LAUREEN KAPIN: We have a short amount of time to accomplish a lot. In the interest of using our time well, what I thought we would do is hold off on having the rest of our presentations and instead go back to our brainstorming document where we divided up into different categories. These are Category 1, 2, 3, 4 that we referenced on the reading list. Then start by our Competition group. Make sure we have questions formulated that correspond to those topics and start dividing up into groups to figure out who is going to champion certain topics and start focusing on them.

I thought if by the end of this session we can have a set of questions that we would like to answer that track our four topics and divide up into sub sub-teams to deal with those issues, that will be a good accomplishment. That's the plan. I think Alice is going to bring up our…

UNIDENTIFIED MALE: Can you refresh?

LAUREEN KAPIN: Well, that's why I'm going to have Alice bring it up so that we're all on the same page.

UNIDENTIFIED MALE: We should go to the Adobe? We have our own Adobe Connect room?

UNIDENTIFIED FEMALE: Yes.

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

UNIDENTIFIED MALE:	What is it called? Sorry?
UNIDENTIFIED MALE:	It's in the calendar.
LAUREEN KAPIN:	For everyone trying to connect, this going to be the calendar for the Safeguards and Trust Breakout Session, Tuesday at this time. Instead of getting on Adobe Connect, you can also just get on to our sub-team page. Our brainstorming document, I think our last version is Version 7 from April.

While we're struggling with some technical issues, let me remind folks because I have a hardcopy in front of me from the webpage of what we discussed. For our first topic, which I think was the biggest topic, that is the Impact of the Public Interest Commitments and Other Safeguards. Perhaps we want to reverse that and say the impact of the Safeguards and Public Interest Commitments.

We're having trouble with the documents. If you're having trouble with the Adobe Connect, you may want to just go to our wiki page and you'll see all of the documents. There's an April document, I think it's Version 7, and that is our brainstorming document. April 28, 2016, version 7, you can just click on that. That might be easier while we're struggling with the Adobe Connect.

Are we generally on the same page now? Okay, so are folks on the same page? Okay. Is there anyone who is still trying to find the right page, or are we all on the right page? Okay, great. I'm going to assume we're all set unless I hear otherwise. Good.

When we last dealt with this document, we had put things into categories in order of priority. Alice, let's switch the title for this to Impact of Safeguards and Public Interest Commitments. Safeguards is a broader [word]. I just want to switch the order and start with safeguards: Impact of Safeguards and Public Interest Commitments.

What I'd like to do is to have us come up with a list of questions we want to answer within this category to use that as a framework for our work going forward. We started to do that, but we really never quite finished it. I think that will be a good guide for us for our work going forward.

Do folks have thoughts on what we think are the most important questions here? As I said, there are some questions that we've started, but what I'd like to do is make sure these are the questions we're comfortable with, if things need to be reformulated, if things need to be added so that we have an agreed set of questions we want to answer within each category. Then we'll start dividing up into teams for who is going to tackle what questions.

Thoughts? Carlos?

EN

CARLOS RAÚL GUTIERREZ: I see we have down there other more restrictive boxes. The problem I have with this first page is that [inaudible] based on Brian's paper [inaudible] comment that there are two…

LAUREEN KAPIN: I'm having trouble hearing you, Carlos.

CARLOS RAÚL GUTIERREZ: There is this application perspective and then there is the user perspective. When I see the list here, it says "consumer," which according to our definition are both applicants and user as per our charter. But the question is, are we going to keep it in the general case of consumer there, or are we going to separate applicants from final users? It says here all the time "consumer, consumer, consumer." According to the definition, it is the general case. Are we going to keep it general, or are we going to at some point separate the two components of consumer as per [all definitions]?

LAUREEN KAPIN: That's a fair question. I guess I would put the question back to you: do you think all the categories necessarily encompass both users and applicants? My guess would be no.

CARLOS RAÚL GUTIERREZ: Exactly. That's why I would prefer to start looking at the process. This is a nice checklist, so to say. We'll keep it as a checklist, but then I will try to [separate it] because we have all this overlap with application

process and applicants and so on, and we have a lot of safeguards that are looking for cases that are looking for the final user [botnet].

LAUREEN KAPIN: Just as a general statement, I think we need to realize that as based on our discussion regarding the application guidebook that we are not going to be duplicating work that's already going to be done by the plenary group for the application guidebook. Just as a general premise, I think we're all agreed on that. That's already being done.

Now in terms of the definition of consumer, which includes end users as well as other categories – I think it's registrants and applicants, it includes all of that – that's different. Maybe a way to approach it is to the extent we come up with a list of questions, if it needs to be further segmented into a discussion of, "How does this affect the end user?" "How does this affect the applicant?" "How does this affect the registrant?" that's certainly something that we can analyze as needed, knowing that each group isn't going to be affected the same way. Would that make sense?

CARLOS RAÚL GUTIERREZ: We have a tendency toward the user because we're in the trust part.

LAUREEN KAPIN: That's right.

CARLOS RAÚL GUTIERREZ: Okay, I like it that way. Otherwise, it's just a checklist to prioritize. Everything is important, but…

LAUREEN KAPIN: Right. That's why I wanted to kind of get at creating a new document which gets us more focused into specific questions. Then we can delve into the segmentation as it's needed. I think it's not going to be needed every time, but it may be needed sometimes.

With that clarification, I want to hear people's ideas on what are the big questions in terms of safeguards and new gTLDs that we want to answer. The other thing we can do is start off broadly. What's our big question here that we're going to be dealing with? Which I take as, what has been the impact of the New gTLD Program on consumer trust? Then we have to work our way down to how we're grappling with that.

Thoughts? What my intent here is to come up with a list of questions akin to our Competition folks that we're going to be asking.

UNIDENTIFIED MALE: Laureen, I'm actually opening up a presentation I gave I think it's about a month ago where I had some [inaudible].

UNIDENTIFIED FEMALE: I believe we're still having trouble getting to it.

UNIDENTIFIED MALE: Sorry. I actually don't know if it's going to be that helpful. It's just very specific to the DNS abuse safeguards.

UNIDENTIFIED FEMALE: Thinking about the subject matter of this sub-team, it's safeguard consumer trust, right? So I guess one of the questions in my mind is, do you see those as [inaudible] exercises that you then try to synthesize or are [inaudible] of work that are parallel but related or are you trying to come up with one set of questions that addresses both? Were the safeguards effective and, two, what has been the effect of the program on consumer trust? Do you understand the question?

LAUREEN KAPIN: Yeah, I do understand the question.

UNIDENTIFIED MALE: I would keep it separate and bifurcated because consumer trust could be affected by a multitude of things that the safeguards could not anticipate. That's a much bigger thing that we're going to be looking at there because it might [inaudible] a new safeguard [inaudible] created even if all the other safeguards were highly successful and fantastic. It's just there weren't enough safeguards [inaudible]. That could be a conclusion. Then a [inaudible] thing would be the critical analysis of the safeguards.

LAUREEN KAPIN:	What do folks think about that? Does that sound like a reasonable approach? Yeah?
UNIDENTIFIED MALE:	I'm not quite sure I understand it. What do you mean? Bifurcate the analysis of safeguards and trust and not try to…
UNIDENTIFIED MALE:	They'll certainly be related certainly with every single relationship [inaudible].
UNIDENTIFIED MALE:	Okay.
UNIDENTIFIED MALE:	Perhaps I misunderstood your question. Did I misunderstand your question?
LAUREEN KAPIN:	I don't think so.
UNIDENTIFIED FEMALE:	Yeah, you were saying they were [inaudible] to that question.

UNIDENTIFIED MALE: Yes, I was saying [inaudible] analysis where there are safeguards created to protect consumer going forward with the New gTLD Program, but those safeguards may not have factored in every single thing that could affect consumer trust. Therefore, that consumer trust universe about how consumer trust was impacted is going to be a broader [inaudible].

UNIDENTIFIED MALE: Right. Okay.

UNIDENTIFIED MALE: You're still going to draw relationships and all that. You have discrete safeguards you can look at and you can pick apart those safeguards and come up with research questions for each one of those and come up with your methodology of how you're going to tackle how effective that safeguard was at its purported goal.

Whereas, consumer trust we're going to answer in a broader way looking at, well, we're talking about the DNS abuse. Because as you know from the Nielsen report, consumers could have a perception of being able to trust something, but perhaps that trust is misguided because they're duped more often than new gTLDs or whatever it might be. It could be consumer is affected in a multitude of ways that aren't taken care of by the [inaudible].

LAUREEN KAPIN: Okay, does that make more sense?

UNIDENTIFIED MALE: It does, yeah. The way I would suggest approaching this is have high-level columns. Essentially what we're proposing, even if it's just highly theoretical or hypothetical, is in some fashion even if it's miniscule a safeguard has some impact on trust. It might be that small. There might be many other variables, but I think categorizing it, say, a safeguard, what the safeguard is. On the other side, the response variables, trust, and then the proxies for trust that we're trying to assess. Presumably, there are going to be proxies for trust that we want to look at, right?

LAUREEN KAPIN: I think that's going to depend on the safeguard as to what's susceptible, especially to the point I'm thinking about your presentation with that quite a long list of safeguards. Not everything is going to be as susceptible to having a proxy or not.

UNIDENTIFIED MALE: Right.

UNIDENTIFIED MALE: Do we have…? If we take trust as the response variable, if we're saying that the New gTLD Program has impacted trust, we're proposing a hypothetical relationship there. In some level, we have our safeguards. We know what they are, so that side of the column is fixed. But on the trust side of things, what are we analyzing the effects of? What are the proxies for trust that we're looking at?

I guess perhaps that's a rhetorical question for now, but that's the way I tend to think of it: a safeguard unit, again even if it's purely hypothetical or just purely a mental exercise, to look at it in terms of having some effect on trust helps structure each sub-study, if you want to call it, which safeguards impact on trust.

UNIDENTIFIED MALE: Maybe I'm thinking about this wrong but isn't the first question, has the safeguard been triggered? Has it applied at all? Then, if so, what's the impact? Then looking at, what's the assessment of that impact? I guess that takes in qualitative consumer trust survey kind of stuff. So you look at each one and you see if it has been exercised at all. If it hasn't, then that's [inaudible]. Then you just say, you have too early or whatever. Then continue to the extent that it has been triggered or exercised.

UNIDENTIFIED MALE: Right. Then you can start to assess things like impact and whatnot.

UNIDENTIFIED MALE: Right. Then from the consumer trust universe you could figure out, there was this issue. We thought the safeguard would have been applicable, but this safeguard was never used.

UNIDENTIFIED MALE: Right. So that [inaudible]. Apart from whether or not a safeguard has been triggered, you say there was an incident and it has had an impact on trust.

UNIDENTIFIED MALE: Yeah, absolutely.

JAMIE HEDLUND: Also, I don't necessarily think there's going to be a neat relationship between a safeguard and trust. Far from it, given this exercise yesterday and how difficult it is to tie things together in that way. But I think just as an exercise as we move forward to build out our list of questions thinking that way [inaudible] as well will be useful.

LAUREEN KAPIN: Yeah, I think that's a useful construct, Jamie. I also think in certain cases we may have information on what the intent of the safeguard was. If that's the case, we probably would want to include that as well because when we're asking about the impact, a useful question is, what was the intent and was that intent achieved?

UNIDENTIFIED MALE: Yes, absolutely. [inaudible] what the Board did was if, in its view, a lot of the GAC Advice was not implementable in its literal terms and so it tried to implement the spirit of it and came up with something that feasible. So a legitimate question is, if it didn't work, would a different interpretation have then? Or if it did work…?

LAUREEN KAPIN: Go ahead.

DREW BAGLEY: [inaudible] one more time [inaudible].

LAUREEN KAPIN: And that's Drew for the record.

