of high interest to me, and I read those closely, so I guess that's what we're talking – I'm sorry?

UNIDENTIFIED FEMALE: [inaudible]

CARLTON SAMUELS: That's because things for example like the assessment applicant [inaudible] working and so on. Those things are important to me, so I read those. What you're suggesting is that maybe others may have interests across the way, so it might just work out that way. That's good.

JONATHAN ZUCK: I just offered that as a question. Like I said, three or four people mentioned the notion of – and I give you this just as an example of reaching underserved communities. That is not addressed in that list of areas.

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: No, it slices through vertically I guess is my point.

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Of course it is.

CARLTON SAMUELS: [inaudible] how we reach underserved communities in this report, but there are some elements in this report that speak directly to that question, and that's the ones that I was interested in.

JONATHAN ZUCK: Right, but do we want in our report as we report it? Imagine the PowerPoint as we're presenting it to the group. First, we're going to talk to you about application processing and what was good and bad about application processing. Next, we're going to talk about application evaluation, what was good and bad about that.

Or are we going to say "We saw as a high level theme that there was insufficient support for underserved communities, and here are the five things that lead to that?" That is my question, and that is the problem with taking it, segmenting it through processing evaluation, because you're missing the themes that we're trying to surface from that.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: I'm only mentioning one. An example. I'm suggesting as an exercise we identify others. That's what I'm trying to get to.

CARLTON SAMUELS: Yes, but the framework you're suggesting, chair, is what I'm endorsing. You have the high level themes, you've mentioned them. Not every single high level theme is going to be captured in the things that we want to emphasize, like underserved communities. Not every single one.

JONATHAN ZUCK: I agree.

CARLTON SAMUELS: So I don't see anything wrong with the way you're suggesting it at all.

JONATHAN ZUCK: So even if we take Jordyn's suggestion, for example, of dividing this up based on these areas, it would behoove us to give instructions to each of those teams, what are some of the high level themes that you should be identifying in each case so that there's commonality of output from those sub teams. [inaudible]

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: No, it doesn't have to do with those.

LAUREEN KAPIN:	Okay, I'd want to agree with your last point, because I think we do not want to use the way the applicant guidebook is set up for example as a default organizational structure, because that's going to be a data dump, and what we really want is people looking at this through the lens of whatever themes we think are most important, and we need to make sure that we have a narrative to tell.
	If it's going to sound like "Wah, wah," if it's through the lens of the application guidebook, but if we're talking about underserved communities or consumers getting ripped off, [inaudible] competition, whatever fill in the blank you want, that's compelling. That's the core of our work, so I think we need to keep that at the forefront.
WAUDO SIGANGA:	I think from the way I see it, the problem is actually matching what our concerns were on our chat with what the staff did. My suggestion would be that maybe we could keep the areas – I was suggesting that we keep the areas, then instead of the criteria we have the metrics with the areas on one side and our concerns there on the other side. As we [inaudible] our concerns with the areas, we can indicate the reasons why. Maybe, for example, the example you're giving is serving underserved areas.
	We could say that in the application processing, underserved areas were not treated fairly or whatever you want to say, and the reason was maybe it was not efficient, or it was not effective. That could be in the explanation, but overall would have a metrics that's having the areas and our concerns. That's my suggestion.

JONATHAN ZUCK: Okay, and I think we're coming together under sort of the same theme, which is we may divide the work up by areas, but that we still have as a task to come up with criteria that those subteams that are divided up by areas will use to evaluate, and the staff report and the other inputs that we're using, and so part of that question then becomes are the criteria staff use the right ones to use as a criteria for those areas, or do we want to define our own, or some hybrid of the two of them?

WAUDO SIGANGA: Chair, again, I think we have our own criteria there. We can refine them.

JONATHAN ZUCK: Right, and that's why they're listed below, so we can try to begin to deal with that. Jordyn, go ahead.

JORDYN BUCHANAN: I agree with Waudo, we should have our own things that we care about and intersect those across each of the areas. I do think if we review our role somewhat as a reviewing the review exercise, we may well also want to keep the staff criteria and just go through and sort of say "Oh, did you guys do that? But by the way, we care about these other things as well that we're going to cross-sectionally look at across all the areas."

