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MARRAKECH – Competition, Consumer Trust & Consumer Choice

Thursday, March 10, 2016 – 10:30 to 17:00 WET

ICANN55 | Marrakech, Morocco

UNKNOWN SPEAKER: Audio test. CCT and consumer choice.

UNKNOWN SPEAKER: For those of you online, we're still assembly here in the meeting room.

JONATHAN ZUCK: All right, let's try to get started here soon, if we can.

Some of our probation members are planning to leave early.

[LAUGHTER]

We need an assignment of proxies.

Let's go.

All right folks, let's try to reconvene here and get going. I think we were at that last session longer than we meant to, but I think it was worthwhile, particularly for newcomers, to hear some of that history, and lay some of the groundwork of what we were trying to do and what the intensions were at the program were at the outset.

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

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So Alice, have you started the recording and other various things? Okay. The Adobe Room. So where did we...? I guess I can ask Eleeza, where did we end up on the agenda after our discussions this morning?

ELEEZA AGOPIAN:

So what we have on the agenda now was sort of open for discussion on the application and evaluation process piece of the review, since we didn't have any other dedicated time in either today or yesterday to talk about that. You can talk about that or perhaps next steps leading off of what you just heard with the PDP working group.

But we have this chunk of time until, what I've scheduled until 11:30 for a break, although we're getting close to 11 here, and then at noon, Bruce Tonkin is going to join us to kind of continue, pick up the thread of the discussion again from this morning about the previous recommendations.

JONATHAN ZUCK:

Great. I think that makes sense. I'm going to propose that we kind of drive to 11:45 maybe, and take a 15 minute break before Bruce comes, and then there are some folks that I think need to go at that point, pre-arranged flights and things like that. So hopefully that will give you a chance to make a clean getaway.

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So there is a lot of questions that came up during our discussion with Jeff yesterday, that have fueled us into some extent by the conversations that, the presentation that we saw this morning as well. And so I wanted to get a conversation going here of our team, to... And is Jordyn here?

He was with us.

[Off Microphone]

He was like waiting in the lobby, I think, of the bar, and like joined us as we were walking by. I don't know what happened. Jordyn is somebody with a great deal of institutional memory from a lot of these processes, that's why I want to really involve him in this particular conversation.

So I don't know if anybody has a way to reach him, has a cell phone to text him on or something like that, but I'd love to have him be part of this particular conversation, for sure. So, the open question is, how best to add the most value to and coordinate with, and not overlap with, the efforts of the group whose meeting we just attended? Or most of us just attended I think?

So and the complexity there obviously there is that our mandate is to conduct a review and make kind of high level recommendations for the way forward. And their mandate is to

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go beyond that down to the level of actually creating a new policy going forward, at a more granular level. And so, as I said yesterday in kind of an ideal world, we would just complete our review and they would start their policy development process.

And with the overlap, almost by definition, they'll need to conduct some form of review in order to do their policy development. And so the question then becomes, can we identify...? I'm sort of thinking this as three categories of issues. One category of issues is to identify things that we think we won't be discussing, that we didn't reach a high enough level of priority based on the prioritization exercise that Jordyn's team yesterday, but that we have not yet done with the application process.

And do something like that that says, well looking at these combined lists of our list and their list, we just weren't ever going to get around to talking about that, in which case, let it go. And let the team get started on those issues that we wouldn't be holding, because nothing would be worse for them than them waiting a year and a half to hear from us that, oh, we never got around to talking about, so go ahead and talk about it now.

They can be doing it now. The second thing is something we've talked about in the abstract that we may need to put to practical tests, is this notion of interim recommendations. So built into

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our terms of reference and work plan is the notion of non-controversial recommendations.

In other words, we're trying very hard to make this an evidence and fact based team, so that our ultimate report out will be based on quantifiable evidence to the degree possible. The question is, if there are binaries and things that we know we will be recommending to them to develop new policy on, can we get to those interim recommendations sooner rather than later? Even though we may be back filling the evidentiary support for them, we just sort of know that they are noncontroversial and therefore they could start working on policy development.

And so that could be another thing to try to get to them. And then the third category is what, I guess I would regard as high risk, because we don't know the answers, and those answers could have a substantial influence on the policy that might be developed, and that identifying those for them, would be an indicator that it would make sense for them to wait as long as possible to begin to address those things because we may be causing a real course correction for that team later on with our findings and recommendations.

And so, you know, it's about sort of identifying areas of real risk of having their work having to start over again, or something like that, and so that they put that particular work off. So I don't

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know if that taxonomy makes sense to people those three categories of things, but that's, to me, feels like a possible way forward in the way that we interact at the high level with these teams.

Obviously, Carlos, and I guess Carlton as well, also has joined that work group, right? So we'll both be working in the [inaudible] liaison capacity with that group on the fine details of, wow I should raise this issue. This is really, you know... As things come up along the way. But on the high level, helping them to figure out their work plan, it might be worth us trying to come up with these categories of things, but I open it up now just for conversation generally.

MEGAN RICHARDS:

I'm using the boss's microphone. It's Megan Richards. No, I liked your analysis and approach. I would have thought that there are a number of things that the GNSO is looking at, based on what was done in the past, where they could quite easily continue without stepping on our feet, or on the results, or without sort of infringing on the potential results of this review.

And some of them are more administrative in the sense of what aspects in the application and evaluation process that didn't have any impact on competition, consumer trust, and consumer

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choice, created problems, and we have a whole review that's already been done.

And they can look at certain aspects, and then also leave a square bracket where there are potentially aspects that we want to look at, like community applications, or other aspects. So I think there is a fair amount of room where they could start slowly developing, but without getting into too much complication. And I liked your overview of the three large areas.

JONATHAN ZUCK:

Thanks Megan. And we may be sort of saying the same thing a different way. I will say that personally, I had that expectation that you just described as well, and the slide presentation from Jeff yesterday revealed substantially more overlap than I anticipated there being.

I was hoping that there would be 30% overlap, and we could just say to them, look just put this 30% off, and it would be a simple solution like that. And instead, it was more like 85% overlap, and that feels like a more serious situation. And so there may, as you say, be components that are procedurally in nature, that is a, would fall into, in that first category I was talking about.

That these are things that we're just not going to take the time. They're not going to make our priority list. And as you saw with

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Jordyn's... I know that Laureen, your team hasn't had the opportunity to do this, but Jordyn's team took an initial cut at least, at looking at the questions and saying, these things may just not get answered, or some of them may come up in the context of trying to explain the answers to the earlier questions, but the extent to which some things on their list, which in some ways is broader now than ours, are things that we just weren't going to consider, then we can communicate that up front to them, so that they know that there isn't a potential for overlap or conflict down the road.

Carlos, please go ahead.

CARLOS RAUL GUTIERREZ: Thank you very much. I'm not so worried about the overlap. I'm not surprised that we have an overlap of 85%. I don't think we have to have separate lists of issues. I think we have a more or less common list of issues, maybe up to 85% is the same, I think the questions are different.

I think we have been asked to look backwards, and what they're worrying is, what has happened, what went wrong, and what do we have to fix? So I think it makes a lot of sense to exchange analysis once in a while, we don't have to work in parallel, because there might be different reasons why something went wrong, and may or may not need to be fixed.



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I mean, one possibility is that the regional policy was bad, or badly drafted, or was not clear. I think this is one type of question that interests us a lot. If this bad policy impacted the results. Another possibility is because there was no policy at all. As we heard today, like blocking the country names was an interim decision of the Board.

I happen to be in the use of country and territory names because that creates a lot of friction with the GAC, and we have not been able to solve it, and we have a big bunch of problems, but there was no policy in the applicant's guidebook. It was not developed. It was an interim decision. And then there is a third category of situations that we will analyze and they worry about, is something happened, and nobody expect it.

I mean, there was a big hole in the applicants guidebook, about how to solve community or maybe it was the definition of community or... I mean, community has been used for cities, and for dot [inaudible], something is not well developed there. So I think we... I like the discussion. I like the comparison of lists, but I think we should focus our questions on, did it go well? Or it didn't go well, and if it didn't go well, well it's because the policy was wrong or not explicit, or because nobody thought about it.

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Nobody thought it was going to be 2,000 applications. Nobody thought that developing countries have no registrars interested, etc. So I would like to throw that on the table. I don't think we need to worry too much. It's very good to have some milestones, maybe in ICANN meetings, but I don't worry so much. We're looking backwards, and they're dealing with other issues. Thank you.

STANLEY BESEN:

This is Stan Besen. I want to play off something that John mentioned, Johnathan mentioned earlier, which is that our work is supposed to be quantitative and data driven. And it's more a question, when I listen to the other committee, it didn't sound to me as if they had anything like the series of quantitative projects that we have been discussing it here. So if I think of it, when we differentiate what we're doing from what they're doing, is that we have these quantitative studies, some of which are being done by the analysis groups and by Neilson, will eventually look at those results.

And I think, am I wrong that in fact, that doesn't seem to be the way they were approaching their task?

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JONATHAN ZUCK:

Thank you Stan. Do you want to comment on that or can I reply to him? The... Okay, thank you. This is Jonathan again for the record. I think that that was a good observation, Stan. And the question, I guess, for this team is whether or not our mandate to look at the effectiveness of the application process, was going to be as quantitative in nature as it was on the CCT.

So it's that application process component of our review, where most of the overlap lies actually. It's not in these other areas as much, right? So that's... I think that's a valid observation. And I guess the other question is, just the politics of this situation. Is such that if down the road, our quantitative analysis says that this ended up being more of a serious problem than this, and so you, PDP team who are now a year and a half into your process, need to start over on this work because it wasn't as important as you thought because you didn't do a quantitative, then we'll get push back at that.

Do you know what I mean? It will be a situation where well, we've already gone through this. We did all of these interviews. You know? Why are, you know...? We disagree, etc. so I mean, it's about trying to see how we can head some of that stuff off at the pass, I think, by some of this categorization.

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STANLEY BESEN: That means that we want to essentially front load as much as the quantitative analysis as we can, right? Isn't that the implication?

JONATHAN ZUCK: Potentially. Potentially. So let's not just start talking freely, because we've got people trying to follow on a transcript and things. But so, that was part of the idea behind the notion of interim recommendations. If there were things that were non-controversial, we could start making some policy, areas for policy, further policy development recommendations to the group, and then maybe back fill, for the purposes of our ultimate findings, the actually degree to which those things were a problem.

But to the extent that they were uncontroversial about being a problem, we might be able to let them begin working on some policy development. That was the idea. So, Kaili, Carlton, and then Jordyn.

KAILI KAN: Yeah. Kaili Kan for the record. Yeah. Talking about the quantitative versus qualitative. Well, I agree with, well a lot of those controversial issues needs to be counter in order to

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support our conclusions on solid ground. But on the other hand, being quantitative is costly and takes time.

And both in time and money. Okay? So we need to identify beforehand what issues, do we [inaudible] to that we... For those who do not need that much detailed data, and can... We probably would like to go ahead, even before the other issues. So we can have, from time to time, some conclusions or preliminary conclusions to be either implemented by GNSO or that working group, or whatever. Okay?

So that is... Also, I would like to... There are two points. One is to this meeting, and also what just the others about Jonathan, Megan has said, is that while Jeff mentions, it was us, about original purpose of introducing new gTLDs. He said in a green paper, white paper, back in the 90s, there was a competition. But that, whether that constitutes competition or not, was never even touched.

Okay, as Jonathan said, well that was only a risk, or whether there was a sense that not collapse, that's all. But whether there is competition or not, does not, and that I think that highlights our review team, especially our sub-teams, the importance of studying that thoroughly, whether the original purpose of introducing new gTLDs was accomplished or not.

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Yes, how to go ahead with it. You're not... Well, then, probably we should do something about it. Or just stop or reverse course. Okay? So that is one thing that I think from this morning's history review that highlights the importance of market definition and so forth. That's the one thing.

Another thing is well, before and after the meeting, their meeting, I talk with some of the registry registrars. So I basically, mostly a prominent one from China. He is the biggest guy in China at least, okay? Well, it's obvious, all that they, maybe they do not like to admit that this were improved, is trying to start a new round as soon as possible.

And my friend, they openly say that. Well, we need to make some money to survive, okay? So well, if that is... Well, the fundamental force behind all of the working groups effort, then whether it is possible for us to divert them to know and not harmful directions, for what we do.

For example, this [inaudible] there is the business constituencies have a lot of complaints like for Mercedes, and while they have to register so many and spend so much money, and effort, and wasting it, and also there is corruption, and speculation and so forth. So they say, well what about this? When they get a new policy, it's Mercedes can come directly to ICANN and register Mercedes as top domain name or, anyway.

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To safeguard those business constituencies, and Mercedes or BMW, have nobody to do this job would hire them to do, and then we can make some money and live happily ever after. I think that well, that does not directly, well... At least in my mind, that might be okay for us, because that does not harm our whatever.

So, if we... Well, because right now, because of the say, 85% overlap, okay, I view... I would like to avoid the confrontation being that review team and that working group. Okay? Well, if there is a business interest, and divert that through some less harmful, or in a harmful direction, then it will make money. There is no harm done. Okay? Fine.

And then they may even be more willing to collaborate with us. And then we can put in... Well, there is some of their interest into our review conclusions, and they will be happily ever after. And so, well, sort of a political practice. Well, try to make as much alliances rather than oppositions. That's all. Thank you.

JONATHAN ZUCK:

So quickly, just on a philosophical level. Which is, I'm inclined to agree that they are looking to get new TLDs going again. Remember, we're trying not to say the R word in our group, but trying to get them going again as soon as possible. I think we can take on, as one of our principles, that we don't introduce

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any unnecessary delays in that process. And so, part of what we can do to accommodate those interests, we don't need to express it quite as, in such a mercantile way, as you maybe did when talking to them, but part of what we can do is identify areas, for example, that we don't think we'll be looking at, and let them work on them for that very purpose, because make them wait until we're done only to find out then that we didn't deal with something they will have to deal with, will feel like we've created an unnecessary delay.

So I think we can take it on, as our responsibility, not to create unnecessary delays in the introduction of further new gTLDs.

KAILI KAN:

Again, well, I hope... It will be off the record. But already.  
[LAUGHTER]

So, just... [LAUGHTER AND TALKING]

Well, I agree with you. So this message could be forwarded to them through private channels, not... And then, you do something, nothing bad. But no.

JONATHAN ZUCK:

Okay Jordyn. Jordyn is next. Oh Carlos is next, I'm sorry. Carlton is next.



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CARLTON SAMUELS: Yeah. Carlton Samuels for the record. To me, this is about context. I mean, I quite agree that there is overlap, especially in the application procedures area. And we can work it out and see. But the context in which we are looking at it is from competition, choice, and trust. And I think we can do a couple of things to get along and get it done.

First of all, we can prioritize. I like Jordyn's idea of prioritizing the issue for us. And we can make interim decisions that we can feed to them. This is the first thing. The second thing is, a lot of what we're doing, we are committed to data driven analysis. And we know that collecting the data and analysis of the data, is going to take a little while. But there are some things that we know that we can tell from the preliminary analysis, and then we can elaborate on it from the results of the data analysis.

And so we can say, for the preliminaries that we give to them, the data that we're going to use to back it up, we think, is coming. So that's one way to do it. So I'm not so bothered, quite frankly, because there is a way to work with them and work well. It would mean, though, that we must be committed to having interim conversations with the PDP.

So I quite agree with you that we shouldn't be too alarmed, that the procedure and the application part is such a huge overlap,

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because what we are about is showing, using data to show what the preliminary observations. And we can give those and then back up with data afterwards. So I think we can work with it.

JORDYN BUCHANAN: This is Jordyn Buchanan. I mostly just wanted to react to Stan's observation about quantitative versus qualitative. First, I totally agree with Jonathan that the application process, like we're inevitably going to be looking at some less quantitative measures. But I think that's unfortunate, because if there is one thing that the GNSO policy development process would be better for, it would be more use of quantitative data.

I think often that process is very much based on people's opinions. That is very poorly founded and any tie to what's, what is going on or what might go on in the real world.

JONATHAN ZUCK: Hallelujah.

JORDYN BUCHANAN: And I know, just in this conversation around, you know, with the objectives of that PDP are, like obviously there are people, there are registry operators, registrars, brands that want to get their

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TLDs. There are forces that are very interested in having additional expansion of the gTLD space.

On the other hand, there are just as many forces, probably, or nearly as many, that are very much opposed to any expansion. And those will play out in that policy development process. But geez, wouldn't it be nice if they actually were able to look and see what the results of [inaudible] in that place?

So I mentioned this at breakfast today, one of the critical questions they need to get to is, should there be, you know, should there be further expansion of the space? It's going to be very hard for them to answer that question until our review is complete. So I think that's fine. I think the community is probably willing to take a flyer on the fact that there will probably be some additional expansion in the future.

And if we come out and say, you know what? This is horrible, the effects of consumer trust were terrible, there was no increase in competition, and the consumer choice benefits were significantly outweighed by the cost, you know, they have to rethink that, but I think the community is willing to take that chance in the meantime.

Everywhere else, that's possible, I really like the approach of saying, here are the issues that we're not going to look at. You guys start doing those things, you know. These are high priority

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areas for the community, and so maybe we can help high prioritize those in our internal work in terms of getting the qualitative data out there.

But if we look at our effort as sort of the ability to insert quantitative analysis into this inevitable process, I think that's a good way of thinking about it and a good way to make sure that hopefully the end result is not just, you know, not just more... Well, both more palatable with the community as a whole, and better informed by data.

JONATHAN ZUCK:

I think we completely agree on that Jordyn, it's just a question of if two things are running in parallel... This is Jonathan again for the record. Do the opinion based conclusions harden to a degree that it's difficult to introduce facts later that contradict that in a productive way, right? So I mean, I think that's why we try to find that middle ground.

Stan did you have more? Or did he cover it? And then I'll...

STANLEY BESEN:

This is Stan Besen. It's a question for the staff. Is the other committee aware of the phase one work that the analysis group and Neilson have done? I mean, that seems to me something that they can look at now, and it wasn't obvious to me in the

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discussion yesterday that any of the discussion that the gentlemen was here talking to us about yesterday, or this morning, seem to be, to play off any of those facts.

It was not as if any of the questions were being informed by any of the analysis that has already taken place. I may be misreading this.

JONATHAN ZUCK:

Sorry, this is Jonathan again. My only caveat on that is two-fold. One is, I have no interest of the analysis group becoming a proxy for this group. Right? And so they ultimately, their job is to provide us with data that we then try to analyze, or provide the final analysis of. But the second is, those were both meant to be baselines, and we're supposed to be looking at the result of the round, and so it's only until the second part of the studies come that they have something to look at that's worth them looking at, I think from a standpoint, other than the questions asked, to look at in terms of developing new policy, I think.

STANLEY BESEN:

This is Stan again. It's not quite a baseline, because they looked at the gTLDs, the new gTLDs, you know, 10 months after the process started. So they do have data about what has happened since this process began, but I take your point that they're not

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us, and that's important. On the other hand, those data exist, and if I were the other committee, I would want to know about them.