DREW BAGLEY: Sorry. This is Drew for the record, and I don't think I've said my name at all or any of us have.

I think, going back to our discussion from the bigger room, examples of when this issue might come up where a safeguard could have been triggered because the incident maybe was there but it wasn't triggered would be a standing issue where there's a problem but whoever it was didn't have standing to utilize the safeguard, if we're talking about maybe a dispute resolution. [inaudible]

JAMIE HEDLUND: It could be a standing issue. It could be that there just wasn't a safeguard to address that issue that had a negative impact on consumer trust.

LAUREEN KAPIN: Yeah, although let's try and keep the examples clearer, what we're dealing with, which usually is not going to be a standing issue.

UNIDENTIFIED MALE: Well, I'm thinking – and I know we haven't gotten down there – but when we're talking about the rights protection mechanism. That's where I'm thinking you could conceivably see that in there perhaps. I don't know.

LAUREEN KAPIN: Okay, actually this sounds like a logical approach. In that regard, Alice, can we just break down, yeah, list the questions one after the other and have them indented? Yeah, right.

In that regard, what I think we're going to be doing then is really delving into [inaudible] list of safeguards and dividing up. I think one way to divide up the work for the safeguards, and I would suggest that this is probably something we're all going to want to work on because it's one of our biggest chunks, I'll say, is thinking about the safeguards and which particular sets of safeguards we all want to be focusing on. Because how many of them are there? There are, I don't know, 30 or so?

UNIDENTIFIED MALE: Yeah, I think 25.

LAUREEN KAPIN: Yeah, so that's probably an exercise we're going to want to focus on. We'll ask folks to take a look at the safeguards and think about which ones you want to be grappling with. That's great. Let's do that as an action item. If we have time today now to do that, we'll do that. But

before we do that, let's finish going through the list so we can finish our [buckets] of questions.

As we're going down this list – "Impact/Reduces harm?" – think that these other questions about the "Impact/Reduces harm?" I think that is subsumed in these questions above: what was the impact, what was the intent, was the intent achieved? I think we're going to be asking, what was the impact of a particular safeguard? Whether there was a harm that was produced or whether there was too much of a cost compared to the harm. That sort of thing. So I think these bigger questions encompass that sort of analysis.

My question to the group now is, do we think this list of questions for the safeguards and the public interest commitments and the trademark protections, are these questions broad enough for us to engage in the kind of analysis we think it going to be useful here, or do we need to ask any more questions?

Carlton, are you stretching, or would you like to speak? Carlton is going to do the stretching lead for when we need it. Do we need to add anything here? Okay, I'll take silence as no for now. Go ahead. Okay, Drew and then Brian.

DREW BAGLEY: I would just say when we came up with this we were just kind of brainstorming variables that might be a factor in whether or not there was an impact or harm. Now under the current analytical construct under which we're going to work, I don't know that this list really makes sense.

LAUREEN KAPIN: Yeah, so I think these go away.

DREW BAGLEY: Yeah. Those are things on the backend we're going to say, "Why did this happen?" "Oh, this was a regulated deal."

LAUREEN KAPIN: Right. We have a Version 7 of this document, so we'll be able to look back if we want to go back to questions that we think are useful. But for this document, Alice, I would say we probably want to then get rid of all the "Impact/Reduces harm?" all the way down to – keep going – not down to Compliance. I'm sorry. Can you scroll up? We'll keep going down to the end of "Regulated gTLDs." I would take away the "Compliance" too because that's really a data request.

ALICE JANSEN: So you would remove everything from "Impact" to the red line, the red text?

LAUREEN KAPIN: Yeah.

ALICE JANSEN: Do you want to remove all this?

LAUREEN KAPIN: Yeah, because we're creating a different document now.

ALICE JANSEN: And "Compliance" as well?

LAUREEN KAPIN: Yeah, and "Compliance" as well because that's really a data request. Actually, I would remove all the gray stuff too. Okay, good.

Okay, Brian?

BRIAN AITCHISON: I think I could say something just looking at this [inaudible]. I see a table emerging, a sort of "safeguard," "intent," "result," and probably one other column too broken down, and then each team goes through and stars building that out. Then maybe start putting in "resources," another box like a resource link. I don't know. Something like that.

UNIDENTIFIED MALE: Yeah, and before "result," "triggered."

BRIAN AITCHISON: "Triggered," yeah.

UNIDENTIFIED MALE: "Triggered" and then "result" because, like Jamie said, we would never get the result if it wasn't triggered.

LAUREEN KAPIN: Yes, "safeguard," "intent," "triggered," "results." Yeah, I can see that. Okay, so I think that [inaudible] construct. Is everyone comfortable with that? Yeah?

UNIDENTIFIED FEMALE: [inaudible] safeguards?

UNIDENTIFIED MALE: [inaudible] volunteer [inaudible].

LAUREEN KAPIN: I'm thinking we probably can divide the safeguards into – I think there will be natural buckets that they fall into. For example, we know that there are rights protection mechanisms. We know there's a small bucket of that. So I'm thinking there are likely buckets of these.

UNIDENTIFIED MALE: Yeah, well, I had them broken down in the document yesterday, into the DNS Abuse, Rights Protection, and the third one, Name Collision. Also, I have that as [inaudible].

LAUREEN KAPIN: Actually, can we jump to Brian's document for a moment, Brenda? We may as well just divvy this up now because we probably have things that we're naturally interested in. Here's my big leadership insight that has

been drilled into me time and time again, which is that my strong preference would be is choose something you yourself are interested in. Don't make me give you homework on things you're not interested in. Tell me what you're interested in. I'd much rather have you do that. Let's just divide up and choose what we're interested in. That's going to be more effective, I think. We're going to get Brian's document up. There's a link that's in the chat. People can click on the link.

This first set is what I'll technically call the "techy." If anyone wants to share with me, I have the document up. The first batch of safeguards is the technically oriented ones. That's Vet Registry Operators, DNSSEC Deployment, Prohibition of Wildcarding, Removal of Orphan Glue Records, Thick WHOIS Records, Centralization of Zone File Access, Documented Registry and Registrar Level Abuse Contacts.

We basically have three buckets, and I'm going to put name collision, even though it's not a right's protection mechanism, I'm going to put it there because to me it's IT sort of tangentially related.

UNIDENTIFIED MALE: Never.

LAUREEN KAPIN: Never? Is it not? Am I misunderstanding it?

UNIDENTIFIED MALE: I wouldn't put it with that. [inaudible]

LAUREEN KAPIN: What's name collision? Is it technical?

UNIDENTIFIED MALE: It's technical, isn't it? It's internal network using the TLDs [inaudible].

LAUREEN KAPIN: Okay. I'm thinking someone using this [inaudible] and I'm probably just misunderstanding it. Let's put it in the technical bucket. Thank you for that helpful clarification.

UNIDENTIFIED MALE: He's not charging you by the hour.

LAUREEN KAPIN: Right. I'm glad because he's very expensive.

UNIDENTIFIED MALE: I'll give you a discount.

LAUREEN KAPIN: Maybe we can put that in the first category. Just for our own understanding, we're going to put the name collision in the technical category. We basically have three buckets here, folks. We have what I'll call the technical category. We have the Spec 11 and GAC Advice category, and we have the rights protections safeguards.

Let's go around the table and tell me what you want to work on. It's my hope that serendipitously we won't have everyone clumping into the same category. Drew, what would you like to work on?

DREW BAGLEY: DNS Abuse. What a surprise.

LAUREEN KAPIN: There's a surprise. Alice, you're going to keep track for us?

ALICE JANSEN: Yes.

LAUREEN KAPIN: Carlos?

CARLOS RAÚL GUTIERREZ: I…

LAUREEN KAPIN: Do you want to just wait and see what is needed?

CARLOS RAÚL GUTIERREZ: I'm trying to organize my thoughts in a more matrix form than in a list. I will wait and see, yes.

LAUREEN KAPIN: Okay.

CARLOS RAÚL GUTIERREZ: But I will come back with…

LAUREEN KAPIN: Yeah, that's fine. Fabro?

FABRO STIEBEL: I'll go for [attack aspects].

LAUREEN KAPIN: I'm sorry. For what?

FABRO STIEBEL: For the first group.

LAUREEN KAPIN: For the first group? Okay. We'll call that the technical stuff?

FABRO STIEBEL: Yes.

LAUREEN KAPIN: Yes. Okay, good. Tech [inaudible]. So we have one in our DNS Abuse and one in technical. Calvin?

CALVIN BROWNE: I think [inaudible].

LAUREEN KAPIN: Shall we put you in technical because you [described yourself as] [inaudible] good at the technical stuff?

CALVIN BROWNE: Yeah, give that a bash.

LAUREEN KAPIN: Okay, Calvin will give that a bash. David?

DAVID TAYLOR: Name collision. RPM.

LAUREEN KAPIN: RPM. Okay, I'm going to go for the DNS Abuse.

UNIDENTIFIED FEMALE: I'll go for [DNSSEC]. I'm hoping we don't say it's [inaudible].

UNIDENTIFIED MALE: Which one [inaudible] Spec 11?

LAUREEN KAPIN: That's DNS Abuse.

UNIDENTIFIED FEMALE: No, that's [inaudible] category.

UNIDENTIFIED MALE: [inaudible]

LAUREEN KAPIN: Oh, I'm sorry.

UNIDENTIFIED MALE: I'm lost now.

LAUREEN KAPIN: Okay, I'm lost too. Okay, so let me clarify. I'm only seeing three buckets. The DNS Abuse reports, that's just Brian's work product.

UNIDENTIFIED MALE: Yeah, but those are the technical safeguards.

UNIDENTIFIED MALE: That's what I thought.

LAUREEN KAPIN: Right. So let me make sure that I'm not confused. So the DNS Abuse reports, which particular DNS Abuse safeguards are we talking about?

UNIDENTIFIED MALE: Everything.

UNIDENTIFIED MALE: Everything. The That's Vet Registry Operators, DNSSEC Deployment, Prohibition of Wildcarding – DNA Abuse. [inaudible]

LAUREEN KAPIN: Okay, everything that follows?

UNIDENTIFIED MALE: Fabro was correct.

LAUREEN KAPIN: Okay. So I have been lumping that into the technical category, but it's really the DNS Abuse category. Okay, so this is my mistake. Let me clarify to make sure that no one has volunteered for something they didn't intend to volunteer.

                        Okay, so the first category is DNS Abuse, the second category is the Spec 11 and GAC Advice, and the third category is Rights Protection Safeguards. The name collision is going in the DNS Abuse category, is that right?

UNIDENTIFIED MALE: Sure.

UNIDENTIFIED MALE: Yeah, that would be technical.

LAUREEN KAPIN: Okay. So then to clarify – and sorry for misunderstanding – that was my mistake. It's the DNS Abuse. So, Calvin, you're both in the Technical and the DNS Abuse. It's only one category. I just was confused.

CALVIN BROWNE: Okay, that's fine.

LAUREEN KAPIN: Okay. So we have Drew in DNS Abuse. Fabro in DNS Abuse. Calvin in DNS Abuse. David in Rights Protection Mechanisms. Myself in Spec 11 and GAC Advice. Gao, what are you proposing to do?

GAO MOSWEU: Which is the least technical?

UNIDENTIFIED MALE: They're all technical.

JAMIE HEDLUND: Name collision is very different from [inaudible].

LAUREEN KAPIN: Is it?

JAMIE HEDLUND: Yeah?

LAUREEN KAPIN: What category does it go into, Jamie?

UNIDENTIFIED FEMALE: I'm not Jamie.

LAUREEN KAPIN: Go ahead.

UNIDENTIFIED FEMALE: I think it's its own thing. I think when you talk about safeguards, it's definitely a set of [inaudible].

UNIDENTIFIED MALE: It's security.

