RECORDED VOICE: This meeting is now being recorded.

JORDYN BUCHANAN: All right. Great. So welcome everyone. It is October 5th, and this is a meeting of the Competition & Consumer Choice SubTeam, of the CCT-RT. And I am Jordyn Buchanan, I'll be [inaudible] the call. I'll start off by asking briefly, please, does anyone have an update to their Statement of Interest?

All right. Seeing none, why don't we go ahead and get started. I did a bad job and did not send out an agenda in advance. I think we have, in terms of the agenda, I'd like to maybe have a brief discussion atop about outstanding research items just to set expectations. I know there's been some discussion on the final AG report. And Eleeza's given an update there. I wanted to briefly cover parking, and then any other sort of updates that folks might be looking for or need a status on.

And then, for review, Waudo sent around a couple of write-ups last night. We'll chat about those briefly, see if there's any findings from them. And then we'll see if there is any—some of these other papers that we've sent around have had small updates since we last called. If there's anything that you want to discuss about them.

Then, what I'd like to do, eventually, at the end—at the tail end of the call, is to start to talk about where we are, where we stand in terms of findings, I think, with Stan's paper and trademarks. I tried to write up a few bullets to summarize the high-level findings. I'm [still] trying to

collect some high level statements like that into of findings doc, just so we can all agree to sort of the high level conclusions that we're making. I've started to try to draft up a [pros] sort of framework for the discussion, and I've decided that it would actually be pretty helpful to kind of think about what we know, what we're agreeing upon; it's part of that. So I'd like to start to talk through what we think we know. So would hopefully get there as well.

So why don't we start off with a quick update on research. I know there's been some discussion on the list about the final AG report. Eleeza, I think you've been sharing it on the list, so I expect to see that soon, but could you give us a quick update there?

ELEEZA AGOPIAN: Hi Jordyn. Sure, I'm happy that you asked. And yes, there's been a few delays, so I haven't been able to publish it, but I'm hoping to do so this week, hopefully [inaudible]. I should know more later today.

JORDYN BUCHANAN: Okay. Thanks. And—

UNKNOWN SPEAKER: Eleeza, will that be the draft or the final?

ELEEZA AGOPIAN: [Inaudible] that will be the final and it will be published for public comments.

UNKNOWN SPEAKER: So that will be final, not a draft.

ELEEZA AGOPIAN: It won't be a draft, correct.

UNKNOWN SPEAKER: Thank you.

ELEEZA AGOPIAN: The [inaudible] take in consideration a lot of the comments that you provided [in Indiana] and I incorporated a lot of those into the [inaudible].

JORDYN BUCHANAN: Great. Thanks Eleeza. And then, it seems that Waudo is waiting for that to be published for some of his data points. Is that right, Waudo?

I am going to go with yes, because he said so previously on the list and he says he is having a bad connection, so that is going to be posted in the next day or two. That's probably no problem, otherwise we could consider breaking out the data that we are looking for.

Do we have any other places—Stan, are you waiting for data from the analysis group? Anyone else has outstanding requests from them?

UNKNOWN SPEAKER: Yes. There's at least one that I can think of offhand, which is there's, in the industry structure piece, there's a table they produced, but they are producing a revised version. But I've talked to them about that, so I think that's on the rails. There's a placeholder for it in the draft. Yes. So that's the main thing I think I'm waiting for, for this.

JORDYN BUCHANAN: Okay. Is there anyone else for the work that they're doing waiting on work from the analysis group, just to make sure that we're not missing anything that's [inaudible]?

UNKNOWN SPEAKER: I'm sorry, Jordyn, I forgot. I also talked to Greg the other day about the price analysis, and he promised me he will also be sending that.

JORDYN BUCHANAN: [Inaudible] elaborate on what you mean by that, Stan?

STAN BESEN: It's a comparison of the weighted average of the wholesale prices of a sample of new gTLDs with the weighted average of the price caps for legacy gTLDs.

JORDYN BUCHANAN: Okay. So it's new vs. legacy.

ELEEZA AGOPIAN: And Stan, this is Eleeza. I followed up with Greg and Steve about that [inaudible], so I'll keep you guys posted on that when they get back to me.

STAN BESEN: I'm sorry, I didn't hear you.

ELEEZA AGOPIAN: I said that I followed up with Greg and Steve on both of those items that you mentioned, yesterday, so hopefully we'll hear more about those two items today.

STAN BESEN: As you know, I'm completely relaxed. I'm the least impatient person on this call.

ELEEZA AGOPIAN: I agree with that.

JORDYN BUCHANAN: All right. Thanks.

And then on the parking analysis, Eleeza, I think you said we're still waiting to finalize or get back the contract from [NTLD stats], so that's still the current status?

