
LAUREEN KAPIN:

Okay. We're going to get started. What I want to do now is make sure that we can look at the sub-questions we've identified within our existing discussion papers, and in light of our work thus far, make sure that our sub-questions relate to the scope and mandate of the review. If things need to be refined, maybe we can get the group think on how to refine things.

The first topic deals with consumer trust and the awareness of the new gTLDs. Carlton, these are your sub-questions. Gao and Calvin are in the room, too – your teammates. So I want us to take a quick look at this and make sure that these are still the right questions to be asking.

I realize that some of this work may be done when we return. We had the opportunity to think about things even more, but I thought that we would at least spend a little bit of time now with each discussion paper and the sub-questions to make sure that these are the right questions to be asking.

I put it to the group to look at these questions now and provide some feedback to Carlton. Or, Carlton, if you have thoughts on it as well, about these questions.

Do you want to start, Carlton?

CARLTON SAMUELS:

No, no. I'm just telling you the context. These came from my own intuit, so anybody, please help me here.

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LAUREEN KAPIN: Do we want to start with Carlton's teammates, if either Calvin or Gao has any input into these sub-questions?

CALVIN BROWNE: Calvin here. This certainly looks like Nielsen stuff on the consumer side, obviously. I haven't spent too much time on that report. I don't know if anyone else has.

LAUREEN KAPIN: Sorry. We can start the recording now. I wasn't clear. So we can resume the recording, and I'll introduce things again. Apologies.

So we are now resuming the Consumer Trust and Safeguards Sub-team session, and we're going to focus on the discussion papers that have been drafted by the teammates and taking a look at the sub-questions that people have identified in their papers and asking ourselves, in light of our review of the scope and mandate and our discussions about reordering our topics and refining the language whether there's further refinement, then, that needs to be done to our sub-questions in light of these previous discussions. It's a real focus on the scope and mandate.

Now the floor is open. Calvin, you were making a comment, I believe, about the Nielsen data going to these questions of consumer awareness of new gTLDs.

CALVIN BROWNE: Yes, that's true. Basically, this looks like a Nielsen consumer report data point. Having a look at some of the sub-questions there, it certainly does seem like what we need to do throughout that report.

LAUREEN KAPIN: Gao, did you have any comments?

GAONGLALWE MOSWEU: Thank you. I think my comment would have been about outreach, specifically looking at developing countries, but I think that would be probably covered in the sub-question of "Are there any weaknesses in the methodology?"

LAUREEN KAPIN: Carlton, can you explain, when you reference methodology, what you mean by that?

CARLTON SAMUELS: Gao picked up on it. If you look at the set that was used by Nielsen, certainly from where we sit, the representation in developing economies I think was not represented. I say this in light of if you look at what the intent was of the new gTLDs, to get those who are not already in the system back into the system. So I thought we should take a closer look at the methodology to see whether or not there was sufficient room to get more of the responses from the developing economies.

LAUREEN KAPIN: I understand your first two questions then, to really go to the data set that we have. Have we heard from a representative? Have we heard from a group of responders to the survey; people who respond to the survey who are representative of the world at large, especially the developing community?

CARLTON SAMUELS: Right. They have some regional data, so you look deeper into the regional data to see where some of the issues about awareness kind of pan out. Well, my first cut of it is that the way they reach out to them would impact what they get back. So that is my first set to that. That's why the methodology of how they're looking at those people online – they're looking at people. They're looking for people who bought a domain name and so on. And all consumers. So that was one thing.

Then there is another set of data that you have to disqualify because there's an operator who has some strings, and they went into the market looking at how consumers are responding to their strings. There's a slight difference in the data. That's one that I quoted. I thought that was interesting because it shows quite a bit of variation in their data set.

LAUREEN KAPIN: You're talking about this other [inaudible]. What is [inaudible]?

CARLTON SAMUELS: In their own e-mail. This is an operator that own four or five of the top TLDs. He [mailed] several others. So there [were others sent]. The data

from Nielsen shows that these people – but more of them know about our strings than others. They said the reason why they know more about those strings than others is because of what we did to raise awareness of it.

LAUREEN KAPIN: I saw that in your [inaudible].

CARLTON SAMUELS: Right.

LAUREEN KAPIN: [inaudible].

UNIDENTIFIED MALE: [inaudible].

LAUREEN KAPIN: Sorry. Thank you, Calvin. So is that a source that's on our wiki page, or is that a source that you know about?

CARLTON SAMUELS: [inaudible].

LAUREEN KAPIN: No, no, no, no, no. Put on your microphone.

CARLTON SAMUELS: Yeah. I have the source. I gathered the source, but I did not put on the wiki page because, of course, we wanted to circulate it among our group before we put all of that on the wiki page. But I have the source.

LAUREEN KAPIN: What is the source? Was this the study that the .email folks have done?

CARLTON SAMUELS: Yes. There's a study.

LAUREEN KAPIN: Oh, okay.

CARLTON SAMUELS: Yes, the study.

LAUREEN KAPIN: Right. So I would –

CARLTON SAMUELS: And I have the data.

LAUREEN KAPIN: Right. So I think we should put that, as long as it's public as course –

CARLTON SAMUELS: It's public.

LAUREEN KAPIN: Yeah. So let's put it on the wiki page so that it's the source that everyone has access to.

CARLTON SAMUELS: Yes, but what it did is they followed on from the Nielsen data, from the first Nielsen data that had looked – it shows that our strings are better-known than others. And they said, "Here's why our string are better-known." And they [went back]. We had it on buses. We had it on radio, and so on. That's about awareness and all these [add] awareness. So that's why I thought it was important.

LAUREEN KAPIN: Yeah, I think that is important. My observation – and I think this is something you and I had communicated about – is that I think the issues about the data and how robust it is or how robust it is not are certainly issues that we should reference. But I wouldn't lead off with them because, in terms of a narrative, I think we have to start with the substantive questions about awareness. Then, if you want to have a sub-discussion about concerns about the data and perhaps not enough outreach to the full spectrum of survey responders who we would like to hear from, I think that's a valid issue. But I think it has to come –

UNIDENTIFIED MALE: [inaudible].

LAUREEN KAPIN: Okay. Is this a document that we can edit in real time, Alice?

ALICE JANSEN: Yes.

LAUREEN KAPIN: Presto-change-o, we can get to the document? Because that way we'll be able to capture our discussion and also go back to Fabro's insights about the PICs. I also want to loop back to that one when it comes up.

So do let us know when we're ready to get that document in an editable... "format" is the work I'm looking for.

CARLTON SAMUELS: [inaudible] edible.

LAUREEN KAPIN: Right. "Editable" as opposed to "edible." Drew.

DREW BAGLEY: While we're waiting to edit it, I was just thinking we could talk through maybe have to revamp some of the sub-questions, now that we're acknowledging that any of critique of the methodology will just be

incorporated into that discussion. We already have the Nielsen data, which will answer to what extent consumers are aware of new gTLDs.

I'm almost wondering if the big question we might want to be, "To what extent are consumers aware of the new gTLDs?" And then for sub-questions, you might have one that might be a comparison to their awareness of legacy gTLDs. Another one might be about what factors have contributed to this awareness. Break that down –

UNIDENTIFIED MALE: [inaudible].

DREW BAGLEY: Yeah.

UNIDENTIFIED MALE: [inaudible].

DREW BAGLEY: Yeah. I'm just trying to break them up into actual individual questions rather than – yeah, yeah, yeah – from the discussion [inaudible].

UNIDENTIFIED MALE: Right.

DREW BAGLEY: What other questions did you have in mind?

UNIDENTIFIED MALE: Oh, [inaudible].

DREW BAGLEY: Okay.

UNIDENTIFIED MALE: Okay.

DREW BAGLEY: So I'm thinking of changing the big one to "What extent..."

UNIDENTIFIED MALE: [inaudible].

LAUREEN KAPIN: Right. I think that –

UNIDENTIFIED MALE: And then you say, "Well, what is the [inaudible] –

LAUREEN KAPIN: Microphone.

CARLTON SAMUELS: Oh, I'm so sorry. Yes. I agree with to what extent if you put the preface on that.

LAUREEN KAPIN: Can we still make that bigger, Alice?

CARLTON SAMUELS: Then you say, "What is the awareness of legacy versus new?" Then you add a comparison. We have that. Then you go to what factors might have influenced the awareness? Yes?

DREW BAGLEY: Because then you could get into the discussion you just brought up as to what whether or not there were roles played by the registries themselves versus by ICANN and whatnot, and that would [inaudible] into those factors.

CARLTON SAMUELS: Right. Fabro?

FABRO STEIBEL: Oh, sorry.

LAUREEN KAPIN: No, no, no, no, no.

FABRO STEIBEL: I was just looking here at the Nielsen survey, just for how the structure, and maybe some ideas for what's [inaudible] and how [inaudible] is it. The first one should be average awareness, which is a clear number we have, and then they have the total awareness, the difference between them being the first one is the percentage and the second one is the degree, the [graduation].

LAUREEN KAPIN: You're on different topics. So when Carlton is talking about the evidence and how compelling it is, he is – as I understand, you're talking about the Nielsen study itself, which is why I suggested making those sub-points. So he's not talking about the substantive issue. He's talking about a possible critique of the data we have.

FABRO STEIBEL: I see.

LAUREEN KAPIN: But let's, in terms of editing – and then I'll loop back to you, Fabro, because I think you still have substantive comments to say on this – let's take those two “what is the evidence?” and – for editing purposes, let's take the evidence and how compelling it is and “Are there any weaknesses” and flip that to the bottom for now, and then let's start incorporating some of Drew's suggestions as Points 1 and 2 – actually, 1, 2, and 3, I think – and get those down. Then, Fabro, I think you're going to have some input based on that. That's what I'm hearing. But let's get that down first so we can deal with that.