LAUREEN KAPIN: Well, just for the purposes though of assigning it even though it's not DNS Abuse, I'm going to have the people who are volunteering for DNS Abuse also take on that because even though it's its own thing, I see it

as more related to that than the GAC-Spec 11 and the Rights Protection Mechanisms, unless I'm missing something.

UNIDENTIFIED MALE: Well, it doesn't really fit into any.

UNIDENTIFIED MALE: I'm not sure it really fits into any of those. This is something that came up as – I mean, it's not DNS abuse in that as far as I know [inaudible].

LAUREEN KAPIN: Well, let's step back. Is it a safeguard at all?

UNIDENTIFIED MALE: It's not a trust or a consumer protection safeguard.

LAUREEN KAPIN: What is it?

UNIDENTIFIED MALE: It is a security and stability [inaudible] measure. It's not allowing people to apply for numbers as TLDs.

LAUREEN KAPIN: Let me ask the bigger question then. Does it fall within our remit at all?

CARLTON SAMUELS: Yes.

LAUREEN KAPIN: Why, Carlton?

UNIDENTIFIED MALE: I don't think it falls into the subgroup's remit.

LAUREEN KAPIN: That's what I'm thinking, that's why I'm asking the question. Karen, do you have another view of this?

KAREN LENTZ: [inaudible]

CARLTON SAMUELS: If it [inaudible] stability and security of the DNS, it falls into our [inaudible]. [inaudible] so it falls into it.

UNIDENTIFIED MALE: Before typing in on the internal browsers [inaudible] and it screws things up, I think it's [inaudible].

CARLTON SAMUELS: It's about trust.

LAUREEN KAPIN: But is that what it…?

UNIDENTIFIED MALE: It's not really [inaudible].

LAUREEN KAPIN: Right.

UNIDENTIFIED MALE: It's not like the GAC didn't come together and say, "We're concerned about name collision because it's going to affect consumer protection or because it's going to be a vector for fraud or crime or whatever." It's definitely a problem and, yeah, to the extent that anything breaks down on the Internet I guess it's a consumer trust issue.

CARLTON SAMUELS: Yeah.

LAUREEN KAPIN: Right, but that's way too broad. We're not going to include every single thing that's a consumer trust issue for us to [inaudible].

CARLTON SAMUELS: Well, if that's [inaudible], then you don't need to argue about it.

UNIDENTIFIED MALE: I'll just take it out.

LAUREEN KAPIN: Yeah, I think just take it out.

UNIDENTIFIED MALE: If we have time at the end, we can come back to it. How about that?

KAREN LENTZ: I would suggest that we document why you don't think it's in scope for this [inaudible] because there is a whole [inaudible] that looks at [inaudible] etc. So you're saying, I think, you want to define what you're looking at in [inaudible] in terms of safeguards and consumer trust in a particular way. And this particular set of things while it had an impact on trust and now it has become one of the things that was part of the discussion about wanting to put measures in place [inaudible]. Just maybe you [inaudible] just noting why [inaudible].

LAUREEN KAPIN: Well, how did it get in here in the first place? I guess that's my real question.

KAREN LENTZ: Well, I think somebody probably thought it belonged here as a safeguard because if you're looking at all of the different protections that were built into the program, we invited [inaudible] to come talk about the name collision framework because [inaudible].

LAUREEN KAPIN: We invited him to talk about because I think no one understood it, or at least many of us didn't understand it. Some of us did.

KAREN LENTZ: I would just add some sort of note as to [inaudible].

LAUREEN KAPIN: I guess the… Yeah, go ahead [inaudible].

KAREN LENTZ: Also, just in [receiving] public audits from the DNS abuse report, a lot of them [inaudible] scope of that DNS abuse report was dealt with those nine safeguards to include the Spec 11, to include rights protection mechanisms. There was no mention of name collision is my point. No one asked, "Why aren't you looking at name collision?"

LAUREEN KAPIN: Yeah, and that's why I'm pushing back a little bit, Karen, because I'm thinking if this really doesn't belong here in the first place, why do we need to justify saying the reason we're not going to look at it. I'm questioning whether this is even part of our mandate.

JAMIE HEDLUND: It could be something done at the full level [inaudible] level.

KAREN LENTZ:	It could. The reason I was suggesting it was months from now when we have a report out for public comment and the comments are saying [inaudible], will we remember why? This conversation [inaudible].
LAUREEN KAPIN:	Yeah. Well, I think maybe we can asterisk there that we concluded that it was outside of scope and best handled by the Security and Stability Review folks, the SSR. For the last category, which is name collision. Okay, so now that we took that little detour…
GAO MOSWEU:	I'll be in DNS Abuse still. Thank you.
LAUREEN KAPIN:	Okay, DNS Abuse. And Carlton, you wanted GAC and Spec 11?
CARLTON SAMUELS:	That is correct. GAC and Spec 11.
LAUREEN KAPIN:	Okay. So how many people do we have on DNS Abuse? Raise your hands. One, two…
UNIDENTIFIED MALE:	Four.

LAUREEN KAPIN: Four. How many people do we have on Rights Protection Mechanisms?

UNIDENTIFIED MALE: One.

LAUREEN KAPIN: One.

UNIDENTIFIED MALE: [Well, thanks, everyone.]

LAUREEN KAPIN: Okay, we're going to [inaudible]. Okay, so let's have Jamie in Rights Protection Mechanisms. Does anyone on DNS Abuse want to switch to GAC-Spec 11 just so we're a little more balanced?

CARLTON SAMUELS: Can we work on that as a team, or do we work [inaudible] together?

LAUREEN KAPIN: Say it again?

CARLTON SAMUELS: Are we working it as a sub-team, or do we work independently?

LAUREEN KAPIN: I think we'll work as smaller sub-teams.

UNIDENTIFIED MALE: We'll call it a sous sub-team.

LAUREEN KAPIN: A sous sub-team?

UNIDENTIFIED MALE: So it's a sub-team [inaudible].

LAUREEN KAPIN: Under sub? Very cosmopolitan. Okay. Our proposed work plan has Bucket 1 at the backend, so that maybe we should be starting with Topic 1.

UNIDENTIFIED FEMALE: I know that [inaudible] there was something about safeguards [inaudible] wait for a report to come before [inaudible].

LAUREEN KAPIN: [inaudible] Fabro?

FABRO STIEBEL: We have four [inaudible] and we have four columns. I'm suggesting that might be one [inaudible]. The first one is the safeguard, which is the first point. Then the first [inaudible] point should be what was intended to safeguard. This is a quick analysis of what [inaudible]. Then comes the triggered, and then comes intent achieved. So I don't think we need a [inaudible] or unless it's just a general question. I think about data. Using data to discuss impact is huge, although [inaudible] achieved is easier because you have a goal and you have a [inaudible]. So my suggestion would be to remove the [inaudible] bullet point.

UNIDENTIFIED MALE: It's almost superfluous.

LAUREEN KAPIN: Right. Got it. That's fine. What I hear you saying is that's more of a subjective question rather than an objective question. Is that the group think on this? Yes? Any noes? Drew?

DREW BAGLEY: I completely agree. I'm just wondering though if the intent was not achieved for those for which the answer is no, then do we want one more column for why or what the result was is this? So you have the safeguard…

LAUREEN KAPIN: Give me an example.

UNIDENTIFIED MALE: Could you do that with a [yes]? I'm sorry. Give your example first.

DREW BAGLEY: So rights protection mechanism with Trademark Clearinghouse or, I don't know, some rights protection mechanism. Intent: the protect the intellectual property rights of existing rights holders. Triggered? I would say yes it was. Then let's say the result, does it fill the intent, let's say the answer is no because we know if cases in which the existing rights of individuals were in fact not protected by this. So then wouldn't we want an explanation?

UNIDENTIFIED MALE: It will be a complicated explanation on that example.

DREW BAGLEY: Yeah, I know. [inaudible] results [inaudible].

LAUREEN KAPIN: I think the result is probably not going to be as black and white in these situations. We're probably going to end up with data showing us a mix. Sometimes it worked; sometimes it didn't. These people's rights were protected; these people's [weren't].

DREW BAGLEY: [inaudible] registry operators. [inaudible] registry operators safeguard. The intent at a very basic – this is unofficial – very basic level is to prevent criminals from running a registry, essentially, [preventing] consumers from being harmed by a bad registry operator. Then is it triggered? Let's say we find, yes, of course it's triggered. For that one, I guess what we would say is, "It's triggered because all these background checks took place." Then was the intent achieved? What if we discover that in fact some organized crime group or crime syndicate was actually operating a registry? They somehow TLD. They got through that. Then the intent of the safeguard would not be achieved. It wouldn't be as simple as just saying no.

LAUREEN KAPIN: Yeah, see that's where I think we're going to have to be more nuanced in the way we describe results. You could also say the data shows that 84 registrars went through this vetting process, and there were two instances where we discovered after the fact that these were bad guys and gals and they should never have gotten through the vetting process. You would have to give that whole context. You couldn't just say, "No, the result wasn't achieved" because someone got through because that's too incomplete. Does that make sense?

DREW BAGLEY: Yeah. My only purpose in illustrating it is just to say that intent achieved is not going to be a simple yes or no.

LAUREEN KAPIN: I agree.

DREW BAGLEY: That's really my only point. It wasn't my specific terrible illustration.

CARLOS RAÚL GUTIERREZ: Maybe the result is [cryptic]. So in that case, 86% used the system, 14% haven't. Out of the 86%, there was no evidence of [misconduction of the process]. Then the other column is, is it sufficient? Then we ask [inaudible] they should [inaudible].

UNIDENTIFIED MALE: [inaudible]

CARLOS RAÚL GUTIERREZ: They never asked me [inaudible] I was a criminal.

UNIDENTIFIED MALE: And this way, you don't put in the recommendation.

CARLOS RAL GUTIERREZ: [inaudible] recommendation. Yeah.

LAUREEN KAPIN: Brian?

BRIAN AITCHISON: I think before getting into the recommendation, a sort of "why?" column is going to be – whether it's yes or no. It's probably going to be the results will be yes and no, [inaudible] and why was it effective? Why was it not effective in the instances? Then you get into the recommendations because the why questions are what we really want to answer.

LAUREEN KAPIN: Can we note that in the results column that we're going to be asking why?

BRIAN AITCHISON: I mean the why, that's the research right there.

LAUREEN KAPIN: Right. Yeah. Does that make sense? This is just my personal observation. This sort of discussion is very helpful because we're trying to put some bones on how we're going to grapple with this.

CARLTON SAMUELS: We're framing it.

LAUREEN KAPIN: Yeah, we're framing it. Thank you, Carlton. I'm finding this helpful and also reassuring. [We discussed some] concern that we have so much to put our arms, and we need to figure out a way to do that.

That's what I was going back to. Is there a reason why we're starting with Topic 3 in the work plan? Could we change that?

UNIDENTIFIED FEMALE: Okay.

LAUREEN KAPIN: Topic 1 really is our biggest one, and I'm preferring to get that out of the way if we can. Unless, Brian, we have a lot of data needs that we still don't have.

BRIAN AITCHISON: For which? I'm sorry.

LAUREEN KAPIN: For the safeguards. For example, on your list we were brainstorming on where we can get data. If the data needs we have are not already things that we can get our hands on but we actually need to hire someone, for example, then it would make more sense to push this off later in the process. We could start populating these columns, but when we get to the results, we may not be able to populate that.

BRIAN AITCHISON: I think that's exactly right. I think we can put preliminary results. There's a lot of preliminary stuff out there. And then go back to the chart we were filling in yesterday and see where we want to focus in terms of more rigorous methods, vendors [and things].

LAUREEN KAPIN: What I think would be a useful exercise then is to have folks populate this chart to the extent we can over the next two weeks. Does that sound like a reasonable amount of time? Yeah? I'm seeing heads nod, so I'm going to take that as a yes.