I would suggest maybe a way to think about that latter point is [inaudible] to have a talk about effectiveness, and we may just want to say, "Was the program effective at..." and one of them could be for

example serving underserved communities, and the answer is that it's clearly no, and then we can think about what we could do to improve that in the future potentially.

Maybe there's other areas, other topics that we'd like to explore, whether the application was effective at that particular thing.

JONATHAN ZUCK: [inaudible] go ahead.

UNIDENTIFIED MALE: I'm not just ICANN staff here, I get to participate. No, I was just going to say – I'll be quick – I support what Jordyn was saying. I just want to pick up on something Laureen said, which is go with themes. My concern with going with themes is that we make sure that they're supported by data or some sort of objective criteria, rather than something leading like "Are consumers getting ripped off?" Sort of a loaded phrase, but is that effective at protecting consumers?

JONATHAN ZUCK: Hypothesis-driven I think is the way we want to do it. I think that's right. So that sounds like we might have the beginning of an approach here. that still means that the remainder of our time, the next 40 minutes, what we might do is twofold. One is to go through our list and see if it's as comprehensive as it can be now. It could be that it could get added to, to come up with what our overarching themes are, and maybe we try to respecify those as hypotheses in terms of effectiveness so that we

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have those, and then let's try to divide into these areas to divide up the work for that. Does that make sense to everyone as the way forward?

Can you blow up the font and bring up the results of the second piece of paper on the wall? Jordyn has proposed a first category into the chat. Did you want to just read it aloud at this point, and then whoever's playing scribe up there try to capture it?

JORDYN BUCHANAN: Yeah, or maybe we should wait to agree on it and then capture it. I proposed a first theme of "Was the application evaluation process effective at ...?" From now on we can just say "..." to mean all that. "..., serving communities in the developing world?" Jonathan points out that is somewhat different from encouraging participation from actors in the developing world.

If "Giantco" were to create a TLD – like if .africa were run by someone not in Africa, but everyone in Africa really liked it, they would still be served by this potentially, whereas it may be that we also or instead of this, want to look at whether or not participants in Africa were able to participate.

JONATHAN ZUCK: One example is .NGO for example. PIR has among its stated intentions to create a certification program, etc. for NGOs in the developing world to participate in that, but it's still a legacy actor that's trying to serve the developing world as opposed to a policy that's designed to have a new

operator in that community pop up. Those are sort of two different things.

UNIDENTIFIED SPEAKER: In that context, isn't the importance of IDNs important as well? Many people in non-Anglo speaking world speak other languages and use different scripts, so that's an important factor.

JONATHAN ZUCK: It is, for sure. So the question is just as a high level evaluation criteria that our little sub teams will be using to go into each of these processes, we're going to ask ourselves the question – so in other words taking the first one – was the application process effective in encouraging participation by providers in the developing world? That could be one of the questions that we add, that each team asks of its section.

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Serving the underserved for dinner. So, is it two different things? And we care about them both, I think. Does that make sense?

WAUDO SIGANGA: Was the application and evaluation process effective at...

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JONATHAN ZUCK: At encouraging—

WAUDO SIGANGA: At addressing the needs of [inaudible].

UNIDENTIFIED MALE: That's good. I think that actually captures both of them.

JONATHAN ZUCK: It does. The question is, do we want to make sure that we ask both questions as part of that? That's all. So maybe it's a sub bullet, then, under that, under addressing, so if you can indent – one of which is serving the community, and the other is encouraging participation from within the community.

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Within the region or yeah, exactly. Within the area, exactly.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Yeah, underserved. Yes, within the area I guess we said, instead of the community. There you go. Okay, how do people feel about that? Does that sound good as a good high level question to ask for each team, for each aspect of the areas? Okay.

UNIDENTIFIED MALE: Is it clear that participation is by entrepreneurs as opposed to users in that country? [inaudible]

JONATHAN ZUCK: We do, participation in the DNS business... I don't know, maybe entrepreneurs is the right way to put it. I mean, entrepreneurs could also be second level registrants, though, right? So they could be end users. Participation in the new gTLD process, we can just say that. gTLDs are contracted parties. I guess that could be registrars too, right? There you go.

CHRISTINE WILLETT: Are back end service providers considered contracted parties?

JONATHAN ZUCK: Which ones?

CHRISTINE WILLETT: Back end service providers.