JONATHAN ZUCK: Right. And they do.

JAMIE: So being a lobbyist, I'm going to... Sorry, this is Jamie. So being a lobbyist, I'm going to take this up a couple of levels.  
[LAUGHTER]

So for starters, we're supposed to be done before the other group, right? So we'll be done in a year and a half. So it doesn't seem to me that we need to worry all that much, or that it's going to get us a whole lot to worry all that much about us, about overlaps, and about them not taking into consideration what we do here.

So that's one. The second is, as you all know, there are multiple reviews going on with a lot of overlap. And that's going to happen. And there may be inconsistent findings among them, and I don't think that's necessarily a bad thing. I think the Board will be in a better position to make decisions ultimately, with you know, conflicting data, and being able to sort that out or put it back to the community, to figure out.

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Absolutely we should, you know, coordinate with the other group, or you know, see what we're doing, but at the end of the day, what matters most is what we're doing is within, what matters the most is that we're doing what's within our mandate, not whether it overlaps with whatever anyone else does.

So I would say we should push forward in the areas that we think are most important, regardless of the risk that we're going to come up with, conflicting conclusions, or you know, inefficient working.

JONATHAN ZUCK:

Thanks Jamie. And I'll just give my personal reaction, I know that it's sometimes a tough thing with the, having an opinion and being the chair. I guess there is a couple of things there. One is that as Jordyn said, I think that the ideal world is that their process is informed by ours. That it's not a question of getting to two different results and letting the Board arbitrate the difference.

I think that's the very scenario that the last 18 months of the accountability process is in part designed to avoid. It's not throwing the stuff over the [inaudible] to the Board. So ideally, our process would be a feeder to their process, and that our responsibilities will be distinct in that regard, because our job would be to review the past, to set priorities for the future, and

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theirs would be then to actually create policy to kind of implement those objectives.

And so the fact that their engaged in a full blown review, because they would have to. If we didn't exist, they would need to replicate everything that we're doing in order to successfully do their job. I think, I don't think arbitrary redundancy has value. I think the degree which we can find ways around that would be better than not doing it.

Like just letting it go and saying, wow. They have six more months left on their PDP process, and we're done, but because they have six more months left, it will be fine. They'll be happy to throw out what they've done based on our results, feels naïve to me. I think that beginning the process with them in such a way that, particularly in core areas that regard what we're doing as an input to their process, will lead to a result that is less controversial at than end.

JAMIE:

So I with most of that. I guess what I'm saying is that, I don't think it's worth this group's time to spend cycles unnecessarily on whether we're going to come up with something different then they're going to come up, or we're going to tackle something that they're also going to tackle.



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And I'm not suggesting that the Board would be the ultimate arbiter, but what I am suggesting is that there are, there is an unavoidable, you know, redundancy going on throughout not just between us with other groups as well, and that what we should really be focusing our work on is what we think is important and getting to those conclusions, whatever they may be.

And sure, we share them with the other group. And you know, if we can coordinate, but we can lose a lot of time, I think, trying to map out too precisely between us and the subsequent procedures group, on who is doing what. That's all.

JONATHAN ZUCK:

And again, it will come down to what's too much? So I agree. I don't want to waste time doing it, I want to save time by doing it, and save time at the tail end of the process. I think that's really the key. So I mean, it's just, and that's why we're having this discussion, just to figure out what level of effort is worthwhile in order to prevent unnecessary redundancy, to ensure that we maximize our effectiveness as an input to that process.

I personally regard this review as different than say the ATRT review. That is sort of about organizational institutional reform, and so the fact that we're reviewing something very specific, that there is now a policy development policy in place for...

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And this gets to Calvin, and I haven't forgotten your question that you've asked in the AC room, about whether or not our work is critical path. I would contend, and the GAC, at least to some extent, has contended that our work is critical past to, at the very least, the introduction of further new TLDs. So that doesn't necessarily mean that it's critical path to the start of a policy development process around new TLDs.

So it's interpreting that vagueness that I think we're having this conversation about, and trying to figure out what the balance is, and how to minimize conflicts now and in the future, by doing a little bit of homework up front. I guess that's all that I'm recommending. And hopefully that answered your question, Calvin, because it's not set in stone whether we're critical path, but again, I think it's our belief that we, our critical path, and I think the Board has somewhat affirmed this, and the GAC as well, that we're critical perhaps to the introduction additional TLDs, but there is probably a lot of work that can be going on in parallel so that it's not completely linear before there is an introduction of further TLDs. If there are any.

**CARLOS RAUL GUTIERREZ:** Carlos for the record. Just a short comment. One of the aims of the PDP on subsequent rounds was to consolidate a lot of issues that have to resolve. So some purpose is not to go into a future

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process of expansion, but we thought that the GNSO, that there were too many initiatives related to that, and if those initiatives would continue each on its way, it would be very difficult to coordinate.

So one of the aims of this micro-PDP is really to bring in all policy failures, and things so it's not only about a future process. So it might be the most important one, or people who want to push it in that way, but there was also a decision that there are so many things to fix, the UDRP, the right protection mechanism, the country names and so on, that we could be facing five different policy development process related to policy problems, policy failures.

So there is a big interest also in consolidating, not only looking into the future. So you should keep that in mind. It's not the sole purpose of the subsequent rounds PDP. Thank you.

JONATHAN ZUCK:

Thanks Carlos. This is Jonathan. And so, I think the people in the room are expressing, is an agreement with a desire to consolidate and prevent redundancy and conflict in the future, which you've just said is a stated goal, of that. So that's what we're trying to do. And so I think we want to think of ourselves as their review team. In other words, we want to think ourselves

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as, think of them as our client, I think to the degree possible, for this, right?

And I think that... And so, it's really, the redundancy part is about the fact that in order for them to do what their chartered to do, they need to conduct a review. And so we just need to figure out how best to coordinate the two, that's all.

CARLOS RAUL GUTIERREZ: Sure, please, but let me go to that point. There are a lot of issues that have not been solved. They cannot sit and wait. I mean, they are IRPs about dot Amazon, there will be about dot [gay?]. I mean, the world didn't stop. They have many issues that are open on the table, that have to be solved. So it's not okay, they can sit and wait and so on.

I mean, there is pressure on some of the contentious issues that have not been solved, or the 500 that dropped and so on. So the world didn't stop, I mean, the process has not finished, in a way. Not all applications were successful.

JONATHAN ZUCK: Just keep this going as a back and forth. Do... Are there objections in the room? And I don't know whether to read your comment as an objection, Carlos, maybe it is. So I'll register it as such if it is. Are there objections to the taxonomy that I

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suggested at the beginning of figuring out the things that we won't be covering, and letting them know that.

And identifying areas which we already contemplated in our terms of reference and work plan, identifying areas that were, that we consider non-controversial areas for further policy development, and let them know those as well? And then, and beyond that, just keep them up to date with the things that we consider to be high priority.

Like the developing world is something that came up quite a bit, and making sure that we're working and developing process in that in a way that can feed into their ultimate policy development process. Does that approach make sense to people? And if it does not, if you have an objection, then invite that objection now.

Okay. All right, great. So we will resolve to proceed in that manner then. So the implications of that are that it is a priority for both our team in total on application procedures to go through the exercise that we did, that Jordyn's team went through of prioritization, and for Lauren's team to do the same.

And to give ourselves a sense of what's in and out of our own basket and where our own priorities are as a review team. And get that communicated to them and to the world, sooner rather than later, as you know, this will... These are the areas that we'll

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be focusing on, so that folks know that things that we don't say are areas we won't be focusing on, if that makes sense.

Jordyn, go ahead.

JORDYN BUCHANAN:

Thanks Jonathan. So I think it's two things. Number one is, as you say, there is this implicit, like it's not in our list, we're not going to work on it probably. And then secondly, just even our lower priority areas, like that may just be an area where we want to make it clear to them and potentially accept feedback if they say, you know what? Actually that would be really informative to the policy process, maybe you should take a closer look at that.

So I think we want that to be a little bit of a two-way channel, at least in the communication process. And the other thing I was going to say is we probably need to communicate it as slightly, like at the engagement session level, I at least stripped out all of the nuance out of what we were going to take a look at, so we probably need to figure out a way to communicate with them that's a little bit more detailed than we've been doing with the general public.

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CARLTON SAMUELS: Carlton Samuels for the record. I understand the communications framework we're trying to develop, but I would want you to not throw out Kaili's recommendation of backchannel communications. The personalities that you're dealing with on the other side, sometimes that would be a good thing to do. And I would encourage you as chair to take the role of giving heads up back channel to the leadership of the PDP.

We're honored, but just the personalities that is involved, it might be a good thing for you to do. I just want to put that on the record.

JONATHAN ZUCK: Noted.

That's the diplomatic way of saying what you were saying. Yes, go ahead.

KAILI KAN: I'm not to press it? Okay. Also just said, also we can think of something. In order to avoid confrontation, we can think of something to keep them busy. For a while. [LAUGHTER]

JONATHAN ZUCK: Thank you Kaili. I guess that's a possible, this topic of discussion. Let's take that conversation out of the mud and into

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the higher level here, which is... The issue that Kaili has raised and that has come up before and came up with discussions with Jeff, has to do with brand TLDs.

So it's maybe worthy of some discussion of this group, the degree to which we believe brand TLDs will play significantly into our analysis. Significantly enough that it would be worth holding up their work on working out separate work associated with brand TLDs. So I mean, we don't need to go into why they want to work on brand TLDs, we just know that they do.

So let's just figure out, as a group, does that feel like something that we could carve out of our remit? Or do people feel like there is something that we, that's going to really play importantly into our work? And there is a danger there, then raise that. But is it something that we can carve out into our work and say, hey, go work on, we'll go work on brands? Because we know that there are a lot of brands that are anxious to get out there, and they may not have a substantial effect on the rest of our research.

So, did you have a comment? Go ahead. Identify yourself.

DAVID TAYLOR:

David Taylor for the record. I think it's an interesting question whether we do look at the...



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I think it's an interesting question whether we do look at the dot brands or hand it off to them, because at the end of the day, brands were the biggest objectors to the new TLD process. So that's a data point in itself, and then brands became the biggest group of applicants, which is another interesting data point.

So I think to not consider it, means we're carving out a key area, whether that's right or wrong, I don't know. We need to think about it. But I mean, with the fact that we've got the 600 odd applications who are a third with the TLDs which exist, or will exist of brands, roughly it is a big chunk.

So we do need to think carefully about it, and think about it together.

JORDYN BUCHANAN:

Jordyn Buchanan. So, at least in the competition consumer choice group, we've actually put on our move to the low priority list, just the general consideration of types of TLDs in general. So it's beyond brands. I think probably the application process will have to grapple with the community issues just because it's so, there is so much discussion around it. But in general, it may be that the sort of segment, like this whole issue of, should there be different types of TLDs, etc. we may just want to kick that whole issue back to the GNSO, because it doesn't feel like it has emerged as a high priority issue other than, whether the

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community support thing, or the community application thing actually worked or not.

I think we'll probably, that deserves a look, but you know, there is GOs also exist, right? And we haven't really been talking about that at all, and you know, my personal take is we can just say, we're going to take a look at the program as a whole, and we're probably not going to look at TLD, at the type of TLD segmentation very much, to the extent that the GNSO thinks that's important, it's probably an issue they should take up themselves.

But I don't know if that also matches the experience of the safeguards and trust group.

LAUREEN KAPIN:

Speaking of which, so this is Lauren. We as a group have not done a prioritization exercise yet, so I'm not speaking for the group and I don't know what our priorities are going to be. But I will point out that in the affirmation of commitments that talks about this review, one of the things that's identifying for us to examine, is the extent to which the introduction the expansion of the new gTLDs, that examines the safeguards put into place to mitigate issues involved in that introduction and expansion. And it certainly seems to me that the rights protection

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mechanisms, and that whole series of procedures that deal with trademark issues, are part of those safeguards.

And it also seems to me that that certainly relates to the confusion issues, which we've identified as a group. So, I just reflect that it's certainly within our mandate, whether we choose to prioritize that is a separate issue, but it's not peripheral.

JONATHAN ZUCK: Right, so just to clarify, and there is some part of what you're saying that overlaps. I was talking about dot brand, not all brand related issues.

LAUREEN KAPIN: Okay, then I'm not, yeah, then I'm misunderstanding...

JONATHAN ZUCK: What I mean is like dot IBM, dot New Star, so that's what I mean by brand TLDs. So we are for sure going to delve deeply into the rights protection mechanism...

LAUREEN KAPIN: Okay, I misunderstood what you were saying.

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JONATHAN ZUCK: Yeah, yeah. So this is about the fact that some folks didn't get applications in time to be their own TLD, and now they wish they had. Google... Jordyn was saying like half their products have TLDs and half don't, and it's just arbitrary. And so it's really just about dot brand, not brand related issues. Okay? Go ahead Carlos, and then David, and then Stan.

CARLOS RAUL GUITERREZ: Carlos for the record. I think this is a brilliant idea, for Jordyn to ask them to tell us about the [inaudible] and delays, and we step away from that and wait for them to give us feedback on that.

DAVID TAYLOR: David Taylor for the record. Just one fine point. I made a point yesterday in the consumer and safeguard group where we're talking about the spectrum of TLDs. On the one hand you've got a dot bank, which would be very trustworthy. And on the other hand, you might have a dot bike, just because it's a B, I'm not picking anybody out, but a dot bike, which may not be trustworthy as the content.

You don't know, you don't have to prove you have a bike to register under dot bike. Anyone can register under bike, etc. But I think the dot brands obviously play importantly into the trust

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aspect, because if you got to a dot Samsung, you pretty much expecting everything to do with Samsung there.

So when we're looking at a new layout or a new arena, with the new gTLDs, I think the whole trust, what you're looking at, when you go to a dot com, you look at the second level, you don't care about the dot com. So that's the game changer. We're now looking at the right of the dot.

So if you've got 1,000 brands, the public will start trusting the right of the dot more than they would if there were no brands there, arguably. So, I think that we've got to learn on where things are going and where things have been.

STANLEY BESEN:

This is Stan. Actually it's a question for Jordyn. I thought I heard you say we were not going to be considering various segmenting of TLDs. Remember, we talked about various alternative candidate market definitions, and I thought I heard you say we might not be doing that for some categorizations, but I'm not sure.

JORDYN BUCHANAN:

I meant, it's Jordyn again. Sorry, Stan. I meant specifically with regards to... The application process allowed for some specific type, you know, like this notion of like a gTLD that represented a

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specific city or something like that. They had different rules then say like, and the dot brands now have a special contract provision and so on.

So, so these, from an ICANN perspective, are slightly different. And so what I said, is I don't think we're going to pay particular attention to the ICANN version of segmentation. We may segment, we may sort of look and say these are interesting from another perspective in terms of understanding the market dynamics, but we're not going to...

I think we agreed in our prioritization exercise, we're not going to say, oh, did these ones that call themselves communities, did they perform better in the marketplace than these ones that call themselves, you know, dot brands or something like that? We're just going to look and sort of see, in general, how these things performed, and based on our own segmentation as opposed to the ICANN-ish segmentation.

STANLEY BESEN: But it could turn out that some of those perform differently. We would be interested in that.

JORDYN BUCHANAN: I guess I agree. It could turn out that way. I don't think we're going to start with the segmentation based on the way the

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ICANN contracts and application process worked. So, I was going to respond to David. So David, I agree that in theory dot brands could significantly change the way people interact with the DNS.

I think, I would make two observations about that though. The first is that it's really just a special subset of, like you said, a dot bank or TLDs that have restrictions, like restrictions on who is allowed to register. Dot bank you know it's a bank, and dot IBM you know it's only IBM, and you know, whatever.

Dot fishing, maybe they make you have a fishing license. I don't know. But obviously a lot of, you know, there is going to be various different business models, and they're all going to affect the way that people perceive it, and I don't think we need to... Just like in this case, talking with Stan, we don't need to limit it with thinking about the brands per se.

The second one is, my second point is, hardly any of the brands are doing anything. Like they're just so little, we're going to have so little data on it, because even though there is a lot of brands that even have been delegated already, there is very few that are actively using them for anything. So I don't think it's going to show up in our attempts to understand the consumer trust side of things this early in the process at least.

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JONATHAN ZUCK:

Okay, so we can add that to our resolution and to that will explore, that it's part of the [inaudible] of things that we think we won't consider and I think Jordyn expressed it well, that it might be the issue of TLD category segmentation or something like that, might be something that we categorize that way, which would include dot brands, and they can go forth and work on whether or not the specific policy implications there.

One of the things that came up with respect to dot brands is vertical integration, but I think in most cases, we think that that matters less with brand TLDs anyway, because they're not making them available to the public. Okay. So let's just make note of that, and then let's take our break. For folks, and I know we may have already said goodbye to Megan, who might have slipped out stealthily.

I know Dehan has to take off, but and then we'll pick up with Bruce at the top of the hour. All right, thanks. We can stop the recording for now. So yeah, Kelly, we are stopping the recording now. [LAUGHTER]

Folks, you can take your seats. We're going to reconvene here and get started with our recorded informal conversation with Bruce Tonkin, who is here in an unofficial capacity, not representing the Board, the Board on which he sits. [LAUGHTER]



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ELEEZA AGOPIAN: If I may, there is a little bit more to it than that. The idea [LAUGHTER]...

This is Eleeza Agopian, by the way. So initially we invited both Avri and Bruce to come and speak to the review team about the policy recommendations from the previous round. And because of timing conflicts and whatnot, and then we discovered the PDP working group was kind of doing their own history lesson, so that's why we joined that session this morning, and Bruce offered to come in and speak with you all at lunch, to give his perspective as well.

So just for Bruce's benefit, Avri did a very through walk through of the recommendations from last time around, and there was a lot of discussion about those, and different perspectives on how those were implemented. So that's kind of where we left off, and we thought this would be a good way to pick up that thread again.

JONATHAN ZUCK: This is Jonathan for the record. I think, to some extent, we could just pepper Bruce with questions. He has had some experience with that. One of the questions that came up in the session this morning with Avri, had to do with objectives of the various previous rounds of TLDs. And overall, and how they sort of segue into overall objectives.

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And so, it's my understanding that the primary, sort of, persistent objective of expanding the TLD space has been competition. But then other principles or desirables, etc. have sort of crept their way into principles and things, but haven't risen to the level of, these are the objectives of the program in every instance, like you know, reaching underserved communities might be one, or other things like that.

And so I'm curious about that interplay, and the degree to which there were lessons learned from some of these other rounds that have taken place in the place, that were taken into... Did they have...? Did they serve a role other than figuring out what not to do? And what would break the root? Etc.

Or did they serve a purpose in terms of like, did these increased competition, did they...? Were there other objectives for them that they met or not? I'm curious in your perspective on that as far as some of these previous rounds. And welcome questions from everyone as well. [Inaudible] has certainly been through the fire on this.

BRUCE TONKIN:

Yeah, I think you've provided some useful thinking there. Let me just, I know I've covered some of this, but I'll try to put it in a little context as well around objectives. So, I guess pre-dating...

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I think really what fundamentally the GNSO has been responding to is demand.