Let's have as our assignment to populate this chart – and Alice will send us a link to a Google doc, which means we can all work in it at the same time, there won't be version problems – to populate this chart. If we have data that shows the results, and sometimes we will have it and we can look at Brian's chart as a resource, then go ahead and start filling it in. And if we don't, note that this is something we're going to want more information for.

Then also, I'm volunteering Brian as a resources, so Brian can chime in and say, "No, no." But if people need to reach out to Brian and say, "Help me out here. Where can I find this data?" or "Do we have this?" I would say reach out to Brian.

BRIAN AITCHISON: No, no.

LAUREEN KAPIN: Brian, has changed his "no, no" to "yes, yes."

BRIAN AITCHISON: Yes, yes.

LAUREEN KAPIN: So good. I think that makes sense. Go ahead, Gao.

GAO MOSWEU: I'm not sure I heard an answer to Carlton's question where he was asking whether we're going to be doing this as individual homework or as a sub.

UNIDENTIFIED FEMALE: Sub.

LAUREEN KAPIN: What I will encourage people to do is connect with your sub-team and divide up the work as it makes sense. You can work together. You can have phone calls. You can divide it up and say, "You do this; I'll do that." However you want to do it, I leave it to you. But the goal is to get it done.

                        For example, I will reach out to Carlton, and we will figure out how we're going to do the Spec 11 and safeguards and the same for the Rights Protection Mechanism folks and the DNS Abuse folks. Does that make sense? Okay, good.

                        Okay, then let's go back to the document we were looking at, our Version 8, which is now becoming our list of questions. Good. We're back there already. Just as a preview, the next thing we're going to talk

about is Consumer/End User Behavior. Here, the good news is that because of the Nielsen studies, we have data on this already.

For Consumer/End User Behavior, this is where I think we're going back to a contextual inquiry. Even though we're going to be delving into issues of consumer trust, I think these questions give us a little bit of big picture context. Because there's no point in asking whether the New gTLD Program has impacted consumer trust if we don't first ask the bigger question of, are consumers even aware of what new gTLDs are? So this is our threshold, I'll say.

So with that lens, let's engage in a similar process where we come up with a list of what we think the key questions are. I think we already have one of them, a discussion of whether consumers are aware of new gTLDs.

CARLTON SAMUELS: [inaudible] behavior?

LAUREEN KAPIN: Say it one more time, Carlton.

CARLTON SAMUELS: Are they aware of [inaudible]?

LAUREEN KAPIN: I'm sorry Carlton, are they aware of them, and what was the rest of it?

CARLTON SAMUELS: And if [inaudible] have changed their behavior?

LAUREEN KAPIN: When you say changed their behavior, what do you…?

CARLTON SAMUELS: Do they go to the new ones? Are they still using the old ones? [inaudible] did they change their [inaudible]. Those are the kind of things you want to know, the behavior.

ALICE JANSEN: [inaudible]

CARLTON SAMUELS: Oh, sorry, Alice. If they're aware of them, what is the result of this awareness? Has it caused them to change their behavior, like navigate different ways or start visiting [inaudible] because [inaudible]?

LAUREEN KAPIN: So what do folks think about…?

CARLTON SAMUELS: That's about trust and confidence [inaudible].

EN

LAUREEN KAPIN: So you're having use as a proxy for trust.

CARLTON SAMUELS: Yes.

LAUREEN KAPIN: Okay. So as a corollary to "Are consumers aware of new gTLDs?" then what I'm hearing the next question is if they are aware of them, are they using them?

CARLTON SAMUELS: Trigger? Does it trigger any change in their behavior? Then we look at use as a way to…

UNIDENTIFIED FEMALE: [inaudible] behavior.

UNIDENTIFIED MALE: Sure.

LAUREEN KAPIN: So as a first question then, we could ask: Are consumers aware of the new gTLDs? Then a second question is: If yes, how has the awareness changed their behavior? Other questions within this category? And we can build on some of the questions that are already there, or we can ask new questions. But I want to come up with a key set of questions that we can use to construct our report and make recommendations. I don't

necessarily see this getting into a chart matrix, even though it will have data.

UNIDENTIFIED MALE: I'm trying to think of one, but I really don't see it.

LAUREEN KAPIN: We'll have data here, but I think it's more of a narrative.

GAO MOSWEU: What about perceptions? [inaudible] would also impact [inaudible].

LAUREEN KAPIN: Expand on that, Gao. When you say what about perceptions, what about "what about perceptions"?

GAO MOSWEU: Are you aware of [inaudible], for instance, and what is your perception of it. [inaudible] I don't need it or I don't trust it or whatever. Their perception might be [inaudible] perception really affects behavior. If I see that [inaudible] I might want to switch to it, and that might be the reason to switch. [inaudible] to switch. If I…

LAUREEN KAPIN: Are you talking about switching as a user or as someone who might want to apply for a new gTLD?

GAO MOSWEU: I'm talking about [inaudible].

CARLTON SAMUELS: [inaudible] registrant here. [inaudible] use, ordinary use.

LAUREEN KAPIN: I'm sorry, Carlton. I'm having trouble hearing you.

CARLTON SAMUELS: I would [be wary of] going into the registrar [inaudible] registrant area. I [don't want] to go there.

LAUREEN KAPIN: Right, because this is a Consumer/End User Behavior.

CARLTON SAMUELS: Consumer/End User Behavior, so I [inaudible].

LAUREEN KAPIN: So we have some questions here. Do folks think these are the right questions? We have this public awareness of new gTLDs. We've added Carlton's question of how this has affected behavior. Then there are some of our questions that we had already put down here. What I'm asking is, what should our big picture questions be? It may subsume

some of these, but what are we going to put in this big picture category?

UNIDENTIFIED MALE: I have a sort of critique or double back in terms of the awareness and behavior question. It might be tenuous or difficult to show that awareness of a TLD would affect behavior in some way, given the sense that I anecdotally get from talking to people about my job. No one really cares about TLDs. The public in general, if we're talking about consumers, my sense of things is the broad public doesn't really know and would not be inclined to change behavior as a result of the existence of a TLD. Many of them don't know what a TLD is, don't care, don't think about it.

So I would suggest, are consumers aware of new gTLDs? If so, do they trust them? That sort of thing, rather than…

CARLTON SAMUELS: How [inaudible] about trust?

UNIDENTIFIED MALE: Our survey. Because I think the vast majority of people are going to enter the 3 on the Likert scale and they'll say "nothing."

CARLTON SAMUELS: [inaudible] people [inaudible].

LAUREEN KAPIN: I'm sorry, Carlton. Say it again?

CARLTON SAMUELS: [inaudible] for just about every other factor.

UNIDENTIFIED MALE: That could be counter to what I'm suggesting.

CARLTON SAMUELS: That's why I think you have to because…

LAUREEN KAPIN: Well, if they… I'm sorry. Go ahead.

UNIDENTIFIED MALE: I was just going to agree that [inaudible] aware. Already awareness must be less than .01%. So of this .01%, to then ask them if that has changed behavior, I think the mere fact that of that .01% that are aware of it, I don't know whether my behavior has changed, and I'm very much aware of it.

UNIDENTIFIED MALE: Right, so that's [inaudible].

UNIDENTIFIED MALE: Awareness and then jump to trust.

LAUREEN KAPIN: Right. The Nielsen survey has a whole set of questions about not just trust. "Do you trust it?" We added questions, "Would you give your name? Would you give your e-mail? Would you give your bank account number?"

CARLTON SAMUELS: And they're all predicated on visitation.

LAUREEN KAPIN: Right. Absolutely.

CARLTON SAMUELS: All predicated on visitation.

UNIDENTIFIED MALE: Consumers, visitation, trust. Okay.

DAVID TAYLOR: I was just [inaudible] questions of Nielsen, which I [inaudible] because we did put them in, but it was [inaudible] saying, when you access 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 new gTLD to have domain names and websites in some way related to the domain name extension concerned? I think that's where you [inaudible] people. Even if they haven't heard of it, they're going to

say, "Well, yeah, that would be logical. If I go to .hotel, I expect to see a hotel, not to see something else."

For example, if you go to .bank, will you expect to see registrations by banks across the globe? If you go to .paris, would you expect to see domain names connected to Paris? It seems to there that if you have .film, you expect to see content related to film.

We're going to get more of a reply where we [inaudible] say consumers expect this. Consumer expect to see that, so we need some safeguards to ensure that their expectations are met. I think, to me, we go somewhere with that. I'm not quite sure. I think we're trying to do too much.

I think on the awareness point, I was just looking at [inaudible] an article. It was the Canadian [CNB] news or whatever it is. They sometimes have articles on the new TLDs on the news. It was interesting because it was .bank and they were interviewing Ben from CentralNic as the "owner of .bank," which is why they introduced him. This is the national news, so you think, "Wow! This has reached awareness here."

"Now, Ben, over to you. You are the owner of this newly created .bank TLD – Top-Level Domain." You think if their research is that wrong and they're confused, how is the general public ever going to know what the hell is going on? He corrected it straight away. He said, "We're a registrar. We are not the owner of .bank." How do you even get to that stage of awareness and confusion? I think it will be very hard to find.

UNIDENTIFIED MALE: I'm agreeing with you.

DAVID TAYLOR: Well, you're looking at me [inaudible]. I don't know how we do.

UNIDENTIFIED MALE: I [inaudible] how we do, how we get beyond that in a solid way.

LAUREEN KAPIN: Well, maybe we take the Nielsen data we have and match some of those findings to a question of whether, in light of those findings, are there safeguards that match to these findings? You can use as an example, what do you expect when you see a gTLD in a certain subject area? Here's what consumers expect. They expect it to relate to that subject area as opposed to being something unrelated. Is there a safeguard in place that goes to that expectation?

CARLTON SAMUELS: [inaudible] earlier suggestion. If you see .bank, would you want to see registration for [banks]? What is the expectation, and what is the [inaudible]?

LAUREEN KAPIN: You're speaking so low, Carlton, that I'm…

CARLTON SAMUELS: I'm thinking that if you're following up on David's suggestion, that's a good way to map it to something substantive to see whether or not safeguards are connected to the gTLDs that are sufficient.

DAVID TAYLOR: Exactly. And on a .bank, you need higher safeguards to a .film or something else. But at the same time, that's [inaudible] comes together, you've got expectations. So if you go to .bank and you see a bank, you go to .hotel and you see a hotel, go to .film… So at some point, you need to be a level of safeguards to manage consumers' expectations. You can't go to .bank expect banks and go to .film and not expect films.

UNIDENTIFIED MALE: Yeah, that's what I'm reading.

DAVID TAYLOR: So I think you have to come from that angle, we might…

UNIDENTIFIED MALE: You might have something [inaudible] that way.

DAVID TAYLOR: And those questions are in, I think. I think they're in the Nielsen because they're the ones I suggested we put in.

LAUREEN KAPIN: I think they are in the Nielsen.

DAVID TAYLOR: I didn't recheck it. I sort of sent them around and we sent them in.

LAUREEN KAPIN: Okay, are we already beyond our time?

UNIDENTIFIED FEMALE: We have until 4:00 p.m.

LAUREEN KAPIN: Oh, we have until 4:00? Oh, good. Woo hoo!

UNIDENTIFIED MALE: In other words, they [inaudible] until 4:00.

LAUREEN KAPIN: No, that's good.

UNIDENTIFIED MALE: Tell them, you can have until 4:30.

LAUREEN KAPIN: Let's finish our discussion of this Consumer/End User Behavior, and then we'll take a bit of a break so we can clear our heads.