ELEEZA AGOPIAN: Yes. And it may be delayed. I'm not sure. I'm still working with [NTLD stats] on the terms of the [inaudible], so I'm not sure where that's going to land you all. It may [inaudible] the timeline a bit.

JORDYN BUCHANAN: Okay. So one thing we may want to talk about as we get into the second half of the call, is what we would do if we didn't have any parking data, because it seems like although we've been quite optimistic that we'll be able to get that data from [NTLD stats], it may be that we won't be able to get the comparison points to legacy gTLDs but we're working at. So I think it's a topic we'll have to discuss at least.

All right. And is there any other research task—[inaudible]? I think, Eleeza, I owe you a follow-up on the analysis of the .com registrations to compare to the new gTLD registrations, to the inverse of the study that ICANN staff has already done. That's blocking on me I think right now.

ELEEZA AGOPIAN: Sorry, Jordyn. You said you owe that to me?

JORDYN BUCHANAN: Yeah. I described [inaudible]-

ELEEZA AGOPIAN: Okay.

JORDYN BUCHANAN: -To you, where we would look at to see new gTLD registrations that happened, sorry, what .com registrations had happened and see if it would have been possible to register that name in a new gTLD, to do sort of the inverse of what we've done previously, to look at the new gTLDs to see if it was possible to register in .com. And you had sent back some questions but I never responded.

ELEEZA AGOPIAN: Okay, I remember. Thank you.

JORDYN BUCHANAN: Sorry. Okay. Anyone else waiting on any research items from staff or analysis group, [Neelson]? Okay. Sounds like no. So why don't we move on to Waudo's papers.

Hopefully—Brenda, have we been able to connect Waudo via telephone? Brenda's typing. [Inaudible] to Waudo's. Oh, we are dialing out right now, it looks like. We'll just give this one second, trying to connect Waudo in via telephone.

Okay. Waudo did we get you on the phone?

WAUDO SIGANGA: Hello. I can hear you now.

JORDYN BUCHANAN: Great. All right, Waudo, now that you're on, we're going to put you on the spot right away. You previously sent out a couple of papers, last night I think.

WAUDO SIGANGA: Yes.

JORDYN BUCHANAN: I don't know to what extent folks have had a chance to fully digest those. One is on registrars and price competition, and the other on brands. On the price competition front, which is the one being projected right now, [Stan and Eleeza] said you've had kind of a little bit of exchange. So why don't we go ahead and jump in. Do you want to just summarize what you were able to take a look at, and any high level finding you took away from the data?

WAUDO SIGANGA: Okay. Okay, thank you Jordyn. As a start off, we'll see the price competition paper.

This one is using the data that is from the analysis group. I think it's on pages 34 and 35 where they say that they did a study. They were interested in describing how registrars compete with each other. So they did that study, and they came up with some findings which indicated that there was a positive correlation between price, which I am defining as the retail price, and with registrations, number of registrations.

So I think I have come up with some causes or reasons that could have contributed to that. I think, if you have my report, you can see there are five of them there. And I've had a little bit of the exchange with Stan, some discussion with him. So I don't know whether he has something he could add, maybe, which could put some clarity some of the things I was putting. Yeah, Stan, you have something?

STAN BESEN: Yeah, I had actually forgotten this and when I got Waudo's piece, I went back and looked at it. I actually find this in some respects one of the least interesting parts of the AG report. I don't want to go into great detail here now, but I wouldn't put much weight on these findings at this point.

JORDYN BUCHANAN: And Stan— So I took away from taking a look at this that the correlation is not very strong, there's probably not a correlation in it, and if there is, it's maybe positive.

STAN BESEN: Yeah I don't even know that they, for example, the usual way to do this— I guess what I had in mind originally was the following: we have a sample of gTLDs, we have something like the average retail price for each of them, we have some measure of concentration among registrars, and the question is, is there—for example, I thought this would be the less concentrated our registrars, the lower the retail price.

They actually never performed—I don't think they were actually performing that calculation. And the stuff they do provide, they don't provide tests of statistical significance, so I only looked at this overnight; after I got Waudo's thing, I went back and looked at it. My first reaction is, I wouldn't put much weight on these results.

JORDYN BUCHANAN: So Stan, it sounds like [inaudible] looking at concentration, they just look at registration volume. Is that [inaudible]?

STAN BESEN: Yeah. And then what they do here is they don't actually—they do, that's exactly what they do, but they don't even do a regression. They basically count the number with positive and negative correlation. So they draw their [inaudible] from that. Look, I have to think about this a bit more, but again, my first [inaudible] reaction is, you know, this isn't the way I would have done it.

JORDYN BUCHANAN: Sure. I imagine it would be possible if we want to do the concentration based approach, to potentially ask them to perform that calculation. Seems like they would have the data to do that.