No, Alice. I'm sorry. I wasn't clear. This is all going on Number 1, and that language that you just pasted should just go as the last point to Number 1. We're still on – yeah. If you just do an arrow back as to what you pasted, just get that back there – right. That's exactly what I wanted. Perfect.

Now, Drew can you repeat, then, your suggestions as a possible framework of sub-questions?

DREW BAGLEY:

Yes. Alice, could you please edit the big question for Number 1: “Are consumers aware of new gTLDs?”? In front of that, just add, “To what extent are consumers aware of new gTLDs?”

The first sub-question under that should be, “What is” – yeah. So I guess.

CARLTON SAMUELS:

“[inaudible] versus new gTLDs?”

DREW BAGLEY:

Yeah. I'll say it for the microphone. “What are the levels of awareness of new gTLDs versus legacy gTLDs?”

The next sub-question would be, “What factors might have contributed to the levels of awareness?”

CARLTON SAMUELS: That means the evidence part. Evidence of subject.

LAUREEN KAPIN: Microphone problem.

CARLTON SAMUELS: Take the evidence part of what I had originally. Those three questions address the evidence in a more succinct way.

LAUREEN KAPIN: Right. We can even keep the third question, "What steps might be necessary to increase awareness?"

CARLTON SAMUELS: Yeah. So keep that.

LAUREEN KAPIN: So maybe make that [inaudible], Alice.

CARLTON SAMUELS: Then we have the ones there that we just shifted to the bottom.

LAUREEN KAPIN: So that would be, I think, just C, D, and E – I'm sorry. D, E, F – for those remaining questions.

But, Fabro, you had some suggestions. Go ahead, Fabro.

FABRO STEIBEL: Yeah. I like this breakdown between what the evidence says. So now we look at the evidence and say, “What’s the quality of our evidence and what recommendations can we do?”

On the first part, “What about the evidence?” I notice here, just looking at Nielsen surveys, that they discuss total awareness in general, and then legacy and gTLDs region. It’s something that might be important to address here. Do we just leave it to readers of the Nielsen survey?

They address geo-targeted gTLDs as well and different types of consumers. That might be something we want to break down. And they do address the users not only being aware but aware and satisfied with it and aware and registering or using it, which I don’t think we should end up [at] this point.

CARLTON SAMUELS: [inaudible].

LAUREEN KAPIN: Microphone.

CARLTON SAMUELS: If you look at the details that I have in the paper, you would see the first three bits addressed. So I don’t believe we should go into the [use] at all for this.

FABRO STEIBEL: Yeah. I agree.

CARLTON SAMUELS: That was it.

[GAONGLALWE MOSWEU]: I think in light of having change the question, we could also have Sub-Question D ask, "What role does ICANN play in increasing awareness of new gTLDs, 2.0s?"

DREW BAGLEY: So instead of "Does ICANN have a role?" ask, "What role does it play?"

[GAONGLALWE MOSWEU]: Yeah.

DREW BAGLEY: Okay. So assume that there is a role and just ask, "What role?"

[GAONGLALWE MOSWEU]: Yes.

DREW BAGLEY: Okay.

[GAONGLALWE MOSWEU]: If there is a role, I think the “what?” question asks, “If there’s a role, what is it?” rather than – yeah.

UNIDENTIFIED MALE: [inaudible].

LAUREEN KAPIN: What I would suggest is the refinement – sorry I’m talking over you – is to keep it as, “Does ICANN play a role?” and then, as a sub-point, “If so, what role?” to capture it and not to suppose that there is a role.

UNIDENTIFIED MALE: [inaudible].

LAUREEN KAPIN: Great mind. Fabro?

FABRO STEIBEL: I’m thinking about Question 1B: What factors might have contributed to the level of awareness?” I remember the discussion we had yesterday about China, which points to the sensitive of details of the methodology used to collect data from China, the dimension of it, who responds, and so on.

Do we need to, or should we go to factors at that point? I’m thinking about the structure of the report. If you go to the beginning, before the

other two parts, we're going to have other parts to discuss, factors, and have to speculate on what might be a role.

So the first bit should be more descriptive on what the reality is based on the data we have that is sensible because it's based on Nielsen data. Or, if you bring it to the bottom, then we're going to have factors discuss because we're going to have to discuss the safeguards. We're going to have to discuss Specs 11 and so on.

My point is, should we have the question B? I mean, to discuss it, I love it. But do we have data and can we provide an answer for that based on Nielsen's data?

DREW BAGLEY:

[inaudible] to your points, because then we can look at that as far as what factors might have contributed to these statistics about awareness versus might have contributed to awareness. But I do think we still need to make sure we're at least assuming that the data is valid to an extent because it's still the best data we have to go by. And we still have to have a section that is looking at the factors that would have contributed to awareness. That type of analysis would be something that would look at the communication ICANN did to applicants on the radio; everything perhaps from that to marketing campaigns oriented towards registrants, such as RIPE, that Carlton was referencing and all that.

So I don't know that we would want to explore the factors of the methodology under the same heading. I almost think that should still as its own discrete topic.

LAUREEN KAPIN: I'm going to ask you, Drew, if you can – I have to duck out for no more than ten minutes but probably less. I'm going to ask Drew to take over as a facilitator and ask you just to continue with this. I will duck back in very shortly.

CARLTON SAMUELS: I agree with Drew. You want to have the factors there. And they are the identifiable factors in the Nielsen study.

One of the reasons why it's good to address the factors at that level is because, when we look at methodology, we would say where some of the factors that another study has indicated was important to the level of awareness that they saw for their gTLDs. That is the point we need to kind of compare to. So I would agree with you that it should stay there.

DREW BAGLEY: What are you thinking, Fabro? Do you agree?

FABRO STEIBEL: I agree, yeah.

DREW BAGLEY: Okay. Do we think we need any more questions here or even sub-questions in the same we made a sub-sub-question for D? Is there anything else that would help us? Because as we go away from here, these are going to become independent investigative tasks that we're

all going to be taking on to answer these. So is there anything further we need to break down or that would help us to identify additional sources? Hopefully, we don't need additional sources because the morning session goes after that, but is there any other questions you think we need?

CARLTON SAMUELS: I'm just thinking E no longer needs to be there because what we just did was to expand E. So we can remove E.

FABRO STEIBEL: Yeah. I'm wondering if D is not a sub-question of C. "What steps might be necessary?" One of the steps is checking if ICANN has a role and what role it is. Is it a separate question or is it a sub-question?" Yes?

DREW BAGLEY: But should D actually go before C?

UNIDENTIFIED MALE: No.

DREW BAGLEY: Because one of the potential steps necessary might include, "Oh, if only ICANN did such-and-such."

FABRO STEIBEL: I would say to dump B, to dump what ICANN says, because the necessary steps might include ICANN or others, although our mandate is to analyze mostly ICANN. So maybe we can make a choice here. If you go with ICANN, we look in ICANN and see what kind of other actors could help ICANN to achieve its goals.

If it's the other way around, we address the DNS system, and ICANN is one of the parts.

CARLTON SAMUELS: [inaudible].

FABRO STEIBEL: Yeah.

DREW BAGLEY: Okay. Of course, once this becomes actual chapters and paragraphs, organizationally things can get moved around a bit, but you're thinking that, from a research standpoint right now, answering C and going through and answering that is okay, even if there ends up being overlap? Because I guess what I'm wondering is, with C, what if you're working at steps that might be necessary, the way it is currently worded, to expand awareness.

So maybe one of the steps that might be necessary would be that ICANN should run this type of ad campaign on these platforms and doing this when there are new gTLDs added to the root zone. But then

on D, maybe you would find out, “Oh, well ICANN did do some of that.”
So you’re still thinking that’s okay, for an overlap?

Oh, David?

DAVID TAYLOR:

Thanks, Drew. I was just wondering whether we shouldn’t come in the order and – “Did ICANN play a sufficient role in promoting increased awareness? Then, “What steps might be necessary to expand it, ICANN or other?” because ICANN did promote it previously in new gTLDs. So isn’t that a data point which we’ve got the number of outreach, we’ve got the number of things? So we’ve got data for that. So we have past and then future. That would flip the ICANN first because we’re looking at that as the data point we’ve got.

DREW BAGLEY:

I would agree with that, putting ICANN first because we do know that ICANN did play a role, and that’s part of the program.

But, Carlton, what’s your main fear if we do that as to what would happen to C?

CARLTON SAMUELS:

If you reformulate the question: “Did ICANN” as David said, then that changes the complexion, and I could say go ahead of “What factors?” So it’s based on the reformulation of D. I could see it fitted in that run.

DREW BAGLEY: Real quick – and Carlos will be next – you would support changing D to “Did ICANN have a role in promoting increased awareness? If so, what role?”? So it’d still be that, the same sub-question, and then we would put that above C.

CARLTON SAMUELS: Yes.

DREW BAGLEY: Okay. Carlos, and then after Carlos, Calvin. I think I saw your hand.

CARLOS RAUL GUTIERREZ: Just listening to the discussion, when I look at the head title, we’re talking about new gTLDs. When we talk about ICANN, you rightly pointed to the program. So I think we’re going around the question because we seem to be looking at two different things at the same time. Are we talking of just new gTLDs, which was a straight question of the survey? Do you know any new gTLDs? And so on. Then we have the rollout of the program, application, delegation, and so on, which is like the standard view that we have of the process that is, of course, ICANN’s responsibility.

So when we talk about ICANN, are we talking about the overall awareness of new gTLDs as a program? Or are we talking: “Let’s promote X, Y, Z”? I see a problem there.

CARLTON SAMUELS: [inaudible].

CARLOS RAUL GUTIERREZ: In this chapter, we're overall talking about the program. It would be good to change it – the title.

DREW BAGLEY: The program but not –

CARLOS RAUL GUTIERREZ: The New gTLD Program.