What I'm hearing is, are consumers aware of new gTLDs? It sounds like we're ambivalent about the "changed the behavior" question. It sounds like there's some ambivalence there. I think we do have consensus on, do consumers trust new gTLDs? And we have some data there also. Then we have to look at the Nielsen report and map the findings to the safeguards. As an example, we have these questions that go to the end users' expectation about the relationship between the name of the gTLD and the content of what's actually in websites within that domain.

DAVID TAYLOR: The other question suggested that ties into that [comes] on the eligibility. Do you expect any domain name registration under a certain domain extension to be subject to eligibility requirements?

LAUREEN KAPIN: Yes.

DAVID TAYLOR: Again, I think we may see yes for .bank and no for .film, but it would be interesting to see. I said that was the finding yesterday. It was more of an expectation. So we're seeing that coming out, which I think is interesting.

LAUREEN KAPIN: Right.

BRIAN AITCHISON: Just in terms of doing some very preliminary mapping, the GAC-Spec 11 safeguards would seem to already fit [per map] quite well to the questions [we're going to be posing].

LAUREEN KAPIN: Yes. I'm just looking at our other buckets. When we ask who the penholders are, I think we're going to want to be comparing that to what other things that they think, what else they can work on. Our other big buckets are – I'm wondering if Developing Countries is going to be a bucket item here when I hear about how we're dealing with developing countries in the application process. I'm wondering if this is something that's going to fall out of the consumer trust issues because we're really dealing with a lot of these issues about outreach and funding for outreach and implementation. It sounds like we're dealing with those in our application process.

[DAVID TAYLOR]:   It sound like that's where they should be [inaudible].

UNIDENTIFIED FEMALE: Yes.

UNIDENTIFIED MALE: Yes.

LAUREEN KAPIN: Is that fair? So let's take that out because I think that's something that we're covering independently. Before we go to [inaudible], I just want to finish covering this subtopic within this, which we have [inaudible] list, then we're under end user [inaudible] the next thing I saw – so not procedural issues, Alice, but scrolling up. Yeah, Consumer/End User Behavior.

Okay, so the next thing that we had there was DNS Abuse. My question from here, we have a whole list of questions about DNS Abuse being more or less prevalent, enforcement mechanisms, DNS abuse policies. Structurally, does this belong here or is this something that's really going to be covered when we're dealing with the safeguards and the public interest commitments? Are those things we're already going to get at, or is this a different exercise? Drew?

DREW BAGLEY: This is a different exercise, I would say. This goes back to what I was originally referring to with regard to an analysis about safeguards versus the analysis about trust where there's tons of crossover and [inaudible]. But there are going to be broader topics covered by those questions. This is where we might come up with ideas for additional safeguards that are needed or a recommendation or an investigation for additional safeguards to stop this trend if we have a bad trend. There was a lot more abuse in the gTLD [inaudible].

LAUREEN KAPIN: So are you categorizing this then as the trust part of our inquiry?

DREW BAGLEY: Yeah, and whatever that spreadsheet would look like, which I'm sure Brian already has in his head. We can ask Mr. Excel over here [inaudible].

BRIAN AITCHISON: To me, these questions feel like they belong in something of an introduction or a lead-in to the state of affairs, I suppose, to be followed by the analysis of the safeguards and their effectiveness.

LAUREEN KAPIN: That's interesting.

BRIAN AITCHISON: I don't know. People [may] see it a different way. I mean, well, the first question we can't answer, but we'll get with whatever kind of TLD abuse data we get our hands on.

LAUREEN KAPIN: That we're trying to get at through the zone file project.

BRIAN AITCHISON: But the second, third, and fourth questions seem like they're fairly descriptive, the answers to which would be fairly descriptive. We could use that as an explanation or an introduction to what already exists.

LAUREEN KAPIN: Yeah, this almost seems like a separate category, not Consumer/End User Behavior necessarily. This is more [inaudible]. This is really a separate DNS Abuse sub-category. It goes under our trust bucket, but it's separate. It's separate from Consumer/End User Behavior. Even though it affects consumers and end users, it's not their behavior. It's really what happening to them or what isn't happening to them.

BRIAN AITCHISON: Which I think you could make a logical argument that more DNS abuse equates or could serve as a proxy for trust in some sense, given that if there's more DNS abuse, there's probably going to be less trust.

LAUREEN KAPIN: You might think so, but I'm not sure that's the reality at all.

CARLTON SAMUELS: [inaudible]

LAUREEN KAPIN: Right. That's exactly right.

BRIAN AITCHISON: But proportionally, .com doesn't have the most abuse, I don't believe.

LAUREEN KAPIN: It does, actually.

BRIAN AITCHISON: Proportionally to what?

UNIDENTIFIED MALE: Of course, .com has the most [inaudible].

UNIDENTIFIED MALE: I think proportionally…

LAUREEN KAPIN: Oh, [inaudible] straight numbers. You're asking a different question.

[BRIAN AITCHISON]:   Right. Yeah, .com has a billion registrations.

CARLTON SAMUELS: [inaudible] .com [inaudible].

LAUREEN KAPIN: In any event, let's take DNS Abuse out of this sub-category and make it its own category.

BRIAN AITCHISON: Yeah, I may not be explaining or elucidating it right, but I think it's something. There's some sort of connection between abuse and trust, at least in my mind.

LAUREEN KAPIN: Well, there are two different things. It's easy to assume that folks might conclude if there are higher levels of abuse, there's less trust. But what I would say is the data may show something different. That's just my observation. That may be a logical inference, but it actually may not be accurate.

BRIAN AITCHISON: But given that we're the Trust sub-team, we're looking at it as an aspect of trust. Correct?

LAUREEN KAPIN: Yes.

BRIAN AITCHISON: Okay.

UNIDENTIFIED MALE: Brian, I agree with you. There may be a ton of DNS abuse in new gTLDs, but trust levels might remain the same because there are other variables that influence trust.

LAUREEN KAPIN: Right. Or conversely, there may be a low level of trust and very low levels of abuse. I'm just saying you can't assume that the data is going to reflect what you think is a logical conclusion.

BRIAN AITCHISON: I'm not proposing it as a conclusion. I'm proposing that we're already assuming by virtue of us including DNS Abuse in our trust discussion…

LAUREEN KAPIN: That it's relevant.

BRIAN AITCHISON: That it's relevant for trust. So that is what I was getting at.

DREW BAGLEY: To build off what Brian is saying, I think just like what our thoughts were when we initially created this Consumer Literacy category, we're doing the same thing with DNS Abuse. This is helping us build the universe in which new TLDs operate and with which they affect all sorts of things in the Internet ecosystem. From there, I think that's [inaudible] as you are suggesting, Laureen, we're going to see perhaps different correlations that might surprise us and whatnot. It will be related to trust, but it in and of itself is going to inform all kinds of things related to trust. We can only understand trust by understanding this.

But when you were talking about trust and making it synonymous with perception perhaps, then that's where I think what you're suggesting is you could have a very dangerous TLD but consumers have full trust in it, so to speak, if trust is their perception of its safety versus the reality of it.

LAUREEN KAPIN: Okay. So there's a recognition of the complexity here. Notwithstanding that, if we have a separate DNS Abuse category, are these the questions we want to ask within that category? The questions are: Is DNS abuse more or less prevalent in new gTLDs than legacy gTLDs? What enforcement mechanisms do new gTLDs use to curb DNS abuse? I think as a parenthetical, it's as compare to legacy gTLDs. Can we add that as a parenthetical, Alice?

ALICE JANSEN: As compared to…?

LAUREEN KAPIN: As compared to legacy gTLDs.

UNIDENTIFIED MALE: After the second question, right?

LAUREEN KAPIN: Yeah. It's a parenthetical for the second question. What enforcement mechanisms do new gTLDs use to curb DNS abuse (as compared to…) Or we can just start a separate question. What sort of mechanisms do legacy gTLDs use to curb DNS abuse?

UNIDENTIFIED MALE: We had a question.

UNIDENTIFIED MALE: In your DNS abuse, that's excluding rights?

LAUREEN KAPIN: It is excluding rights.

UNIDENTIFIED MALE: Prevalent because you still use some of the same mechanisms.

LAUREEN KAPIN: Right. Maybe we reverse the order here because the next question is, what do DNS abuse policies look like for new gTLD registries and registrars? Maybe that's the first question before enforcement mechanisms. Your policy would be seen to be enforced. Then this is just a strictly data question comparing ICANN Compliance complaint rates with legacy gTLDs versus newer gTLDs. Jamie, correct me here. Am I right that Compliance would handle legacy and new gTLDs, not one versus the other?

JAMIE HEDLUND: Yeah, correct.

LAUREEN KAPIN: We would have data from both?

JAMIE HEDLUND:	Yes.
LAUREEN KAPIN:	Karen?
KAREN LENTZ:	A question on that though. What if there is a certain type of complaint in mind because not all [inaudible] Compliance complaints. New TLDs is broader than [inaudible] that relates to DNS abuse. It could be that they're not complying with their [RSPs] or something like that. I think there we can look at the Compliance categories, which I've actually looked at. There is [a new] category for ICANN complaints that the ICANN Compliance group keeps. So there's a whole bunch of categories that they would have complaints on and, in fact, most of them are WHOIS accuracy complaints. They're not abuse complaints. So, yes, we can key in on that. That's a good point.
	Are there other questions we want to put in this DNS Abuse category?
UNIDENTIFIED MALE:	We're thinking something out right now. Well, we have in our draft statement [inaudible] our data collection a statement requesting that any vendor will provide detailed segments of analysis of abuse rates and all new and legacy TLDs categorized by registry, registrar, and reseller. What Drew and I are trying to work out is, number one, how to frame that in terms of a question and, number two, is that something we want to include as a question. I don't know how DNS abuse manifests itself by registry, registrar, or reseller. [inaudible] distinction.

LAUREEN KAPIN: Well, certainly the ICANN contract, the new registry agreements, have a bucket list, so to speak, of items that they think falls into the category of DNS abuse. It's phishing, pharming, malware, botnets, deceptive and fraudulent activity, IT infringement. And then I think there's a bucket: "any other illegal behavior." I think I would map it to the actual contract prohibition. Drew?

DREW BAGLEY: My [theory with this breakdown] is that you could conceivably have safeguards that work, such as registry agreement, which then could even tie in to public interest commitments and all sorts of stuff. But then you would say, "Wow, this TLD still seems to have a lot of bad stuff." Then you would drill down and realize it's all linked to a particular registrar or a particular reseller. You could [inaudible] registrars say, "Oh, those are fantastic. It's these resellers. Oh, there's more. We need to do something in the future about resellers." That's why I think we need that breakdown, but then [inaudible].

UNIDENTIFIED MALE: Just brainstorming: is this more prevalent among registries, registrars, or resellers?

LAUREEN KAPIN: Well, if what we're looking at really is the new gTLDs versus the legacy TLDs, a question also is comparing the rates of abuse period between

new gTLDs and legacy gTLDs. Then if you wanted to segment, you could strategy, "And what about resellers compared to registrars?"

UNIDENTIFIED MALE: Right. That's what we're getting at, but [inaudible].

UNIDENTIFIED MALE: It may also be difficult to get pure reseller data.

LAUREEN KAPIN: Yeah, that's a fair point.

UNIDENTIFIED MALE: I guess for that question, is DNS abuse more or less prevalent in new gTLDs? Then a sub question of that would be, are there higher rates of abuse per registry, registrar, or resellers in new gTLDs?

UNIDENTIFIED MALE: In new versus legacy.

LAUREEN KAPIN: Right, in new versus legacy gTLDs. To the extent we can get data on them. We may not be able to get data. Okay.

UNIDENTIFIED MALE: I think if there is a gap with safeguards, that could potentially identify the gap.

LAUREEN KAPIN: Right. Are there any other questions? I'll categorize these as big picture DNS Abuse questions under our trust category as opposed to our safeguards category. Are there any other big picture questions that you think need to be answered there? I think that covers a lot of landscape.