And the demand for having additional names at the top level for the root actually pre-dates ICANN. You know, in the early days, there was a nomenclature which was basically put in place by John Postel, which is that there was a small set of top level names. There was COM for commercial operators, NET for network operators, ORG roughly for non-profits.

Then there was MIL for the military in the US. EDU for education in the US, and GOV for government in the US. It was all very US focused, and then obviously countries were looking to have an opportunity to have their own top level names.

And John, I guess, was very clever to say, rather than try and identify which name a particular country should get, that he'll take advantage of an existing standard that was in the ISO, that identified two letter codes for each country. And so then, if there was an argument between Australia and Austria as to who got dot AU, he would just point to the list, and you know, Australia got dot AU.

So that was really setup by John. And then, pre-dating ICANN, other people were going well, if you think about in the mid-90s, that the world wide web started to emerge as an application, so there was interest in saying, you know, why can't we have a dot

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WEB? And you know, lots of different ideas were coming up for top level names.

And so ICANN said well we need to write a pilot project first to see what would happen if we had some additional names, and what impact would that have on the namespace? And so there was quite a deliberate round in sort of around 2000, I think, where people were asked to put forward proposals, and ICANN selected a set of those proposals based really on their diversity.

So they deliberately chose some very broad categories. So dot BIZ, I think at that time was intended as a competitor to dot COM. So you know, we had this quite open and dot INFO. So I guess dot BIZ and dot INFO were intended to be, you know, competitive with dot COM. Created a bit more opportunity for people that were looking for a large namespace on a fairly sort of generic terms.

And then it also chose some client specific names at that time. One of them was dot museum, which is okay. In addition to these very generic terms, we have a very targeted term which is dot museum, and that was sort of, if you like, the first of the really sort of narrowly sponsored TLDs.

So we implemented that round. And naturally, there was a lot of demand from people that weren't selected in that round. And that sort of said... I remember one of those in particular was dot

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travel, and so then there was this big demand for saying, come on, come on, let us now have a chance.

And at the time, ICANN said, well we need to do a proper policy development process that takes into account the lessons from that first round of 2000. And that's going to take us some time. You know, it's going to take us two or three years. We didn't anticipate it would take us nearly 15 years.

But so then, the pressure was on to create, to allow some of those that missed out an opportunity to apply, but more along the lines of dot museum. And so it was really where the concept was we'll have what was called a limited round, which was intended for communities. And we're thinking more along the lines of a sort of a dot museum scenario, but then of course, the demand was so strong, that we had people trying to fit in quite generic terms into this definition of community.

I really struggled with that. And I don't think that round went well, because instead of genuine communities, it was really commercial operators trying to get a generic string in. So then we actually then, after that round was launched, we then actually kicked off a policy development process. And again, at this stage, there was a lot of demand for adding names.

And to go through that process, we tied it back to what's our mission and what's our core values. So our mission was around

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security and stability of Internet identifiers, and one of our core values was introducing competition, essentially if somebody wanted to do something then we should let them.

And if you think about the principle of the Internet, and the principle of innovation of the Internet, there has never been some directive to say, you know, how many Internet routers can we have? How many Internet service providers can we have? What applications can you run on the Internet?

It's always been open to the community to innovate. And so, at the time, we're looking at this new gTLD process said, okay, we need to look... The general principle is that unless adding new top level names would break the security of the Internet, unless adding new names would somehow lessen competition in the Internet, then our approach in the Internet tradition should be yes, you can do this.

And so we very carefully structure that work by saying, we looked at the implications of the first two rounds, and said, were there any serious security and stability issues caused? And the answer was no, they were not.

Did it lessen competition in the market? No. It didn't exactly increase competition, but it didn't lessen competition. So then once we got into the policy development process, the approach

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was, we should allow people to put proposals in for new names, but we also needed to implement protections.

And we focused on what those protections should be. Actually, before you get on to the protections, we're very focused on making sure that any new names going into the system were going to be secure and stable. There is much less focus on that these days because it hasn't been a problem, but if you look at the applicant guidebook, and you look at the proposals, each proposal had to have like 200 pages of information about how they were going to set up the technical implementation, how they were going to manage security.

We actually put a lot of effort into what happens if a TLD runs out of money or fails in some way, and what's the fail over procedure? So I would say, Jordyn you could probably comment, but probably more than half of the application was actually about all of the technical and back up provisions, and things that you are going to put in place.

So we actually put in some pretty high standards for the technical side to preserve stability, which is ICANN's core role. And then in addition to those technical requirements, we're looking for protection. And so the areas of protection where we wanted to make sure that we didn't take away people's legal rights with respect to names, so we introduced a protection that

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if you're applying for a name, and a breach of someone's legal rights, then you have an opportunity to object.

And I think that went very well. That was probably one of the successes in the process, because there was a legal right's objection process, people knew those legal rights were there, which meant that many people didn't apply for names that they didn't have the rights to.

And then in a few cases where they did, there was a very clearly defined process, and I don't think we've seen any complaints about the outcome, certainly no IRPs. Then the secondary we were concerned about was actually a security issue, and that was that people could create names that could be used to confuse users with phishing attacks and things. So we were worried that if you took a name like COM, which is C-O-M, somebody could create a name with C and the numeral zero, for example. And that would have the potential of deceiving Internet end users as to, you know, the real nature of the website.

So we put in a definition of confusingly similar, which was taken out of the trademark community, actually. So we used a very similar definition to what is used when you apply for a trademark that you're not applying for a trademark that would confuse someone with another mark.



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The implementation of that has been difficult though, because it ultimately is subjective, you know, there is no sort of defined mathematical formula for what's confusing or not confusing, and so well it was an attempt to implement it. In fact, I sat next to a person at dinner last night, who is involved in setting up the evaluation of confusingly similar.

And this person speaks 28 languages, which I thought was quite phenomenal. And he talked about the [inaudible] algorithm, and what he said is that they didn't have access to what the actual algorithm was, so they couldn't refine it, but it was a really useful tool. But nevertheless, that became contentious, and we didn't have an appeal mechanism.

So I think what we missed there was we didn't have an ability to appeal the decision of that confusingly similar. And we had some cases that were inconsistent. And the classic example is, in some cases, if there was, in English, a singular name like car, and a plural of the name cars, in some cases that situation would be viewed as confusing, and in some cases they were not, because it was a different panel.

And so we need, basically that's an area of improvement. The other area that we've struggled with in the program, is we wanted to protect communities. And the examples we used in the policy development process was examples like the Apache

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Indian Tribe in the United States, or the indigenous population in New Zealand, the Māori, we talked about a number of these examples.

And in those examples, we wanted to protect communities from a commercial operator trying to take their name, because that would be commercially interesting. And the community not having a say on whether that name meet their needs. So there was two aspects of that, one is if a community did apply, that they should get priority over someone using it for purely commercial purposes.

And secondly, if a commercial entity applied, that the community would have the ability to object and say, you know, you're impacting our community. The reality is the closest we got to community applications, I think, were probably the geographic names. So Paris, for example, or London, the application required consensus of essentially the local government, and that was effectively the official representative, if you like, of the community of London or the community of Paris. And so those are probably the closest we actually got to community applications.

And then other than that, we had people that were going after valuable commercial strings, and trying to make a case that they were a community, but the strings they were going after were

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very general. I don't want to get into specific names, but just to give some examples. If you look at the Internet, if somebody was applying for dot Internet, there is no one really that represents the Internet.

And so, I don't think that you could properly a community application for dot Internet, but if the Internet Society, which is ISOC, wanted to apply for dot ISOC, then that's a clearly defined community. It has got a proper membership structure, it's a well-known community called ISOC, and they do work in the area of the Internet.

And so, the dot Internet example, I don't think it's valid for the community, but dot ISOC would be. And if you look at different industries, I would imagine that the proper industry association, which usually has an acronym of some sort, you know, would be a legitimate community application.

But applying... [OFF MICROPHONE] Yeah, as opposed to the... [OFF MICROPHONE]

Yes, yeah exactly. So you can imagine MPA would be a community applicant for managing motion pictures, but dot movie, that's a generic term. There is no one organization that owns dot movie. I can have home movies. I don't have to be a member of MPA. So, I think that community stuff is really being almost a re-litigation of the round in 2004.

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Because in the round of 2004, we gave people the opportunity to apply for communities, and people tried to squeeze a definition in. And what happened in this current round is we gave a commercial advantage, because people would know that if there was more than one application for the same string, if you could somehow show that you were a community, you would get an advantage over all of the other applicants, and that's what we're seeing.

So I think, I heard the GAC, and I hear Mark [inaudible] in saying, you know, the communities was a disaster. In some ways it has been a success, because what ICANN as done, is most of these generic cases, it's, you know, you're not a community. There is no such community that represents this generic work Internet.

There is more people that could apply for that. But I think in the next round, we need to put focus on trying to define what is a community and what's not a community, and should we give advantage to that?

So that's kind of where the application process got to. So it was demand based, and it was about doing no harm. So it was saying, there was people that wanted a top level name. If you're going to have a top level name, you need to manage it in a technically secure manner, very stable, at the highest standards really.

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And you can't infringe the legal rights of others. That was really all we were trying to do as a program. Subsequent to that, people have got different objectives for what they would have liked to have seen coming out of that round. And the classic one of those is support for developing countries.

That was never an objective of the policy, but at the last sort of part of, in the policy proposal, we said that in the future, we should look to see what kind of support could be used in future rounds to support, I can't remember if we said developing countries, but essentially probably under, I can't remember exactly the terminology, but we had a paragraph in the gTLD report that sort of said in the future, we should sort of look to create some special fund, or maybe a different fee structure, so that if it was someone from a developed country like the US, then they pay a different amount compared to someone in Africa.

So we kind of put a placeholder, but we knew that we didn't have time to get that right in that round. Subsequently, people have then said, oh the round wasn't successful because most of the applicants came from the USA and Europe. But that was never an objective of the round. And I think, it's a little bit like the conversation that's been happening this week about gender balance, but in many parts of ICANN when they're electing people, it's not one of the objectives.

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It should be, but historically it hasn't been. So you actually have to then say, okay, going forward, we've got a new objective, and based on that new objective, we're going to put something in place. So I think supporting applicants from developing countries would be a new objective, which would be valid for the community to specify.

That in the next round, they want support for the developing countries. And then the policy development process and looked to see what's the best way of providing that support? The biggest challenge with however you do that, is how that gets manipulated. So the, we have some of the gTLDs that exist today, are in potentially developing nations, but they're there because they're getting a tax advantage.

So it's, you know, it's wealthy people from North America that have set their registry up in a country that's less reach, because that country is giving them a tax incentive. So, is that really helping developing nations? Probably not, it's actually helping the applicant.

And so we then have to think well, how do we really encourage genuine activity from different parts of the world? And certainly, I think, dot Africa is an example where it genuinely is, yeah, the community in Africa coming up with an application. But in the past, it could be just as easily some North American company

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going, gee dot Africa would be a good opportunity. I'm going to set up an office in an area in Africa.

All of my staff are going to be living in the US, but I'll set up the legal entity in Africa, and apply and say I'm from Africa. And the address for the company will be from Africa. But everyone knows, 99% of both the money and the people are not there. So that's just what we have to be careful of, I suppose, in designing a process to support developing countries.

JONATHAN ZUCK:

This is Jonathan again for the record. Thanks Bruce for that history lesson. And part of what we want to do here in the CCT review is contextualize our work. And so we were called on to consider the degree in which the new gTLD program promoted consumer trust, competition, and consumer choice. And if I read you right, just speaking in your personal capacity and understanding of what the objectives are here, that the absence of competition, wouldn't be dispositive.

In other words, it wouldn't be regarded as... It might be the lack of success, but the way you spoke about it is while the round didn't decrease competition. So in other words, if we don't find the competition promoted, it's not dispositive because of this underlying notion that all things being equal, let people create new TLDs. And so, in that context, us making a finding that

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competition was not promoted by the program, isn't really dispositive of...

Because creating competition wasn't an objective, it was in fact not degrading competition. And so it's the same thing. So trust is an easier one, if it decreased trust and it starts to become a counter balance against that overall objective of openness. So the only actual overlying, that's right, I don't know if overlying is the right word.

Overreaching objective is in fact freedom. So the actual only objective of the ongoing gTLD program, and whether to call it new or not, is to in fact, get to a point where it's possible to have a TLD that wants one, and to mitigate the downside of that, right?

And so I think that's probably that's something that's interesting for our team in terms of what our recommendations would be going forward. So the question, I guess, also then is, when we talk about the effectiveness of the application and evaluation process, do you...? And you may not be on the Board at the point of which you're looking at these results.

So you can speak freely. And we come back and say that we think that the application process failed to address the needs of the developing world, your inclination would be to say that wouldn't be a failure of the application process. That it's really



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the statement of a new objective that we're trying to propose, and so if we, as a group, decide to be rebellious and propose a new objective for further gTLD rounds, we should frame it in that way, rather than as a failure of the program to date.

BRUCE TONKIN:

I think that's exactly right, Jonathan. In fact, I think at the very beginning of the gTLD policy from the GNSO, there are a couple of paragraphs that sort of just kind of defines the why, but in essence, the why is because people want to do it. And then the... [OFF MICROPHONE]

Yes, it's from applicants. It's from applicants, yeah, exactly. And then so I think there are two things to evaluate from a review point of view. It is absolutely reasonable to evaluate whether it caused any harm, and that harm could be security, it could be competition, or consumer trust. So obviously we don't, those are core values. We don't want to cause harm in any of those areas.

And then the second thing, to use the example of the distribution of applications, that's a factual statement. Factually, the applications came from these countries, and then you might then have a conclusion from that to say, based on this fact, we now want a new objective, and a new objective is that we want to encourage applicants from different parts of the

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world. That's a new objective, but it's based on the facts that you've got from running this round that makes sense.

JONATHAN ZUCK:

It would definitely be based on the facts in this round, but again, even competition itself, because the rhetoric surrounding the last round, talked about innovation, talked about competition, but as you say, it was really about people wanting to. And so, going into our work, should we treat competition as an objective? Or, just a risk?

In other words, it was something that we want to make sure that we're not somehow undermining competition, but is the promotion of competition something that we should consider an institutional objective at this point? Or in treating it that way, are we in fact proposing a new objective for the program?

I guess that's the...

BRUCE TONKIN:

Yeah, and that's why we were so careful when we were doing the development of the program. We tried, if you go back to the recommendations, they are all tied to other core values of ICANN. And the core value of ICANN is actually not to increase competition. We don't have that as an objective of ICANN. What

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we have is a core value of ICANN that we rely on market based mechanisms.

And a market based mechanism is actually responding to demand, and making sure that it causes no harm. That relying on market based mechanisms does not say our objective is to increase competition. So, you should tie it back against those core values, because that's actually what we use in developing the recommendations.

JORDYN BUCHANAN:

It's Jordyn Buchanan for the record. So, while I agree with what Bruce is saying about the genesis of the program, the objectives of the 2012 round. I don't think that changes our charter. And our charter is still to evaluate competition, and the effects of competition.

And I think you're right Jonathan, we wouldn't at the end say... Specifically, I guess, our charter is not evaluate whether or not the 2012 round was good or not. We're evaluate whether it achieved its ICANN objectives, right? And so, we're trying to say, due to a result in competition, or not, yes or no? Did it result in choice? Or not? Yes or no?

Or you know, it's really not really yes or no, but on a scale of one to infinity, where did we get? And you know, similarly, what

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were the harms? And the community, you know, the GNSO and the rest, and you know, ICANN Board in there, rolled to stewards of these resources and so on, they could make a determination based on that as to what they want to do in the future.

And you know, we'll make recommendations, if you wanted to have more competition, maybe it would do this or this. Right? But I don't think we're trying to be evaluative in terms of the success or failure of the program, just in terms of whether, what the effects were in the specific areas that we're trying to look at. Right, exactly.

JONATHAN ZUCK:

Thanks Jordyn. This is Jonathan. And I agree with that. I guess that's the question is whether or not... If we just view the competition remain unaffected, would we make recommendations to improve competition if it's not an objective of the organization, or a stated objective of the GNSO? Should we be making recommendations for how to improve competition in this space?

I mean, we started out with the assumption that it was an inherent good, and frankly I was starting with the assumption that it was an objective, because it was used so much as a justification for driving the round. Right? I mean, that's what we kept hearing about. We need innovation in this space, which I

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thought was mostly hooey, and we need competition in this space.

So the question is, if it didn't result in increased competition, it's not about whether the round was a failure, it's about like we haven't accomplished this objective yet, so therefore we should do X, Y, and Z. But what I'm hearing now is that it's not an objective, or it hasn't been stated as an objective in any official capacity within the organization or community. And that doesn't mean that we can try to make it one, but it would change the way we would express our recommendations.

And one of them would be we think it needs to be a priority to increase competition if we haven't, or something like that, but we shouldn't go with the assumption that everybody listening already has it established as an objective.

BRUCE TONKIN:

Just [inaudible] and you aside Jonathan, I think it is two steps to that. You're being asked as a review team, you've got a scope. And in that review team, you can make a finding of, did it increase or decrease competition? That's a finding, all right? A then a recommendation would be based on that finding. So the finding is a finding of fact.

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Did it increase or decrease competition? In fact, if you look at some of the SSAC reports, they structure it in this way. I could probably find an example of one. But basically, one of the SSAC's reports divided up into a series of findings, which are factual pieces of information. So again, rather than competition or just picked the geographic one because it's very simple.

It's a finding of fact, where the applications came from, that's a finding, and then you as a group could say based on that finding, we recommend the following.

JONATAHN ZUCK:

My question is, are we being asked to help find ways for the DNS space to be more competitive? So... [OFF MICROPHONE]

No, no, we are, agreed. I think that part, the findings part we all agree on. It's the recommendations part... So there would be an underlying of assumption in the recommendations, specifically around competition. I think trust, it's a little bit different issue, but that it was an objective of the program, or should be, we can't assume that everyone reading this will treat those as objectives that we're helping them to get to.

We may need to state them as objectives that we're recommending, I guess that's my point. [OFF MICROPHONE]

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Right. But we're stating them as future objectives that have, that we're recommending become objectives, is my point. That's the, a pretty big difference.

LAUREEN KAPIN:

So I'm just wondering about the specific language, then, in the affirmation of commitments. This is Laureen. Which does put the question in a positive way, whether the new gTLD round has promoted competition, which to me as a reader, certainly suggests that there is an inherent goal of increasing competition. It's not as neutral as a pure did it or didn't it. It's asking whether it has in fact, moved the needle in a positive direction. That's how I've looked at it.

So it's, that sounds different from what you're describing, Bruce, which is a more neutral inquiry based on a, you know, a do no harm is really what the foundation is.

BRUCE TONKIN:

We've got to separate the goals of the policy, coming from ICANN, versus the questions the US government was asking. All right? So the affirmation of commitments is a series of questions from the US government to ICANN, in saying, did it increase competition? That's their question, and you should provide a factual answer for that question. Did it or did it not?