STAN BESEN: I actually think that that was on my original project, which I don't have in front of me. I think I actually, if I can look at this, let's see, yeah it was actually project 4 of the project list I circulated a long time ago. So it's

correlations between mean and median registrar markups, and each measure of registrar concentration.

WAUDO SIGANGA: Okay. I will have a look at that later on and see whether I can adjust the data.

STAN BESEN: Yeah, I mean sure. But I think Jordyn's right. It's probably something they could do relatively easily. I don't know what it will show. But at present, I am unwilling to draw any conclusions from what I've seen in the earlier—But of course, they may have done some more work on this in the draft we are going to see tomorrow.

JORDYN BUCHANAN: Yeah. I'd be interested in the draft. It does look like, for project 4, they performed the concentration analysis within each TLD, but what we didn't get was a price analysis within the TLDs.

STAN BESEN: Yeah. That's the most obvious sort of straight forward thing to do. I don't know what it will show, but they may already have done that. I don't think that's what they did. I can't find it in this—maybe it's in the report. Let's wait a day or so to find out.

JORDYN BUCHANAN: Yeah. All right. And I think that—Waudo, you're also planning on [inaudible] while you're looking for the additional data, is that right?

WAUDO SIGANGA: Yeah. I think we'll wait for the new report and see how they handle it there, then we can proceed from that point. Okay?

STAN BESEN: And I am asking to work with Waudo on that.

WAUDO SIGANGA: Thanks Stan. Yeah, yeah. Thanks. I need the expertise actually. Thank you all.

So the second project is this one on .brands. I think this one is a bit more straightforward. Basically, the high-level question was, have benefits of choice exceeded cost? And the measure here was that if .brands are not moving to the new gTLDs, they register in them but they are not moving operations to the new gTLDs, then there's a likelihood that the benefits of—sorry, the cost of choice [inaudible], the costs have exceeded the benefits, if the .brands are not moving in significant numbers. So the source of information, the source of data was the observatory domains site which seems to have some good information. And I think you have the write-up on the screen [inaudible].

JORDYN BUCHANAN: I think [inaudible] the other paper, so—

WAUDO SIGANGA: -Prediction of that, so I don't need to say it out. Okay, so while it's being put there, all right, so maybe I can just be talking about it, but we're talking about 557 .brands that were looked at, of which 464, that's 83%, who are live. Live means they have at least [inaudible] at the second level. However, only 86 were active. That is having second level domain other than the mandatory [inaudible]. So I've concluded that this shows that as of the end of August, the majority of brand TLDs are not upgraded from their legacy identities.

And I've tried to come up with a few reasons, [inaudible] my thoughts why this could be, but it's open to discussion.

JORDYN BUCHANAN: Thanks Waudo. Yes. I think that causes are actually quite interesting to look at. I know that #3 say that Netflix may have started to migrate, and then reverted. Do you have a- is there any sort of citation we could point out for that, is there like a new story, or—

WAUDO SIGANGA: Yeah. I'll look for the citation I will put there.

JORDYN BUCHANAN: Okay. That would be really helpful I think.

WAUDO SIGANGA: Okay.

JORDYN BUCHANAN: Anyone else have questions or thoughts about this write-up from Waudo?

So my favorite way of looking at this is that we would conclude that, at least for brands, most of them, it looks like most of the registrations have either been—you know I don't want to describe motivation too strongly—but more likely to be defensive, for whatever reason, the brands are registering the names of the TLDs and not using them. So for those .brands at least we haven't seen a lot of the potential benefits be realized. [Inaudible]

WAUDO SIGANGA: Yeah. I was suggesting we could get some additional information. I don't know how possible this is. But there was a study done on a sample of the .brands who have not yet migrated to find out what their planning is, whether they are planning to migrate, and if they're not going to migrate, what the reasons could be. Is it possible?

JORDYN BUCHANAN: Yeah, I guess this comes back to the—I don't remember if we had any questions like that in the applicant's survey, [inaudible] whether they're using them, and if not why.

WAUDO SIGANGA: Yeah, because there's a possibility that this migration is a functional time, and given enough time, most of them might migrate. So we need to eliminate that or validate it.

JORDYN BUCHANAN: Yeah. I want to share a totall anecdotal experience at Google, which is that it is in fact—[inaudible] there's a lot of switching costs. And the Netflix example probably is a good one. So unless you have a really compelling rationale to move to the new gTLDs, there's enough [inaudible] in switching costs that makes it, at a minimum, very slow to do so. We have a very small number of uses for .google for example, so we would probably fall into, .google would probably fall into the 12% of names that actually has some usage on it, but it's still very small. Our main presence is still on google.com, and you know our other brands, like .chrome, and .android and .youtube are not used at all so far. That's largely because we just haven't identified the use cases that may be compelling enough, and so I would say that our registrations were not really defensive so much as the fact that we didn't anticipate another opportunity to apply for TLDs again for several years. It's made it so we were opportunistic. We wanted to lock down the opportunity to use them if we wanted to, even though we didn't have the use cases laid out in advance. I suspect that's probably pretty common amongst the brands.