UNIDENTIFIED MALE: Yeah. It creates the universe by which we'll understand a lot.

LAUREEN KAPIN: Yeah. Okay, so let's take a break, and then we'll tackle the rest of this category and procedural issues. I think if we can tackle the rest of this category and procedural issues, figure out who is holding the pen, and set some timelines, I will consider that to be an afternoon exceedingly well spent. It's five of 3:00. Why don't we come back at ten after, but ten after really ten after and not pretend ten after? How does that sound?

We're going to find that's going to be a little too challenging. Although we may get at that through the data, but do consumer trust, map out Nielsen findings to safeguards, the other questions, public awareness of new gTLDs. That's repetitive. Let's eliminate that. No, not that one. I'm sorry. That stays. The public awareness. I misspoke. Public awareness of new gTLDs, that's repetitive of that. right.

Can consumer distinguish between a legacy gTLD from a similarly named new gTLD name? I think that also, we don't need that anymore. How have the new gTLDs [inaudible]? Okay, this is David's question, so we're going to keep that. These are David's questions about expectations.

UNIDENTIFIED MALE: David Taylor's?

LAUREEN KAPIN: David Taylor's, yes. The David Taylor. The Nielsen data gets at some of this. Could you scroll down?

UNIDENTIFIED MALE: Woah. Can you just scroll up for one second?

LAUREEN KAPIN: Go ahead.

UNIDENTIFIED MALE: This is something – scroll down a little bit. Stop right there. This is something that when you and I spoke there is a wide range of TLDs, some of which are regulated.

LAUREEN KAPIN: Okay, so let's get more precise with the language here. [Is that what you mean?]

UNIDENTIFIED MALE: Yeah. So it's not that the TLDs are regulated, but the TLDs refer to…

UNIDENTIFIED MALE: Regulated [terms].

UNIDENTIFIED MALE: …regulated sectors.

LAUREEN KAPIN: Regulated markets.

UNIDENTIFIED MALE: Yeah.

LAUREEN KAPIN: Let's see if we can get a little more eloquent with this question also.

UNIDENTIFIED MALE: Again, you could just say, "which have safeguards or obligations" [at one end of the spectrum]. But you're not even talking about…

LAUREEN KAPIN: How the new gTLD itself may impact user expectations. For instance, consumers will look to the TLD as an indication of content.

UNIDENTIFIED MALE: There is a wide range, some of which have safeguards or some of which suggest regulated industry sectors or something.

LAUREEN KAPIN: Yeah. Let's change that second part. There is a wide range of, let's make it gTLDs. There is a wide range of gTLDs, some of which relate to regulated market sectors. I think that is the exact language.

UNIDENTIFIED MALE: Yes.

LAUREEN KAPIN: I think actually you can add, "which may affect user expectations" or "which may have an impact on." Effect is fine. May effect user expectations. Does that capture it more precisely? Yes?

UNIDENTIFIED MALE: Yes.

LAUREEN KAPIN: Okay. Let's keep that there. Let's scroll down and see where we are then. Do consumers know…? Okay. Do we get at this in the Nielsen data? This question: Do consumers know where to go to report problems? Are consumers aware of the additional safeguards present in the new gTLDs? We do get it, but we get a related question.

UNIDENTIFIED MALE: The first part is there.

LAUREEN KAPIN: The first part, yeah. Is that second part useful?

UNIDENTIFIED MALE: I don't think so.

LAUREEN KAPIN: I'm not sure it is either.

UNIDENTIFIED MALE: If we assume they're probably not that aware of the TLDs themselves, [inaudible].

LAUREEN KAPIN: Right, [inaudible] within the ICANN community, and maybe not even then. Okay.

DAVID TAYLOR: I was going to say one of the questions [inaudible] there which I suggested was, do you expect any domain name registrations under a certain domain name extension to be subjected to eligibility requirements, which in effect is [safeguarding]? If that question has gone through, then we may have an answer to that.

LAUREEN KAPIN: Do we have that? Does anyone know if we have that specific question that David is asking?

UNIDENTIFIED MALE: I feel like I've seen it somewhere.

DAVID TAYLOR: I thought it made the last cut. They were the ones I suggested, but then there was some debate and I didn't join that last debate, so I don't know whether they went through.

UNIDENTIFIED MALE: Went through to what?

DAVID TAYLOR: To the [inaudible] questionnaire.

UNIDENTIFIED FEMALE: To the registrant one?

DAVID TAYLOR: I don't know which one it was.

LAUREEN KAPIN:	No, it's not the registrant one. It's the consumer one, and it was a question about whether consumers expect higher – and I think it did get in – higher eligibility requirements for regulated gTLDs.
UNIDENTIFIED FEMALE:	Yes. It listed some examples and said, do you expect them to be present?
DAVID TAYLOR:	I [just stuck] the question in the chat if you wanted to [inaudible]. I was going to put just a comment, then I realized I was highlighting everything you were highlighting at the same time, so I stopped.
UNIDENTIFIED FEMALE:	I noticed.
DAVID TAYLOR:	Sorry. That's why I've gotten out of it and put it in chat.
LAUREEN KAPIN:	Let's put that. Do consumers expect higher eligibility requirements for registries?
DAVID TAYLOR:	Do they expect eligibility requirements?

LAUREEN KAPIN: Okay.

DAVID TAYLOR: I mean, not even higher. Is there an expectation? What do you expect to see at what TLD, or do you expect that anyone can register under a descriptive word?

LAUREEN KAPIN: Okay. Let's put that question though after the preceding question that we just edited because those are two related concepts.

UNIDENTIFIED MALE: Are we keeping, do consumers know where to go?

LAUREEN KAPIN: Yes.

UNIDENTIFIED MALE: Okay, we are? Alright.

UNIDENTIFIED MALE: That was addressed in the survey.

LAUREEN KAPIN: Yeah.

UNIDENTIFIED MALE: Yes or no?

LAUREEN KAPIN: I think they had expectations about who is responsible. I'm not sure we asked them do they know where to go to report problems.

UNIDENTIFIED MALE: [inaudible], wouldn't it?

LAUREEN KAPIN: Well, the answers were they expect to go to the law enforcement if there are problems.

UNIDENTIFIED MALE: Law enforcement, consumer protection agency.

UNIDENTIFIED MALE: Federal Trade Commission.

LAUREEN KAPIN: Yeah, we handle all problems.

                           The action item here then I think is going to be to mine the data to see if we can answer your questions. I mean, to put it simply, at this point [inaudible] to look at the data to see what extent the data we have answers these questions.

Okay, then. Let's scroll down and we can eliminate that other action item to this document.

UNIDENTIFIED FEMALE: [inaudible]?

LAUREEN KAPIN: I think my question for you, David and any other person who is more focused on the trademark and rights protection issues, is in addition to our chart which maps the rights protection safeguards, is there something else we want to be asking or delving into regarding those issues? You don't have to answer that now, but that's why our placeholder is there. You can keep the placeholder there for now but, David, talk about that.

UNIDENTIFIED MALE: For simplicity, wouldn't it be better just to keep it all in one place? You can address the consumer [confusion] stuff there [inaudible] address here.

DAVID TAYLOR: Could I get a placeholder for PICs as well? Because I've got placeholder David for PICs. [inaudible]

LAUREEN KAPIN: Where is that?

DAVID TAYLOR: Data Needs. I'm just looking at it.

LAUREEN KAPIN: I'm not seeing where you are.

DAVID TAYLOR: The very last [bit]. [inaudible] placeholder there. I just want to remember [what I'm supposed to do on that]. [inaudible] me.

LAUREEN KAPIN: I don't think there's anything right now.

UNIDENTIFIED FEMALE: [inaudible] reorganize [inaudible].

LAUREEN KAPIN: Yeah, right.

DAVID TAYLOR: Whew. One job less [inaudible].

LAUREEN KAPIN: Yeah, you're…that's one thing less.

Then here we have some [orphan] questions about Consumer/End User Behavior, about things that don't resolve and about end users more or less likely to be victims of malware and new gTLDs versus legacy gTLDs.

I feel this malware, phishing, DNS abuse question is duplicative of what we've already asked in our general DNS Abuse questions so that we could take it out. The do not resolve issue, is that important to our inquiry? I mean, I know it's important in general, but is it important to our inquiry here, and do we have data on that?

UNIDENTIFIED MALE: Can you repeat the question, please?

LAUREEN KAPIN: Yeah. We had initially in some of our earliest brainstorming sessions asked, do consumers get to the place they intend to go for the new gTLDs? I don't know if we have data on that question, and also I don't know…

UNIDENTIFIED MALE: [inaudible] does not resolve.

LAUREEN KAPIN: Right.

UNIDENTIFIED MALE: Yes, this is very much related to the parking. Maybe it's not [inaudible].

LAUREEN KAPIN: To me, it's a competition issue, the parking, not necessarily a trust issue. I'm not sure.

DREW BAGLEY: You're correct that it could be construed that way too. Originally when we talked about it, it was what Laureen was mentioning about the actual navigation. I type in the new gTLD, and let's assume that it's supposed to be pointing to a hosted website. Will it resolve? Are there some navigation issues unique to new gTLDs? [inaudible] gTLDs that for whatever reason are [stopping me]? The hypothesis behind that would be because there are all these new registry operators and perhaps they're not running registries as well or using different backend providers or doing something that is causing that resolution not to work.

Then what you're asking about, I don't know [inaudible]. Maybe that would be in competition because of speculation. Were you talking about parked domains that don't resolve [intentionally]?

UNIDENTIFIED MALE: What happens is you [inaudible] reseller that has some and they try to sell it to you, but it doesn't exist also. You type the mistake and [inaudible]. Jamie.biz. You can have it for $10. I mean, it happens in old, in new. It can be parking [inaudible].

UNIDENTIFIED MALE: [inaudible] intellectual property issues where you're talking about either defensive registrations on the one hand or [the backside] where you're talking about a type of squatting.

UNIDENTIFIED MALE: I mean, does it help if we move it to competition?

UNIDENTIFIED MALE: I'm just saying it's two different issues for resolving.

LAUREEN KAPIN: There are two different ways to look at it.

UNIDENTIFIED MALE: That can mean two different things. One means exactly what you're saying; the other means what we were talking about.

UNIDENTIFIED MALE: Yeah, but what he's saying is it does resolve. It just doesn't [inaudible] you don't like what it resolves to.

UNIDENTIFIED MALE: Jamie, the first one [inaudible] acceptance. It's just that the browser, the resolver, whatever doesn't recognize something that does exist.

UNIDENTIFIED MALE: But [inaudible] consumer behavior, so it did something.

UNIDENTIFIED MALE: The problem is there what you're talking about is not a problem with the resolution of the domain name to an IP address. It actually does resolve. What you're taking issue with is the fact that there are parked domains with advertising on it. I think it's universal acceptance. It's the fact that you type in carlos@carlos.mail and [inaudible].

LAUREEN KAPIN: www.carlos.com

UNIDENTIFIED MALE: But for a new gTLD, so carlos.guru [inaudible] and I try to go to it, but on this hotel network it doesn't resolve. It doesn't recognize carlos.guru because .guru isn't recognized in the browser and in the DNS resolvers that the hotel uses. I think that's it.

DREW BAGLEY: The reason why this would be worth looking at in the new gTLDs is because you go from a very small number of registries to an infinitely large number of registries. Especially going forward as a potentially new gTLD can be created [inaudible].

UNIDENTIFIED MALE: 1,200.

UNIDENTIFIED MALE: It's not infinite. You're correct. Not the infinity symbol. Put a number in there. So that's why. Has that had any effect, or is everything still operating seamlessly?

Jamie, would ICANN have data on that? I know obviously it can be a [inaudible] issue, but as we get into all kinds of recursive DNS servers.