DREW BAGLEY: The New gTLD Program but the new gTLDs themselves in that program versus other parts where we're referring to the program and we're talking about the program that ushered in a new era of safeguards and all these other –

CARLOS RAUL GUTIERREZ: No, the point is, the survey asks "Are you aware of any new gTLDs?"

DREW BAGLEY: Right.

CARLOS RAUL GUTIERREZ: It's a very pointed question. On the other hand, we have the program, the whole package, and so on. Here we have both. In this segment, we are jumping from one to the other.

DREW BAGLEY: But the program would be potentially related to the levels of awareness with the new gTLDs themselves.

CARLOS RAUL GUTIERREZ: Of course, but I think we should look at ICANN not as a promoter of single gTLDs.

DREW BAGLEY: No.

CARLOS RAUL GUTIERREZ: [inaudible].

DREW BAGLEY: Yeah.

LAUREEN KAPIN: Use the mic, one at a time.

CARLOS RAUL GUTIERREZ: [inaudible].

DREW BAGLEY: Calvin had a point, and then Fabro.

CARLOS RAUL GUTIERREZ: And make it clearer.

CALVIN BROWNE: Changing the “does” to “did” sounds like it means that ICANN no longer has a role in promoting increased awareness. I’m not sure that that’s correct.

DREW BAGLEY: I’m sorry. Could you clarify that point?

CALVIN BROWNE: Yeah. If you change the “does” to “Did ICANN” – ICANN may still have a role going forward, and now we’ve taken that away. So I’m not sure that’s the best thing to do.

UNIDENTIFIED MALE: [inaudible].

DREW BAGLEY: Fabro first, and then David.

FABRO STEIBEL: My comment is also about ICANN on the D because maybe we should define better what kind of ICANN we're addressing: ICANN as a whole, the New gTLD Program, or specific promotion of gTLDs and so on?

My suggestion would be that we stick to the gTLD Program because then it would be way easier to address. Otherwise, we need to look to all stakeholders or all the related programs into one legal [inaudible].

CARLTON SAMUELS: [inaudible].

UNIDENTIFIED MALE: Yeah.

LAUREEN KAPIN: [inaudible].

CARLTON SAMUELS: Oh, so sorry. I talk loud enough. Yes. So that was what Carlos was suggesting, Fabro. Carlos said that we should be specific about it, so we said gTLD Program. Right, Carlos? You would approve of that?

CARLOS RAUL GUTIERREZ: In the case of ICANN.

CARLTON SAMUELS: Yes.

CARLOS RAUL GUTIERREZ: In the case of ICANN.

CARLTON SAMUELS: Yes. You would approve of that change. Yeah. The question that Calvin was asking – Calvin, my understanding is that you were saying that we are changing the tense and making ICANN’s role in the past and not look to the future? Is that it?

CALVIN BROWNE: Potentially, yes. I mean the past, which –

CARLTON SAMUELS: Well, maybe David – David?

DAVID TAYLOR: As I suggested that move and tense change, that was to flip D before C, which would make a logical – so it was: “Did ICANN have a role in promoting increased awareness by consumers?” Then the next one becomes: “What steps might be necessary to expand/increase that role of ICANN or other?” So that was my point of flipping it around.

DREW BAGLEY: I think if we do that, if we change that to “did,” as David suggested, and then we flip C and D, as I suggested, then I think we could then create a sub-question for C that would be: “What role should ICANN play?” or

“What is ICANN’s role?” So we’re still going back and looking at that exact issue and the role that ICANN should play with this.

So we’re looking historically at what role did they play in this, and then we’re looking at necessary steps to expand/increase awareness, knowing that one of those might be a certain type of role for ICANN.

LAUREEN KAPIN: Does that make sense? Is everyone comfortable with that? Yes? Okay. Drew, why don’t you map that?

DREW BAGLEY: Okay. Alice, please switch C and D, and then change C to “Did ICANN have a role,” and then, under D, add a sub-question: “What role should ICANN play?” Or do you guys want it to be “What is ICANN’s role?”

UNIDENTIFIED MALE: Yeah. Well, that is the future [inaudible].

LAUREEN KAPIN: [inaudible] did ICANN have a role?

DREW BAGLEY: Yeah.

UNIDENTIFIED MALE: So you take care of the future [inaudible].

DREW BAGLEY: Okay.

CARLTON SAMUELS: And remove E.

LAUREEN KAPIN: Okay.

FABRO STEIBEL: We're not looking at a current structure, but maybe a note written later that we will have to explain [inaudible] Nielsen somewhere, and a Competition Team will have to do it as well. So maybe above these sections we write, we're going to have to have a joint piece where we explain what the Nielsen data is. Otherwise, we have to keep repeating here.

LAUREEN KAPIN: Sure. I don't think we need to tackle that now, but I think, logistically, you're absolutely right. When pen comes to paper, the Nielsen study will have to be introduced so that the readers understand what that is.

So are folks happy this sequence of sub-questions on this topic? Drew?

DREW BAGLEY: The only thing I want to note is that we should, once again, be careful in what we mean by "consumers" and how we're going to tackle

registrants versus end users, and also whether want to consider applicants in this area, too. So I guess, traditionally, we're thinking of "consumer" as end users and registrants, but then the awareness questions then sparks the applicants' question, too.

LAUREEN KAPIN: I think we touched on this yesterday, and I think where we ended up, based on our discussions in the room – and I think some of the points Jonathan made – is that, for this discussion, we are really talking about end users. When we move onto our other – whoops. Why am I getting an echo?

UNIDENTIFIED FEMALE: [inaudible].

LAUREEN KAPIN: Okay. No worries. When we move on to other topics, we'll be looking at end users and registries and registrars separately or distinctly, but for this one, we are talking about end users. I think that's where we ended up yesterday. Does that make sense?

DREW BAGLEY: Yes. So to clarify, we'll only user to end user study that was called the Consumer Study from Nielsen for this one.

LAUREEN KAPIN: Right.

DREW BAGLEY: In addition to whatever other evidence we bring in by – okay. Great.

LAUREEN KAPIN: Yeah. So we'll just be clear with our terminology when this is being written up. Go ahead, Carlton.

CARLTON SAMUELS: Just to follow up on Carlos note, on C you want to say “consumers of the New gTLD Program.”

LAUREEN KAPIN: Right. That's correct. Yes. Alice has that. I know there's just a delay. Fabro?

FABRO STEIBEL: I'm thinking about Question E. Maybe we're going to see it in all the papers. It might be a smart move, or not. I think it's a smart move, but we're asking, “Are there any weaknesses in methodology that might impact this liability?” That's a very strong question so as for all the papers because we're going to use all these different kinds of data.

I think we can say, “Are there any known weaknesses?” because then we have to preempt the key suspects and methodology. My question then is, how could those be addressed?

Although we can speculate on how to address it, probably the public in general has a better idea of how that could be addressed because it might be too much to try to preempt how to address it. But the first part? Ditch it.

LAUREEN KAPIN: Drew?

DREW BAGLEY: I think that's a terrific point. Actually, I would support omitting the question but instead taking it upon ourselves to always address this question in our Recommendations Reads section because I think there's going to be some sections where maybe our recommendations are less about the methodology because we feel more comfortable that we have enough evidence to make some procedural recommendation or whatnot about what ICANN should do going forward.

But for something like this, it might be that, since we're focused on something as nebulous as awareness, our recommendation is that a study should be conducted that also incorporates variables X, Y, and Z and whatnot.

UNIDENTIFIED MALE: [inaudible].

DREW BAGLEY: I know you mentioned, yeah, that we should be taking a critical look at this stuff. Then do you support just, assuming we always take a critical look – and that goes in recommendations rather than that being a distinct element we’re exploring?

CARLTON SAMUELS: Well, I thought we would want to look at that as a distinct element here. I’ll tell you why. Because, if you look at what it is that we’re saying – weaknesses and methodology – if you identify the weaknesses, I think, it would be almost cowardly to run away from making direct recommendations.

DREW BAGLEY: I’m not suggesting we run away from making the recommendations. Instead, I’m suggesting, organizationally, that that section doesn’t relate to the big question we’re trying to answer, until we’ve gone through all these sub-questions. That alone, going through that, I think, will point out holes in the methodology. So then in the recommendations section, that’s where we would take that on and say, “One recommendation is for a study to be conducted that does this, this, this, and this, because these are the flaws or these are the weaknesses or the limitations of the data we had this time around.” Because we’re making recommendations for a future Review Team. That’s why I’m thinking so it doesn’t come across as too academic an analysis.

CARLTON SAMUELS: Yeah. It’s okay.

LAUREEN KAPIN:

I think that's a good approach because, as we're dealing with data, we're all going to have views about strengths and weaknesses of the data. That is somewhat of an expertise, also. There's a whole industry that pokes holes in studies and points out flaws. As a litigator, I know this: the battle of the experts.

But I tend to agree with Drew that, to the extent we want to raise the issues about concerns with the study, we can decide how and in what manner we want to do that. But it's not really a sub-question, so to speak, although it may be a topic that's included in this sub-question. And it certainly may be a topic that's included in the recommendations if we think that the data hasn't been complete enough to inform reviews at this point.

So I like Drew's recommendation of taking it out as a sub-question but keeping it in mind as we look at all the data. I think you raised an important topic, Carlton.

CARLTON SAMUELS:

It's [inaudible] is the same. That's how I get to it. So that's okay.

DREW BAGLEY:

Yeah. I just want to say let's take that out. Then let's remember, for every single topic we're covering, when we get to recommendations, this should be at the top of our minds with any of these things because, in addition to the recommendations we're going to be giving to the community before a future run, also our recommendations are going to

help inform future Review Teams and how this work can get better so that, as a community, we can get better at accountability and whatnot.

So I think we should absolutely keep that at the forefront for every topic for the recommendations section.