Stan, I see you have your hand up.

STAN BESEN: Just a quick point. There's an analogy to the inertia point that Jordyn just made. The economic literature on standards explains often that people are reluctant to move from a poorer to a better technology because of switching costs or inertia, and maybe we can at least say something about the fact that this is analogous to that.

JORDYN BUCHANAN: Yeah. That would really be helpful, Stan. If you have any pointers to that literature, Waudo I am sure can add that to his write-up. Megan I see you got your hand up.

Megan, if you're speaking, we can't hear you yet. There's no audio from Megan, unfortunately.

WAUDO SIGANGA: Jordyn?

JORDYN BUCHANAN: Yeah, go ahead Waudo.

WAUDO SIGANGA: Okay, maybe as we are waiting for Megan, further down on the paper. Under the recommendations. Can you hear me? Yeah. Under the recommendations, there is something that I was thinking of, I have not yet put it here, but I thought that this was a very expensive way for the .brands to secure their brand names. That's going for—going to get the gTLD, which is quite an expensive exercise and not utilizing it. So I

thought of the recommendation that there is going to be another round, that we could think of another if I can call it [RPM], where the .brands can be able to secure their brand names without necessarily having to get a gTLD. That is just a suggestion, a recommendation.

JORDYN BUCHANAN: [Inaudible] clarify what do you mean by secure, if that doesn't mean getting the gTLD?

WAUDO SIGANGA: Well, I was—in the quotes, in the [inaudible] here, I was saying that one of the most likely causes is defensive registration. Defensive registration as an expense, it's quite high if you have to actually apply for a gTLD and go through the process, in regards of getting the gTLD. It's quite an expensive exercise. And then if you are not going to use the gTLD, it doesn't make sense. So if there was another path in which the brand owners could be able to secure, that is they don't have to do the defensive registration, without [inaudible] defensive registration, perhaps it could be preferable.

JORDYN BUCHANAN: Yeah, thanks Waudo. I wouldn't know. It's one of the reasons I'm a little skeptical of the defensive registration explanation per se as opposed to the opportunistic registration that I have described at least for the case of Google is that there actually is a good intellectual property protection built in the guidebook. So we at least felt pretty confident that if

someone else applied, for example, for .google, we would be able to stop them from doing that with the objections process.

Obviously, there are some exceptions to that. For example, there's currently a large conflict over, for example, [.Merck]. There are multiple companies with rights to that name. So they might feel more compelled to try to secure it defensively to prevent another entity with the same name from getting the TLD. But at least in the case of sort of distinctive global brands, I would imagine, in most cases, the defensive—the existing objections mechanism might be sufficient.

That might be something that we might want to ask brand holders through the [inaudible] survey, though, as to whether they felt the defensive protections in the guidebook were sufficient.

WAUDO SIGANGA: Yeah but there have been cases where the applicant who [inaudible] fighting over the same brand name. I know one case, a big German I think it's a pharmaceutical company that also had a branch in the U.S., and they have been having this fight for the name. So that kind of situation.

JORDYN BUCHANAN: Yeah. So that's right Waudo. I guess the question that we should raise is would it be reasonable to allow one of the—you know, the [Merck] was the example that I gave, and I think it's the one you are referring to, would it be reasonable for one [Merck] to just defensively prevent the other [Merck] from getting the name, even if they weren't planning on

using it themselves. I think that is an interesting policy question, I don't if we are going to get to the heart of that. But you raise a good point thinking whether applying for the TLD is the right approach either.

I just want to know, Megan put some comments in the chat, because it sounds like her mike is not working. And she says, in addition to what Stan said about standards moving, there is also, is there also an element of consumer attraction. Consumers are used to Netflix at netflix.com, and they tend to do that instead of looking to new domains. But on the other hand, since some 60% find domains by means of search engines, the problem is with the search engines and not with the consumers themselves. And so, you know, I think putting together some different piece of the data we have, if we look at the [Neelson] consumer survey and see that users are a lot more comfortable with TLDs that they recognize, for example, that does seem to [dive] with what Megan just suggested in chat. It may be that people don't know about these things or are used to legacy gTLDs; that you have to overcome that as well. As part of the switching cost, you are going to have to actually convince people to know about and trust your gTLD.