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JONATHAN ZUCK: Oh, no. Okay, so what's another way to describe those people? Providers? Okay. I think we know what we mean by that. Carlos, go ahead, please.

CARLOS RAUL GUTIERREZ: I want to make a point of that, that later on we discuss what means underserved. In Costa Rica, we have two choices. We go to the local ccTLD and it costs $100 a year so nobody goes, or you go to GoDaddy and pay $10 a year. We are not underserved, but that's the situation, and GoDaddy of course is not in the area. They're in Arizona or something like that, and they give a perfect service.

I just mean that there are some other countries that are really, really, really underserved in terms of access, infrastructure, servers. They don't get Netflix, can you imagine?

JONATHAN ZUCK: Right, and we've got to make sure we don't boil the ocean, because we're not looking to solve all those problems. But, and so the other distinction is potentially between like community – there could be a notion of the developing world versus communities that have previously been too small. So .cat is an example of an underserved community, but it isn't necessarily because it's part of – economically underserved. Jordyn, go ahead.

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JORDYN BUCHANAN: I think there's all sorts of – almost any community you can imagine that doesn't have a TLD, you could argue is currently underserved. I think maybe we should just be explicit about the developing world here and have a separate thing if we want to talk about communities per se. I think they're different concepts.

JONATHAN ZUCK: So let's all – we'll understand that we're talking about the developing world here then, and then we'll have another maybe high level bullet that's about community, because that was a thing that came up quite a bit in the discussions as well.

So back out on the high level. Addressing the needs of communities around the world. Do folks like the wording of that?

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: That's how we're interpreting it, I think.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Oh. Again, this is – we just need to agree to these and then do it ourselves. This isn't something we're trying to put out to the public to

understand, so we just need to give ourselves enough of a cue so we can say – if you have another way of putting it – community applicant. Does that work okay?

JORDYN BUCHANAN: I just put something in chat, which is "...allowing specific communities to associate themselves with a relevant TLD."

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Could be, I don't know.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: This is high level. Can you live with the acronym the way that it is now?

JORDYN BUCHANAN: I guess, I don't care whether they're...

JONATHAN ZUCK: Applicants are not.

JORDYN BUCHANAN: If they're community applicants, it doesn't seem like – if the community is well served, regardless of whether they're a community applicant, it doesn't really matter to me.

JONATHAN ZUCK: Okay.

JORDYN BUCHANAN: Just as an example, like .hiv. That was not a community application, but you might go and look and say "Oh, that still nonetheless served that community or not."

JONATHAN ZUCK: Right. Okay, so I don't have a problem with Jordyn's text here that's in the chat, "Allowing communities to associate themselves with relevant TLDs."

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Okay, to be served by a relevant TLD.

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: But because this isn't anything that we're going to – we'll wordsmith this when we're writing this up for the public, but this is just to give people criteria for looking at each of these different components of the...

UNIDENTIFIED FEMALE: So get rid of the one beforehand?

JONATHAN ZUCK: Yeah, just get rid of that altogether then, it's instead of that one. Go ahead, sir.

JAMIE HEDLUND: There's one thing about – it's one thing about whether these community or community applicants, applications or whether these communities could actually participate in the program, apply and get delegated. It's another thing to look at though, whether after post-delegation, they're able to serve their community.

The ICANN community and this review team I think would be more concerned with the former rather than the latter, because there's so much in the latter that we don't control.

JONATHAN ZUCK: Thank you, Jamie. I think at the very least, this portion of the review deals with just the thing you're describing. It may come up again, but for now you're exactly right that we are talking about – and Jamie, what we're dividing up is from the implementation review, those categories and how they apply to that thing. That'll create the constraint.

Other issues as we read down. For example, dispute resolution lessons from developing regions, we can just delete that from this list or add it as a bullet above if people want, maybe that's the more comprehensive thing to do, is to remove it from there and add it up to the underserved markets section as a sub-bullet. [inaudible]

DAVID TAYLOR: Just a question on that. I'm not sure who put it up originally. Was that – what was the dispute resolution lesson we were looking at? Was it down to cost, or was it other things? Yeah, I guess it's sort of vague.

UNIDENTIFIED MALE: As I said, there's at least an element of specific case or cases, which I thought maybe could be useful to study, to see if they can be useful in future situations of resolving a dispute.