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Jumping to that as is it an objective of the program, the program is defined by the gTLD policy and the resolutions from the Board, which predates the affirmation of commitments. And so, if you look at the... If you go back... I'm not even going to put it up on the screen, but I think in the gTLD policy, it has a section in it, so I think you can anchor it back to that.

And then look at the Board resolution as to what the Board said as objectives, those to me are the objectives of the program. The US is an outside agency, and they're saying, did it increase competition? Did it damage consumer trust? Can't remember what else was in there.

Yeah. Did it provide...? Those are questions that you're being asked to answer. That's fine. Answering a series of questions, which is a series of findings, versus trying to say after the fact, an objective of the program was to, you know, have lots of applications from developing countries. That's actually not an objective of the program.

KAILI KAN:

Yeah. Kaili Kan speaking for the record. Yes. Also, thank you very much Bruce for clarifying what are the key aspects of review team. I think myself, well as most of the others, thought that promoting or increasing competition was an objective, but now



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it is clear that it is not. So I would ask you and maybe the Board, or whoever, to clarify that point.

So everybody, all the constituents, well whatever. Because that is very important. We have to do it, because myself being more of an economic background, we must not forget competition is never the goal. Competition, yes only the means in order to achieve the goals of meeting demands, for example.

The public interest, social welfare. And there is certain circumstances, for example, the natural monopoly. For example, tap water company. In the world, it's well recognized natural monopoly. Introducing competition into the tap water industry, not only doesn't [inaudible] to it, it's very harmful for the social welfare, as well as the public interest.

So, competition is only under certain circumstances, sort of good for the public. So, I think... But I also agree with Jordyn that for our sub-team, because whether there is a TLD industry to be classified as a natural monopoly, or a competitive market, or [inaudible] competition market, that does affect ICANN's policy, the approach we want to take, especially going forward.

So I think, although your answer provides a huge relief, at least for myself, but on the other hand, that does not reduce our work of our sub-team. We need... But at least we know what we're

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after. Okay? And now we need to evaluate the market, define it, and see what kind of approach.

If it is natural monopoly, what is the approach? If it is fully competitive, what is the approach? And so forth. And then we have a much clearer goal in mind for our team. Thank you very much.

JONATHAN ZUCK:

That's right Kaili. This is Jonathan again. I think the other piece of that in addition, is that this underlying objective of freedom, like people should be able to create new TLDs, absent down side public welfare consequences. So in other words, the degree of which we find consequences, increased confusion, increased, decrease consumer trust, increase costs. You know, burdens on trademark owners. Those are all down side consequences to the freedom.

And so one of the justifications for enduring those consequences might be the benefits of competition. And so again, it might just be the context in which we express our findings and recommendations more than anything else. So there may be a notion of, well it has been competition and choice have been used as justifications to endure these consequences.

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We found that the consequences occurred without these advantages. So to use to continue to use that as an argument to justify these down side consequences, you need to do these things to increase competition. So it might be something like that. Eleeza, go ahead.

ELEEZA AGOPIAN: Sorry. This is Eleeza. I just wanted to do a time check. We were about to start our sub-teams so, if you want to wrap up. We need to move to another room. Sorry.

JONATHAN ZUCK: Any other questions for Bruce before we break up? Since our sub-team work is ongoing and infinite. All right, thank you very much...

BRUCE TONKIN: Perhaps if I can make a closing comment, just reflecting on Kaili's comment. It's probably useful to separate ICANN's objectives, which comes back to its mission. So objective is really pretty simple. Our mission is to allocate Internet identifiers, that's pretty much it.

And in order to allocate those Internet identifiers, we have a set of core values, and we use that to inform our decision. So that's

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the ICANN world. The US government though is different, it's got public policy objectives. And in a way, if you look at the questions that they've asked in their AOC review, they are normal public policy objectives that a government would have.

You know, a government is saying, how can we improve consumer trust? How can we improve competition and various other things? I think that's in a lot of context of public policy, which is what the GAC looks at as well.

JONATHAN ZUCK: ...part of the CCWG, these things will be part of the bylaws of ICANN at the end of the transition. So the question, that distinction, will be lost. In other words...

BRUCE TONKIN: That's right.

JONATHAN ZUCK: ...language that makes up this review in fact make it into the bylaws of ICANN.

BRUCE TONKIN: Yeah. But I think it is important to understand the difference between, what are the public policy issues and questions that you would ask? So as a government, doesn't matter whether it's

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the US, or China, or any other country, if you're looking at what's going on in an industry, you would ask these questions. Yeah, if I'm looking at the, you know, market for sugar or something, you can ask pretty much the same question.

Yeah, they say competition is the, you know, has the sugar got impurities in it, poisoning people, is there harm? That's the role of a normal public policy question. So I think, in a way, this team is looking at what are some of the public policy issues, and findings that you may have?

And then that would inform, I guess, of what ICANN does going forward.

ELEEZA AGOPIAN: This is Eleeza again. The competition team is going to meet in the [inaudible] room. And the safeguards team gets to stay in here.

JONATHAN ZUCK: We've got to walk. We've got to do the...

ELEEZA AGOPIAN: Sorry. And then we'll reconvene in here at 3 PM.

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UNKNOWN SPEAKER: And if folks can take their trash with them, that would be great.

LAUREEN KAPIN: Great. So this is Laureen. And why don't we get started? I think our big task, our big task for this hour is to think about prioritizing. Think about prioritizing these issues. And what I would say is that we should prioritize both within the big buckets, and then the big buckets themselves, and then the issues within those buckets.

Does that make sense to everyone? So I'm seeing heads nod, which is good. So, why don't we start with that task? And let's make sure we have the same identification of the buckets, because I think our list is... I just want to make sure we're...

Our list is a little different than the slides, so I want to make sure that I'm capturing all of the big buckets. So let's scroll back up again. So consumer end user behavior, would be one of our big buckets.

UNKNOWN SPEAKER: The first two would seem to be high priorities within that bucket.

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LAUREEN KAPIN: Right. Should we prioritize the bigger buckets first before we get to that? Developing countries. And then can we scroll down? And then procedural issues. One more. I don't think it's getting cooler. It feels very warm.

Trademark issues. [CROSSTALK]

UNKNOWN SPEAKER: ...the ones, are those not buckets up above? Are those all part of the...

LAUREEN KAPIN: Can you scroll up? Make sure that I'm not... Scroll up. Procedural. Yeah, they're all... Well, maybe let's take a look just real quick to make sure they should all be under procedural. Dispute resolution process, okay. Then scroll down. Confusion, DNS...

Those really aren't procedural. Why aren't they...?

UNKNOWN SPEAKER: That should all be under the first one.

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LAUREEN KAPIN: Right. I agree. Can we move confusion, DNS abuse...? Can we move all of these three issues to the consumer end user behavior section?

UNKNOWN SPEAKER: And then, I wasn't, I apologize. I wasn't here for any discussion of the privacy stuff, but I wonder if that's...

LAUREEN KAPIN: We didn't even discuss this last time. It was in LA, I believe.

UNKNOWN SPEAKER: Okay. Because I'm worried, I mean, that's such a huge issue. And I just wonder, because and it's caught under all of the WHOIS stuff, and it's part of that other PDP, and there is a lot of moving pieces right now with legislation, and...

LAUREEN KAPIN: I agree with you that we need to discuss that. So let's put a place holder there. I think that is related to a discussion that we had with Drew that really focused on privacy policies of, whether consumers could find the privacy policies and... I don't know if you were getting into content. Were you there for that discussion in LA?



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UNKNOWN SPEAKER: It's possible.

LAUREEN KAPIN: Or maybe was it during a phone call?

DREW BAGLEY: This is Drew for the record. Yes, it was during the LA, because I remember holding a baby during it. So yes. But something else that I'm wondering, just while we're organizing this. Where would...? To the extent we look at WHOIS accuracy requirements, do we want that under the privacy bucket, what we're describing now?

Which in LA, we talked about privacy policies, and a comparison of those.

UNKNOWN SPEAKER: So that seems to be more...

DREW BAGLEY: Because of consumer trust. Whereas there is the safeguard aspects with abuse, yeah.

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UNKNOWN SPEAKER: So WHOIS accuracy came out of the WHOIS review team recommendations, but it also came out and it was also used in response to GAC advice, right.

LAUREEN KAPIN: I think it's a safeguard. So I think they're in separate, there is separate analysis. But just, I don't want to get us diverted from our prioritizing. So let's, again, let's put a placeholder to take a harder look at these issues, especially when we've prioritized within the subgroup, which is where I think we can get at this.

So, let's scroll back down again. We've identified the consumer end user behavior, developing countries, procedural issues. Can we scroll down a little bit?

Alice?

Okay, so we have the trademark issues. Okay, impact of picks and other safeguards.

Okay. And okay. I think that's it. So that is one, two, three... That's five. That's five. Okay, so... Alice can you create a new document for us? Just because I would like, I think it would be easier if we put these, if we actually... [OFF MICROPHONE]

Where we can just slap Post-Its too. Yeah, just a new document. Just the five.

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And I can read it to you.

Yeah, you let me know when you are ready. Yeah.

But while she's creating that, what I would like folks to do is to think about what your top priority is, let's just start from there.

[OFF MICROPHONE]

So would that be the impact of the public interest commitments in the safeguards? Or would it be consumer end user behavior?

[OFF MICROPHONE]

And for the record, that was Carlton.

Are you ready for me Alice? Consumer end user behavior. And so I guess it would be consumer slash end user behavior. Developing countries. Procedural issues. Trademark issues. Impact picks and safeguards. Okay.

Okay, and the other thing I would like folks to think about as we prioritize is, are there any topics that we need to look at earlier in time in order to get at the issues perhaps in another subtopic? So, does that change your thinking?

CARLTON SAMUELS:

Carlton for the record. No, I still think we should look at the impact of picks and safeguards first, as top priority, and then

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we'll see how those are, we have the procedural, consumer end user being procedural issues. I think those things have to be top.

Because all of these things flow, yes, from that, you see. At least that's how I think about it.

LAUREEN KAPIN:

Drew? I'm just going to go around the table.

DREW BAGLEY:

So long as we are looking at the scope of that, as what we have on our document as of now, I think that absolutely makes the most sense, for sure. If we decide to slice this up any other way, just based on our discussions yesterday about consumers versus end users, then maybe I would want to revisit that determination. So is there going to be any distinction based on what we were talking about as far as the distinction between registrants, new gTLD applicants, and end users visiting these new domain names?

LAUREEN KAPIN:

I don't know the answer, because we haven't gone back to... This is Laureen. We haven't gone back to revisit the terms, our terms of reference. And as I'm recalling, our definition of consumer has not been finalized, which I think is still something

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we need to do. But as I understand it now, it does not include applicants. The current version does not include applicants, it does include two buckets within the definition of consumer, and that would be end users and registrars.

DREW BAGLEY: Then I absolutely agree with the prioritization, assuming that current definition.

LAUREEN KAPIN: So when you say you agree with the current, this isn't a priority list, this is just a list list. This isn't... That screen, does not reflect any particular order. That's just what I read...

DREW BAGLEY: I'm sorry, I was echoing Carlton's... I apologize. I was echoing Carlton's opinion, in saying I agree with his suggestion for the prioritization, assuming that our working definitions are the ones we were working with yesterday.

LAUREEN KAPIN: Okay, so you would put, just for clarity then, Drew. So you would prioritize the impact of the public interest commitments and safeguards first, followed by consumer end user behavior. Is that correct?

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DREW BAGLEY: Yes.

LAUREEN KAPIN: Okay. [Inaudible], okay, go ahead.

CARLTON SAMUELS: I was just going to say for the provisions, I'm agreeing with Drew, that if we change the definition, that has a different set of... No, but I mean, it's true, it's true. It will work out differently, yes?

LAUREEN KAPIN: Yes. So okay. So I'm implying the proviso for both of you, that this would be changed if our definition of consumer changes, which is very reasonable. Okay.

UNKNOWN SPEAKER: Thank you. I would also put the impact and that first one, I'd have it there. The impact of... and safeguards. But then I would put procedural issues before developing countries, because I, as much as developing countries are important, I believe that procedural issues would also sort of cover everything else.

And then I would put the consumer end user behavior.

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LAUREEN KAPIN: So for clarity, you would rank impact of the picks and safeguards first, procedural issues second, and consumer and end user behavior third.

UNKNOWN SPEAKER: Absolutely.

LAUREEN KAPIN: Okay. Jamie you want to give us your thoughts?

JAMIE: This Is Jamie. I was just going to... I agree on what was said about the developing countries. I mean, obviously it's extremely important that we look at that and that be considered for the next round. It was not a deliberately developed issue in the first go around. The next go around. I can say around, right?

And I mean, obviously, you know, this is the safeguard trust thing, so I agree impact picks and safeguards should be up top. I think some of the consumer end user behavior issues, I mean, when we get back to them, they may be higher priority than fifth, but otherwise I think it looks fine.

LAUREEN KAPIN: Okay, so you would rank the impact of the picks and the safeguards first? Yes?

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JAMIE: Yes.

LAUREEN KAPIN: And so what would your second one be? The consumer and end user behavior?

JAMIE: Well, I think, when we go back and look at it, I think some of those items within consumer and end user behavior, and I know you can't move the bullets up above the header, but I think those are very important that we discuss. And then the procedural issues, procedural and trademark issues I'm fine with where they are, because they're also being discussed in other, I think, in other venues, right?

We can put procedural issues on the, within our group and the application thing. And then... [OFF MICROPHONE]

So the same thing with the trademark issues, can those fall under the picks and safeguards? Because those are, I mean, those are safeguards, right? I mean, a lot of them, some of them are. I mean, there were mechanisms designed to [CROSSTALK]...



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And to the extent that those... Maybe to the extent that those fail, we could, just as an example, they didn't, they may not have... We could decide that it didn't address the issue with sunrise pricing, or other creative pricing.

LAUREEN KAPIN: Right, more neutral, right? Okay. So you would rank impact of picks and safeguards first, consumer and end user behavior second, and then I think what I heard you say is...

JAMIE: Trademark issues to the extent that we can put them under the picks and safeguards.

LAUREEN KAPIN: Okay, so let me have a question mark there about placement. And then what are you doing third? Procedural issues or developing countries?

JAMIE: Developing countries.

LAUREEN KAPIN: Okay. Three. Okay. And not everyone in this, it's because I think the way I asked the question, went down further on the list. So,

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before we move on, do we...? Maybe we can streamline this a little. Is it the...? Calvin, I'm so sorry Calvin. Let's hear from you before I say anything else. I apologize. Thank you Alice, very much.

So he's not on the line? Can you hear us Calvin in a way where you can respond verbally or you only can type?

Okay. So, Calvin, if you at some point want to put in your two cents about these priorities, just in and type, and we'll gather it up then. But my sense is, from people's comments and let me just correct me if I'm wrong folks, that there is a consensus about impact of the picks and safeguards being first, consumer and end user behavior being second, and then it sounded to me like developing countries was third. Is that accurate?

Am I hearing folks correctly? You definitely identified developing countries as third, Jamie, I believe. So, Carlton, Drew, and [inaudible], is that your view as well? To do developing countries third? The list up there is now reflects our sort of preliminary discussion.

With trademark issues in brackets because we're considering the placement there. That may be, right, we may put that under safeguards. In fact that may be, actually be a good thing to do. Does everyone feel that that's what it should be?

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Trademark issues, the reason being that that's more of a safeguard. Okay, so let's do that.

No. Alice, it's now going to drop off this list altogether, and we're going to put the bullets under trademark issues under the impact of picks and safeguards. Right, exactly.

Okay. So, is that our big priority list? Is everyone in accord with that? Yeah? Okay. More or less? Do you want, [inaudible] we can't hear you. Tell us what you're thinking.

UNKNOWN SPEAKER: I think, well I'm not necessarily saying that the other ones are any less important, it's just the priority, right? So I'm happy. It's okay.

DREW BAGLEY: This is Drew for the record. My only reservation is I'm wondering, if we prioritize procedural issues above developing countries, will that help inform our research once we get to developing countries? And that's what I'm wondering.

UNKNOWN SPEAKER: That was my initial thinking.

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CARLTON SAMUELS: This is Carlton for the record. It could work that way, but to me, it would, it could be also be beneficial for us to explore the issue in developing countries before we determine what the priority procedural issues should be. What the procedural issues... And that's my thing. But I can tell you that from, and I'm using my experience with the applicant working group as a reference point, point of reference here, I think one of the things that came out of that is that we did not spend too much time finding out what the developing countries issues were that we were to respond to.

Before we forked the applicant support working group. I think it was a kind of back of the envelope calculation. And I think if we were better informed, if the community was better informed about what the issues were, we might have done a better job at devising the program to intervene there.

For example, the way the awareness program was designed, was definitely a shortcoming in my view. And some of us kept on saying, well no, that approach will not work because the PP want to talk to. I'm not going to be in the places you intend to talk about this. Things like that. So, I'm always weary of not knowing what the situation is, before I decide I have the full complement of issues to address.

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LAUREEN KAPIN:

So this is Lauren. So that's an excellent point. I'm creating a parked issues list, for when people raise things that are important, but aren't squarely within our primary task here. But what I hear you identifying, that I definitely think we need to grapple with, especially regarding our data needs, Carlton, is how do we find out what the developing country issues are? Because that should inform our inquiry, and that may point to a need, perhaps, to do some interviews, or some surveys.

I mean, I'm just thinking out loud here, but I think you raise an important point, particularly as to data we may need, because there is no point in just, you know, gleefully moving on and saying, oh well, did we meet the needs of developing countries, without actually identifying what those needs are and what people's issues are.

So I think it's a very fair point. I'm going to park it for now. So, in terms of our priorities are then... And I'm relying on Alice to let us know if Calvin has weighed in any way that differs from what we have on our list. In terms of priorities then, what we've identified are the impact of the public interest commitments and safeguards, consumer end user behavior, developing countries and procedural issues.

So that's going to reflect our priorities. What I think we want to do now, is go back to our document, which candidly, I think, is a

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little helter-skelter still. And see if we can use this framework to come up with a clearer list of sub-issues with priorities. So, why don't we...? Can we see both on the screen at the same time Alice, or is that not possible?

And is it possible like to shrink all this...? Can we get more real estate on the screen for the actual documents?

I mean, can we shrink that top section? Which I don't care about the fire fax and all of those toolbars, because I don't see very much, I'm not seeing a lot of text on this tiny screen.

Okay, good. Very nicely done. Hooray. Appreciation for Alice, official recognition. So, what can we now...? Can we now put the impact of the picks and safeguards at the top of the list? Just move all of that to the top.

Should we start a new document? What's easier for you Alice? What we're going to do is move stuff around and reprioritize, so if it's easier to start a new document that's fine too.

What I'm talking about is moving the impact of picks and safeguards, all of that content to the top of our list. [OFF MICROPHONE]

No, I want all of the content.

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Oh, I'm sorry. I thought there was more than that. Never mind, it's me not you. I'm looking at the wrong thing. Apologies. Thank you. That's exactly what we wanted.

So this, right. So what I wanted is on the main document.

[OFF MICROPHONE]

UNKNOWN SPEAKER: ...that all goes first, right?