LAUREEN KAPIN:

We're all guilty of not using the microphone. Unless we have further discussion on this topic – because I really do want to try to move through these topics so we get all of them covered – let's move on to the consumer trust issues. Can I close out the consumer awareness issues, at least for now? If we need to revisit, we can revisit. But for now, let's move on to consumer trust.

Here we have a long list of sub-questions that people probably are familiar with, having hopefully read the paper. I think this is the model paper, so everyone has read it. Hooray.

Do folks have feedback on these sub-questions or suggestions for refinement to make sure that it fits within our scope? That's the topic on the table: feedback on the sub-questions to make sure that it fits in within our scope, that it's logical, etc.

David?

DAVID TAYLOR:

Just for consistency, because we talk about gTLDs throughout, I noticed in Number 1 you've got TLDs.

LAUREEN KAPIN: No – oh, I’m sorry. You’re right. Yeah.

DAVID TAYLOR: Which just it makes it “Oh, we are talking about ccTLDs as well.” Then it starts raising questions. That was it. I’m presuming you meant gTLDs.

LAUREEN KAPIN: Yes. That’s the type of – thank you. Gao?

GAONGLALWE MOSWEU: I just want to find a way we can link this question to the previous question. Or can we assume that, because they’re under the same umbrella, they’re already linked?

LAUREEN KAPIN: I think that’s a fair question that we’re probably going to be struggling with as we piece this report together. What I would say is, as this gets more developed, I think the linkages will be clear and we can handle it in the narrative.

But you raise an important point. We’re going to need to link these up. I will observe that my reading of the Nielsen study data shows that, to a certain extent, there’s an intersection between awareness and familiarity and trust; that the more the public uses a gTLD, they may tend to trust it more. So I think we’ll be able to make that linkage.

GAONGLALWE MOSWEU: Yeah. And the converse is true. The more they trust it, the more they use it.

LAUREEN KAPIN: Right, right. So I think we'll be able to do that. I think the data will help us there as well.

GAONGLALWE MOSWEU: [inaudible].

LAUREEN KAPIN: Right. Other feedback on this sequence of questions? If folks need it, we can scroll down. Drew and then David.

DREW BAGLEY: I was wondering: in this outline, where do you think we would best be able to discuss – and it might be actually under Number 2; I don't know – what David from Nielsen brought up about the fact that, above all, consumers are concerned about the content of the website itself and whether that looks suspicious.

LAUREEN KAPIN: Maybe sub-B. "Do consumers trust certain gTLDs?" Maybe for now as a placeholder – "Why?" "What factors?" "I think that's where we go. It

would be a sub-B. For now, I think we can put, “Why?”, “What factors?” and refine that. But that gets at the concept.

Just as a sub-B there, Alice. Yeah.

Did I see your hand up, Fabro? Oh, I’m [inaudible]. No, no, no, no, no. Fabro, let me capture David, who is waiting so patiently, albeit not silently.

DAVID TAYLOR:

Thanks, Laureen. I was wondering whether we try to capture the question, which now I can’t remember exactly how it’s formulated, which is the one I raised about getting into the Nielsen questionnaire, which is one in there. The content, the name of it – remember, it’s the [.doyouexpect], a film related under .film. [inaudible] “Do consumers expect TLD-related domains under specific gTLDs?” That’s my wording, but it should probably match the original question, which I can’t look up because I’m not allowed to look in my computer.

Did I get out of that?

LAUREEN KAPIN:

I will allow limited exceptions to look up sources that relate to the discussion at hand, so long as the computer, Carlos, is closed thereafter.

UNIDENTIFIED MALE:

[inaudible].

LAUREEN KAPIN: Right. As I said, it's okay if folks need to duck out to take care of something that's time-sensitive. I totally get it.

UNIDENTIFIED MALE: [inaudible].

LAUREEN KAPIN: Totally get it.

UNIDENTIFIED MALE: [inaudible].

LAUREEN KAPIN: I hear you. I think that would fall under the question we just identified: "Why do consumers trust certain gTLDs?" Maybe as a sub under there to your question, which you've raised consistently, which I think is important. I'm wondering if it's a sub-question or it's a separate standalone question: "What is the relationship between the name of a gTLD and the extent to which consumers trust it?" or, "expect to have content?" I'm flubbing with the exact formulation, but what I'm hearing you say is, "How do we get at this trust factor which relates to the relationship between the name of the gTLD and the content of the website that has that gTLD?"

DAVID TAYLOR: Yeah. Thanks. Exactly. I think the pertinent point to me is expectations of consumers, such that the expectations go into that TLD. We did get

that wording because I did send that as the question to Eleeza. So I [got to start] plowing through the questionnaire.

LAUREEN KAPIN: No, no, no. That's not [inaudible] I –

DAVID TAYLOR: But we've got the wording because I think we did refine it, and I got it how it should be. Let me see if I can find [inaudible].

LAUREEN KAPIN: Drew, go ahead. Drew, then Carlton, then Carlos.

DREW BAGLEY: David's point is exactly – I guess what I was intending to cover was B, so I'm thinking that perhaps C should actually be a sub-question of B because we're going to be looking at the reasons why consumers trust certain specified gTLDs. From what we learned from the Nielsen survey, it looks like one of the reasons is going to be the relationship between a string and the content of the webpage.

LAUREEN KAPIN: Right.

DREW BAGLEY: Right? So do you support making that a sub-question?

DAVID TAYLOR: Yeah. It could be different because its content is a separate discussion to the name. But it's related as well, so I think it, as long as we don't get ourselves confused and we have both in one question to go down and cover one and forget the other one. Do you see what I mean? So I'll try to find that question [to be asked].

LAUREEN KAPIN: This gets at the concept. I think we can refine the wording, but what I want to capture here is the concept, which is in the Nielsen study. That's the relationship between consumers' expectations of content based on the name of the gTLD, consumers' expectation of website content based on the name of the gTLD that that website relates to. Yes?

I can take you off the list. Okay. You're off the list.

Okay. I know you're looking for that question, David, but does this act as a placeholder for that concept? We can refine it, but I want to make sure this captures the concept.

DAVID TAYLOR: Yes.

LAUREEN KAPIN: Okay. Good. Okay. Fabro?

FABRO STEIBEL:

Trust is something very hard to address. Awareness is easier. So maybe for Question 1, instead of “why,” we could use “expectations.” “What are the expectations of consumers with gTLDs?” Then we have questions of what they think they are, what they expect to find. Then we have the question of trust, which will be if the expectation is met or not. Then we have a third question – it might not be addressed here – which is restrictions and enforcements, because the Nielsen survey has questions on that that we could use here that we could use [as well].

So I’m just thinking if it explains better, first, what you expect and if your expectation is met. If it’s not met, what do you expect to happen? Someone enforces or a restriction should exist.

LAUREEN KAPIN:

Let me respond to that briefly, and then Carlos. The reason – you can see my facial expressions. That’s why not a poker player. Well, I am a poker player, but I don’t have a poker face, which impedes my poker-playing ability substantially.

I think we have to map our mandate as a starting principle, and our mandate isn’t to measure consumer expectations. It’s to look at consumer trust and the extent to which the New gTLD Program has promoted consumer trust. That’s our specific mandate.

Now, I agree with you that expectations certainly are relevant – crucial, perhaps – to these issues, but I don’t think we start there. I think we get at the expectations, particularly because there’s a lot of data in the Nielsen study that goes to what people expect. But I’m resistant to using

that as a starting point because then I think we are straying away from our mandate.

I think this is more semantics than anything else. I think, substantively, I'm on the same page with you, yes. The difference between what consumers expect and what they get is relevant to the issue of how apt consumers are to trust new gTLDs. I just don't want to start there in terms of our questions because then I think we're starting for something that doesn't precisely reflect our mandate.

Carlos?

CARLOS RAUL GUTIERREZ:

I just want to add to what Laureen just said before. When the Nielsen report opened, there was a general statement that the public was very positive about new gTLDs, looking for a better structure and looking for a better relationship between the top-level domain and what they were looking for. So that's, for me, very, very, very important.

Then we go down to how much is that awareness and how much is real trust and so on. But I think we are bounded by this condition that – I hope we are bounded by the condition – everybody happy, nobody's throwing stones against the program, everybody had a very clear expectation, clarity, or structure, and then we can discuss if trust comes before awareness or awareness before trust, or if there is a third term, I don't mind. I just wanted to make this point and I think for me it's very, very, important. This is the departure. We're not trying to analyze from all sides. Thank you.

LAUREEN KAPIN:

I think that's a really good point, Carlos, to make sure in our narrative we are pointing to this finding that Nielsen has given us. "What did you think the New gTLD Program was for?" "Well, as a matter of fact, we thought it was to provide some more structure." That isn't the only thing Nielsen found, but I think you're right. That's a good frame and a good springboard to introduce both the Nielsen study and then move on to our discussion of these specific questions about consumer trust.

CARLOS RAUL GUTIERREZ:

May I add, although it was in the previous discussion about the methodology, there might be critiques to the methodology but the initial idea of the Nielsen report was a baseline just to compare in the following years. It was chosen a long time ago and of course there might be some critique to the methodology. For me, the Nielsen report is baseline year one and let's hope there is a year two and year three. That's just on the subject.

FABRO STEIBEL:

Just an amendment, when I refer to expectation it is not expectation with the program but with the gTLDs. I expected to find it. I expect that it's useful. I expect it to be safe in this way. So if I expect to be safe and it's not safe, then I don't trust. But whatever expectation is, this is the "why" – why do consumers visit? It's not about the program itself.

LAUREEN KAPIN:

Any more feedback? What do folks think about this question about distrust, which I saw data on in the Nielsen study? We don't have a discussion paper on it right now. It isn't a sub-question right now. It struck me as something to consider. What do folks think about that?

David?