The flip side of that is what Jonathan is suggesting in chat, which is that, you know, maybe these brands are getting these gTLDs precisely so they don't have to go and register the SLD across all the TLDs. So maybe if you think—for example, I think AARP, which is the American Association for retired people applied for .aarp, and the way I've heard about them talk about today is they want to train everyone to know that if it doesn't end with .aarp, then it's not a real site associated with the AARP. And so maybe their strategy is we'll just pay, you know, the $185,000 and $25,000 a year, and that will prevent us from needing to go and do a

bunch of defensive registrations on all of these other gTLDs, so that's an interesting point, Jonathan. I think somehow we got the [inaudible]. We have to see if there is a correlation between whether the brand has a TLD or not and how common defensive registrations are.

I think I may have asked for something like that, but let me make a note to follow up on that. The .brands. Does having a .brand influence the number of SLD registrations and new gTLDs. Okay. Stan's been paging at me for a couple of minutes with his hand up. So Stan, do you want to jump in?

STAN BESEN: By the way, some of these alternatives are addressed in my write-up of trademarks. I just want to raise one point here that Megan asked the question to David, and his response was, yes there are alternative ways to protecting your trademark, but sometimes the optimal strategy, I'm putting words in his mouth, is the duplicate registration. So there are a number of possibilities, including the one that Jonathan recorded the other day, which is by blocking services. And I think—I tried it in my revised version of trademarks, which is to spell out what seems to be all available alternatives. It's possible by the way, I was just thinking about that the other day, that the low median number of duplicate registrations may mean that people are pursuing alternatives.

And so if you can buy blocking, you don't have to duplicate, for example.

JORDYN BUCHANAN: Yeah. Thanks Stan. That sounds certainly correct. I guess we don't—the thing we're missing is we don't know the number of blocking registrations, right?

STAN BESEN: Yeah. I think at this point we can only speculate about it, but I think [inaudible] response in the various comments that I have received, I try to list the alternative ways that a trademark owner might think about this.

JORDYN BUCHANAN: Sure, that makes sense. But it seems like we have one new hypothesis from our discussion today, which is, if you have a .brand, you might feel less compelled to defensively register at the second level, because you have got this position at the top level that you think is going to ultimately be the mechanism that you use to sort of built and online identity around your brand.

STAN BESEN: Fair enough. And I'll try to do a write-up of the inertia point and run it by Megan, see if she approves it.

JORDYN BUCHANAN: Okay. Great. And I will do a quick follow-up, see if we've asked for this in the past, but if not, maybe we can get the analysis group to take a look in their trademarks data to see if there is any relationship between—if in their sample of trademarks, some of them also applied for their

.brand, to see what the sort of histogram of second level registrations looks for those, vs. the one that didn't have the [inaudible] .brands.

Got it. That would get to Jonathan's point, I believe. Eleeza has her hand up.

ELEEZA AGOPIAN: Hi. Sorry. I was just about to say I think in the trademarks project analysis actually took out those marks that had a fight for .brand from their analysis. I think. If I am not mistaken. I can follow up on that.

JORDYN BUCHANAN: By took out you mean they excluded them from their numbers or by took out you mean they broke out and we already have—

ELEEZA AGOPIAN: Sorry. Excluded them from their numbers. That's right.

JORDYN BUCHANAN: Hmm. All right. Might be interesting-

ELEEZA AGOPIAN: —I think that was at the request of the team, because there was a discussion in [Vienna] about we should treat those differently, or maybe exclude them from this paper's analysis. They only want the trademarks that didn't have their own TLDs. I have to go back and find out, but I recall having this conversation.

JORDYN BUCHANAN: Yeah. I recall having it as well. I think it would be—I mean maybe we asked for the wrong this. It probably would be more useful to look at the—maybe [inaudible] rerun the numbers on the ones that did apply, then we can compare to see if there's any difference in behavior.

ELEEZA AGOPIAN: Okay.

JORDYN BUCHANAN: All right. Any other questions or comments for Waudo on this trademark write-up? All right, no? Okay.

UNKNOWN SPEAKER: I am actually looking at the analysis group, I don't see that they excluded them. They just say they took around a 25% random sample.

JORDYN BUCHANAN: Yeah, well let's wait to hear back from what they did already, then we can also see whether they are capable of breaking out the .brands or not, see if there is anything interesting that emerges.

It is also possible, for example, that brands that applied for .brands are more famous and therefore, it is more likely that those brand holders are more aggressive about protecting them with some combination of registering the TLD plus SLD registrations, and blocks, and so on. So what we may see is that there is a positive correlation between the

registration of a .brand and the number of SLD registrations. But we'll probably have to combine some objective data with some sort of survey data to better understand the motivations of these people or speculate a little bit, depending on what data we have available.

All right. So let's move on from this discussion then. Thanks Waudo, these were helpful write-ups and should help advance the conversation. I do like the fact that you spent some time trying to think about the causes, and I think if we can try to—I think they give us some good places to try to focus on either follow-up research or just try to sift through other pieces of the data we have to substantiate them. But they're great docs.

