
LAUREEN KAPIN:

We're having our Safeguards and Trust Subteam call #20. I can't believe we're on our 20th call. Thanks, everyone, for joining. I'm hoping we get an even more robust participation level in a few more minutes. But for the folks who are on the call, are there any updates to Statements of Interest?

Okay, since I don't hear anything and I don't see any hands raised I'm going to assume that there are not. I think we can launch right into then a discussion of the two updated papers that I had submitted. The first one is on the screen regarding consumer trust, and that's been circulated. Eleeza, I just saw your e-mail on feedback about that, although I haven't gotten a chance to look at it yet. But I'm thanking you in advance for providing that feedback. What I would welcome from folks besides this conversation with feedback is written comments because that way I have a written record and then when I go back and revise the paper, I have the benefit of your comments.

For now what I think would be helpful is to have a discussion about the paper and the data so that we can shape this in a way that's going to be most helpful for not only our meeting in Hyderabad but our preliminary report. With that, let me open the floor for people's comments.

DREW BAGLEY:

I thought this paper was an excellent use of the Nielsen data in a way that helps us digest it for our own narratives that we came up with. I was wondering, did you have a chance to look over, before you finish the e-mail that Eleeza sent us with the update from David?

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

LAUREEN KAPIN: No, I did not because I think we just got that e-mail yesterday and I had circulated this prior to that e-mail.

DREW BAGLEY: Right. Okay, that's right. I couldn't remember the order of things. Yes, so I haven't finished going through that either. I did a preliminary read but I'm wondering if we might be able to extract even more things because we'll now have a little bit of correlation at least between those who did certain activities in the first set of questions and those who had certain views on the second set of questions.

That, I think, would hopefully go to at least the #7 maybe – “What makes a gTLD trustworthy?” Because from that we could see that those that had – not that it fully helps to answer our question but – those who had actually registered domain names, those with more experience with domain names, seem to have higher levels of trust on the back end. And then similarly with the consumers avoiding unfamiliar gTLDs, I think that might help add more to those. But otherwise, I thought you did an excellent job and really set a good model for the rest of us. I hope to do something similar whenever I have the DNS Abuse data. But in the interim this at least gives me I think a good model to follow to set up that paper.

LAUREEN KAPIN: Thanks, Drew. What I'm taking from that is basically this is a good model and is helpful, and take a look at Eleeza's e-mails which I would do

anyway, but make sure that I'm looking at those e-mails with an eye towards seeing whether additional information could be added or amplified based on the information in those e-mails. And I will absolutely do that.

I also, if folks noted, added some references to the NCC study on consumer trust which we're still trying to find out a little more information about since as I think Carlos noted and I'm sure anyone who's read it would have concluded, in a sense it's a little bit of a marketing piece for the .trust domain but nevertheless it does have a lot of people surveyed, it does have some findings, and we're trying to get a hold of the study itself so that we have the whole thing instead of these very selective excerpts.

If folks have any views about the data – the Nielsen data, the NCC data, or other data sources – now would be a good time to discuss that. Jonathan, I didn't know if you wanted to discuss any concerns about the Nielsen survey results.

JONATHAN ZUCK:

Thanks, Laureen. I don't know that I have anything definitive. I got an e-mail from Kevin Murphy who had looked at the surveys in some detail to do a blog on them and saw a lot of difficult discrepancies to explain. I think we had a little bit of a similar experience in Vienna talking about them, and so we put Kevin together with the Nielsen folks to see if he could get some of those things resolved and then he and I agreed to talk after he spoke with Nielsen.

I guess part of the problem is that in many instances the deltas of the data are sufficiently small as to be statistically insignificant. And so to read a lot into them can be misleading and sometimes contradictory. Things like awareness of .net going down may just have to do with a different sample or something and suggest that there's a range or something like that. So I think we're going to just need to spend some time going through these surveys to try and figure out what are realistic things to pull out of them because there is some contradictory data. But I didn't get on this call prepared to lead that discussion, but I could try to do that if you want for the next call, try to go through the exercise of going through all four surveys in detail to try and have a discussion about it. But it would probably behoove us to have Nielsen on the line when we have that conversation so that we can really decide what we feel comfortable taking from these surveys I guess.