DAVID TAYLOR: Do you mean developing regions that filed objections?

UNIDENTIFIED MALE: Yeah, we had some unique currencies, so I thought maybe we needed to make use of those experiences.

JONATHAN ZUCK: So the bullet might be providing the [inaudible] dispute resolution in developing worlds. [inaudible] Sorry, microphone. It's after our "..." kind of. Four probably at that point, over towards the end, instead of "from."

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Thank you. I know it's hard to be described. Okay, so then moving down how we define community applicants and design an evaluation process fit to purpose, that is a sub-bullet under the "Allowing specific communities," so we can just indent that, because it's already there. "Examine the barrier to entry for prospective participants when merging economies." Turn that into a sub-bullet again up above to the other high level.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Yeah, the one above, sorry, yes. "Unfair advantage for those with more money or disadvantage to those with fewer resources." That might have to do with [inaudible] communities or it might not. It just might mean

was money too much of our criteria in this? That gets kind of the fairness criteria that they had. How do we want to phrase this as a high level... "Effective in creating equal opportunity or..."

UNIDENTIFIED MALE: Providing.

JONATHAN ZUCK: Providing equal opportunity for participation in the program. That's a high level one, that's right.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: That's right.

STANLEY BESEN: Does that mean they can't apply, or they lose in the auctions? What do you mean there?

JONATHAN ZUCK: No, that's the whole point, is that you're going to ask that question against each of those areas, so the application process, the evaluation process, the objection process. All of those, in each, you're going to ask that question in each of those.

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LAUREEN KAPIN: Jonathan, it's a broader question than just the issue of resources, and I'm just – the way it's phrased.

JONATHAN ZUCK: It is.

LAUREEN KAPIN: I don't object to it, I'm just pointing out that it's a little different.

JONATHAN ZUCK: So you're objecting to the parenthetical, maybe?

LAUREEN KAPIN: I'm not objecting, I'm just saying – oh, are we keeping the parenthetical?

JONATHAN ZUCK: We might be right now, but we can turn it – instead of a parenthetical maybe just make it into a sub-bullet.

LAUREEN KAPIN: Okay, that [inaudible]

JONATHAN ZUCK: That addresses Laureen's concern, I think. Okay, and Laureen, to that, if you know off the top of your head another sub-bullet you'd like to see, then now is the time to just go ahead and put it in there.

MEGAN RICHARDS: What about [inaudible]

JONATHAN ZUCK: As part of equal opportunity? Use a microphone and get everybody's opinion.

MEGAN RICHARDS: It's just an open question. Since it relates to providing equal opportunity for participation, are issues like language script and other accessibility-related issues important to be added there? As an idea. There may be other aspects that are more important for our point of view, but in terms of consumer choice...

JONATHAN ZUCK: Is that where it belongs I guess is the question?

JORDYN BUCHANAN: Are you talking about in terms of outcomes of the program, or in terms of access to the application process? Because it seems – okay, so you're saying like if someone speaks Arabic, like if an entity are all Arabic and they don't speak any English, would they have any reasonable opportunity to participate in the process?

MEGAN RICHARDS: In theory, and I'd forgotten how many languages the applicant guidelines and books and everything are in. The six UN languages, are they not? Plus maybe Portuguese. But is that sufficient?

UNIDENTIFIED MALE: [inaudible]

MEGAN RICHARDS: Is that right? The application had to be in English?

UNIDENTIFIED MALE: Yeah.

MEGAN RICHARDS: Well there you are, there's a barrier to entry right there.

JONATHAN ZUCK: So just another sub-bullet under that is linguistic barriers.

UNIDENTIFIED MALE: [inaudible] It was related to that, just the general awareness of the program. What do you call it? Not really awareness but outreach. I think Carlton knows a fair little bit about it. When he mentioned he was on [inaudible]

JONATHAN ZUCK: Right, so that could belong right there as another sub-bullet, is sufficient outreach and awareness.

UNIDENTIFIED MALE: The fact is in these areas is that there is also a connectivity problem, there is a tendency to access the internet through mobile devices, there is little awareness, little possibility of be working with browsers and develop the ideas [inaudible]

JONATHAN ZUCK: Okay, so then mobile access? Infrastructure? I'm trying to just get to, very practical, what are some of these questions people should... So infrastructure might be one.