DAVID TAYLOR:

I'll jump in on that and go first. I think it's a great thing to have because I think as we're going through all of this and we're looking at the data we're going to find things in TLDs which we identify as things which are not helpful to consumers or contribute to distrust. So I think bringing those factors together in a separate paragraph, paper, chapter, whatever, makes a lot of sense. And I think it'll actually be something when you hear about new gTLDs – I'm thinking out loud – when it would often be said, "Look at .cat, that's an existing TLD, "This is what's good about it." You see people replicating that and you see things, particularly in new gTLDs where they've done something, they've put in extra Rights Protection Mechanisms which obviously brings more trust and others which haven't which you're allowing and might not be, some new gTLDs are actually policing their domains as well.

So that whole thing I think if you can bring it out into something which what contributes to distrust that turns consumers away so it eventually goes to the detriment of that TLD. So I think it's very useful.

LAUREEN KAPIN: Unless there's objection to that, I would propose as for now just putting it as sub-question #9 so it flows after this question about why do consumers avoid unfamiliar gTLDs? I would just put it as #9. It's not a sub-topic but that right now seems to be as logical a place as any.

DAVID TAYLOR: What a great question that would have been to have in the Nielsen.

LAUREEN KAPIN: I think that they do have information on that.

DAVID TAYLOR: Do they?

LAUREEN KAPIN: Yeah, because that's what made me think about it.

DAVID TAYLOR: Okay, good.

LAUREEN KAPIN: There is information on that. I don't know if they ask that question precisely, but in fact they may because I think that's what made me think about it. I was reading it and thinking we'd have all this data, we should be asking this question so that we can report that out. It's relevant to the issue of trust. It's the other side.

So we'll have that as Question #9 – “What factors contribute to distrust?” Does that make sense, Alice? Okay. Yeah, it's already there. It's there as sub 4 as a “consider.” You can just move that up under sub 9. That's fine, too. Just delete then question #4 there. No, don't do anything with that Question #4. Scroll down to where you were before. Okay. And that just delete because it's now we've captured in sub-Question #9.

Okay, Fabro.

FABRO STEIBEL:

I'm just wondering, the Question #7 is really good because, “What makes a gTLD trustworthy?” Is a really important statement because you're basically giving normative direction as to where the problem should go, what should be protected. So it's a very important question. The data provided there will be really strategically analyzed.

LAUREEN KAPIN:

And maybe we put, “What factors contribute to distrust?” right after and then have, “Why do consumers avoid unfamiliar gTLDs?” as the last one.

Drew?

DREW BAGLEY:

Yeah, just a thought going through these that I just thought of is, how are we going to incorporate the findings about end users utilizing search

engines and social media platforms to access content? Because I think that is worth mentioning.

LAUREEN KAPIN: Where?

DREW BAGLEY: In a sense, because it seems to potentially be because the search engine is... Sure, it's convenient but it might also be trustworthy. I'm just wondering to what extent a trust factor might go into it – clicking on the link on the search engine versus just typing in an unknown TLD string in the browser.

FABRO STEIBEL: Maybe the 7A we can have, "What factors contributed to your trust?" and then below, "What factors contributed to distrust?" And then for example, I'm looking at the Nielsen surveys, "Why trust domains name industry more than others?" And then have reputation, and then have [expectation] appeal, usage, [safety], and convenience, and then we can crosstab this with other findings and then we have factors that contributed to trust, and factor that contributed to distrust which would give us the main question which is, "What makes them trustworthy?"

LAUREEN KAPIN: So how... I just want to...

FABRO STEIBEL: I would suggest to break down in two questions, A and B – “What facts contributed to trust?” and the below one, the “Distrust.”

LAUREEN KAPIN: Okay. Can we incorporate that, Alice? Yeah. That makes sense. Thank you, Fabro.

Getting back to your question, Drew, I’m struggling a little bit to figure out where that goes.

DREW BAGLEY: So obviously, there’s a whole separate issue that would be looked at by the Competition Group, not by us, dealing with that. What I’m thinking is – and I’d have to look back at the data again – I’m thinking it might be worth mentioning that there could be an enhancement of trust if the end user navigated to the gTLD by way of a search engine. That’s where I’m seeing, based on what we were learning yesterday during the presentation.

LAUREEN KAPIN: Right. So let’s just add as a bracket a reminder, and in this case a reminder to me, that when we ask the question, “What factors contribute to trust?” let’s add as a sub-issue – so a little I – a method, new phrases, Drew.

DREW BAGLEY: Method of navigation?

LAUREEN KAPIN: Yeah, "Navigation method to website," just as a... "How does navigation method impact on trust?" Something like that.

DREW BAGLEY: Yeah, just so we could at least incorporate the search engine and Facebook phenomenon that was discussed. It definitely does not need to be its own distinct thing. I just thought of that for #7.

LAUREEN KAPIN: Right, okay. So that's just to make sure we capture that thread. That's a good point. Okay, good.

Can we move on to the next topic or do people have any other comments on this? Let's move on to the next topic then.

The next sub-question topic we're now moving on to, we're now moving on to the Safeguards bucket. This starts off with the GAC Safeguards and then moves on to the Technical Safeguards. And these sub-questions here really map the GAC advice. This was not a rocket science list of sub-questions. This was really just trying to map the advice as given and then ask, "Has the advice been implemented?" The challenge is answering the question rather than asking it.

Go ahead, Drew.

DREW BAGLEY: I was wondering, with that introduction, do you think going through the exercise as it's listed answers the really basic question we have to answer for this section which would be, "What were the issues?" just because of the way the mandate issue's worded. There were issues that the safeguards were attempting to mitigate, and as Carlos has brought up, attempting to mitigate before the fact so that they didn't come to fruition. So how do we answer what were the issues? Does that need to be its own distinct question first, or do you think that would be answered by going through what's listed under #1?

LAUREEN KAPIN: I'm wondering where we would look to other than... Where do you think you find the answer to the question you're posing, Drew?

DREW BAGLEY: I think if we are looking at these, since these are GAC safeguards we're looking at, I'm thinking we would look to the GAC communiqués for – No?

LAUREEN KAPIN: I just know from –

DREW BAGLEY: You're the expert on this, not me.

LAUREEN KAPIN: Right, and I'm the expert to the extent that I've looked at these issues and I've been in GAC sessions for a little while now – although probably not as much as some in the room – but the communiqués do not necessarily list why certain advice is given. They list the advice. And Carlton, we know that that's been a critique of the communiqués. But that said, I don't think – in fact, I can tell you definitively you will not find a lot of language in the GAC communiqués about why the advice is given. You will find the advice.

DREW BAGLEY: Okay, then my alternative approach is that we use the language – I guess it would be at the top of the document – Alice, do you mind going all the way up to the first page?

CARLTON SAMUELS: The safeguards or expectations. So you're back out of the expectations [inaudible].

DREW BAGLEY: Now, there was the language you pasted –

LAUREEN KAPIN: [Inaudible].

DREW BAGLEY: Scroll up more. I know you are scrolling. There's the delay. Let's go to the very top and then, from there I'll [inaudible].

LAUREEN KAPIN: [Inaudible].

DREW BAGLEY: So I'm thinking then it would just be what's in the parentheses.

Never mind. [inaudible]. But that is what it is. We have to articulate that.

CARLTON SAMUELS: [Inaudible].

DREW BAGLEY: Okay, so the alternative approach – the alternative to the alternative – is that instead we go back to the other thing I was asking was does the current list at hand already take care of that ? And so I guess what we need to do is create sub-questions to that list, a point under each one of those safeguards listed where we're describing – which we've already done in our charts – where we're describing the issue that was meant to be mitigated by that safeguard as we're describing if it's been implemented or not.

LAUREEN KAPIN: What I hear you saying is, as we write about this we describe to the extent we can what risk these safeguards were intended to mitigate. Is that... Okay.

DREW BAGLEY: Yeah, I just don't want it written in a vacuum I guess.

CARLTON SAMUELS: [Inaudible].

LAUREEN KAPIN: Right. That makes perfect sense.

CARLTON SAMUELS: [Inaudible].

LAUREEN KAPIN: Well sometimes. Sometimes it will be and sometimes I think it'll be obvious. So maybe just on top in a bracket right before #1 have as a reminder to identify risk intended to be mitigated. Does that make sense? Is that basically what you want to make sure we capture there, Drew? Yes. Okay. Good.

Other comments about this long list of safeguards?

CARLTON SAMUELS: [Inaudible].

LAUREEN KAPIN: Good.

CARLTON SAMUELS: [Inaudible].

LAUREEN KAPIN: Any other comments or thoughts about this? Fabro.

FABRO STEIBEL: Just commenting on the wording 'implemented.' Because we're doing three types of questions: If they have been implemented; if they are working; and if they're sufficient. When we say "implemented," we're just saying the first level question is, "Have we implemented?"

LAUREEN KAPIN: Right.

FABRO STEIBEL: I think it's as far as we can go for these questions. But just to make sure that this is implemented. If they included [the wording in the] contract and the contract is signed by all, I consider it implemented. If they included a metric that record this information, this information is publicly available and use it for some purpose, implemented. Just to clarify the implemented, we just say that they executed but not necessarily is working or it's [inaudible].

CARLTON SAMUELS: That's why we make the distinction.

LAUREEN KAPIN: Right, and I think that's a fair point that implemented is just at this first level and I think that's why the discussion papers as we move through the sequence will say the next level – to use the language that you're using, Fabro – is complied and then the final level to the extent we're able to have data to reach that would be this concept of effectiveness. So I think we're on the same page.

I'm seeing people are in need of a break to stand up and move around. Why don't we take our break a little early, which means we'll come back early. I'm not bestowing another gift of time. I'm just bestowing a gift of earliness.

So let's take a break and come back at 3:15. Yes? Yes.

UNIDENTIFIED MALE: So no BED meeting.

LAUREEN KAPIN: No BED – what does –

UNIDENTIFIED MALE: That's just a bed meeting.