LAUREEN KAPIN:

I think that's probably a good discussion to have because really these surveys are the richest data source we have at this point. And if we're going to be relying on them we should have a sense of the places where they're strong and the places where they're more subject to questions. I just think in terms of our preparation that that would be a good thing. Perhaps we can arrange to have that happen so that we all have a sense of potential problem areas.

CARLOS RAUL GUTIERREZ:

My [point] was in the same direction. We have had already some people picking up the [inaudible] or picking up the [inaudible] report and using

them in the direction [they] want to use it. So I think we need to be clear that this is a multi [year] comparison with the baseline with increasing [inaudible] that idea of [inaudible] and trying to prove the opposite. So I strongly recommend to pursue this line [inaudible] that puts it into context and we should do it as soon as possible because it's already out and we have some time to look at [inaudible] relevant deltas as Jonathan [inaudible]. Thank you.

LAUREEN KAPIN:

Thanks, Carlos. I still had a little bit of trouble hearing you, but from what I did hear, this is what I think the gist of what you said was, that we need to emphasize that this is the first in a multi-year review effort, our Review Team being the first but there will be subsequent review teams to ours and this would serve as a baseline study not a definitive set in stone indication of measurements of consumer trust and the other issues that the study is surveying, and that it would behoove us to make sure we set up this study as a baseline rather than a definitive reading forevermore on the issues that the survey is addressing. Is that a fair summary, Carlos?

CARLOS RAUL GUTIERREZ:

Excellent summary. Thank you very much.

LAUREEN KAPIN:

Thank you, Carlos.

JONATHAN ZUCK: That was very clear, Carlos. The problem is that we set this up as a baseline with a delta 12 months later and there were weird things, like awareness of .net slipped from 76% to 69%, 83% of consumers have heard of .org but only 65% of registrants have, things like that start to call into question the viability of the survey itself. That's why we've got to try and figure out what the best way is to interpret the data that we have.

LAUREEN KAPIN: Okay, and I assume then on a discussion with Nielsen, that kind of flows from the discussions that are already taking place and then a discussion with the group will help inform that.

JONATHAN ZUCK: I'll take it as a to-do to have a conversation with Nielsen and to look at all four surveys and to make some kind of presentation to the group on the next call.

LAUREEN KAPIN: That sounds good. Okay. Does anyone else have feedback or input on the Consumer Trust paper?

Okay. I still repeat my call for written comments if people had written comments. I can tell you when I was going through the surveys and the materials I was also struck by the differences in the findings between the registrant survey and the consumer survey, and also in some instances the questions were just asked differently. Even though they were trying to get at trust issues, the questions were asked differently

between the surveys. So we weren't comparing apples to apples. That's something that I had noted, and again, I think we're going to have to figure out a way to communicate about these clearly.

I'm glad that Jonathan will be following up on assisting us in becoming more attuned to any of the studies' discrepancies and the best way we can go forward in interpreting the results of the studies. Okay, I'm just making note of that.

Then let us move – controller of the screens. I don't know if that is Alice or Pam. But let's move to the next discussion paper which was Implementation of Safeguards.

I have gotten feedback on this in different forms from both Carlos and Jamie who actually in some ways are on opposite sides of the coin. And I think the issues they have both raised in very different ways really goes to the question of what we should be focusing on when we put together our preliminary report and when we discuss preliminary findings in Hyderabad. I thought I would give a brief description of what I've heard from Jamie and Carlos and then turn it over to them to express their viewpoints and then get the benefit of the group's think. Because I think what they raised is very important.

Essentially, feedback that I received from Carlos focused on the need to provide background or what led to a discussion of the safeguards, and specifically Carlos is actually working on a background paper now to discuss law enforcement recommendations that went into the new version of the RAA and to provide a context for what led to the GAC safeguard advice in the first place. I'm perceiving Carlos's feedback in

part as a call for context and background so people know what happened before.

On the other hand, what I have heard from Jamie – and again, both Jamie and Carlos will express this themselves in the way they think is most fit – but what I’ve heard from Jamie is, wouldn’t it be better and perhaps less stepping into very delicate issues, if we focused not on what was recommended by the GAC to be implemented in terms of safeguards, but to focus on what was actually implemented, and shouldn’t that be our real focus because that is the reality we’re dealing with and there may be differences of opinion between interpretations of whether GAC advice was implemented or not and is that an issue we really need to step into?