UNIDENTIFIED MALE: Access to develop your own website, because people say "Okay, Facebook is free." Yes, but you can have a website with $20 probably. A small business can have a decent website. They don't see it.

JONATHAN ZUCK: I think that's why ALAC keeps bringing this issue of things like Facebook in, because if it's an insufficiently obtuse process to participate in this, they're going to go use Facebook instead.

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Right.

UNIDENTIFIED MALE: The $185,000 entry fee. For some people, it's no money. For others, it's [inaudible]

JONATHAN ZUCK: No, that's captured. Carlos, so the question is infrastructure could have to do with the application evaluation process, so I don't have the means to submit an application. I think that's what he's getting at, right?

JORDYN BUCHANAN: Sure, so I agree with Carlos. It's a big issue, especially when we start to talk about registrants, but when we're thinking about applicants... In order to get a TLD, you have to have a bunch of servers and stuff like that. You can't be a mobile-only person and get a TLD. So it seems like actually applying for the TLD, this set of problems isn't that germane to the application process. It is very germane to whether or not people can actually use the TLD and whether it's serving that market, etc.

UNIDENTIFIED MALE: I'm not sure. I can tell you two examples: .cat, the business model they used to implement the TLD was to create a foundation. .lat had no money whatsoever, had to ask for waivers for the insurance and so on,

and the model they found was the Mexican ccTLD in Monterey to be their provider.

I think those two models have to be analyzed, discussed and promoted, that they're ways to develop your business model or your purpose in the TLD, and you can find alliances with ccTLDs, with foundations, with public interest registries or whatever in the world to do that. But if you are living just out of three basics, you're not aware of that. That's my answer to [Facebook].

STANLEY BESEN: The problem is there's no market, and therefore they have no reason to apply, because there are no users.

UNIDENTFIED MALE: [inaudible]

STANLEY BESEN: On the part of whom?

UNIDENTFIED MALE: Both.

UNIDENTFIED MALE: Of people who might develop the business model to sell domain names.

STANLEY BESEN: But we've put that in here, don't we?

UNIDENTIFIED MALE: In underserved areas.

JORDYN BUCHANAN: I think it's finally – I don't think this will emerge as an issue, I think we could go find out. I think it would be instructive for us to go and talk to applicants from the developing world, and/or try to find people who ought to have been an applicant and weren't, and sort of ask them "Why didn't you apply, or if you did apply, why weren't you successful?" And then figure out what the issues were that would prevent them.

Probably most of the time, it's going to be "I had no idea this thing existed," but I don't think it's because they're using mobile devices that they didn't know, it's because we didn't – there was just no way to find out, even if you had a really awesome Internet connection.

JONATHAN ZUCK: It's probably going to boil down to a combination of cost and awareness are probably the two big issues.

CARLOS RAUL GUTTIEREZ: In any case, ICANN is spending half a million dollar in regional studies to analyze that in the Middle East, in Latin America and Africa, and I agree with you, we should take a look at those studies.

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JONATHAN ZUCK: Okay, so that's one of our discussions as well. Let's try to keep moving. PIC specs. I know that one of the high level issues that Megan brought up was the effective and involving governance, or GAC specifically. What's the best way that you'd like to summarize that as a high level point? In other words, was the process effective in engaging governments or regulatory bodies in this process? You mentioned it before and I don't remember how you phrased it.

MEGAN RICHARDS: There were two aspects. One was relating to public policy advice on safeguards, and whether that had adequately protected consumers in the new gTLD round. Excuse me, I'm not [inaudible] It's not the new new, it's the existing new one. Good, so $1 less.

UNIDENTIFIED MALE: [inaudible] Google party. They throw a great party.

MEGAN RICHARDS: The other was relating to whether the introduction of public interest commitments had been effective to the same extent, and how those have been applied. So it's a two pronged...

JONATHAN ZUCK: Is there an overreaching – so in both of those cases though, it's about effective at engaging government in the process, or something like that, and those are two subcategories under that?

MEGAN RICHARDS: It wasn't really about engaging the governments, it was more about the impact and the effect of the public policy advice on protecting consumers [inaudible] That was the idea.