WAUDO SIGANGA: Okay. Thank you.

JORDYN BUCHANAN: So we have 20 likely more minutes, and I wanted to start to talk a little bit about how we are going to [flex] and organize our findings. So for example, this will be a hard discussion to have without me having written this up in advance. But maybe let's talk through the exercise, and we can figure out how to make it useful.

But for example, previously on Stan's previous trademarks paper, I had summarized sort of three high-level bullets of that paper, which were for everyone's memory. First that as with previous expansions of the gTLD space, some trademark holders engage in defensive registrations. Secondly, in the sample studied by the analysis group, 54% of the

trademarks registered in .com, were registered in one or more of the new gTLDs, so about half. Then third, that most trademarks are registered in a small number of gTLDs, the median was three, but a small number of trademarks are registered in many gTLDs, sometimes hundreds of gTLDs.

So that was sort of the high-level summary of what Stan had written before, and there's a lot more new [inaudible] to Stan's paper obviously, talking about possible reasons why people might be doing this, it may be defensive, it may be not. But certainly, there's some amount of defensive registration taking part.

You know, alongside this, we can probably add conclusions from Waldau's papers that most—the significant majority of the .brand TLD applicants haven't yet made use of their .brand.

And Stan, you've got your hand up.

STAN BESEN: Yeah. I just based—I asked and I forgot about this. I asked [inaudible] for one more piece of information, they reported the median, the mean and the maximum. And the maximum seemed really way out there, like 400 and something. And I was curious as to whether there were some guys that do 50 or 75, or is there just a big gap between 5 and 400. It should be easy for them to give us that frequency distribution. I've asked for that.

JORDYN BUCHANAN: Yeah. That's right. I asked for that as well. But I think they had promised us in [Vienna] some sort of histogram of the distribution, so hopefully we will see that soon. I imagine they are busy at the moment trying to finalize their final report—but I agree, that would be helpful to see.

So these are roughly what I recall the high-level findings from our trademark discussion so far. And I guess my question would be, first, are those controversial statements at all? Do we all sort of agree that's what we have learned from taking a look at the trademark data? [Inaudible] compliance on this one, so hopefully that means yes.

And then, secondly, does it seem useful—you know, what I may try to do is just go through and summarize the points that I think we've either discussed or have had papers written-up on, and try to distill it down into these sort of bullet point thing for us all to take a look at, such that we can all sort of agree what the high-level points that we are making are. So for example, I think [Kylie] suggested on the email list today that we say something like, the new gTLD program hasn't had an effect on price competition. I think that statement, as far as we can tell right now, I think that statement is correct. I think Stan you are waiting for a little bit more data on this legacy versus new gTLD price analysis, but I think, yeah, there are various reasons why this might be the case, most notably, is the price gaps in the legacy gTLDs.

But I actually think that what [Kylie] proposed on the list is roughly correct. We haven't seen [inaudible]-

UNKNOWN SPEAKER: I actually think that conclusion is too strong.

JORDYN BUCHANAN: Okay.

UNKNOWN SPEAKER: Yeah. Two reasons. One is I would have liked to see what would has happened to the wholesale prices of legacy gTLDs. And in fact as we now know, we have little or no data of that. So I don't reach a conclusion that there has been no change when I don't have any data to observe. Number one. And secondly, aforementioned point about price caps and their effect on our ability to observe behavior.

And so I think those are much too strong. I try to write a more [inaudible] conclusion in the section of my write-up about prices. And I think that's much closer to what I would say than what [Kylie] has said.

JORDYN BUCHANAN: Okay. Great. So I think that's a good example of why we probably want to be careful about how we- how the exact phrasing—but I guess—so these headline statements, you know, I should put Jonathan on the spot.

My understanding of what we are trying to get to by Hyderabad is roughly that we would have these sort of headline bullet-point-ish statements mostly ready for presentation to the community. Is that right Jonathan?

JONATHAN ZUCK: Yes. I am happy to be put on the spot. I guess there are two things going on in parallel. One is trying to get some kind of document published by the end of the year, which is not too significantly after Hyderabad. And then, there is the need to come up with kind of headlines [inaudible] forms. And then I think the headlines are where we need to be most careful to Stan's point. But yes. We need to have some findings in PowerPoint form for Hyderabad, but I don't know that being only there by Hyderabad is sufficient for our other goal of having a document by the end of the year. So I think it's better to think of these things in parallel than in serial if we can [inaudible] try to do in Hyderabad.

JORDYN BUCHANAN: I agree with that a 100% Jonathan. I actually found that when I went and started to put together a [pros] framework for the overall report that having a sense of what we were trying to say was helpful. There is obviously a lot of discourse we can say about—as Stan's papers do— there- you know, we can do a good job of talking about historical background, what's been done, what our predecessors did to learn about the space, sort of what data was available to us and what we concluded from that data.