LAUREEN KAPIN: Right. [CROSSTALK] I'm just using the...

UNKNOWN SPEAKER: We're redoing the document on the left.

So we have it on the right? So there is more content on the document on the left and we want to put it in the same order as the document on the right. [OFF MICROPHONE]

LAUREEN KAPIN: I want that blue bar to be the first bar on this document. So if it's easier to just start a new document, that's fine. [OFF MICROPHONE]

Thank you Jamie. [OFF MICROPHONE]

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UNKNOWN SPEAKER: While you're typing...

LAUREEN KAPIN: And that's [inaudible] for the record.

UNKNOWN SPEAKER: This is [inaudible] for the record. While Alice is typing, and just ordering those around, there is an email that's coming from Margie, that she's saying additional items for our consideration, for this particular team's consideration. Has anybody seen it?

UNKNOWN SPEAKER: Yes.

UNKNOWN SPEAKER: Oh, fantastic.

LAUREEN KAPIN: I haven't looked at it. What is it?

UNKNOWN SPEAKER: Okay, so she says, here are a few items that came out of the consultation yesterday, that your sub-team might, may want to consider. So A) distinction between mandatory and voluntary



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PICs, is there a difference in abuse? B) What [inaudible], or how to recommend PICs or best practices and how are they enforced? C) Has the recommendation 2013 RAA made an impact? D) Examine the advertising issue, including false and deceptive practices.

And E) Trademark issue, make sure to consider both new RPMs and legacy RPMs.

LAUREEN KAPIN:

Okay. Let's deal with those after we have our discussion here. So in looking at this list of impact of pics and other safeguards, it seems to me that our content here is a little under developed. Yeah, it's a little light. It's a little light. So I think what we... Especially since we've identified it as a first priority, my hunch is that we all had something a little more robust in mind when we identified it as a first...

So what do we have in mind here? Because until we have actually a list here, we can't prioritize it. So let's discuss that, and discuss it within [inaudible] priority. So what do you think is the...? What do you think are the most important issues here?

Just among what is there, because my observation was that I think actually, our document is a little insufficient here. I think the impact of picks and other safeguards probably covers more

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than just what we have down there. So I want to start off by asking the question, what do we think should be under here, and what should have the highest priority?

JAMIE: This is Jamie. Well, I don't have an idea on priority, but maybe what should be there is just a list of the picks and safeguards we're going to look at.

LAUREEN KAPIN: That makes sense.

JAMIE: I came up with that... [CROSSTALK] I came up with that on my own.

DREW BAGLEY: This is Drew for the record. [OFF MICROPHONE]

So I would, yes. After we get that list, then with the bullet points we currently have, which after we see the list maybe we'll come up with completely different ideas, I would say, because of the trust component, however we phrase it, we want that reduces harm one as the top priority, even if we phrase it differently, but something where we're actually looking at the impact of these safeguards.

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And we'll come up with different things we're looking at, but one would definitely be DNS abuse. And which actually correlates with one of Margie's questions to us, and I think that's a terrific easy one. We'll see how we prioritize it once we think of all of the other ones, that's one that should definitely be up there.

LAUREEN KAPIN: Alice for our document, just right now, can we make this list, specific safeguards, put that at the top? And then put reduce harm underneath. I think Jamie was first.

JAMIE: Yeah, that's exactly what I was thinking, is that you have the safeguards and then we agree on the three or four things, the metrics that we use to measure the impact of the safeguards. And you reduce harm sounds more like... Well, it could be root harm, it could be just simply impact, right? Because it may not reduce harm, it may not increase harm, it may have no measurable impact.

LAUREEN KAPIN: So let's put impacts slash reduces harm with a question mark.

CARLTON SAMUELS: This is Carlton for the record. I'm just following up on Jamie's...

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[CROSSTALK]

Senior moment. Well you know the GAC had a whole set of safeguards, and I'm just [inaudible] to what Jamie said, because some of them are measurable, and some are intended to reduce harm, in some kind of, you know, overarching way.

So it would be best for us to kind of look at them in that sense. And treat them by the ones that are measurable. First we can look at those, because that would be a prioritized list immediately for us, and see how that works. But I would suggest that the GAC ones are the ones that we can focus on immediately.

LAUREEN KAPIN:

Okay, thanks Carlton. So I actually heard two different issues that you identified. One is that of the safeguards within all of the safeguards, not all of which were GAC safeguards. Some the community voluntarily took on themselves. We can prioritize the GAC safeguards.

So maybe under a sub-bullet for, under impact and reduces harm, and can we add a question mark to reduces harm? So put GAC safeguards, and then other safeguards as another sub-bullet. No, other safeguards would be underneath that.

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And then what I heard you say Carlton is, we should consider what safeguards we can actually measure the results of. And right, what... And what we... And what isn't measurable, which doesn't mean it hasn't had an impact, it just means we can't measure it. Jamie.

JAMIE:

This is Jamie. So a couple of things. First of all, the I think overall what we might want to look at is doing for each of these, to the extent that we can is a cost benefit analysis, right? So if something reduces harm but it costs a bazillion dollars, it's not that helpful. And so, it would be great to get data.

And we can look at the data however it comes out and judge it, but I think, if you're going to look at the impact, you also have to look at the cost. The second thing is on these... I'm hoping we can avoid getting into confusion over which safeguards are which. So there are the safeguards that come from the applicant guidebook. There are safeguards that are in the contracts themselves.

Most of those are implementing the GAC safeguards. The GAC may disagree that they are. So I don't know how you want to... If you want to get into that, or if you want to just look at the safeguards as, the GAC safeguards as implemented, the GAC safeguards as, you know...

LAUREEN KAPIN:

It's a fair point. I don't think we can... Well, we can't measure the impact of something that hasn't been implemented. I think that would be very hard to do.

Well, you could try and measure the impact of the failure to implement it, but that might, that would be challenging, I think. So, okay. [CROSSTALK] Right. We don't have to decide it now, but I just want to capture this. Instead of measurable safeguards, can we put cost benefit analysis?

Because I think that that gets at what you were trying to... Okay, cost benefit analysis. And then, for GAC safeguards, maybe what we mean is, instead of saying GAC safeguards let's say first applicant guidebook safeguards. So what is it? AGB. AGB safeguards. Thank you, that's much better actually. AGB safeguards, and then let's do contract, for the next bullet. [OFF MICROPHONE]

CARLTON SAMUELS:

This is Carlton for the record. The argument you're going to get is because the claim is that the GAC safeguards are public interest safeguards, because we are doing consumer choice and consumer trust. I thought let us, you know, look at those, and

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then use the same lens though that Jamie is suggesting. They say there is a safeguard. Is it implemented? What is the cost benefit analysis of that and so on?

Do you see what I'm saying? It's what I'm trying to get at.

LAUREEN KAPIN: So, should we flip the order then and look at the contract safeguards first? Okay, yes, is that a yes? Jamie?

JAMIE: This is Jamie. That's fine. There is going to be some weird overlap though, right? Because the contractual safeguards include the AGB safeguards as well as the GAC safeguards. [OFF MICROPHONE]

LAUREEN KAPIN: This may be something that as we look at it, we may figure out that there is a logical sequence, and we may decide that that's the way to go. Or we may find that is the way to go. So let's just, for now, I think, optically... You can put the contract safeguards first, and if it turns out that we actually need to look at the applicant guidebook safeguards first, because they are a predicate, we can always flip it.

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Okay. Good. In addition to the safeguards and picks. Well, we hadn't really talked... We've talked about safeguards there, impact reduces harm. The public interest commitments reflect the safeguards. I guess we should add a bullet before cost benefit analysis of voluntarily... Yeah. Voluntary picks, yup.

JAMIE: So can we talk about those for a second?

LAUREEN KAPIN: Sure.

JAMIE: This is Jamie. So, you know, just so, everyone may already know this. But there are different kinds of voluntary picks, right? There are some voluntary picks which are very strong, and from a contractual perspective, or locked into the contract, and forced under the contract. And have no expiration date. There are some voluntary picks which are not as strong, have... And give the discretion to the RO, the registry operator, to get rid of them.

So it's going... They're going to be different among themselves, as well as in comparison to the mandatory picks. So that's just a layer of complication.



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LAUREEN KAPIN: So, let's at least, in our designation here, put in a parenthetical after voluntary picks, mandatory versus discretionary. Because it seems to me that's at least one important distinction.

JAMIE: So the mandatory picks are different from the voluntary picks, right?

LAUREEN KAPIN: No, I mean the voluntary picks that the contracted party has said, I will follow, and there is no expiration date, versus the ones that they say, I can dump this at any time. Do you want to use a different word? Because voluntary contradicts mandatory.

JAMIE: Right. That's where I was getting confused.

LAUREEN KAPIN: What word would you suggest?

JAMIE: I guess I wouldn't say anything resembling, I would just say, you know, full spectrum, meaning some... Because there is a spectrum, right? And...

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LAUREEN KAPIN: I'm just trying to search for the word.

JAMIE: Because it doesn't even fit into easy binary.

LAUREEN KAPIN: I'm just trying to... Because you're really getting how robust they are.

JAMIE: Spectrum of impact, or spectrum of...

LAUREEN KAPIN: Weak versus strong?

JAMIE: Yeah, you can do that.

LAUREEN KAPIN: Okay. So just for now, instead of mandatory versus discretionary, put spectrum of weak to strong for now. We'll just put it as a placeholder. I just want to get the concept there. Yeah.

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To strong, just weak to strong. [OFF MICROPHONE]

Right, and we're not going to get at everything today. I just want to flag it.

DREW BAGLEY:

This is Drew for the record. I think a lot of, those discussions would be the methodology issues. We'll take care of that. Then when we're categorizing different types of picks, and we can then come up with what maybe truly is discretionary, versus what's truly mandatory. Maybe it's mandatory, but if at the end of the day, you have the discretion to get rid of it, we'll categorize it as binding, yes. That's terrific.

LAUREEN KAPIN:

Binding, that's the word.

CARLTON SAMUELS:

This is Carlton for the record. I would want to assess the quality of them too, you know. Because a lot of them are just thrown in as far as I'm concerned. I mean, for the record, I never thought that were very useful because of the way they were put together.

LAUREEN KAPIN:

Let's put in that parenthetical after binding versus discretionary, weak to strong. That way we have both those concepts. Good.

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And as a parked issue, let's also consider if we can ask for some help in getting a list of the safeguards and the public interest commitments, particularly not just the ones that are in the standard contract, but the ones that are these voluntary picks.

Because that is actually going to involve some actual looking through all of the gTLD contracts to see who has voluntarily added them, and that sounds like that's a research project for someone.

Okay. Good. So, yes.

KAREN LUNTZ:

Karen Luntz. Just when you say applicant guidebook safeguards, that could be any number of things. I mean, in a sense, every part of the evaluation was a safeguard against something, right? You're evaluating their technical capabilities so that you don't have, you know, bad registry operators, etc.

So the sense that you're looking for here in terms of what we would enumerate as applicant guidebook safeguards, can we discuss or elaborate that a little bit? So we can fulfill that?

LAUREEN KAPIN:

Jamie, you were the one who... Jamie, you brought up that...  
[CROSSTALK]

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JAMIE: You're right, I wasn't thinking about the broader thing. I was thinking of the rights protection mechanisms, the security safeguards, those things. But you're right, there is a broader interpretation that could include all of the other objection procedures.

LAUREEN KAPIN: You know, from hearing you say it, I would say for now, go with the narrower interpretation, because I think at least from a priority standpoint, we should start with that, and then consider whether we need to delve further. That would be just my initial take on it. Does that sound sensible to folks?

JAMIE: And in a way, I mean, to Karen's point, one way to narrow it is just to take it out altogether because the ones that are in the applicant guidebook that we would look at are also in the contracts. Right?

LAUREEN KAPIN: Mostly. Like if you can take something like that background screening, that was part of the evaluation process. You don't necessarily find, I mean, there is reference, you know, there is

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relevant pieces to that in the contract, but it's a safeguard that occurred pre, you know.

...time, just so I have a sense of. We have until three? We have one more hour, okay, good. That's what I wanted to know.  
[CROSSTALK]

Thank you all for orienting me so well. Okay. So, another question for the group then, the next points are compliance, i.e. are the safeguards and picks enforced? No, are they...? I guess the sub-issue is, are they complied with, and if they're not, are they enforced?

Then a sub-issue is complaints looking at that issue. And can we add action items that once we formulate this more, we'll have information that we want to get from the compliance department?

JAMIE: So how are complaints separate? How are complaints separate from compliance?

LAUREEN KAPIN: That's Jamie. I'm not sure it's a separate, in fact, I think it's a sub-point. So maybe we can make that a bullet. [OFF MICROPHONE]

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And can we also end then enforcement as the next bullet? Yeah, okay. So my question then to the group is, in addition to this list of specific safeguards, and then compliance related issues, are there any other issues we think need to be added to this topic, impact of picks and other safeguards?

DREW BAGLEY:

This is Drew. The only other thing I can think of is... So, one way we're slicing it is going to be binding versus discretionary picks, but then as we get down to other categories such as the compliance, the compliance categories, I guess. First whether they're complied with and then how enforcement works, how...? Is there anything we want to put up there to help us slice up the new TLDs?

Because I know we've talked about the TLDs that are, you know, where you have to be a doctor, the highly regulated ones. And we talked about the bank versus bike thing. And so I'm just wondering how we can kind of apply that exercise here.

LAUREEN KAPIN:

Maybe for a placeholder, the for cost benefit analysis, maybe adding a sub-bullet of regulated versus non-regulated gTLDs, which is what I think you're getting at.

Any other topics we want to include there?

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Okay. Then I'm assuming that this also reflects our priority, that we want to start off with listing these safeguards and going through this analysis, and then moving to compliance. That's a logical order, yes? Okay, good. So shall we move on to consumer and end user behavior then? Yeah, let's do that.

[OFF MICROPHONE]

Yeah, we should put that in there.

UNKNOWN SPEAKER: Yeah, it's one of the safeguards, right?

LAUREEN KAPIN: Okay.

UNKNOWN SPEAKER: But there may be other stuff you want to specifically include, although that would go under the...

LAUREEN KAPIN: Let's just... Since we included trademarks as a big category for the community, this is Lauren, and now it isn't visible unless we identify it, let's at least identify it. Can we add then...? Is it a contract safeguard, Jamie, or is it applicant guidebook, or is it



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both? Both, isn't it? Trademark issues would appear in both, wouldn't they? Am I wrong? Am I confused?

JAMIE: Yeah. The mechanism... So this is Jamie. Karen, please keep me honest. The mechanism for enforcing the trademark protections is through the contract. So there are obligations that they have to comply with. The establishment of the trademark clearinghouse, they have to comply with it but they don't set it up. We set it up, right?

So I guess that's sort of outside of the contract. Does that make sense?

UNKNOWN SPEAKER: Yeah, it does. The trademark clearinghouse itself is really not a safeguard. I mean, it supports the sunrise process and the claims process, and you know, provides registries with trademark data. But the registries... I mean, the agreement provides that they all have to use it for their... And that they all have to do a sunrise period to offer that to trademark holders, and to do a claims service.

So, you know, pretty much, I would say, in terms of trademark protection, everything that, all the safeguards get reflected in the registry agreement.

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LAUREEN KAPIN: So let's add trademark as a bullet three, right after applicant guidebook.

JAMIE: This is Jamie. So to give us ultimate flexibility, we could say at the very top, list specific safeguards and picks, open [inaudible], you know, including trademark protections, or you know, rights protections, or however you want to say it.

LAUREEN KAPIN: That's fine, let's do that.

JAMIE: I agree with you on the need to call out separately.

LAUREEN KAPIN: Okay. Good.

So, oh, and when we... You already created... This is version five, so we're not running into... So smart, thank you. Very conscious of version problems. So let's move on to consumer end user behavior, but before we do, are people okay? Do people need a break? We're good.

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Okay. So let's go to consumer end user behavior and start off with the same question. What's going to come first here?

DREW BAGLEY:

This is Drew. I think, based on all of the discussions we had, yesterday about all of the different topics that follow in the consumer literacy category, I think that might be the best to begin with, because that might help inform some of our research as we look into DNS abuse, and try to come up with potential correlations if there is more DNS abuse, and try to see if that has to do with confusion, or maybe has to deal with other things, such as the first category we're going to visit with regard to these safeguards and compliance issues with regard to them.

But I think if we begin with consumer literacy, and then go down from there, that might be a good way to go about it.

LAUREEN KAPIN:

Let's have everyone weigh in here.

CARLTON SAMUELS:

I tend to agree that the literacy issue should probably... What did they know and when did they know it? Should probably be top of list, and then go through.

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UNKNOWN SPEAKER: I agree with Carlton, don't ask me why.

LAUREEN KAPIN: This is Laureen. So you would put literacy first and DNS abuse second? Is that what I heard, or did I mishear?

UNKNOWN SPEAKER: Yes, that's correct. And to clarify, I think DNS abuse is the most important category under this, I'm just thinking from a research standpoint, it might be best to first inform our research with the consumer literacy aspects of the new TLDs, and that might benefit our DNS abuse research, because something we've talked about even going back to LA, with the DNS abuse research, is the fact that we want to try to make some sort of meaningful correlations as we figure out whether or not there is an increase or decrease in DNS abuse with the new TLDs.

And so I think that at this point in our research, if this is the way we're prioritizing it, we'll already understand all of the safeguards in place. We'll understand the compliance issues, the enforcement issues, and then we would understand the consumer literacy aspects of the new TLDs. And with that in mind, understanding the new TLD universe, as it is created legally, and as it is promoted or marketed to new users, I think we're going to be able to really shape our DNS abuse research

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well, so that we can get to the key aspect which is consumer trust.

Because all of these things will go into trust, whether it's the safeguards, or whether it's understanding that this new TLD is different from the legacy TLD, and all of those consumer confusion issues we've discussed.

LAUREEN KAPIN:

Okay. Jamie, do you have any thoughts on this? No? Okay. Why don't we move up then...? You already moved up literacy, you're way ahead of us. And should we put DNS abuse then second? And I guess my question is in looking at this, I'm wondering where our consumer end user behavior goes. Is that going to go third?

For example, that navigate issue seems to be like a separate sort of by itself issue.

UNKNOWN SPEAKER:

Don't those all fit under DNS abuse, more or less?

DREW BAGLEY:

This is Drew. They can, but they're not... So with the navigation part, sometimes that's going to be because it fits into DNS abuse, denial of service attack, and sometimes that would just

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be an operational problem, potentially. I guess. But perhaps... So I guess we need to decide which aspects of that we want to explore, and maybe it's only the DNS abuse aspects.

And then something else I just wanted to say, to clarify this list. I believe we developed a DNS abuse list separate, then we started fleshing out consumer use. And so that's why they include a lot of the same questions. So right now, we should decide whether or not DNS abuse should be its own standalone category, or perhaps if it should all fall under that use aspect. Does anybody have any thoughts on that?