LAUREEN KAPIN: Right, no. I don't think you'll have time for another quick siesta.

[Break]

LAUREEN KAPIN:

Before we start recording, let's just have a word about how we're going to spend the rest of our time. We basically have until 4:30. What I'd like to do is move through these questions as expeditiously as we can and then at 4:15, Alice, what I want to do is turn the recording off and then have a discussion among the subgroup about what's working well and what could be improved so we can incorporate that into our future phone calls and communications and face-to-face meetings. So I want to leave that time.

Let's resume and I think we had captured then this discussion of safeguards, and I want to move back to – and we can start recording.

So we're back after the break. We had talked about our safeguard questions which are one of our longer segments, but I also want to loop back to something that Fabro had identified which is that to a certain extent some of our questions we're going to be able to answer based on hard data and some questions we may discover that although we thought we had data, actually the answer may be more speculative or soft or mushy, whatever word you want to insert. But what I want to emphasize is that as this process continues and we're actually writing things up, and we started writing things up in our discussion papers, that it may be that certain of these questions drop out. Those are assessments we're going to continue to make.

With that said, I thought we can move to Calvin's questions about technical safeguards. And I think Calvin's taken an approach similar to

mine which is basically asking the top-level question, “Have these technical safeguards been implemented?”

So if folks have any feedback for Calvin, now’s the time, although frankly this strikes me as one of the more blessedly straightforward topics that we have. Any comments? Drew?

DREW BAGLEY:

Alice, if you wouldn’t mind could you please – if everybody agrees – I was thinking we should just paste the same verbiage we have above for the other lists about paying attention to what risks the safeguards were intending to mitigate, we should have that here, too.

LAUREEN KAPIN:

[Inaudible] beginning of the GAC safeguards before the first question even about what risk was the safeguard intended to mitigate.

[ALICE JANSEN]:

[Inaudible].

LAUREEN KAPIN:

No, we don’t have to move anything. It’s just including that bracket, repeating that bracket for this technical safeguard. So everything stays the same.

Okay, and then scrolling down this gets to the next level. We have implementation and now we’re at compliance. So Fabro and the group, given the discussions we have are these the sub-questions we want to

ask under this topic, which we've asked about were the safeguards implemented and now we're at the compliance level.

FABRO STEIBEL:

We're probably going to need to rephrase all of them because this is an old Fabro version of it. But I think the first question is descriptive. What are the safeguards with or without compliance? We know which ones have been implemented, and now here we discuss which ones registry operators [inaudible] gTLD operators are complying with.

And then the second question is about categorization. What are the safeguards which complied that most protect the public? And then the DNS Abuse report brings four categorization, four major questions that I think we could use to categorize here. So if we have one category where none of them, the safeguards have been used than we are unprotected. If we have one of the four not complied with, we're not that unprotected. But it will be hard to discuss which one most protect the public because we would have to speculate on the impact they would have or how they would work next to each other. So I'm not sure if you have the best wording for that, but I think it's important to discuss public protection.

And then what circumstances explain the lack of compliance, this is where we start to understand if we have problems we start to understand why these problems come about. So we have safeguards that have not been started yet. We have two versions but there are no timelines on debates. That's one circumstance. It might be a U-turn here

and there or might be just lack of compliance. If so, it's kind of put in context the lack of compliance. [Inaudible].

UNIDENTIFIED MALE: [Inaudible].

FABRO STEIBEL: Yes. And then the other questions about ICANN's role. So what is ICANN's contract compliance role in enforcing safeguards? And then ICANN's role here with the [side] here, its contract compliance role which I'm not sure if it's a necessary specification we need, but the idea is because of the relationship with the operators is mostly enforced through contracts, to prioritize analyzing the contract's compliance role and how the safeguards were implemented and so on.

It might be a good idea. It might not be a good idea. In short it's this. We describe the compliance. We categorize it so we can have an understanding of how the public is being protected or not. We contextualize the circumstance like compliance and we analyze ICANN's role in it. Basically, these are the four questions.

LAUREEN KAPIN: Did you have a comment, Carlos?

CARLOS RAUL GUTIERREZ: I would go just in the other sequence. My vision or my experience from that is that safeguards are a categorization exercise that you mentioned

second. But it's not just any type of categorization. This is driven by a big black hole we have in ICANN that we always hover around which is the public interest. And it's a categorization for these sensitive areas that we have. So in the case of the GAC advice-based safeguards as we defined like that, I would assume that this categorization is different anyhow but is driven by this mantra and keep it separate from – I don't know, do we have other safeguards not initiated by GAC? No, we have safeguards is all –

LAUREEN KAPIN:

There are the GAC safeguards. There are the technical safeguards –

CARLOS RAUL GUTIERREZ:

The technical safeguards. Okay, that applies just for the GAC safeguards. So I would put more emphasis in your second point which is this way of categorizing for a purpose which is the public interest.

And then we go – and I would love to then – have the discussion, is this a public interest issue or not? And then we can defer free for all, but I would prefer to frame it that way. It's not that I'm trying to put you in a box, but –

FABRO STEIBEL:

Maybe what it is, the second question is, "What are the safeguards [of] compliance that most protect the public?" So we're addressing the issues. And then the second question is, "What are the safeguards of compliance that most address the stakeholders' concerns?" While GAC by far is the largest stakeholders, but we don't forget the other four

ones who made comments and somehow are represented in the implication of the safeguards.

UNIDENTIFIED MALE: [Inaudible].

FABRO STEIBEL: I haven't read the documents. When I was doing a review of the documents I noted four or five stakeholders that are supposed to [meet] the document. I haven't reviewed the documents to see if they created something that was implemented as a safeguard or maybe they just replicated GAC's comments.

UNIDENTIFIED MALE: [Inaudible].

FABRO STEIBEL: I'll take a look on that.

LAUREEN KAPIN: I'm struggling a little bit here to make sure that I understand the questions being asked. Previous to this, we're going to have discussion papers that introduce the safeguards so to speak, and then talk about whether they've been implemented. And then you in this segment will focus on whether there's been compliance. So when you're asking – what are you asking when you say, "What are the safeguards with and

without compliance?” I just want to make sure I understand what you’re intent is there.

FABRO STEIBEL: Let’s say you’re not supposed to use Orphaned Glues and then [inaudible] and then you do. So one out of 100 does it.

LAUREEN KAPIN: Okay, so we’re talking about numbers. The data would be complaint rates, for example, which we have data on from ICANN Compliance.

FABRO STEIBEL: So who is not complying and why and what are the factors [inaudible].

LAUREEN KAPIN: That I’m jumping at because what data are you proposing to look at to ask why... Are you going to, for example, if you see a complaint from someone are you proposing it’s our task to go to them and say, “Why weren’t you complying?”

FABRO STEIBEL: We have solid metrics for some of them.

LAUREEN KAPIN: We have solid... So okay, give me an example. I know we have complaint numbers, but what do we have beyond that in terms of our data?

FABRO STEIBEL: DNSSEC deployment, for example, 9 out of 1202 are not compliant.

LAUREEN KAPIN: Right.

FABRO STEIBEL: So we can look at this 9 and understand the factors that might be related to the non-compliance.

LAUREEN KAPIN: How do we do that?

FABRO STEIBEL: Good question. Because it would be nine different questions.

LAUREEN KAPIN: Which I think gets us into a level of detail that –

FABRO STEIBEL: That we don't want to go?

LAUREEN KAPIN: It's not that we don't want to go, it's that we don't have all the time in the world and I don't know that we can... We have to prioritize what we can do with the data we have and what's the best use of our time and

resources. So when I hear you describing an inquiry to go to, for example, look at the 9, I'm thinking, "Gee, that's going to involve a lot of time and resources and effort, and is that the level of detail we want to get to?" And if we're going to do that for this, would we be doing it for everything? And that seems to me to be making our mandate humungous. And I'm not sure that's really where we want to be putting our focus. That's just my initial reaction to it.

Drew?

DREW BAGLEY:

I'm wondering if we should get the previous safeguards discussion paper we were looking at up on the screen to see if we could add any or tweak any sub-questions that we discussed this morning that would meet some of what you want to find out with this. Because from what I'm understanding, aside from... Like Laureen said, we can't go too far down the rabbit hole [reaching beyond] the resources and time although it would be interesting. But at a bare minimum it sounds like you would want to know if there are compliance issues that exist and then you would want to know if something is being done about those compliance issues, or maybe if we find that there's one specific safeguard that there are tons of compliance issues with we'd want to know why is that. Right?

So I'm just wondering if we might be able to actually answer all of this and just consolidate all of this into the previous paper but with under that Enforcement category we created, and then if there might be some

sub-question that's more compliance specific that you might want to add to that. I don't know.

FABRO STEIBEL:

I'm trying to picture exactly what questions you're referring to.

LAUREEN KAPIN:

I think we would just – Alice, can you scroll up to the prior list of questions on the GAC safeguards? I think that's the 1 through 6 is the GAC safeguards and then that's followed by Calvin's technical safeguards. These are all implementation questions. "How are they implemented?" "How are they implemented?" "How are they implemented?" And I think what I hear Drew saying is that maybe the next step in our sequence would be, once we know how they're implemented to make the inquiry about enforcement by looking at the compliance data. And we would know this from the compliance data – there may be categories of large numbers of complaints much larger than other things and I can tell you because I've looked at that, that you're going to find a lot of complaints in the WHOIS category. You'll find less in the DNS abuse category comparatively.

So it may be that there's something further that comes out of that data because we have information about numbers of complaints and that may be worth exploring further.

I don't know that we have to come to rest on this now, but I think maybe it requires a little further thought about how we're going to get at this compliance.

Go ahead, Drew.

DREW BAGLEY:

Part of my thought with putting your inquiry under this is we're going to be largely looking at the same data anyway in this exercise. So then we would be just going down different paths of inquiry by incorporating some of your questions from the current standalone discussion paper [to] this. Unless is there anything other than the compliance data that you can think of if you're not doing those – like you were originally suggesting – those individual interviews.