But the overall, I think— I think the overall structure of the [inaudible] of the narrative is going to depend quite a bit on what we are trying to tell people. And so getting to some of these bullets in my mind will be helpful in terms of how the [inaudible]-

JONATHAN ZUCK: I agree completely, certainly. I agree completely. I mean we are going to need to boil this down to, you know—I guess the way to think about it is an executive summary. Right? I mean, at some level, we are asking some high-level questions and we would want to have answers to those high-level questions, not just answers to questions that are so granular that we would leave answering the high-level questions to the reader, right?

We are going to need to kind of circulate up from these individual projects to answer larger questions about whether or not there was an increase in competition generally, and then have new [inaudible] about whether there was or wasn't, things like that. But I mean we're being asked to figure out [inaudible] we can what kind of caused benefits for the program. And to recommend [inaudible] possible how to minimize the cost and maximize the benefits going forward.

JORDYN BUCHANAN: Yeah. Thanks Jonathan. Yeah. So my idea ended up being that it would be helpful to try to get to somebody in parallel to the good work that's going on now, for example Stan's paper is getting from somebody's templates into [pros]. I think just sort of being able to have a document where we lay out sort of that bullet point level, and sort of agree—I think one of the things—one of the challenges we'll have between now and Hyderabad is getting to agreement on these statements, especially where there is new [inaudible] involved, right? So issue a price competition, you know, there is probably a lack of [inaudible] statements that [Kylie] [inaudible] version that Stan said. And both of those statements could be written down as a bullet point, but I think

we'll want to get to agreement on what that looks like. And it will be helpful to do that in parallel like you say to actually draft the end text if you agree.

So I will—[inaudible] job is summarizing Stan's conclusion on the price competition topic, it sounds like. So you know the best thing I think would be- and maybe we should add this to the [inaudible] this is just the findings on the templates are like where do we draw out these bullet points that we can then sort of agree upon as the high level statements. Is that roughly just the findings from these papers, Jonathan?

JONATHAN ZUCK: I believe that it is. I mean I'm—I guess I'm probably going to talk to you and Maureen about an exercise of circulating this down, because as we—when we have our public engagement session, I think we are going to have difficulty putting every one of these granular projects into PowerPoint form, and instead we are going to need to circulate up to some higher level bullets with some examples from these projects, right? That seems to be particularly instructive. And so like finding that balance, that mix, between sort of the high-level points and low level explanation for them, I think is going to be the exercise for Hyderabad.

JORDYN BUCHANAN: Yeah. Okay. Thanks Jonathan. So since I have been promising to work on the general framework for a little while and I actually did do a bit of work this week, I think I am going to take as a first path to try to get to the sort of high-level bullet points. And I will put together a Google doc.

And I guess I will also send around a [inaudible] version for Stan and [Kylie] at least, and then the other people that would prefer to engage offline as opposed to the Google doc. But I think having a canonical sort of view of the high level findings that we are planning on making, if we can keep that document up to date, that would roughly transform relatively easily I think to the bullets for Hyderabad. And then we can start to think about the structure of these bullets as being sort of—we can play around with the ordering and so on, and that can give us sort of the outline for the [pros] that we are attempting to put together, the narratives as Jonathan says.

So I wanted [inaudible] that probably not today, but tomorrow, when I've got a bit more free time, and circulate around the list. Again, I'll ask people to pay extra careful attention to that document, because it will be very, I think, both disruptive and frustrating to have last-minute objections to the high level conclusions that we are making. So as we add points to that document, I'd like us all to be very confident they reflect the consensus of the group. And in places where we can't get to a consensus, those will be also good places to call out now, because those are likely places where we are going to need minority statements in the final report.

JONATHAN ZUCK: Yes. Jordan, this is a reminder. The very thing you're describing now is the thing that I'm trying to write up and send you in draft for review before circulating to a broader group. It's about how to [inaudible]-

JORDYN BUCHANAN: The [rules]-

JONATHAN ZUCK: Yeah and when to relegate things either to put notes that there isn't sufficient support or you know minority reports parentheticals or whatever that structure should be when there is a disagreement on the interpretation.

JORDYN BUCHANAN: That's right, Jonathan. That will be helpful. We'll hope to see from Jonathan something to do with when we can't get a consensus. But I am hoping that the majority of these bullets, as with the trademarks discussion I think, so far we haven't seen anyone object to sort of the high level summary that we put together. And so if that remains the case, a lot of these bullets, I think, will stand on their own. And I think even maybe in that case, with the price competition, we're going to arrive at some language that captures the general point that [Kylie] was making with some of the new [inaudible] that Stan is reflecting.