UNKNOWN SPEAKER:

I don't have any thoughts on that yet. But this is [inaudible] for the record. Just going back a bit, please hold the thought about DNS abuse. Just going back a bit to consumer literacy. I know that we discussed awareness and access yesterday. Did we subsequently put it under something else? Because I'm not seeing it come up, you know, quite distinctly. So to speak.

I can see that on the second bullet we're asking if consumers are aware that [inaudible] safeguards. But before we get to the safeguards, are consumers, were consumers aware of the new gTLDs? And then, you know, we can move to the safeguards.

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LAUREEN KAPIN: So what I'm hearing you suggesting is to add as a first bullet under consumer literacy, was the public aware of new gTLDs? Is the public aware of new gTLDs?

UNKNOWN SPEAKER: ...bullet point, you can just move, I just noticed. Under... At the very bottom of the consumer end user behavior. So it's not on the screen right now, but if you scroll down.

Can consumers distinguish between a legacy...?

LAUREEN KAPIN: Okay. I'm looking at [inaudible], and I'm thinking she means perhaps a more general question.

UNKNOWN SPEAKER: Yeah, I was actually meaning a much more general question, but unless we are going to answer that question at a separate point, in time, i.e. maybe we review the applicant guidebook, then I'll be happy.

LAUREEN KAPIN: Because I think the applicant guidebook is really going to be geared towards registrants, or you know, I'm sorry, applicants. It's going to be geared toward people applying for the string. It's

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not going to be geared towards the inquiry of whether the public, i.e. end users, are familiar with new gTLD.

So I don't think actually that is going to address your concerns. So maybe we should add some more general language up here. I think we can just have public awareness of new gTLDs, question mark. Does that...? [CROSSTALK]

Yeah, as a first bullet.

UNKNOWN SPEAKER: Yeah. Unless I'm going too much into the micro-details, I mean...

LAUREEN KAPIN: No, I think it's a fair point. And again, this is all working documents, we'll refine it. But I just think it's a threshold question. I think it's a fair, a good question.

UNKNOWN SPEAKER: *Merci.*

LAUREEN KAPIN: *De rien.* Okay. Can we add a question mark? Great.

Good.



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UNKNOWN SPEAKER: For the record, I don't envy Alice's job.

LAUREEN KAPIN: Us too.

Okay so within this... Is this in the right sequence then, for consumer literacy? Let's just look at that. Is that the right sequence?

UNKNOWN SPEAKER: I'm happy with the sequence.

JAMIE: This is Jamie. This isn't a big deal. The second bullet probably going to overlap with the earlier one on safeguards.

LAUREEN KAPIN: So maybe add it as a sub-bullet?

JAMIE: Second under DNS abuse.

LAUREEN KAPIN: I'm sorry, okay. [OFF MICROPHONE]

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[CROSSTALK]

I think they're going to be overlaps, but I would just keep it for now. If we've already done the work and we have answers to it, that just means it will just be easier when we get to this, because we can just plug it in. Okay.

Consumer and stop...

So for this use, are new gTLDs more or less likely to point to malware, phishing, bot nets? Would that go under DNS abuse?

DREW BAGLEY:

So that was written in response to Jamie's suggestion a few days ago when we were going back and forth with the document, just so that way we would define DNS abuse as those items for purposes of our research, instead of also including intellectual property issues. And so that way the scope will stay related to operational issues.

So we should either, I guess, define DNS abuse one time as that, and then we can say DNS abuse throughout. Or we should probably repeat that specific language throughout, unless we are going to take a broader definition of DNS abuse.

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LAUREEN KAPIN: So my question is I think a little simpler, which is where does it live? And my question is, are these questions regarding use, are they really questions that go to our DNS abuse category?

One vote for abuse.

DREW BAGLEY: This is Drew for the record. Now that we've hashed out the DNS abuse category, perhaps we can still include DNS abuse in use, but we could frame the questions differently from some sort of victim perspective. In DNS abuse, we're looking at whether or not the new TLDs are more or less likely to be compromised, essentially. Be engaged in DNS abuse and other issues related to that. I wonder if we want to... If something that might be good is to take a holistic view, if we can get the data, and figure out under use, are consumers or end users on the Internet, more or less likely to be victims of these things with new gTLDs or legacy gTLDs.

And I think that would slice it differently, and that would look importantly at use. It allows us to make some, potentially some conclusions and recommendations there.

LAUREEN KAPIN: So can you repeat the phrasing for Alice so she can tweak it?

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DREW BAGLEY: If I can say it again as well. [CROSSTALK] So, are end users more or less likely...

LAUREEN KAPIN: No, no, no. It's going to go...

DREW BAGLEY: This will go under use.

LAUREEN KAPIN: It's going to stay exactly where...

DREW BAGLEY: Sorry. This will go under use. So consumer end user behavior, and then [CROSSTALK]...

LAUREEN KAPIN: ...end users what we're editing.

DREW BAGLEY: Actually the second bullet. For the use, or did you want to...? Well, navigation previously meant something different based on other discussions when you guys were in LA, but we could change it.

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LAUREEN KAPIN: I'll shut up now. Go ahead Drew.

DREW BAGLEY: Okay. So under use, new question, and you can paste what you were writing because I think I'm saying it the same way. [OFF MICROPHONE]

That was Jamie for the record.

Are end users more or less likely to be victims of...? And then you can paste the malware, phishing, bot net, command and control, or high volume spam from new gTLDs or legacy gTLDs. And so the research distinction is that, there we are, you know. You can have 99% new gTLDs could be bad, but if nobody goes to them, it doesn't matter. And so that's why we're going to be looking at things different from a user perspective here to distinguish from the DNS perspective in the first category.

LAUREEN KAPIN: Jamie?

JAMIE: Yeah, so that makes a lot of sense. One thing I want to point out though is that the... Because of ICANN's limited mandate, we,

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there is nothing in the contract on high volume spam. Okay. So maybe in their own policies, but it's not required by us.

You know, there is a whole debate over what's content and what's not, and spam is...

LAUREEN KAPIN: Okay. So what I'm hearing then is, we should take out high volume spam because it's not a contractually required, it's not something that is contractually required. While there are contractual prohibitions against, you know, malware, phishing, bot net, etc. Yes? Take it out, yeah.

JAMIE: Yes, unless we somehow find language that... But absolutely. Operating under the assumption that we can't point to something other than policies themselves, then yes.

LAUREEN KAPIN: Okay, good. Let's see...

So do we keep that second sub-bullet then, Drew? What safeguards are there in place for new gTLDs? Or is that something that's already covered?

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DREW BAGLEY: I think that will already be covered by the first category, and so therefore we wouldn't need that anymore, because then we'd be looking at the effects on use in this category.

LAUREEN KAPIN: Right. So let's take out the what safeguards are in place bullet. And... Do we want to discuss the privacy policy, the IDNs, that seems like the logical place for them.

We want to discuss privacy policy issues now, since that was one of our parked issues on here, where we're coming to that point.

DREW BAGLEY: This is Drew. So going back to the LA discussions, I think we were speaking about the privacy policies in the context of the enormous role privacy now plays in consumer trust, in so many realms. Not just with regard to the Internet. But particularly with Internet use, I think it would be worthwhile for us to look at privacy policies in way which we categorize them. And this is going to be in many ways, initial research on this, as it relates to consumer trust.

So I don't know how far we'll get to hash it with our research, but I think we should definitely do some preliminary research that can help inform recommendations and perhaps future research.

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LAUREEN KAPIN: So you're telling me you need to go out? Yes, we'll miss you. You know what? This is a good time for a break. So it's 25 after, 10 minute break, come back at 2:30, 2:35, shoot for, and then maybe we can try and get through the rest of our issues. 10 minutes.

Okay. So, let's move on then to... Yeah, go ahead Karen.

KAREN LUNTZ: Thank you Lauren. This is Karen Luntz. Just to pick up on the last point on privacy policies. I was looking at the metrics that were recommended, and there was one around looking at how many registries had privacy policies available, and how easy they were to find, which was one point.

But just in terms of some of the other impressions there about what's collected, and how much, and all of that, would there be...? In terms of figuring out the issues, would there be a difference between new gTLDs and everybody else in that respect?

I don't think there are any differing requirements in terms of privacy policies, so just a question as to how we would go about looking at that.



DREW BAGLEY:

This is Drew. Yeah, there are no distinctions that I know of, in terms of requirements. So that would be one where I think we would just be, we would be researching this topic to help inform future research and future recommendations. And so that's something we could do is, just ask that question, is there a difference? Despite the fact that the requirements are different.

And then we could, this is something when we get to the methodology, we could, you know, just choose X number of new gTLDs to look at, and however many legacy gTLDs, and come up with some sort of way to do a comparison. But that's something we could answer first, and then maybe after answering that question, then maybe we wouldn't go that much further with our other questions. That's a good point.

LAUREEN KAPIN:

Could we scroll down to the privacy issues? Okay. So maybe as a threshold level, then we should mirror what Karen just pointed out, which is, are there privacy policies? Wasn't that the threshold question? Are there privacy policies? And how easy are they to locate? How easy are they to find?

As our first two sub-bullets under that privacy policy... Do you see where we are Alice? Registry privacy policy.

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No, no, not as a sub-bullet, as a first bullet. Are there privacy policies? And are they...? And then as a sub-bullet for that, are they easy to find?

So Jamie, you're the person who raised issues about this. Do you have further thoughts? This is Laureen for the record. Do you have further thoughts on this issue?

JAMIE:

So this is Jamie. I guess my concern is that privacy is obviously a very large topic, and it's covered in other areas as well, and under WHOIS, under the... I know that they're looking at it broadly under the RDS PDP. And so I wonder whether it has a role... What's the focus for this group as opposed to for others?

LAUREEN KAPIN:

So actually, I think they're very, very different types of inquiries for the... The WHOIS work really is looking at it through the lens of the information that's available on the WHOIS database and the contract requirements for the WHOIS database. And this is really being cabined by the registry privacy policy themselves. I.e., do they exist? Are they easy to find? And then how the registries are treating personal information themselves.

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It has nothing whatsoever to do with WHOIS. So in that regard, I don't think there is crossover at all. Does that satisfy you? Yeah? Okay.

DREW BAGLEY: This is Drew. I would just add, yeah, WHOIS is about public facing data, and so that's where we're drawing a distinction with looking at policies. And also, privacy policies can be another means to achieving consumer trust, and providing some sort of safeguards through private rights of action, where the registry is making some sort of promise about their privacy policies.

You know, a contractual promise to consumers. So that's why I think it is interesting. I'm not exactly sure how we should visit it, but I think we should definitely visit it.

LAUREEN KAPIN: Okay. So I think then we're ready to move on to... Sorry, Karen.

KAREN LUNTZ: This is Karen Luntz. And it's actually not me. I'm just raising a point that Calvin had put in the chat, which was, back on the trademark point, he raised a question whether we should be referring to intellectual property more broadly, as opposed to just trademark in our terminology.

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JAMIE: So this is Jamie. And Laureen and I were talking about this early. The safeguards go to trademark protection. And so to the extent that we're looking at the programs protections, we should look at that. I mean, there is obviously nothing patent related here, and as far as copyright protection goes, there is nothing that I'm aware of that's explicit in the program that goes to protection of copyrights.

There are, obviously, you know, the recent developments that are voluntary, the MPAA Doughnuts agreement, and the domain name, the healthy domain initiative, from the domain name association. But so, to me, it would make sense to focus exclusively on the rights protection mechanisms as they are, which they're trademark oriented.

LAUREEN KAPIN: Do you have any thoughts to add on that David? Since you're an IP guy. [OFF MICROPHONE]

DAVID TAYLOR: ...confusing people as well because obviously we've got IP addresses and IP, so we might have to redefine IP in our terms of reference.

LAUREEN KAPIN:

So Alice, this is just to get me oriented. Can you scroll down just so I can see what we have left beside developing countries? Procedural issues. Okay, so the trademark issues for this document we're going to take out, since we have put them under our safeguards. So I think that all can go. And we'll have the benefit of this breakdown in our prior document.

Unless we want to dump that under a sub-point to keep it just for reference. Should we do that? Let's do that. Let's just put those things up in our safeguards section at the...

Right. Yeah, that's fine, for reference regarding trademarks. Not there.

Great.

Okay, that's great.

Look at you. I love the different colored fonts. Let's... So we have impact of picks and other safeguards as our first priority. Second priority, we have consumer end user behavior. And then we put developing countries, yes, as our third priority. Am I remembering correctly? Yes.

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Okay. So, then the question is, priorities with... And what's after procedural issues? Just so I see others, okay, that's fine. You can scroll back up to developing countries. Great.

So in this list, let's open it up to talk about whether that reflects priorities. Whether this is a logical sequence for how we're going to grapple with developing countries issues.

What do you think [inaudible]?

UNKNOWN SPEAKER: Sequence of issues.

LAUREEN KAPIN: Just the sequence within the developing countries list on this screen. Does that reflect a logical sequence for us in terms of what our priorities should be for timing?

UNKNOWN SPEAKER: [Inaudible] for the record. I would put adequate assistance, adequate access to assistance above confidence.

LAUREEN KAPIN: Okay. Let's move that.

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UNKNOWN SPEAKER: And then I would put, I would further put rules above confidence.

LAUREEN KAPIN: Maybe let's put data as... Can we actually move that to the left? I know we were usually moving things to the right, but it's like... Or, let's do that as an action item to be consistent. That's really our action item. Actually, I guess, it's...

UNKNOWN SPEAKER: Maybe we should put data under awareness of process?

LAUREEN KAPIN: Yeah, that's what I was thinking. Yeah, let's do that.

UNKNOWN SPEAKER: Just to share, I was actually looking at the matrix of...

LAUREEN KAPIN: Put it above implementation because it really goes with the funding.

UNKNOWN SPEAKER: No, no, no. I would have it... [OFF MICROPHONE]

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LAUREEN KAPIN: You're right, you're right. Yeah. Yes, I agree.

Can we have data as a sub-point of implementation? Yeah, perfect.

UNKNOWN SPEAKER: Thanks Alice. You are absolutely amazing. I was actually just, it's an interesting point to put the data matrix, because I was looking at the outreach, the communications plan. They had planned to do three, okay, I'll just take for Africa. Three countries in Africa, and that, I don't know whether or not you can say that it is reflective, the communications plan, you know, talking to the three countries in Africa, is also reflected on the number of applications.

It's quite another thing because I realize that we, they covered three countries in Africa and there were 11 applications under review, which was interesting compared to, I think, 17 countries in Europe. And okay, I'll find the figures. But yeah, I thought that would be an interesting point to consider.

LAUREEN KAPIN: Looking at your facial expression there.



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DREW BAGLEY: This is Drew. I'm just thinking of a way to reflect what we've learned in the past two days. Just about all the facts that might go into trust in this program. Now some of them are probably going to be explored by the other sub-team, but with what we were discussing today where an applicant from a developing country might not be a true constituent of the developing country. And we were discussing all of those issues. That might not be too broad for us to get to, but their definitely trust issues there.

If we can figure out how to narrowly define that for research purposes. And that is an access issue, I guess. In some ways, that could be a purely market access issue, or that could go to awareness. You know, are the right people becoming aware of the process? I don't know.

LAUREEN KAPIN: So maybe a sub-point under level of outreach. Authentic versus well, authenticity of applicants. Something like that.

And we probably can refine that phrasing. What do you call people who just go to another country to reap the tax benefits?

JAMIE: American. [LAUGHTER]

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LAUREEN KAPIN: That was Jamie for the record. [LAUGHTER]

Okay. We could probably refine the phrasing there, but I think that captures it.

UNKNOWN SPEAKER: What did you ask for the tax question?

LAUREEN KAPIN: I'm asking in terms of phrasing this so it's actually, we're able to understand the concept that Drew is getting at, which is, are they really applicants from developing countries? Or are they just seeking the cloak of a developing country to get some sort of advantage?

So I put authenticity, that's probably a little too vague. That's why I was asking about the phrase we use for, you know, people who are going somewhere as a tax haven.

JAMIE: This is Jamie. Yeah, I mean, we saw the same dynamic in, well also going back to the 90s. The SEC spectrum auctions, which had rules for designated entities, which were either minorities or people of, you know, less means. And they were roundly... I

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mean, one of them end up spending \$10 billion on spectrum and going bankrupt. But they were a front.

So maybe that's what it is. Because that was a concern with whatever we come up with on assistance was, how do you avoid people moving to the Cayman Islands and...

LAUREEN KAPIN: So do you have better suggestions for language here?

JAMIE: Making sure that... Ensuring that assistance gets to the targeted group. Or targeted entities.

DREW BAGLEY: And I would also add that we should look at the eligibility rules for assistance, based on what we've learned in the past two days, in terms of whether or not they might be too restrictive. Perhaps they're just right. But we should at least explore the rules themselves and those definitions to see how they impact consumer trust.

So what safeguards might be in place...

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JAMIE: So this is Jamie. Picking up on that, maybe it's even more general than that. Maybe it's the development of the rules. It came late in the process. It wasn't part of the policy. And you know, it came up with what it came up with.

And so we could look at that as a lesson for the, you know, next go around, but also look at, you know what, if we have recommendations on how to structure it.

LAUREEN KAPIN: So, just to refine this and then I know David has a comment. So instead of... Under eligibility, let's look at whether the rules are too... Stringency of rules. Are rules too stringent? Instead of authenticity for applicants, let's change that to reaching intended audience.

[OFF MICROPHONE]

Yeah, let's put it that way.

[OFF MICROPHONE]

I think actually it would be, yeah. Because it's not... Are they imposing too many restrictions to the point? Yeah, exactly.

[OFF MICROPHONE]

Kaili was sitting there and... But Carlton is part of our group. He stepped out just like you did. Yes, David has a comment.

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DAVID TAYLOR: I can't remember why now. David Taylor, sorry. I was going to say we should put in just simply ensuring genuine nature of applicant. Because then it's wide, and we get to what we're trying to get to.

Ensuring genuine nature of applicant.

LAUREEN KAPIN: And would that go under outreach? Or would it go under implementation? Where would it go?

DREW BAGLEY: This is Drew. So that it's not confused with actual application process, for our purposes under consumer trust and safeguards, I think the outreach is important to see who that's going to. And... It's also very important under the eligibility for the... To make sure the rules aren't so restrictive that they prevent genuine applicants from applying, and instead of it's, we're talking about people from other countries taking advantage of the rules.

LAUREEN KAPIN: So I'm thinking it would go under funding for outreach, not level of outreach.

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UNKNOWN SPEAKER: You're not talking about outreach, you're talking about support, right?

UNKNOWN SPEAKER: I think both are important. Is the outreach reaching the right people? There are no rules around that, the outreach. I mean, ICANN does the outreach, right?

UNKNOWN SPEAKER: Yes. [OFF MICROPHONE]

LAUREEN KAPIN: What we don't have is a bullet for support. We do need to add a bullet for support. And then under that, we should have ensuring genuine nature of applicant. So after implementation of outreach... Actually, it's adequate access to assistance, that's where it goes.

So that's a bullet. And yeah. It's its own bullet after implementation, along at the same level. Okay. And then under that, it's ensuring genuine nature of applicant. That's where that should go. Not under level of outreach, yeah. Okay.