JONATHAN ZUCK: Right. If you think about the areas that we're going to divide up into, is there a question you can ask in one or more of those areas that isn't just one question that each team will ask of it, that has to do with this process of engaging with the GAC. How would you phrase that? I'm sorry, [inaudible]

MEGAN RICHARDS: Okay, then if – put it in a much broader context, let's say. Was public policy advice adequately identified and applied in [inaudible]? That's perhaps a broader approach.

JONATHAN ZUCK: Public policy advice from government?

MEGAN RICHARDS: Yeah, from the GAC.

JONATHAN ZUCK: Okay, so was GAC public policy – effective in collecting and implementing GAC public policy advice?

MEGAN RICHARDS: Let's leave it like that, and anyway, you're going to give us a night to think about this, aren't you?

JONATHAN ZUCK: Of course.

MEGAN RICHARDS: Tomorrow morning, we're going to come back with new, better refinements. Not brand new ideas, but slight refinements to our...

JONATHAN ZUCK: Of course. Jordyn and then David.

DAVID TAYLOR: [inaudible]

JONATHAN ZUCK: Okay.

MEGAN RICHARDS: There you are.

DAVID TAYLOR: Because Christine mentioned before that one of the issues that they came across was the fact that the government would be advising

throughout, and they were having to change things as things were going along, and perhaps that's one of the issues that we didn't have, the government input during the application guidebook, the seven iterations.

If it had been in there more clearly, whether it's contention resolution, applicant support, et cetera, that's where we'd have had more benefit from it. So I think it's...

JONATHAN ZUCK: Set a sub-bullet here, I want to just capture this as practically as possible. Does that fall under the selecting and implementing GAC? Because my guess is it falls under that category, so one of them is going to be early enough participation by GAC.

DAVID TAYLOR: Yeah.

JONATHAN ZUCK: Okay. Jamie, go ahead.

JAMIE HEDLUND: Collecting, is that drafting? There's also [inaudible] the issue of the GAC advice.

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JONATHAN ZUCK: I almost said inspiring, but what I mean is, was the process – because we're going to, again, look at these each of these things, the application process and etc. – was it effective at incorporating, ingesting – what's the word that we want to use there? Integrating.

JAMIE HEDLUND: But there's two things. One is I think we went through a lot of that, what it talks about is did ICANN effectively implement the GAC's advice? And I think there's another part, which is was GAC advice effectively formulated so that it could be implemented? Because the time of the AGB was kind of [inaudible] the GAC was going to provide it by – on specific strings.

It did that a little bit, but also the big areas contention were there was broad categories of advice, not on specific strings, but on general categories. So I would just – it would be good to have that part of the conversation as well.

JONATHAN ZUCK: Do you think that's another high level thing to look at in terms of the quality of GAC advice, or it's a subcategory of this? So maybe you can add that as a third bullet there from Jamie. If he can even just repeat it to you across the table, but it's something about sufficient...

JAMIE HEDLUND: Was GAC advice effectively formulated so that it could –

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JONATHAN ZUCK:	Yeah, effectively formulated. Perfect, thank you. Waudo, and then Carlos.
WAUDO SIGANGA:	I'm not familiar with PICS.
JONATHAN ZUCK:	Are we done – what are PICS? Is that what you asked?
WAUDO SIGANGA:	Yes.
JONATHAN ZUCK:	Public Interest Commitments.
JORDNY BUCHANAN:	To elaborate on that a little, they are in most cases some combination of voluntary commitments by registry operators to engage in certain behaviors that would be binding, and then ICANN forced registries to adopt certain other commitments, all of which – and the idea behind all of these, the first set that are voluntary, the idea behind them was a registry would commit to behaving in certain ways, and therefore that might alleviate concerns that had been raised about the public policy issues related to a particular TLD.

The mandatory ones were public policy areas that the governments had identified as being potentially problematic, that ICANN tried to address through these commitments in the contracts.

JONATHAN ZUCK: Do we want to break that out here? I'm just trying to drive this list. I think that's an important distinction. Is it voluntary versus involuntary? Is it applicant response to objections versus staff response to objections? What's the best way to break that out into... Okay, voluntary versus involuntary, so just as a voluntary versus mandated.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Okay, perfect. The next big bullet down there from our whiteboarding session was standing an objection process. Who wants to take that? Is that a sub-bullet under the others, or is that another high level concept?

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Effective dispute resolution.