All right and Megan said, I just added something on chat which said that is perhaps a bit [inaudible] Jonathan. Could we not say that the data available to us indicates a reduction in retail prices for gTLDs but the reasons for this may vary and it will be important for this new analysis in the future [inaudible]?

So yeah, Megan. Something like that may make sense I think. Like Stan said, he has already taken a stab at this in his other paper so we should

maybe look at that sentence. But I also see he has his hand up, so go ahead Stan.

STAN BESEN: Yeah. I think this is actually a little too weak because in fact we don't have much of the data we need to answer that question. So I think we have to say that. In fact, one of the things that I think we have agreement on or at least try, I think some people agree on, is that the recommendation is that ICANN should in the future be trying to acquire more of the data it needs to answer this question properly.

JORDYN BUCHANAN: Yeah. Thanks Stan. That's a great point. But I think in many cases what we would be doing in the report is saying either we didn't have the data or didn't have time to get to this question, and we recommend in the future someone looks at xyz.

STAN BESEN: Actually, I may have sort of, at a personal level; if my friend read the report, I don't want them to say did Stan really say that!

JORDYN BUCHANAN: I think that's a great standard that we should all be holding ourselves to. Our names are really on this report, so we want to make sure that it is as credible as we can make it. Robust, as Megan says.

All right, I'm going to do a wrap-up of all of that so we don't run over time. Does anyone have any last-minute thoughts or interventions? If not, we'll go ahead and wrap up and rejoin on the plenary call next week.

Just a reminder, I think Stan is going to be trying to put together a little bit more information on the policies on the [inaudible] page. For the policies, we are waiting for some ccTLD data from staff, which we should've gotten earlier. But I'll connect with [Dan] and Eleeza online to make sure—offline to make sure we're on track with that.

Eleeza's typing. Yep. Okay, great. [Inaudible] the data should be getting to [Dan] today, so we'll expect to [inaudible] on our next call. And Waudo, hopefully you will be brave enough to represent your data, your papers, at the plenary call next week.

WAUDO SIGANGA: I will.

JORDYN BUCHANAN: And you know if we can get a little bit of the feedback from today's call incorporated between now and then.

WAUDO SIGANGA: [inaudible].

JORDYN BUCHANAN: Thanks. And Jonathan, the answer to your question is no I haven't had any—I think we tried and not gotten a response yet either, so a bit of a dry well there, unfortunately.

STAN BESEN: [inaudible] we have 30 seconds left.

JORDYN BUCHANAN: Yeah. Go ahead, Stan.

STAN BESEN: Just one quick point I wanted to make earlier about the parking, so it wouldn't make any difference. Our analysis would not be affected if every—the parking rate was the same for every TLD. And so what we're really interested in, in the data, is the differences among new gTLDs or between legacy and new gTLDs. That's really the [inaudible] in question.

                     And if we write it up, we can write it up and say the results would not be affected if the [inaudible] the same, but they might be different.

JORDYN BUCHANAN: That is a great point, Stan, and one thing we can look at is the parking rates between new gTLDs because we do have that data [inaudible]. Exactly. But yes, that's a great observation. All right, Jamie just raised his hand. We are out of time, so Jamie keep it brief but go ahead.

                     We can't hear you if you trying to speak, Jamie.

JAMIE HEDLUND: [inaudible], can you hear me now?

JORDYN BUCHANAN: Yeah.

JAMIE HEDLUND: Okay. That we need to have a broader discussion of what parking means in terms of competition, and [inaudible] indicator of competition. Or at least, I am a little uncertain because it seems that some believe that it's either any competitor, or irrelevant, or should be discounted. Others seem to believe that it is a form of demand that may be speculative, but it is a demand nonetheless. [Inaudible] worthy of the new gTLD program. Not in existence. And the fact that someone made up something with that it later, [inaudible] sooner, does it make it any less of an indicator of competition and demand than if they were [inaudible] build it out or redirect it or use it for traffic aggregation.

JORDYN BUCHANAN: I think that's right. I would not provide that as the main calculation. I think I would prefer to have it as a variant of the basic calculation, and people may be interested in what it looks like.

JAMIE HEDLUND: Right. [Inaudible] of so we can explain context that's all and I'll shut up.

JORDYN BUCHANAN: Sure. [Inaudible]. But I think you're right Jamie, we will have to put it in context, and you know it may be this is all futile discussion, because we're never going to get any meaningful data here. But I do think it will be interesting as a quick pass to look at what parking rates look across the gTLDs to see if this influences our thinking at all.

Anyway, thanks folks for joining. Sorry for running a couple of minutes over time. And we'll look to rejoin on the plenary call in a week.

UNKNOWN SPEAKER: Sounds good. Thanks.

JORDYN BUCHANAN: All right. Bye.

[END OF TRANSCRIPTION]