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And then those other things, rules and confidence, those should be bullets also on the same level as adequate access to assistance.

UNKNOWN SPEAKER: This is [inaudible] for the record. Okay [inaudible]. If we go back to adequate assistance to assistance, can we...? I presume that we are here talking about the applicant support program? Or should we sort of maybe make it stand out a bit? The applicant support program. Or is that implied in the access?

So maybe I would put adequate assistance, adequate access to assistance, and then applicant support program.

Program. Does that make sense?

To Alice. [APPLAUSE]

LAUREEN KAPIN: For the record, for her infinite patience.

JONATHAN ZUCK: I think the credit goes to the CCWG for expanding her capacity for patience. [LAUGHTER]

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UNKNOWN SPEAKER: But elasticity, how do they say in economics Stan? Stan. Elasticity? [OFF MICROPHONE]

I wanted you to say...

JONATHAN ZUCK: So the next thing is sort of reporting back in. Laureen, would you like to do while it's fresh or would you like to take a breath and have Jordyn go? What's your preference?

LAUREEN KAPIN: So let's report it while its fresh. Yeah, the document is still up, thanks to the infinitely patient and helpful Alice. So, we actually made good progress today, even though it was painstaking, but that's good. What we focused on prioritizing within our big buckets of activities.

And at a high level, we want to prioritize the impact of the public interest commitments and other safeguards. And we also prioritized within these buckets. Thank you, that's great. So this is at a high level, where we are with our issues. The impact of the public interest commitments and safeguards.

And we thought that trademark issues should really fall within safeguards rather than being a standalone issue. Then we'll focus on consumer and end user behavior, developing country



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issues, and then finally, procedural issues. So what we did was then we moved through, and we can go back to the other document now. We moved through our list to refine it, and then prioritize within those groups, and then start identifying some action items.

So I don't know that we need to get into the level of detail for the sub-list, but generally speaking for the impact of picks and safeguards, we think it would be useful to actually to get a list so that we can then think about the cost benefit analysis of those issues, and also consider compliance.

Scroll down to the next one. For consumer end user behavior, we put our consumer literacy issues as a threshold inquiry. Even though it may not be the highest priority logically speaking, we may want to look at that first. And then follow up with looking at DNS abuse, and consumer and end user behavior.

And we also identified privacy policies. Whether registries have privacy policies, whether they're easy to find, because that's an important consumer trust issue. Then moving on to developing countries. Some of you walked in on the tail end of our conversation.

Really the issues here concern awareness and the level of assistance, outreach and assistance. And then finally procedural issues. And I think that's something we're going to have to flesh

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out a little more. And then we have just some kind of place holders here. That's where we are. That's where we got to.

JONATHAN ZUCK:

Thanks a lot Laureen. On the developing countries thing, did you get a chance to think about what was unique to trust about that versus things that might just be swept...? I mean, it could very well be that are effort on application and evaluation process will simply benefit from the discussion you had, but did you end up going into those distinctions that we discussed yesterday?

LAUREEN KAPIN:

A little bit. I think what occurred to us is that it might be important to actually gather some information on this topic. That we might benefit from both asking affected folks from developing countries what their issues are. And then I think an entirely separate issue is perhaps doing some research on how the public's trust of the new gTLD program is impacted by the fact that there wasn't a representative distribution of developing and less developed and more developed countries participating in the process.

I don't think we got to it beyond that, however.

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JONATHAN ZUCK: This is Jonathan again. Which would suggest that you might look through, at these questions though that lens, and so there might... Some of those questions again might wholesale, like whether or not... I overheard just at the end, about whether the right customer was applying for support.

It might end up being that gets asked explicitly by the application evaluation effort as well, I suppose. Okay, other questions for this team?

JORDYN BUCHANAN: It's Jordyn here. I actually just had a suggestion along those veins. Because we are going to be sort of... It sounds like we're likely independent, like simultaneously going to be working the application evaluation work stream, and both of the other two work streams. One approach might be we could front load the support for developing countries in the application process into that evaluation.

And then depending on sort of where that lands, that may inform whether there is still open issues that the safeguards and consumer trust team wants to look at.

JONATHAN ZUCK: Makes sense, thanks Jordyn. Other people? Other folks have comments, questions? Presumably, from a work plan

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standpoint, the next step would be trying to identify whether or not you have, or will be getting already the data that you need to answer these questions, and figure out if there is new research products, or projects that are necessary to meet your needs, right?

And have you talked at all about timeframes?

LAUREEN KAPIN: No.

JONATHAN ZUCK: Okay. All right, Jordyn. Before the end of the PDP, that's our deadline for everything. Jordyn Buchanan.

JORDYN BUCHANAN: Thanks Jonathan. It is indeed Jordyn Buchanan. So we spent the morning, was it morning? Whatever we just met. We spent the time where we just met [LAUGHTER]...

You can still I spent a lot of this week in rooms without natural light. We spent the last hour and a half, mostly focused again, well focused in three areas. First, we took a look at the feedback we got from the engagement session, and slightly revised the questions that we seek to answer as a result.

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This doc is really ugly and hard to look at, at this point, since it's basically my random notes as we've been talking. But we added in a few questions that we wanted to consider as a result of the discussions yesterday. One was to the questions of whether or not the gTLD program had been effective at introducing the various types of competition.

We specifically wanted to look at whether there was any sort of first mover advantage. That was raised as a possibility yesterday. We also identified the topic of vertical integration as one that we hadn't previously included. And added that to our list. And then we actually had an extensive discussion around this topic of developing countries for our own work stream, and whether or not we wanted to look for the topic of competition, in particular, at whether we were trying to answer the question of whether the program had been successful at increasing competition in other countries and regions in particular.

We ended up deciding that the answer to that was probably no. It is possible that we'll conclude that... We, meaning here, the CCT as a whole, not our particular sub-team, I think it's possible that we'll conclude that we want to have a more diverse set of applicants, and operators, and service providers, throughout the world.

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But that's not necessarily for competition sake, it's to make sure there is service in all of these regions. And in some cases, it may actually be, I think, as Kaili pointed out, we may actually be distorting the market as opposed to encouraging competition. We may do things that really favor the operators in particular, underserved regions.

And so thinking about it through a competition lens probably isn't quite right. And so we decided that the application evaluation in the work stream was the right place to look at this, as opposed to in our work stream. We do still have an open question that we had yesterday as well, that we will be looking at, which is has the programming improve choice for consumers, for Internet end users throughout the world?

But that's distinct from... You can theoretically have like a Thai website, or a Thai TLD... Yeah, that's true for both Internet users and registrants. But you could theoretically have like a Thai TLD, or an Ethiopic TLD that was served out of a North American location. It would still potentially serve the needs of the user, of the consumers in these other regions, but wouldn't necessarily be a provider in those countries.

So from a choice perspective, we are still going to look at it, just not through a competition lens. Then we spent awhile, most of our time actually, further looking at the data that we would need

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in order to complete our analysis. We now completed that exercise for all of the competition related topics. We still have work to do on the choice related topics.

We, fortunately I think so far, we haven't identified a large number of areas of data collection that we think we need significant amounts of new data, other than what's already been, the analysis group or Neilson are already planning to collect. So hopefully we're mostly on the right track at least.

What we did agree was that we're going to try to complete the exercise of working through all of the data sources that we can identify right now, by the end of March. So we're targeting end of March as a sub-team goal to have identified all of the data that we intend to ask for, at least at the moment.

And then that's a good segue into our overall work plan, that the follow up theme we decided is then we're going to focus our work at looking at the question of how we define markets for the purposes for looking at the competitive effects. We'll kick that off in early April, and are looking to have that completed by the time we get to our May meeting in person.

And so that's what we know about the next couple of phases of our work.

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JONATHAN ZUCK: Thanks Jordyn. And I guess back to Lauren for just a moment. We also, I think, sent you an email because of some things that we remembered from the feedback yesterday we thought belonged to your group. Were you able to ingest those and...? Okay.

LAUREEN KAPIN: You sent us an email, but... I'm nodding because I know you sent us an email. No. We were actually engaged in the discussion and weren't looking at our email. But it's now on my to do list.

JONATHAN ZUCK: Thanks Lauren. Questions for Jordyn or for the competition and choice sub-team?

All right. Everybody agrees that everybody else is on the right track? That's kind of stellar. Congratulations teams.  
[APPLAUSE]

And what's next on the agenda? Are we already at the housekeeping piece, or the wrap-up, or whatever it was? Okay. And I know that Eleeza wanted to talk a little bit about Nielson too. So maybe I would push that to the top of this list.



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ELEEZA AGOPIAN:

Hi. This is Eleeza. I sent around a note to the Nielson sub-team, but since we don't really have time to have a separate sub-team meeting, we've already subbed out, I guess you can say. I wanted to raise a question, I guess, to the larger group, and more particularly to the Nielson group since you've been focused on this. Let me just pull up the note I sent around.

So in our conversation with Neilson in Los Angeles, however many weeks ago that was, there were two ideas that were raised to add to the consumer survey. One was adding a 15 and up segment to the population, the survey respondent population, instead of limiting it to 18 and up. So we asked Neilson to look into this, and they did, and there is a cost to this.

It would cost an additional \$5,000 to add that demographic to the survey. They would also ensure that they wouldn't get more than, than in each country where they completed the survey, no more than 10% of the completes per country would be represented by those between 15 and 18. I guess to ensure that the demographic distribution is still accurate or represents that particular country.

So that was one question that I wanted to pose to the group as an additional, that would be an additional research cost to consider. The other piece was related to, I think it was Carlos who raised this, doing face to face interviews with some of the

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survey takers to get into more detailed questions about trust and provide a little bit more, I guess, color and depth to our questions about trust.

So we asked Nielson about this as well. What they came back with was to do 10 interviews per country, so that's 240 in all, there are 24 countries, that would be conducted in all of the languages. So there is a translation cost. It would be \$26,800. They provided an alternative, which was to do it in only English speaking countries, and I think we all know what the limitations are there.

That would be a total of 60 interviews for \$8,000. So obviously the translation cost is really what the, what is driving up costs there. So I wanted to put that to the group to see if those are two things you would like to pursue. If so, we'd have to go back to Neilson and probably do a contract amendment, I think. So it might take a little bit of time, but otherwise we're kind of nearly there with our questionnaire.

There is one outstanding issue that David raised with me yesterday, and I sent around to the Nielson sub-team list, which I don't know if David, you want to get into that as well, or we can talk about this first and maybe we can talk about that question too if we have time.

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CARLOS RAUL GUTIERREZ: My curiosity has been satisfied. Carlos. My curiosity has been satisfied. I take the questions back.

JORDYN BUCHANAN: It's Jordyn Buchanan. What's...? Can you guys remind me what the budget for the next, until the end of this fiscal year is remaining on additional research funds available?

ELEEZA AGOPIAN: I had 250, and you had... Was it one or 150? 150. So about 400,000.

JORDYN BUCHANAN: So these combined will consumer 7 to 8% of the remaining research budget, is that correct? And Eleeza, I didn't see any scope. Like I don't understand quite exactly what the interviews would look like. So it's hard for me to assess the value of, based on the limited amount of text that you forwarded.

ELEEZA AGOPIAN: I agree with you. We didn't really get into what exactly the questions would be. I think it was based on a certain number of questions that they probably typically do, but we haven't gotten into what they would actually asked. The idea was to drill down

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further into issues of trust, and it would be more obviously more anecdotal data.

You know, it would also take some time to work through those questions, particularly for [inaudible] going back and forth.

JORDYN BUCHANAN: Jordyn Buchanan again. One other logistical question. When you say that you have to do a contract amendment, and that would take some time, for the interviews, those don't necessarily need to happen at the same time as the survey, but presumably adding the younger respondents, that would need to be resolved before they could field the survey. Is that correct?

ELEEZA AGOPIAN: This is Eleeza. Yes, that's correct.

JORDYN BUCHANAN: And do you guys have a sense for how long it would take to actually...? Like how much were we talking about...? Like in addition to the \$5,000, what's the opportunity cost just in terms of time? In terms of how much longer we would think it would take to field the survey as a result of this?

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ELEEZA AGOPIAN: My guess is another week or two. Not that much, but there is a time so I wanted to raise it. There is a time cost. And we're now already past the point where it has been a year since the last survey.

JORDYN BUCHANAN: That came up in the discussion, I think someone else asked this in the discussion in LA, and I don't think we got an answer that, or I didn't hear one. Is there some seasonality...? Is there some reason why they think exactly a year later is important? Like, you know, they are going to get different types of people, or people angrier at different months?

Like why do they think it's important to do it as close to a year later as possible?

ELEEZA AGOPIAN: I don't think that... I think it's just in the interest of keeping it to a certain timeframe. If it's 13 months or 14 months, I don't think we're really hurting ourselves, but we do have a commitment and a contract with Nielson. I mean, it's not just the one year or keeping it to exactly 12 months. [OFF MICROPHONE]

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JONATHAN ZUCK: This is Jonathan. I think I'm the one that asked them that question, and I feel like he left the inference that there were other factors, like that were seasonal. Like the winter versus summer would in fact leave the potential... He couldn't define it or give it any kind of weight, but that they genuinely when trying to do these types of surveys that try to do them around the same time of year as what he was saying.

So we didn't drill further into detail on that.

We'll see about that. Other thoughts, questions about the Neilson survey and whether we should go forward with the youth portion and with the other interview portion? Should we go forward in English only? Or should we go forward with multi-language? Or not at all?

WAUDO SIGANGA Waudu here. I think as she was reading out, I heard a mention about repercussions with regard if we go English only rather than English, French. What are those repercussions?

ELEEZA AGOPIAN: The repercussions would be, it's just less data and it's less representative of the global Internet community. And it's not just French. We're conducting the survey in Portuguese, Chinese, Russian, and I believe Japanese too.

WAUDO SIGANGA:                    Okay, that’s understandable. I was worried that maybe there was some political repercussions or something.

ELEEZA AGOPIAN:                No, not at all.

JORDYN BUCHANAN:            Hey Jonathan, it’s Jordyn again. I’ll give my answer, and see if other people have opinions as well. So I would think it would be worthwhile to add the younger demographic, and spending that \$5,000, it’s about 1% of the remaining research budget so it shouldn’t impinge on that significantly.

And I think a week or two in time is probably not a huge deal either, and the data would be interesting, it would be interesting to me to see if there is a different effect amongst the younger demographic.

The surveys, I wouldn’t want to commit to spending money on until we understood them a little better, I think. So I suggest that we spend a little bit more time working with Neilson to understand like what the capabilities are, and we hope to get out of them before committing to spend that money.

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No, no, I agree we... I just think we need... Either we need to define more what we want and have them agree that's what they're going to do, or just get a, how many questions is it going to be, like how, like what sort of responses, like maybe they have a sample of similar interviews they've done in the past just to get a sense of what we expect to get back from it.

JONATHAN ZUCK:

Jordyn, I think that's a good idea. I think affirmatively though, we probably, in order to get them to even work on that too much, we probably have to say we want to do it, but want to control what the questions look like or something. There is probably a limit to the business development piece of this, I don't know.

Any other questions or comments about this? That you feel strongly one way or the other on this?

CARLOS RAUL GUTIERREZ: When are we going to hear the first section of the registrant's survey?

ELEEZA AGOPIAN:

This is Eleeza.



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CARLOS RAUL GUTIERREZ: I'm sorry, this is Carlos. Because I would agree, we need these point of reference also with the other part of the survey.

ELEEZA AGOPIAN: So you're asking, when are we going to start looking at the registrant survey questionnaire? So the answer to that is I believe, we'll probably see a draft of that in April or May. [OFF MICROPHONE]

The draft of the survey instrument.

JONATHAN ZUCK: I never know how to go about voting for these things. I mean, that's the issue. So are people generally...? Does anyone disagree with the notion that if we go forward with interviews we should keep them multilingual? That it's worth the additional money to make them multilingual if we do them at all?

Okay. [OFF MICROPHONE]

KAILI KAN: Yeah, sorry. Kaili Kan speaking. Yeah. When you say multilingual, how multi? [LAUGHTER]

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ELEEZA AGOPIAN: So for the survey... The survey is being fielded in 24 countries, in each country, it is in the local language. So in China, it's administered in Chinese. In Russia, it's administered in Russian. And there is a cost to, we are working off the English language version, we translate to the local version, it gets checked and verified by local people, and then responses, particularly the open text docs, have to get translated back to English.

So when we do face to face interviews, it's a similar... That's why the cost is so high. We're doing back and forth translation and validating the translations.

KAILI KAN: [Inaudible] translation of these survey questions... Please. Kaili Kan speaking again. Yeah. Translation could be used by the highly professional translators, very costly, or just by college students?

ELEEZA AGOPIAN: Nielson uses professional translators.

KAILI KAN: It really depends on what you translating, is just survey questions? College students do fine.

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ELEEZA AGOPIAN: We're not relying on college students.

KAILI KAN: Okay.

ELEEZA AGOPIAN: At least, that is not the service we are paying for.

UNKNOWN SPEAKER: I think the issue of multilingualism is very important, and one that we shouldn't take lightly, because it has come up in various ICANN communities. And ICANN, I mean to keep in line with ICANN's sort of, yeah. [OFF MICROPHONE] No, I totally agree. [OFF MICROPHONE]

JONATHAN ZUCK: This is Jonathan for the record. So to get to Jordyn's question is, and I'll be honest, I don't even remember what our rationale was for adding questions. There is more questions on trust, it was to get at more stories or something like that. And so, so the other question is at \$26,000 because that's now the decision, it's no longer six, right? At \$26,000 is that a worthwhile investment for the group to make in getting the additional data?

So the folks that thought it was a good idea, particularly think about that question. Yeah.

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ELEEZA AGOPIAN: And just a little more detail, I should have added this as I'm looking at the notes they sent me. These interviews would consist of five to six open ended questions.

JORDYN BUCHANAN: Maybe I could suggest the proper way forward on this would be for us to try to formulate what we think those five or six questions would be. And then we could look and say, oh if we had, you know, 200 responses to these five or six questions, would that help us? And if we can't even write five or six useful questions, then it's probably not worth doing it.

And if we do it and say like these are dumb, they're not actually going to help us very much, we shouldn't do it. But if we look at it and say, oh, these would actually be really helpful, then we should. But someone has got to take the time and energy to figure out what we would actually ask.

JONATHAN ZUCK: And I guess to, to affirm, Eleeza, what Jordyn asked earlier, if we said on this, would this, in essence, be a separate effort from fielding the normal survey? Or would it, in fact, be a part of fielding the survey as a whole? Because that creates deadlines for us to get those questions formulated as well.

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ELEEZA AGOPIAN: This is Eleeza. So what I'm not clear on is if they need to know this as they're actually fielding the survey, or if we can let them know afterward, and then they can go back and... Because as I understand it, the respondents are anonymous. So I guess they would need to opt in to do an interview after they complete the survey.

But this is the way that I understood it. I think I need to get more clarity on this.

JONATHAN ZUCK: Laureen, just so that you understand, that was Jordyn making a recommendation for your team to make it a priority to formulate five open ended questions, for us all to do a kind of sanity check on whether it's worth fielding through Neilson.