UNIDENTIFIED MALE: [inaudible]

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JONATHAN ZUCK: So let's just move that up into the – as a sub-bullet under the underserved areas.

JORDYN BUCHANAN: I think this question is more general. I think there's actually a new category heading here, which I would –

JONATHAN ZUCK: [inaudible] issue?

JORDYN BUCHANAN: I would phrase it generally to cover the dispute resolution processes to say – and I think that the main thing that I would want to get at, and this may not be what anyone else wants to get at, would be "Was the process effective at preventing the delegation of TLDs that would be confusing or otherwise damaging in the market?" I don't know exactly the right... But the point of the objection processes was like get rid of bad TLDs, essentially.

JONATHAN ZUCK: Do you think that's part of the standing process, or is that just another bullet?

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JORDYN BUCHANAN: I think standing is part of the question, of that more general question. Extreme confusion would be another.

JONATHAN ZUCK: The more general [inaudible] above that – if you want to just hit Enter there... preventing bad TLDs, just a little bit...

UNIDENTIFIED MALE: [inaudible]

JORDYN BUCHANAN: Screening out TLDs or preventing the delegation of TLDs that would be confusing or something. I would just stick with confusing, but I know other people care about other things.

UNIDENTIFIED FEMALE: [inaudible]

JORDYN BUCHANAN: It could be effectiveness of objection process in enforcing policy recommendations, or enforcing delegation policy. That assumes that the policy is good in its own sake.

JONATHAN ZUCK: [inaudible] value proposition then, right?

JORDYN BUCHANAN: That's the effectiveness, yeah.

UNIDENTIFIED MALE: Except that there was an objection process for confusing, I don't think there was one for harmful.

JORDYN BUCHANAN: Remember, the point of this exercise is to decide whether or not – both what happened, and are there recommendations that we could make in the future? It could be that there should be some other kind of objection process that didn't exist.

JONATHAN ZUCK: While we're doing this value-based thing, it's not –

UNIDENTIFIED FEMALE: It's not projecting, hang on. I can see it in the Adobe Connect room on my computer. It's just not projecting.

JONATHAN ZUCK: Everyone, look at your Adobe Connect screen rather than the big screen, so that we can continue on.

UNIDENTIFIED FEMALE: I can't even begin to tell you what's going on there.

JONATHAN ZUCK: Okay, and then can we scroll back down and get through the rest of the list and see if any of them are high levels or bullets in the ones that we already have? Or we do have our own scroll – no, we don't have our own scroll control.

Okay, so that one above there was IDN and app support. Applicant support and IDNs is a bullet under the underserved communities, so we can cut and paste that up above.

LAUREEN KAPIN: It seems like that would be a separate category though, because underserved, I thought we were talking about developing world, and IDNs is not necessarily developing world.

JONATHAN ZUCK: Okay, so maybe there were two different things. One was application support, maybe we should split them apart.

JORDYN BUCHANAN: I think actually IDNs would cut across two things that we already have. One is developing world, and the other is the communities.

JONATHAN ZUCK: So let's add IDNs as a sub-bullet under both underserved and communities, but let's add application support as a sub-bullet under underserved. Does that make sense?

UNIDENTIFIED FEMALE: So I'm adding both under both.

JONATHAN ZUCK: You're adding IDN under both communities and underserved, and app support you already have there, that's perfect. So if we could scroll back down to the bottom here, I know the one was subjection process, I think we've already – community application process, both of those have been done I think as high level, so we can just delete those. Cost we've done, we can delete that. String confusion –

JORDYN BUCHANAN: That should go up in confusion.

JONATHAN ZUCK: String confusion should go up into confusing?

JORDYN BUCHANAN: Yes. [inaudible]

JONATHAN ZUCK: Yes, exactly.

UNIDENTIFIED FEMALE: This goes under confusing as well, right?

JONATHAN ZUCK: Yes, that's part – again, singular/plurals is probably string confusion, but if you want to, add it as a bullet up in the...

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: That's fine. This document doesn't need to be beautiful. Inconsistency in the decision of appeals. Does that fall under the dispute resolution issues? Maybe just add the consistency bullet up there under the dispute resolution.

This is the strawman. Eleeza will circulate this I think. See if we can take another look at this, look for things that we think are missing. We have cost as a barrier to entry, we'd have the auction prices high, and can we eliminate rounds? Is rounds a source of our – it would be Jordyn's contention that the lion's share of the things that we will find wrong with this process could be summarized as having done it as a round, so it feels like it's worth keeping in this document somehow.