JAMIE HEDLUND: Right. I don't know. I know that there has been a working group on the [universe] and, Karen, you might know more about it. But I don't know if [inaudible]. I know that they're working on the problem. I don't know what kind of data that they might have.

KAREN LENTZ: There's a UA steering group that's comprised a number of different stakeholders. I know that they, in a similar way as this group, have been in search of data, what is out there and what they can commission themselves. I don't know where they are in that process at this point, but let me look [inaudible].

UNIDENTIFIED MALE: What kind of people are stakeholders?

KAREN LENTZ: I think there are some browser developers, some registries, maybe some DNS engineers.

LAUREEN KAPIN: My question to the group then is, is this something we want to look into? It certainly could be viewed as falling within the universe of things we can look into. But my question is, where on the priority list does this fall? Is it a priority or is it something that if there's data on, it would be a [inaudible], it would be a little extra?

BRIAN AITCHISON: This is really just my two cents, but my feeling is that it has a fairly tenuous connection to trust and, therefore, should probably be excluded.

UNIDENTIFIED MALE: I agree with Brian, but it doesn't mean it has more relation to competition. It has no relation whatsoever to competition [inaudible] be related more to other technical issues.

JAMIE HEDLUND: But it's almost more related to or fits in the same bucket as name collision. No, seriously. Drew?

DREW BAGLEY: Yes, I mean, I fully agree. Security and Stability. It should be [in a different review].

JAMIE HEDLUND: [inaudible] category.

LAUREEN KAPIN: Right. Okay.

JAMIE HEDLUND: Name collision is actually a sub-category.

LAUREEN KAPIN: Right. Okay, so let's take [inaudible] let's take these two off: the navigate, does not resolve and the users are more likely the victims of malware. The second because it's repetitive and the first because it's not within our remit really.

                         Then that just leaves us with IDN homographic attacks. Is that a form of DNS abuse?

UNIDENTIFIED MALE: Yeah, that falls with the…

LAUREEN KAPIN: Okay, so I think that's already covered. Let's take that off.

                         So then we have a next series of questions privacy policy, which we had discussed. This does relate to one of the GAC safeguards because one of the GAC safeguards I believe applicable to all new gTLDs was recommending that domains that are handling sensitive financial or health information have reasonable security to protect that

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information. It relates to it. It's not the same. This is a series of questions really dealing with privacy. Are there privacy policies? Can people find it? And then, how do they handle personal information? How is it protected? How is it shared?

This is a whole separate set of subject matter, except to the extent it relates to the GAC safeguard, and there it intersects only in a small way, which is protection of personal information. So my question is, is this something we want to delve into? We could view it as part of our remit, or we could say it relates to consumer trust, but it's not a priority for us to look at.

If we are going to look at, it seems to me that this is something we're going to need information on. Somebody would need to actually look at the new gTLDs. Look and see whether there are privacy policies and answer these questions: Are they easy to find? It's a whole separate, I think rather – I won't say meaty – but it's a separate research project that's going to require some time and effort. I'm looking at you, Carlton. Yes?

CARLTON SAMUELS: I have an opinion.

LAUREEN KAPIN: Sure you do. How out of character.

CARLTON SAMUELS: [inaudible] the WHOIS review because [inaudible] between all the new gTLDs. It's an old story. It's so big that it has its own review.

LAUREEN KAPIN: Well, I don't know if I agree with you that it belongs in the WHOIS review because certainly the WHOIS review implicates privacy concerns because there's a whole interest in how people's personal information is going to be accessed. Is it going to be there for the world or just for law enforcement or just for the internal folks to keep domains running well and need to know who to contact when there are problems. In that regard, privacy is an issue for that. But as far as privacy policies go, I don't think that – that's separate from a WHOIS review because each individual website within a domain can have a privacy policy, and that's totally separate from the WHOIS. So I think for us, it's not a question of, is it for another review team? It may or may not be. But is it something we want to tackle now as part of our consumer trust sub-team? That to me is the issue.

CARLOS RAÚL GUTIERREZ: [inaudible] to answer to that. For me, it's even more detailed. It's sloppy registration. So it's not application. It doesn't affect the consumer using. It's people in the middle making a registration for free to do some [abuse] and so on. We have data on that.

LAUREEN KAPIN: So where do you come out then, Carlos?

CARLOS RAÚL GUTIERREZ: Yes, we shouldn't have [inaudible].

LAUREEN KAPIN: Yes, we should not? No, we should not?

CARLOS RAÚL GUTIERREZ: We should not.

LAUREEN KAPIN: Okay.

CARLOS RAÚL GUTIERREZ: Because we are concentrating [mostly] on new gTLDs, on the application process for new gTLDs and some impacts on the users. So if we go all the way down to registration, resellers, and so on and where the [FBI hack] and so on, I think it's not [inaudible].

LAUREEN KAPIN: Okay. Jamie?

JAMIE HEDLUND: I was just going to say, unless there is a sense that there might be a gap in the privacy policies and how they are observed in new gTLDs [inaudible] legacies, then in that case I would say no. Because if there aren't any new obligations, except for those you mentioned, in general there are no new obligations. So then it's just a matter of whether they're following national…

LAUREEN KAPIN: National law. Right. Drew, then Karen?

DREW BAGLEY: Laureen, what's the most specific thing that has been communicated about privacy requirements in the new gTLDs?

LAUREEN KAPIN: The most specific thing is the GAC safeguard advice in the Beijing Communique, which advised that for new gTLDs that handle sensitive financial or health information, reasonable measures should be taken to protect the security of that information. That is the most specific piece of advice.

UNIDENTIFIED MALE: I think, and I could be wrong on this, but I think the response to that was that if you have health, financial, or other sensitive data, you have to reasonably protect it in compliance, again, with national law.

LAUREEN KAPIN: That's right. I think that was the response.

DREW BAGLEY: There was no new requirement.

LAUREEN KAPIN:	Right. There wasn't a new requirement put in. That was the advice, and I think the response was, "Yes, and everyone needs to follow their own laws on this."

DREW BAGLEY:	Yeah, then I would say [inaudible] limited resources and whatnot. It was going to be interesting to see if there was a distinction, but because there's nothing to go on that leads us to believe there would be something different about new gTLDs versus legacy other than the sheer number of new gTLDs, then I don't think this is something that we should look at.

LAUREEN KAPIN:	Karen?

KAREN LENTZ:	This topic was actually one of the metrics recommended by the IAG, which was compare the number of registries with privacy policies that are clearly and easily accessible to end users. This is one of the items that the team marked as a baseline. They wanted to compare legacy versus new. Based on the legacy, it was…

LAUREEN KAPIN:	So we have data on this?

KAREN LENTZ: We have a baseline, which was reviewing all of the existing legacies and TLDs, and 71% had clear accessible privacy policies.

LAUREEN KAPIN: Right. Do we have something on the new gTLDs?

KAREN LENTZ: I don't think so. Not that's published here because I think it is a significant effort to go look at the whole set. You could decide you wanted to do that [inaudible] or pick a sample or [inaudible].

LAUREEN KAPIN: That's interesting because if we have a baseline, then we have – I won't say half the data because it's a much smaller set. I guess I would ask a question to maybe Brian and the ICANN folks. How resource intensive would it be to just simply ask the question for new gTLDs to ask the same question that was asked as the baseline, i.e., what percentage of new gTLDs have clearly easy-to-find privacy policies? That way, at least we can answer a very narrow question of, how does that compare then to the legacy gTLDs? That's a narrow task.

UNIDENTIFIED MALE: Using the same methodology?

LAUREEN KAPIN: Yes, using the same. Can we do that?

KAREN LENTZ: Well, it's a pretty manual process. Yes, you can, and essentially I think it would involve [inaudible] somebody to go look at these websites. And you're looking for somebody who doesn't have any [inaudible] or prior prejudices about where to look or what places are likely to be [inaudible].

LAUREEN KAPIN: Is that how it was done the first time?

KAREN LENTZ: Yes. It was a consult. Can a person a find this?

LAUREEN KAPIN: So then I guess the question for the group is, is that worth doing? If we have the baseline, do we want to at least have that [inaudible] taken for new gTLDs? Calvin?

CALVIN BROWNE: When they went and checked the websites, were they checking the registrar websites or the registry websites?

KAREN LENTZ: The question was the number of gTLD registries with privacy policies that are accessible.

CALVIN BROWNE: So the registries' websites.

KAREN LENTZ: Exactly. The registry websites, yes.

CALVIN BROWNE: That's normally not where the consumer would [inaudible].

[KAREN LENTZ]:   Would put their personal data, but the registry has it.

CALVIN BROWNE: Okay.

LAUREEN KAPIN: Let me ask you this just from a – I don't know if it's a legal question or not – but does the registry's privacy policy, that binds all the registrars that are going to be selling domains within that domain?

CALVIN BROWNE: There is an obligation to carry that through.

LAUREEN KAPIN: To carry that through. Well then I think my view I guess is if there's an obligation to carry it through, then we would be getting useful information by trying to figure out if the registries have easy-to-find

privacy policies. Because even if the end user wasn't trying to find it, at least we would know that that's what defines the acceptable rules of the road. Although I'm wondering if what we're really trying to get at is the end user experience and how easy are things to find, then the real place to look is the…

UNIDENTIFIED MALE: It's a little bit more than the user experience. It's the user experience [inaudible] into the privacy policy of the registrar, and that increases trust. That would be [inaudible].

LAUREEN KAPIN: But, of course, it really isn't even that because as an end user, I'm not looking at the registrar's website either. I'm looking at the very specific website I'm on, which is not going to be the registrar's website or the registry's website. It's going to be whatever particular thing I'm on, whatever website I'm on. It has nothing to do with any of that, which makes me wonder how useful it is from a user perspective.

DAVID TAYLOR: I think the problem is, as well, you're never going to know who the registry operator is for the registry. A consumer is not going to know .film. Who operates .film? How are you going to know to go look at .film's privacy policy because you don't know the registry operator, the name of it?

LAUREEN KAPIN: Karen?

KAREN LENTZ: I think maybe we need to be a little more precise about terms because I think in terms of what the registrant's personal data is and how that figures in here and what everybody's obligation is, is the registrar already has it. Their RAA already requires that they notify everybody of the purposes for which they're collecting personal data, they don't go outside of that, etc.

I think at least what privacy policies on a website typically have are things like terms for a user of their website, what sort of tracking or cookies or whatever else. So I guess that's what I interpret this question to be about is how [inaudible] website. How easy is it to find? What sort of practices they're employing for that website, which may be important or not important to this group as a metric, depending on your [inaudible].

LAUREEN KAPIN: Okay, we're running short on time. I'm not sure we're going to be able to – I guess where I'm pushing back, Karen, is I'm questioning how efficacious that metric was in the first place because it's going to the registry, which I think the public is very unlikely to access. So I'm thinking that was the wrong level to be looking at.

KAREN LENTZ: Right. I'm not [advocating it]. I'm just [explaining] the metrics so that we're clear what we're talking about.

LAUREEN KAPIN: Yeah. I appreciate that. Let me put it back to the group then. Is this something that we want to do? Do with want to compare privacy policies on registries so that we have something that compares the new gTLDs to the legacy gTLDs on this issue? Calvin?

CALVIN BROWNE: I'm not even sure that you would find a privacy policy on the [inaudible] website because there is no requirement. I mean, the only reason why we as a registry put it on the website is to tick the ICANN box. If a consumer does land on our website, then we point them toward [inaudible] where they can buy our product.

[DAVID TAYLOR]:   I've got Verisign's privacy statement straight out, but that's thanks to Google, of course.

CALVIN BROWNE: Oh, okay. Verisign.com?

[DAVID TAYLOR]:   Verisign.com and then it's U.S. privacy.

UNIDENTIFIED MALE: I think Verisign call it Privacy.