FABRO STEIBEL:

Do we need the paper of mine or shouldn't we just do the subtopic?

LAUREEN KAPIN:

I think we need the topic of compliance covered. So I think that topic needs to be covered. I think the topic needs to stay. Whether we organizationally put it as the next question or not, I think it's okay just analytically to keep it as its own question. At the end of the day, I think it's all going to one's going to follow the next is going to follow the next. So analytically I think it would be okay to keep it as a high-level question, "Have they been complied with?" but maybe it doesn't need a whole bunch of sub-questions. Maybe the issue is really going to be circumscribed by the data we have, which as I understand it primarily lives with ICANN Compliance.

Maybe after you have more of an opportunity to look at that data, you can decide what is the limited number of sub-questions we really need

to tackle for that? I don't think this needs to be a huge thing. I think probably the data for this topic is more limited than with others. Does that make sense?

FABRO STEIBEL: Yes.

LAUREEN KAPIN: Is this an old version of your questions anyway? Okay, so apologies for that. Would it make sense then to take these... Let me ask you, Fabro, since you've done the hardest thinking about this. What sub-question should we put here as a placeholder in light of this discussion?

FABRO STEIBEL: The first one, "What are the safeguards [inaudible] of non-compliance it will be addressed in the other piece?"

LAUREEN KAPIN: Okay, so that can come out.

FABRO STEIBEL: That can come out. What the safeguards have complied that most protect the public, although we can create a categorization here. There's already another one there. So it will be addressed there so it might come out as well.

LAUREEN KAPIN: Okay.

FABRO STEIBEL: What circumstances explain the lack of compliance? This one is not there because we don't have any questions about the compliance of gTLDs operators there. We could add a descriptive question at the beginning saying, "What are the obligations of gTLD operators?" but it will be covered when you say them before.

LAUREEN KAPIN: Right. So that would probably come out also.

FABRO STEIBEL: That would probably come out if you put there. And, "What is ICANN's compliance role in enforcing safeguards?" It all depends on the data.

LAUREEN KAPIN: Right. So I think that probably is our key question, "What's the role and what does the compliance data tell us about the enforcement of the safeguards?"

FABRO STEIBEL: Yes.

LAUREEN KAPIN: So let's keep that there subject to further refinement. And I think that is going to be informed by really looking at the compliance data. And

again, to the extent that you need to have any conversations with ICANN Compliance, they are very cooperative in chatting with us and so that is a good point of contact for those issues to the extent you need any explanation or further information. And then I think this will develop further.

FABRO STEIBEL: One question. When I talk about safeguards here, so we're talking about the previous [nine] or we're talking about all the universe of, for example, GAC's safeguards suggested or originally suggested?

LAUREEN KAPIN: I think we're talking about both the GAC safeguards and the technical safeguards because those are incorporated in the contracts and that's what ICANN Compliance has the role of enforcing the provisions of the contracts.

FABRO STEIBEL: Yes.

LAUREEN KAPIN: Does that make sense? Okay.

Now we come to Carlton which you had also focused on procedures to enforce safeguards, and you had focused on the safeguards that are living within Specification 11, more specifically. So not all the safeguards live there, but a lot of them do live there. So let's talk about these sub-

questions because it seems to me that you and Fabro probably want to join forces here so that perhaps there's a division of labor between the focus on the Specification 11 safeguards and enforcement of those and the other safeguards. So I think you both need to work together to make sure that you're dividing this up and approaching it consistently.

CARLTON SAMUELS:

We did agree that we would look at all of the – we know this Category 1, Category of safeguards and all of those Category 1 safeguards, they were implemented in different ways, the different channels. There's the Registry Agreement and then there's the Registry/Registrar Agreement, and there's the Registry/Registrant Agreement, and if you go through the safeguards you'll see where they have been implemented in those various instruments. So we'll go through the categories and look at them.

Out of those categories there's some procedures that came out of the [inaudible] this one. And those are the ones we're talking about really. So we'll look at those and see whether they've been booted, did anybody invoke them? If so, what is the result? And so on.

So we'd work through that. It's a triage.

LAUREEN KAPIN:

Right. So then given that, this will be a particular focus on Specification 11. Are these the sub-questions that we should be asking? These are the enforcement of Specification 11. So that's the topic on the table.

CARLTON SAMUELS: I would be interested to know if you can break down that first question, is this grouping appropriate? And probably consider the elements. I don't know.

LAUREEN KAPIN: I wonder if that's within our mandate, because I think if we're starting from the question... We can ask ourselves and think about, "Okay, this is what the GAC advice was. This is how it's been implemented." And that's within our mandate. I wonder if it really is within our mandate then to say, "Well, should they have given this advice or should they have given other advice?" It seems to me then we're in the –

UNIDENTIFIED MALE: [Inaudible].

LAUREEN KAPIN: Microphone, I'm sorry.

CARLTON SAMUELS: [Inaudible] recall the use of the term "appropriate" there is in the context of the risk mitigation. So they have the safeguards. We tried to link them back to some specific risk that was identified that you should guard against.

LAUREEN KAPIN: Right.

CARLTON SAMUELS: And so the issue becomes, if there is evidence that they were invoked – that the procedures were invoked – were they effective in mitigating the risk identified? That is what that is supposed to do. I’m asking you if, in my own mind that’s what I would do.

LAUREEN KAPIN: So then I think we need to rephrase that to capture this concept that you’re identifying. How would we do that? Keeping in mind that we’re talking about enforcement. And this may be something that requires some further thought, and maybe what we put down here as a placeholder, Carlton, is to take these out for now – you have them in your discussion paper, they’re not going to be lost, they’re not going to disappear – but to take these out for now and replace it with a bracket which is how we tie the enforcement of Specification 11 to the risks the Specification 11 safeguards were intended to mitigate. That’s what I’m hearing you identify. Am I understanding that right?

CARLTON SAMUELS: Yes, this is because I’m looking at public interest impact. So when you talk about impact, that’s what you’re talking about so I back that a little bit and back out a little bit and say, “Okay, this is the impact. Were they spot-on?” And then we have to go through a triage to identify the risks and whether or not they came to fruition. Which is why the process procedure was triggered.

LAUREEN KAPIN: Right. So for now, let's take these questions out and let's replace it with text that I think Carlton is going to further process, and I haven't forgotten about you, Carlos.

CARLOS RAUL GUTIERREZ: from my perspective the list is too long. So I agree that there are some insurance and finance and health that are regulated –

LAUREEN KAPIN: Are you talking about the gTLD list?

CARLOS RAUL GUTIERREZ: No, about the safeguards. But there are other safeguards like [inaudible] or something like that that I think are [inaudible]. So from my perspective the question in Carlton's director that questions if the list isn't too long would generate comments and so on. That I would be interested in, but that's a personal bias.

LAUREEN KAPIN: We all have our personal biases. Let me move back to that in a minute. But for now, let's take out that language, delete it, and let's replace it with a bracket that says, "Tie enforcement of Specification 11 safeguards to risks Specification 11 safeguards were intended to mitigate." And then you can put some flesh on the bones of that, Carlton, in terms of sub-questions that relate to that. That way it captures this impact that we're talking about. I'm thinking that's where the sub-questions need to flow from – what were the risks the

safeguards were intended to mitigate and then was the enforcement effective in mitigating those risks? And then I think you can approach the issues that you're interested in and that you've identified i.e. for example the picture of if that process is too cumbersome or as written or if no one invokes it in the first place, what does that tell us about the process? Does that make sense? That's only in parts. I'm just using that by way of an example.

CARLTON SAMUELS:

That's how it is now. So what I want is that I need help with the sub-questions.

LAUREEN KAPIN:

Right. I know. I think we're struggling a little bit with that. And maybe we need to give that further thought. I don't know that we're going to come up with a list of sub-questions right now. Carlos, as to your point regarding the long list of highly regulated or sensitive strings, I think that's related. It's not a safeguard per se, it's just that certain safeguards were only applicable to this list of safeguards that were deemed either in sensitive categories or highly regulated categories.

CARLOS RAUL GUTIERREZ:

Yes, but following what you just said just now, I think it makes a lot of sense like in financial sector. Why? Because there is a worldwide operation in financial transactions. There is a common regulation across the world. There is cooperation mechanism for following money laundering and things like that. In that sense, compliance of something

like that is easy. Other ones are more aspirational, like [inaudible] the Catholic Church doesn't make priests comply, things like that so it's a mess. Yes, I think in some the compliance is good, but because there is a global understanding and a common approach to try to regulate that so I would expect a better case than other ones which are just, "Yes it's good because the United Nations worries about that." But it's impossible to track compliance of something that... It's important but there is no global system. There no global understanding. There are no global mechanisms and so on. So I don't want to put ICANN in a bad light because there is no compliance in human trafficking. It's really out of the remit.

LAUREEN KAPIN:

Right. So I think you [get] at an issue of what data do we even look at to get at compliance, which I think reinforces some of the discussions we've been having which is we're going to have issues that we have hard data on, i.e. complaint numbers, and then we have to decide at least for our purposes as the first CCT Review Team where do we draw the line? So I think you point to the delineation between what we have data on and what we can report on and then where it becomes too.. It's opinion, it's wishy-washy, it's speculation. That's not to say it isn't important but we're not going to be able to come up with something very solid on that.

Okay, so that's a placeholder. That's going to be on Carlton and your team – not just Carlton – but how we populate the sub-questions there. I'm looking at the time. Carlton, what I'm going to add to your to-do list just as the lead but not the only person working on this is to schedule a

conference call with your colleagues on this discussion paper topic to even if you just spend half an hour brainstorming I think that would be valuable to help populate this. Because we have data, so we know where the data lives on this and I think it's more a matter of just coming up with the sub-questions so we can have a narrative on this. Does that make sense, Carlton?