I don't know whether it's a high level thing or if it's just something to... It might end up being the reason that these other things don't fall into place, so we'll just put that as a high level bullet, then along the bottom there as our last high level bullet, but I think you can probably get rid of the two above it: the auction prices and the fixed barriers, and leave the last one. There we go.

Okay, and so I think we have the beginning. We have the strawman here at least for questions we would ask of each of the areas as identified by

staff in the implementation report. The only thing we were thinking about trying to do – I know some folks are trying to get some exercise in before dinner, but would you like to self-select into subcategories among the implementation report, or would you like to be voluntold?

Do people have a strong feeling about a particular area of that, that they want to address? Because we're really just dividing it up mathematically and not necessarily substantively in a way, so speak up. What are your thoughts on that?

UNIDENTIFIED FEMALE: Choose ourselves.

JONATHAN ZUCK: Choose yourselves? Okay, so your homework then is to sign up for something. The areas to sign up for, Eleeza will repeat for you in the e-mail that has this, but it's this area called Areas in the document, and those were the application process, those things there. The way they divided up their document is the way we're dividing up the exercise of evaluating the document.

JORDYN BUCHANAN: I think the sections or the areas are rather different in terms of the amount of text associated with each. It might actually be helpful to have someone from staff figure out which the biggest one is, and then try to normalize clusters of the other ones so that maybe we'd only end up with four or something like that, but they'd all be roughly the same sizes. The biggest ones though.

UNIDENTIFIED FEMALE: [inaudible]

JORDYN BUCHANAN: Or I will attempt to do that, if no one else wants to.

JONATHAN ZUCK: That is a completely fair point, Jordyn, and that people are going to – some of them are going to be big and some of them small, so you might do more than one. So who has sufficient familiarity? You want to take a shot at it? Jordyn has agreed to take a shot at that, so he's going to circulate a normalized list of areas in which to volunteer. Okay, Stan.

STANLEY BESEN: At the risk of delaying people's access to their beers –

UNIDENTIFIED FEMALE: Or exercise.

STANLEY BESEN: Or exercise, is this something that we should do before or after we do all that stuff? Seems to me with a lot of the other projects require – as we talked about this morning – getting [issues] together so that people who are going to be gathering data for us can start the process, so we can't wait for that. This looks like something that is primarily an internal

project. We could probably wait until we get all the other stuff out of the way. Does that seem right?

JONATHAN ZUCK: I think that's a really good point, Stan. The reason that we put this forward is because there's data for which we'd be waiting, but since there's data which we might request, it might make sense to dive into. But let's at least try to bring this to a point of closure. Maybe not actually divide into those – not start the work, but let's actually figure out who's doing what, and then call it there and maybe move on from there and we'll – which we're planning to do tomorrow anyway.

STANLEY BESEN: It was a procedural thing, not that we – [inaudible]

JONATHAN ZUCK: No, it was a very fair point. So same assignments. Jordyn's going to look at categories which to volunteer, you're going to volunteer and then we'll then consider that paused and we will then move on to some of the other stuff, subteam creation that we've talked about doing tomorrow. Okay? All right.

UNIDENTIFIED FEMALE: Do you want me to share this document though?

JONATHAN ZUCK: Yes, please.

UNIDENTIFIED FEMALE: Okay.

JONATHAN ZUCK: Thank you. And send me an e-mail reminding me again to send that other document to you, Eleeza, since it will have scrolled off of my...

UNIDENTIFIED FEMALE: I'm sorry, could you say that again?

JONATHAN ZUCK: You need the Word doc for the terms of reference, so just send that again so it's at the top of my e-mail and not below the fold, as they say. All right, thank you everyone and we're meeting at 6:30 at Salt, which is the – yes, we decided to start our meeting at 6:30 tomorrow morning. Breakfast is still at 8, but we'll have the coffee ready by 6:30, so 6:30 at Salt and thanks, everyone. Good first day.

UNIDENTIFIED FEMALE: Thank you, and thank you Jonathan.

UNIDENTIFIED MALE: In Salt, this is the restaurant in the [inaudible]

[END OF TRANSCRIPTION]