I will say that our ALAC folks are in large measure in the trust team, and not the competition team, so the other thing I want to report back is we did have a conversation in the competition team about that broader market definition that included non-domain identifiers and things like that, and made a decision... Because he's an economist.

No about, I just want to reassure you about that issue, and we're going to start by adding some questions to the registrant survey,

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to get at it, and then based on those results decide whether further research or something would be necessary on it. Okay?

LAUREEN KAPIN:

So I understand your request, and that makes a lot of sense to me. And I'm going to put everyone in my group on notice now that I'm going to ask you, since today is Friday, I'm going to ask you... Thursday, it feels like Friday. Good, that's an extra day for you.

I'm going to ask you by Monday, by Monday to give me some suggestions for questions, so that we can then compare the list, and distill it down to the ones that we think would be good candidates. So if folks can be on the lookout for that email from me, and respond to it, that would be super.

Monday, Monday. No, it's more. It's Friday, Saturday, Sunday, Monday.

So because I am so reasonable, why don't we shoot for Tuesday.  
[LAUGHTER AND CROSSTALK]

DAVID TAYLOR:

David for the record. But when are you going to send the email?

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JONATHAN ZUCK: So this is Jonathan. So I guess we're going to put the answer the second we said yes on youth, and we're postponing the question on whether or not to do the interviews until we look at the questions, but we also said yes on multilingual if we do. So that's where we are, I think, on Nielson.

As far as the way forward, generally for the team, I think the ways things are...

DAVID TAYLOR: Sorry Jonathan. I got that look. Did you want me to mention those three questions...? Okay, because... Who am I? Who am I? David Taylor. That's the first step.

I suggested, we were talking about this yesterday about [inaudible] some information on consumer expectations. I mention this when we were talking about the bigger group as well as our subgroup. Now that consumers are looking at domain names and they look different to what they used to look, before with the dot COM.

So I suggested three questions, which I think only the Neilson subgroup would have seen. So if you're okay with this, I'll read them out because that's probably the easiest. I don't know if this dispenses me from doing any questions by Tuesday. No, it doesn't, okay.

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Suggestion question one, and I'm absolutely fine in amending these in any way, but when you access a domain name extension, the part after the dot, if the domain name extension in question is descriptive of a service or item, would you expect that the new gTLD, would you expect that new gTLD to have domain names and websites in some way related to the domain name extension concerned?

For example, if you go to dot bank, would you expect to see registrations by banks across the globe? If you go to dot Paris, do you expect to see domain names connected to the city of Paris? If you go to dot film, do you expect to see content related to films? That's question one.

Question two, do you expect any domain name registrations under a certain domain name extension to be subjected to eligibility requirements? And question three, where there are eligibility requirements for a specific domain name extension, the part after the dot, do you think proof that the registrant meets the eligibility requirements should be provided?

So that was getting to the trust and getting to the consumer expectations. So out for discussion.



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JORDYN BUCHANAN: Yeah, it's Jordyn. So I like where you're going with it. I think, I guess I'd be surprised if many people answered no to those questions, the way that they're framed. And in particular, it doesn't get at... I'm not sure I agree with this argument, like a channel argument I've heard from some other registries.

But if you saw, I think we talked about this in the past. If you saw dot doctor, your initial inclination might be to say, oh that's for medical doctors. But then if someone says like, oh, if you see vacuum dot doctor, you probably wouldn't assume that that was like a medical doctor.

You probably assume that was a vacuum repair store. And so if you just say like would you assume, like yeah, if I see the word doctor in absence of any other context, yeah. I'd probably assume that it's medical doctors. But once you add the other context of what the SLD is, often the user might make a totally different judgment about what the domain name is. And so I think that the way the question is phrased, you're going to get a higher yes response rate that what actually would probably be reflective of people's experiences looking at specific SLDs.

All these with surveys, it's really important to make sure that the questions are formulated neutrally in order to make sure you're not sort of...

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CARLTON SAMUELS: I was prompting Jordyn to suggest a way. I like the questions and I like the intent. I was hoping you would tweak it a little bit to get, David invited you to. So I was hoping you would.

STANLEY BESEN This is Stan. Did you use the word eligibility requirement? Or typical respondents going to know what that means?

DAVID TAYLOR: Once they understand what a new TLD is, I think the eligibility bit is a less of a leap of faith, but no, I take your point.

JONATHAN ZUCK: This is Jonathan for the record. I felt like the first question felt nonsensical because I don't go to dot doctor, or go to... I go to an individual site, which sort of gets to Jordyn's question. And so I guess the caveat in the middle there is, would I be disappointed to find vacuum dot doctor because that... Would that then go, oh, here I was hoping that dot doctor was going to be a place to find doctors, and now I realize it's no different than dot com.

Is that the kind of thing we're trying to get to, that this experience might still lead to a decrease in consumer trust, because they're like, oh, this was so great. Now I can go to dot

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doctor to find doctors, and now it says spin dot doctor, and I realize that all of my hopes and dreams are shattered.

CARLTON SAMUELS:

This is Carlton. I mean, that's exactly what I thought Jordyn was going to go to, because I thought it was about whether or not, you know, you have a reduced... Your expectation is kind of punctured when you get to that. So I thought maybe you were going to suggest that you flip the question a little bit, to achieve that goal.

Because I think that's what David wants to find out.

DAVID TAYLOR:

David Taylor for the record. Yeah, I put these together very quickly. It was the idea to get where we might want to go. And I think your point is very well taken Jonathan, whether you get disappointing to spin dot doctor. But to me, it really is thing that we're looking at these TLDs, and consumers are looking at 1,200 TLDs, and it's the trust element. So to me, if we've got 600 brands, everyone trusts the brands, it's trusted in the bank, in the pharmacy, in the health.

And then you've got these other underlying ones who may or may not have eligibility requirements, and those eligibility requirements may be enforced, may not be enforced. And that's

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where I feel we've got consumers who can get confused and cheated, should we say, potentially. Not including brands who may well want to say, well this is an eligibility requirement, we don't need to register in there, and then they find that the eligibility requirements aren't enforced, and everyone has registered and their brand has been registered.

So they may then have an issue. So that sort of thing is down to the others, the open ones, the dot bike, everything completely open. And it's just really, we're looking at the layout of the land and how it's changing. And I think the experience users have, with one type, they will infer that maybe it's the same on the other type.

And we're going to get 10,000, 100,000 of these in the future. So it just seems to me something which could be somehow studying.

JONATHAN ZUCK:

Jonathan. So maybe a better example is if you come to foot dot doctor, would you have a reasonable expectation that was in fact a certified medical professional, as opposed to somebody selling Gold Bond Powder, or something like that. As opposed to vacuum or spin or whatever. Is there something where I've created an expectation because that domain...

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I think Jamie was next and then Jordyn.

JAMIE:

Yeah, I mean, I know... I think it's really important that when we ask, these questions are asked that they're not leading, and they don't have baked in premises behind them, like there is something inherently bad with second level domain and dot doctor that is not a medical doctor.

I mean, that may provide more information and choice to consumers about podiatrists, or who are not necessarily doctors or shoe doctors, or computer doctors, or car doctors or whatever. And the other thing where this becomes difficult is, what's the line between you know, whatever consumers may infer from a name, versus what is actually the content of a particular website.

So they may, you know, the real issue isn't so much, may not be so much, whether they're disappointed with spin doctor, but if it's, if they go to a regular doctor, whatever doctor, [inaudible] doctor, and they get info on computer peripherals, or can they tell, based on the name as well what's on there, what the use is of the...

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Right, no, that's what I'm saying, yeah. So it's going to be, I mean, looking at consumer reaction, I think you have to look at both the name as well as the context.

JONATHAN ZUCK:

If I could speak for David, I think he sees the segmentation as a potential to increase consumer trust that might be lost, which is different than having it be a cause for a decrease in consumer trust. And I don't know whether or not we're equipped to evaluate that, but there is a potential good that might not be realized, but that's not necessarily a negative, right?

JORDYN BUCHANAN:

Jonathan with your foot dot doctor, the reason why I said I don't necessarily believe the argument against earlier... I think that it is true that if you saw vacuum dot doctor, you wouldn't be confused. I think the risk is, in something that [inaudible], or if you just saw something like David Taylor dot doctor, that's, he's not, there is nothing in that that makes me...

There is nothing in the second level domain that makes me believe that David Taylor is a doctor, but probably when I look at that whole thing, I believe that he probably is. And so it's hard to figure out what a registration policy would be that would allow someone to get vacuum dot doctor, who is not a doctor, but

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David Taylor to not be able to get David Taylor dot doctor because he's not a doctor, right?

And so, I think it's just... It is possible that the TLD conveys trust in particular situations, and so therefore you want to have a general rule, even though there is tons of examples of particular strings to where people wouldn't be confused at all.

And I think this is hard to get at with a survey. I actually think this is an example where the interviews would be a lot more helpful because you can pose, you can get people's sort of more nuanced reactions as opposed to saying like, oh do you think, yes or no. [CROSSTALK]

LAUREEN KAPIN:

This is Lauren. So I think that the questions that David is proposing get at really important issues. I think if we chose to pursue these, Neilson would work with us because that's their expertise to make sure that the questions aren't leading, otherwise we don't have to pay the big bucks for them to design the surveys.

Right, we could do crap surveys ourselves. But if we want to have really balanced surveys, then Neilson can help us refine the issues, but I also have the same thought that I think you and Jordyn must have, that maybe these might be good topics for

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open ended questions, because there are a little more, they're more expansive and they, I can hear a narrative answer versus a yes no answer, based on the concepts that you're raising.

DAVID TAYLOR:

David Taylor for the record. I agree completely, and I think it's probably a combination of both, because you can go for the questions and we get a statistical set of replies, and we can elaborate with, you know, the interviews and I think that would bring us a lot more.

JONATHAN ZUCK:

So what's the action item though in order to execute on this? Is it asking Neilson about adding more questions? Because the other concern they raised was the overall length of the survey. So I mean, adding regular statistical questions is, comes at some cost of fatigue on the part of the questioned.

So that's the thing. Are we trying to ask them to add three more statistical questions in addition to interview questions?

DAVID TAYLOR:

David Taylor for the record. Yeah, because I think when we add the presentation, we would need to take some questions out, which is why I just wanted to circulate these as ideas, because it



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may be we take some out, we may not put these in. But I think we really need to look at the questions and decide which are the most important ones that we want in there. And I just do feel that this is such an important subject, because it goes to the heart of the trust and the consumers.

So and that's why I asked Eleeza to look through and see what questions we got in there, which we're almost in this area. And you circulated those a few of those, which weren't a point, but they weren't that far off, hence I suggested these are the three. So I think we need this to work, because those are the three questions that are going to be flipped into the [inaudible] and put one of these in. I don't know.

JONATHAN ZUCK:

Should we make it a point to convene the Nielson sub-team and very, very soon, and to get this resolved? We've gotten feedback from the group, but maybe a smaller group kind of working these a little bit. We can make a decision about whether there is anything that can be dropped versus to accommodate adding these.

CARLOS RAUL GUTIERREZ: Yes this is Carlos. I'm part of the Nielson team. So I agree with that. But I want to remind that the type of questions that

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Neilson does, they are very good, and they are the best company in the world. It's about consumer perception. There were some other questions that you were discussing here that might be structured in a different way.

Like, getting some youngster to test working on browsers and so on, with inputs from other people like [inaudible] house and so on. If we have the resources, I would think that some issues of trust can be tested with other type of surveys, that we can think about down the road.

More down to earth, more real life on the browsers, and so on. And this is not necessarily Nielson's experience, and yes we have to reduce the length of the questionnaire.

JONATHAN ZUCK:

Okay. So the action item is for the... Thank you Carlos. So the action item is for the Neilson group to take this up. And Carlos is absolutely right, I mean, it could be that we decided that there is some other way to peel this onion, including the interview questions or some other type of survey product that's like a [inaudible] map or something like that.

Okay, so anything else on that topic? To convene the Nielson subgroup soon, and to come up with a definitive set of... To see

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if there is a few questions that can be removed in order to add these, I guess is the issue.

That sounds like a perfect size.

So next on the agenda is sort of the way forward. And given our interactions with the PDP on subsequent procedures, I think we're not going to completely table the application evaluation process for the sub teams, but operate them in conjunctions. So we will probably use our group calls to get down the road to the taxonomy that we discussed this morning.

And then, and those will be every other week. And then on the alternative week, will be the sub-team calls, and I think we're going to try not have them simultaneously happen at the same time because I think very, it's very likely that Eleeza and I and whoever else we can get on it will be the metrics ninjas.

And I think like, especially initially, to be on both sets of sub-team calls if we can. So we'll try to schedule those in such a way that we can participate on both of those calls. So does everybody kind of get that? That one week there will be all of us together, and that we'll probably be focused on the taxonomy, the evaluation and the application process, and then that alternating week will be the sub-team call to continue down this path of identifying supplemental research that we need.

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Exactly. And then there is... You did some slides of the things that you wanted to make sure that I reminded people of to, as a housekeeping exercise.

JONATHAN ZUCK: Go ahead. She got it. You're dealing with someone highly efficient down there at the end of the day. What do you need?

UNKNOWN SPEAKER: Thank you for your protection.

JONATHAN ZUCK: Thanks Alice for putting this together. What we have up here are the email lists for the various sub-teams. And as you know, we decided this morning that we're going to make some kind of migration to slack for these ongoing discussions within the interim. These are the categorized discussions that we'll have in our inbox.

I'll work together with ICANN staff to figure out how best to make a fluid migration of those discussions. But in the interim, we have the CCT review overall, the Neilson, the competition, and the safeguard. I guess we don't have application because it's overall. Staff requests.

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And that's been fixed so we can email to them. And then the avenue for community input. You've heard me mentioned a few dozen times over the course of the week, is input to CCT at ICANN dot ORG.

And the action needed to identify a protocol to handle this input. I think that protocol would be to forward, it might fall on staff, to forward those emails to the sub-team lead for which they seem appropriate, and let them figure out their protocol.

ALICE:

Hi Jonathan, this is Alice. So would you like staff to send like receive notes to the person who sends the email saying, this is to notify that the email has been sent to the CCT review? Or do you want us to have like an automatic acknowledgment message?

JONATHAN ZUCK:

Thanks Alice. I think it would probably be good just to make it an automatic message that says, thank you. We've received your input, and it has been forwarded to the respective sub-team lead. [OFF MICROPHONE]

And then the public Wiki is a repository for information and interface with the ICANN community. And so that's where the archives and a lot of things are going to be. Jordyn is setting up CCT dot Wiki as a URL. We'll be able to give out to people to go

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right to it. It works already. So the Wiki, if anybody asks, is CCT dot Wiki.

Right. So it's just forwarding, forwarding. Redirecting, exactly. This is Jonathan again for the record. One of the things that came up today, this week here at ICANN, is that a lot of people were giving updates to a lot of their respective groups about what we're doing.

In fact, the IPC got two updates. Which was big fun. And so, and the staff recommendation, and I'm inclined to agree, but happy to get feedback, is to kind of let people know that you have one coming up, and that we might start a repository of slides or something like that, so that we're all kind of up to date on the message that we're delivering out to the public.

I know everybody in their relative constituency has the parentheticals that they're going to deliver, and things like that. But let's try to keep a repository internally of upcoming speaking engagements about the CCT review, and make sure that we're arming people with good information to put out there.

And then if you do other things like blog posts, and interviews, and social media, etc. cc or bcc staff. I guess the staff URL is the best thing to cc or one of you? Just the whole stuff thing, and then they'll add to that to the repository on the Wiki as well. You know things...

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Like I did a blog post that was designed, futilely apparently, to get people to come to the public engagement session. I got 500 people to open it, but... But anyways. As we do more things and discuss and write more articles and things like that, they'll put them on that as well.

And then we'll operate under the ICANN standards of behavior. We'll do our best. Exactly. I'm not comfortable with that restriction either, but and then finally, in discussions with Laureen, with the legal team, I think that Laureen's concerns and those that were concerned about the use of the term ancestry, etc. were not really sufficiently addressed by the legal team. It feels like the easy caveat to that is that if you sign the new statement of interest that references the old code of conduct, or conflict of interest policy, you can add, with your signature, to the best of my knowledge.

Is the thing that you're preventing yourself from being opened up to people that might be somewhere in your family tree that might be thought to be a conflict that you didn't even realize, or something. So the best of your knowledge, and you put it, according to Laureen, add it right with your signature. I don't know if you want to add color to that. [OFF MICROPHONE]

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JORDYN BUCHANAN:           Laureen, why...? So I think they did just drop in David's definition didn't they?

LAUREEN KAPIN:           That's okay. I mean, I'm sorry that we're even spending so much time on this. But I think David, correct me if I'm wrong. I thought your suggestion was to limit the phrase family to a defined set, which is perfectly reasonable and if they had done that I would be happy and would be shutting up now.

But what they didn't do that. Instead what they said, as used in this conflicts policy, the term family, and remember the term family includes ancestors, which was our problem in the first place, so they said the term family includes relatives, which may be a child, parent, grandchild, etc.

Well I already knew that family includes that. So this doesn't do anything except... [OFF MICROPHONE]

They didn't respond to, yeah, they didn't respond to it. So you know, I don't know. So I mean, I think folks at the end of the day just need to do what they're comfortable with. I'm going to look at it one more time while we're in real time, but what I would say, is folks should take a look at it.

If you think this is the same as the other one, you know, feel free to sign it. But I would advise for everyone to do your due



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diligence like David said, you know, to think about the conflicts policy, if there is something in your family history. And if you are then satisfied that you can sign this, so to say to the best of my knowledge when you say.

When you say by, and that's your signature, I would write... Actually, I Laureen Kapin... If you look at your affirmation, so I would write, I Laureen Kapin, to the best of my knowledge, and then hereby affirm. That's what I would do.

JONATHAN ZUCK: Is everybody comfortable with signing the document on that basis?

KAILI KAN: Kaili Kan here. Well it's like almost 10 pages. Do we need to initial every single page? No? Well then, who knows whether... Just my... I'm used to...

JONATHAN ZUCK: ...contracts all the time, after they're signed.

So also up on the screen... This is Jonathan again for the record. Are the projected next calls for the overall team, which is for the time being, the application evaluation process sub-team. And the staff recommendations have a set of rotating time slots. I

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think we agreed that the rotation was only an hour different, and so I think we're going to just choose one of them that you could live with, on the west coast, that was my understanding.

Okay? Well, because that's the early morning piece, right? Which I know means it's 6 AM for you guys. Sub-team conference calls, scheduled them on a biweekly basis. We just talked about that. And then face to face meeting. The staff is in the process of identifying a location.

A Doodle will be circulated to make sure that we're not in conflict with the other meeting that Dave mentioned for example. And if we can't make Amsterdam work, if you have a venue that you think is legitimate, then please submit it to staff so that they can figure out if it can be incorporated.

All right, thanks everybody. Great couple of days. We'll see you all on Adobe Connect on March 23<sup>rd</sup>. All right?

**[END OF TRANSCRIPTION]**