CARLTON SAMUELS: Yeah, it does.

LAUREEN KAPIN: Okay. So for #6, this I think there is the issue that we've just been discussing in some point which is this identification of the risks, and then whether the safeguards actually addressed those risks. And here it's through the lens of DNS abuse. This is the topic that Drew and colleagues are tackling. So let's take a look at this and see if we have feedback for Drew on whether these are the questions that are in our mandate, the questions we have data for, and whether and how they can be refined. So feedback for Drew.

Drew, why don't you start us off [inaudible] Fabro.

DREW BAGLEY: I have feedback for Drew. So now I'm wondering based on – and I'm forgetting the questions as far as what I'm referencing – but earlier this morning we already looked at something that pretty much accomplishes this now, right?

LAUREEN KAPIN: We looked at this in terms of we have identified the safeguards already. I think here then the subsection is – again, through the lens of DNS abuse – were there particular safeguards that focused on the risk of DNS abuse? And maybe that’s what we need as a starting point here as opposed to this more general question.

DREW BAGLEY: Did we already have this up on the screen at one point though? Because I just remember when Carlos and I were talking about price as a factor and these other things, I guess that’s what I’m wondering [that] looked very, very, similar.

LAUREEN KAPIN: We were looking at that when we were talking about data sources

DREW BAGLEY: Okay, sorry. That’s what I was getting confused about. So then this mirrors exactly what we’re trying to solve with Carlton’s... Yes, so I welcome feedback.

LAUREEN KAPIN: Fabro. Did you have a comment?

FABRO STEIBEL: On my paper, when I was talking about safeguards I was with my mind just about DNS abuse. So in my mind all the safeguards I was working with DNS abuse. But if I understood correctly, that piece should understand broadly the contract, not only DNS abuse but safeguards more broadly. Yes?

LAUREEN KAPIN: Yes.

FABRO STEIBEL: So now I understand why you said but how we're going to make it.

LAUREEN KAPIN: Okay.

CARLTON SAMUELS: [Inaudible] problem tying up the bits and pieces so it fits in with Drew's and mine because they all come together there somewhere. So we're going to have to figure it out.

FABRO STEIBEL: Now we understood, yeah.

DREW BAGLEY: Okay, so for this section, my intention was to get the data from the DNS Abuse study and then from there start looking at those correlations – which is obviously as we discussed earlier not the same thing as

causation – but look at those correlations and from there we'll be able to analyze any relationship between different categories of TLDs such as those falling under voluntary PICs, those being restrictive, those using certain registrars, etc. We need to go through all of that and have that analysis here. So I'm wondering if for this one what we should... Maybe this one should come first before Fabro's and Carlton's papers because this would be more of an attempt at taking quantitative data and seeing where that quantitative data matches up with categories, and then maybe both of your papers are more doing a deeper analysis of what [Jack] might mean and whether in that intention piece you guys are looking at.

LAUREEN KAPIN:

Carlton, microphone.

CARLTON SAMUELS:

Thank you. I think there's two parts to it, Drew. There's the part that you did the quantitative piece, there is a part that identifies what the categories are, and then state what their intentions were. Then you do the piece that does the analysis – the analytical piece – and we tie it in to the end to see whether or not it was achieved. That's how I view it. Alright? It seems to flow that way to me.

FABRO STEIBEL:

Yeah, DNS abuse is one of the things that we're going to be looking at because we're going to be looking at the broader spectrum, so it makes sense that the DNS abuse comes after.

LAUREEN KAPIN:

So just scrolling up, what I hear the conversation talking about is a sequence issue right now. So let's see what our sequence is here. Can you scroll down a little bit, because... Yeah.

So here we have the Trustworthiness, and then under #2 I think is where these things are living. Okay. So can we get back to #2? No, where you were before, Alice. You had it in the right place. So here, "Has the New gTLD Program put sufficient mechanisms in place?" Okay. So let's look at this. "Have the safeguards and Rights Protection Mechanisms been fully implemented process? Have the gTLD operators complied?" And then, "What was the impact of the new safeguards and DNS abuse?"

Does that strike you as the right place for it – 2C? That actually does strike me as the right place for it. Yeah, I think that's the right place. Yes, Drew? Okay.

I'm sorry, Alice, we're doing all the... The degree of difficulty with the scrolling is becoming higher and higher. Let's go back then to this. Now we're really just focusing, Drew, on the questions. Given this place in sequence that we've now reminded ourselves of, are these the right sub-questions?

What I'm wondering, Drew, is this is probably duplicative – "What were the new safeguards"? We're already going to have identified that. "What types of DNS abuse did they intend to prevent?" We're already going to have identified that also because we now have it incorporated in our list that for each safeguard we're going to try and identify what

risk it was intended to prevent. So that strikes me as something we can take out because it will already be covered.

Then, “What instances of DNS abuse did the safeguards prevent?” That implies that causality. I’m wondering what data you think we’re going to be... I think we’re going to find data that has a correlation. I don’t know that we’re going to have data that gives causality. Do you have a different understanding of the data you think we’re going to be getting on this?

DREW BAGLEY:

I think you’re right. It’ll only be correlation not causality. That would need to be reframed. What I was attempting to do with that question was give us an opportunity to highlight if in fact there was a type of... We found there were certain types of TLDs in which there were no abuse. Then we might be able to say something about certain safeguards if we knew that those TLDs fell into, like they had a very common safeguard in place like voluntary PICs or, I don’t know, or they’re all restricted, or – I doubt that’s going to be but –

FABRO STEIBEL:

Why we don’t use these questions?

LAUREEN KAPIN:

These to me though sound like end questions that we may find out as a result of the data, not a beginning question. So what I would suggest – and then I’ll hear from David and Carlos – but what I would suggest is for now, take that out and then I like the sequence you have is, “What is

the rate of abuse? Legacy, new gTLDs, what factors?” It seems to me then you’re going to key up your conversations for any reflections we may have based on the findings the data shows us. You may then have some causes that you’re able to identify – maybe, maybe not – at least correlations. But it seems to me that it’s at that point that you’re going to get at the question you started with. But you can’t start with that question. You may end with answers to that question.

So then David and Carlos also had comments.

DAVID TAYLOR:

Thanks, Laureen. It’s just you were searching for a TLD without abuse, posing that question and I just thought well we’ve got pretty much all the .brands we’re not going to have any abuse because no one’s going to be able to abuse them because they’re all closed for brands so we’ve got 228 of those today and more of those. I mean, it’s a large example and obviously it’s an example of TLDs which we talked about earlier are trusted.

UNIDENTIFIED MALE:

[inaudible].

CARLOS RAUL GUTIERREZ:

Yes, I like the way Drew just said it, that it’s a very specific look at a very specific comparison if some safeguards really resulted in lower, it’s a relative one. If these restricted ones resulted in lower abuse, but I also agree with you that that’s not the question in this list. That’s one thing we should be looking for at some point. But that I think it avoids this

causality, this causation and so on and say, “No, no, we want to test if it worked.” Maybe we won’t have the numbers this time, but keep looking for that one. That I think is a very, very, specific question that might end up being in a recommendation some time.

LAUREEN KAPIN:

Then can we scroll down so we see the full #3 and #4. Okay.

So then you move on to looking at the legacy gTLDs, and this goes back to the issue that Jordyn has identified and that we spent a lot of discussion on yesterday in the plenary session which is when you’re looking at all these issues, the big picture here is not just the gTLD Program alone, it’s the effect of the New gTLD Program on the whole ecosystem. And so it strikes me, Drew, that these next questions really go to that issue looking at the rate of abuse of legacy gTLDs before and after the introduction of the new gTLDs. Which strikes me as an important question that you’re DNS study would be able to collect data on.

DREW BAGLEY:

Yes. On the one hand, I want to look at correlation between... I guess basically what I want to do is answer were there any common factors of the new gTLDs with relatively low rates of abuse versus those with relatively high rates of abuse? So that’s one area. And then the other one is its overall impact on the DNS as a whole, and I’m thinking the best way to look at the overall impact of the DNS as a whole with regard to abuse is to do this comparison of abuse rates over time. And I think

that is going to be our best way of drawing some conclusions about that.

LAUREEN KAPIN:

Before we leave off this topic and close off our formal session, let's at least just incorporate in this document so that we have it under PICs, which is the next issue, weaving the DNS abuse issue. To have these sub-questions on PICs. which will be right after #4, Alice, if you scroll down. Right.

If we can put there in the beginning when we're working on refining these sub-questions... It strikes me, Carlton, that #3 actually Drew is already going to capture based on the discussion that we just had. Yes? So I think that falls out. I think that can be deleted. And then for #1 and #2 I think what we had talked about, Carlton, as suggested by Fabro that the construct we want to focus on here is the categories. "Is the Public Interest Commitments applicable to all gTLDs?" "Are the Public Interest Commitments applicable to the sensitive and highly regulated strings?" And then the voluntary Public Interest Commitments.

Can we replace these sub-questions with this construct and then again I think Carlton –

CARLTON SAMUELS:

[Inaudible].

LAUREEN KAPIN: Elaborate? Okay, so maybe then do we want to put it... I just want to have a placeholder there for you. Tell me where you want it to go.

CARLTON SAMUELS: [Inaudible].

LAUREEN KAPIN: Okay. So above it, Alice, let's have a bracket that has a direction to categorize the Public Interest Commitments by type, e.g. all gTLDs, sensitive and regulated gTLDs, and then voluntary Public Interest Commitments, or gTLDs that incorporated voluntary Public Interest Commitments if we want to keep it parallel.

And so for the second category, Alice, after "All gTLDs," we're going to have sensitive and highly regulated gTLDs. So right after "All gTLDs." Okay. Good.

So we're going to end this session. And, Josh, that's okay. So we're going to end and stop the recording.

[END OF TRANSCRIPTION]