LAUREEN KAPIN: So what's the consensus on this? I kind of would like a yay or a nay.

UNIDENTIFIED MALE: Nay.

UNIDENTIFIED MALE: Nay.

UNIDENTIFIED MALE: Nay.

LAUREEN KAPIN: Okay, so let's take this set of questions off. In our last, we have 11 minutes…

UNIDENTIFIED FEMALE: We're getting rid of all of it?

LAUREEN KAPIN: You're getting rid of all of it.

UNIDENTIFIED FEMALE: Alright. Good.

LAUREEN KAPIN: Woo hoo.

DAVID TAYLOR: Let me keep it so in case we change our mind.

LAUREEN KAPIN: If you ever get nostalgic, David, you can go back to Version 7 and look at it there, okay?

DAVID TAYLOR: I want to go back to Version 1. Virgin 1? Oops.

LAUREEN KAPIN: Version 1 or Virgin 1?

DAVID TAYLOR: For the record, that was [inaudible]

LAUREEN KAPIN: Okay. Developing countries, the last thing that we are on and then we're going to do a quick – we're going to take five minutes to talk about who is holding the pen on things. The last thing we're on is Procedures, which I think is the smallest of our categories. We're going to scroll to Procedural issues. This has to deal with ICANN's enforcement of safeguards and public interest commitments, dispute resolution processes. That would include, if we can add as a parenthetical, the [PIC DRP] and what other dispute resolution processes are there that [inaudible]? Rights protection mechanisms?

JAMIE HEDLUND: So there's URS, the UDRP, the PDD-RP.

LAUREEN KAPIN: That's very good, Jamie. You probably populated it in the first place for us. Is that complete?

UNIDENTIFIED MALE: No. There is now a PP [proposal].

UNIDENTIFIED MALE: It doesn't have the – well, I mean, there's still the UDRP.

LAUREEN KAPIN: [inaudible] UDRP.

UNIDENTIFIED MALE: Then there's the – what's the other one called where the dispute resolution over the policies? [You were asked to help there.] Over whether or not a new gTLD is adhering to its policies?

UNIDENTIFIED MALE: PDD-RP.

UNIDENTIFIED MALE: Yeah, PDD-RP.

UNIDENTIFIED FEMALE: [inaudible] about how they're using the TLD?

UNIDENTIFIED MALE: How is that one called?

UNIDENTIFIED MALE: That one is called Post Delegation Dispute Resolution Policy.

UNIDENTIFIED MALE: Procedure.

UNIDENTIFIED MALE: That's only for trademarks?

UNIDENTIFIED MALE: No.

UNIDENTIFIED FEMALE: There's one policy. There's one Post Delegation Dispute Resolution Procedure for Trademarks. There's another one [inaudible]. This one is called Registration Restrictions, which is about…[inaudible]. Legacy [inaudible] so this is about if I am [inaudible] the X community and people are [inaudible] point that they're going to be [inaudible] by the registry.

UNIDENTIFIED MALE: And repeat it. Sorry. Registry Restrictions Dispute Resolution Procedure.

UNIDENTIFIED MALE: Post Delegation, Registry.

UNIDENTIFIED FEMALE: Yeah, all three of these.

UNIDENTIFIED FEMALE: There are three?

UNIDENTIFIED FEMALE: PDD-RP is a bucket.

LAUREEN KAPIN: Okay.

UNIDENTIFIED FEMALE: These are the topics you can file disputes on as post delegation disputes. One is Trademarks, one is Registry Restrictions, one is the PICs.

LAUREEN KAPIN: Okay, perfect. Much better organizationally. Thank you.

UNIDENTIFIED MALE: Of which none have ever been filed, correct?

UNIDENTIFIED FEMALE: Correct.

LAUREEN KAPIN: Let's take out the duplicative ones there then. We can get rid perfect Public Interest Commitments from the top since we already have it now on the bottom. The Post Delegation Procedure Policy, is that what you've called all of these [inaudible], or is that something different?

UNIDENTIFIED FEMALE: We can get rid of that one.

LAUREEN KAPIN: Get rid of that one. Okay, so then we have Uniform Rapid Suspension and then Uniform Domain Name Dispute Resolution Policy and then the three PDD-RPs. Okay.

UNIDENTIFIED MALE: So we can say we've thoroughly examined each and every case through the PDD-RP.

LAUREEN KAPIN: Okay. Then we have this placeholder, Carlton. Carlton, do you remember what that was?

CARLTON SAMUELS: [I don't have a clue.]

LAUREEN KAPIN: Okay, well, let's take it out and if you remember what it is, we'll add something. Yes, David?

DAVID TAYLOR: I missed [most of the] call when we were on this, but the Procedure Issues, what were the procedural issues which we were thinking [inaudible] here?

LAUREEN KAPIN: I think the issue is how has ICANN's role in handling this, for example with the [PIC DRP], looking at whether that is an effective way to enforce the public interest commitments. And I assume there could be other questions that relate to [the IP] issues here, [sort of like] protection mechanisms. But basically asking the question of we have these safeguards. These are in place. How have the methods worked to enforce them? I think that, to me, is the big picture question.

DAVID TAYLOR: To enforce the decisions?

LAUREEN KAPIN: Well, not enforce decisions…

DAVID TAYLOR: But enforce the use of them.

LAUREEN KAPIN: Enforce the use of whatever safeguard the rights protection mechanism we're talking about. For example, I know for the public interest commitments, the GAC gave a lot of advice about the fact that there was some skepticism that this procedure would actually be an effective way to enforce the PICs. So that would be by way of an example. So I think maybe we add as a question here on the top, are these effective procedures to enforce the safeguards at issue?

UNIDENTIFIED MALE: So it's an effectiveness rather than procedural issue because a procedural issue you're trying to [inaudible].

LAUREEN KAPIN: Yeah. Maybe instead of Procedural Issues, it's Effectiveness of Procedures to Enforce Safeguards. Maybe that's really what we're talking about.

UNIDENTIFIED MALE: I was thinking procedural issues with the PDD-RP and wondering how we can have any [inaudible].

LAUREEN KAPIN: Yeah. So I think that's a better way to put it. I think that actually does comprise our bucket list. I think this last category is going to be much less meaty than the others if I had to predict because there hasn't been a lot of use of these procedures. So it might involve just looking at these procedures and considering any issues that arise from the [space] of those procedures. Are they costly? Are they lengthy? Do they come up with a final resolution? Those sorts of questions. Things that you can just look at on the [space] of the procedures. That would be our data point. Looking at the procedures themselves. That's our data.

UNIDENTIFIED MALE: Different to the RPM? Okay.

UNIDENTIFIED MALE: [inaudible]

LAUREEN KAPIN: I think it relates but, yes, it's a different [inaudible] because it's looking solely at the way that dispute resolution issues work really. If you have to enforce this, how is it getting done?

Okay, so I think we've narrowed down things, which is really good. I think what we want to do now is consider in our last few minutes who

wants to hold the pen on these issues, again, grouping into sub-teams. We can go around the table again and tell me what you would like to be a part of. David, you had your hand up first.

DAVID TAYLOR: I was going to say I'm happy to do Effectiveness of Procedures. That seems a logical one.

LAUREEN KAPIN: Okay.

DAVID TAYLOR: I wrote a chapter in a book on the PDD-RP.

LAUREEN KAPIN: Well, there you go.

DAVID TAYLOR: So I can assert [inaudible].

LAUREEN KAPIN: He's the authoritative source in this area.

DAVID TAYLOR: See me.

LAUREEN KAPIN: Right, "see me."

DAVID TAYLOR: I should put it on the reading material because then I could do it quickly.

LAUREEN KAPIN: Drew?

DREW BAGLEY: For DNS Abuse, I can hold the pen.

LAUREEN KAPIN: Calvin?

CALVIN BROWNE: I'll take what I'm given.

LAUREEN KAPIN: You'll take what you're given. Okay, well, let's go back and see where we need folks then. Carlos, did you ever figure out what you were doing for the other category? Yes?

CARLOS RAL GUTIERREZ: Which other category?

LAUREEN KAPIN: Okay, Carlos, you still need to pick one of the other categories [inaudible].

CARLOS RAÚL GUTIERREZ: Did you look at my picture [inaudible]? You can assign me what you want, but you have to look.

LAUREEN KAPIN: Okay, I will look at your picture.

UNIDENTIFIED MALE: There's no negotiating with the U.S. government. She's going to assign to you whatever she's going to assign to you.

LAUREEN KAPIN: Thank you, [inaudible]. Drew, you [inaudible] spoke. What do you want, Jamie? [inaudible] negotiate with the U.S. government.

JAMIE HEDLUND: Just in this box?

LAUREEN KAPIN: No, not in this box. It's from all the boxes. Do you want Effectiveness of Procedures, DNS Abuse, Consumer/End User Behavior? Everyone is in the other one, so we're not going to…

JAMIE HEDLUND:	Okay, so Effectiveness just so I get to work with David.
LAUREEN KAPIN:	Aw, shucks.
DAVID TAYLOR:	We're just going to hang out in a Starbucks and remotely talk to each other.
LAUREEN KAPIN:	Gao, what would you like?
GAO MOSWEU:	Could you scroll up [inaudible]?
LAUREEN KAPIN:	No, no. Up.
UNIDENTIFIED FEMALE:	That's it.
LAUREEN KAPIN:	Are you interested [enough] in Consumer/End User Behavior?
GAO MOSWEU:	Yes.

LAUREEN KAPIN: Okay, so we'll put Gao there. Carlton? Just to be clear, we're choosing between Consumer/End User Behavior, DNS Abuse, and Procedures to Enforce Safeguards. Calvin?

CALVIN BROWNE: I'll take DNS Abuse.

LAUREEN KAPIN: DNS Abuse? Okay.

CARLTON SAMUELS: Procedures.

LAUREEN KAPIN: Procedures? Okay. Procedures is becoming populated. Okay, I will take – is Consumer/End User Behavior the least populated right now?

GAO MOSWEU: Yes.

LAUREEN KAPIN: Okay, so I'll take that.

GAO MOSWEU: Thanks. I was about to cry.

LAUREEN KAPIN: Oh, no, no, Gao. I'll keep you company.

GAO MOSWEU: [inaudible]

LAUREEN KAPIN: Do you have a preference, Carlos?

CARLOS RAÚL GUTIERREZ: No. Whatever you [inaudible].

UNIDENTIFIED MALE: Come with Jamie [inaudible].

LAUREEN KAPIN: No, no, no. He's not joining Jamie and you. You guys have company already. Let's do the DNS Abuse because I think that's going to perhaps require some more time, so I'll put that resource there. [Yes] for Carlos. Okay, and which [PIC] group do you want to be part of, Carlos? Can you scroll up to show Carlos the [inaudible] choices?

UNIDENTIFIED FEMALE: [inaudible] buckets [inaudible].

LAUREEN KAPIN:	Yeah, so there's the Technical/DNS Abuse category, the Spec 11-GAC Advice, the Rights Protection Mechanisms. Those are the three to choose from. I prefer you not choose the first one because it already has so many people.
CARLOS RAÚL GUTIERREZ:	I prefer to be in the second one.
LAUREEN KAPIN:	Perfect. You will be with Carlton and I.
CARLOS RAÚL GUTIERREZ:	The third one makes me dream of Phil Corwin, and I don't like to dream of him.
LAUREEN KAPIN:	Of who?
CARLOS RAÚL GUTIERREZ:	Phil Corwin.
LAUREEN KAPIN:	Okay. We are now three minutes over.
ALICE JANSEN:	I'll send the doc out.

LAUREEN KAPIN: Alice is going to send the documents, and we will talk more about timeframes and deadlines in our next discussion. But I think this was very, very productive, so thank you one and all.

[END OF TRANSCRIPTION]