With that, I think I’ll turn it over to first Carlos and then Jamie to give further background on those comments and then I’d like to hear from the group.

CARLOS RAUL GUTIERREZ:

Okay, thank you very much. Instead of repeating what I’ve said before I tend to like very much Jamie’s recommendation for the following reasons; the documents, the Registry’s Agreements, they were of course new because the TLDs were new, and then the Registrar’s Agreement was a negotiation between the registrars and ICANN that was not a policy process or something like that and I support the idea of avoiding getting into that discussion. Instead, what I think is very important is to be very clear about the structure, the relationship of the registry’s new contracts and the registrars’ revised contracts to give

some context and try to explain the different relationships. There are relationships between registries and registrars, in case they are not one and the same person, then the relationship of the registrants and its responsibilities and so on, and try to make it very visual, very clear, this cascade of responsibilities of the different levels and where are the connections and then discuss if it's clear to everybody, if it's clearly explained in the web pages what to do if they have a complaint and so on.

I would go a very didactical path here. I know 300 people know exactly how it works, but I think we should address a much wider level of participation and not keep it as obscure as it is, and that's what motivated me to start writing on the side as a clearer explanation. So much for the moment and I pass it back to you Laureen or to Jamie. Thank you.

LAUREEN KAPIN:

Thanks, Carlos. What I'm hearing you focus on is to make sure that when we discuss the safeguards, we are giving sufficient background to the mechanics of how the safeguards work in terms of who has responsibility for what and in terms of how the relationships are defined contractually between ICANN, the registries, and the registrars. That's what I'm hearing.

I'm also hearing you express some agreement for Jamie's perspective which I think we'll hear more about, which is focus on what's actually been implemented.

I'm sorry I'm having connectivity problems. So I can't see hands but I can orally ask Carlos if I've summarized that correctly. Looks like Carlos left this call but maybe you can type your answer, Carlos. And I can turn it over to Jamie.

JAMIE HEDLUND:

Thanks, Laureen. A couple of things. One is I'm sure most or everybody knows on this call a lot of ink has already been spilled on the issue of implementation of GAC safeguard advice. There have been a lot of Board/GAC discussions about that. There's been a fair amount of correspondence exchanged as well. The GAC has been engaged in the development of this program from the beginning and heavily so. So I don't think that it would be necessarily productive to get into whether or not individual items of GAC advice were implemented in a manner in which the GAC might have intended. I think it brings up a lot of interpretation questions and it doesn't ultimately get to what I think this group is supposed to look at which is outcomes of the program. So rather than focus on heated debates, controversies, between the Board and the GAC, it would make more sense instead to focus on the effectiveness of the safeguards themselves as implemented.

I think if we put out a paper that takes sides in this debate, that we will stir up all sides. Even if we were to take the GAC side altogether, I'm sure there will be folks in the GAC who would not be happy that this group is putting words in their mouths or interpreting what they mean. And obviously registries and registrars who think the GAC went too far and the Board went too far would have an opposing view.

As Jonathan pointed out to me separately, it does make sense to see, did the GAC have effective involvement in this process? And if we look at that, I would think we would go all the way back to possibly to the drafting of the Applicant Guidebook in which there were extensive Board/GAC consultations that resulted in a significant number of changes to the Applicant Guidebook and rules and then did the GAC have the opportunity to provide advice and weigh in, and then finally, were these safeguards effective?

I just think by wading into the Board/GAC dispute over interpretation and implementation of GAC advice, not only does it not really correspond to what we're supposed to be looking at because it's not as implemented, but it's also going to create a lot of unnecessary attention and controversy I think for this group that we don't need to wade in on. Thank you.

LAUREEN KAPIN:

Thanks, Jamie. I think this is actually an important issue for us to grapple a little bit with. I can see different points of view here. On the one hand, certainly the Affirmation of Commitments asks us to look at the safeguards put in place to mitigate issues involved in the introduction or expansion, and it also asks us to look at the effectiveness of safeguards enacted to mitigate issues. So I think both of those support Jamie's point.

But on the other hand, our own terms of reference talk about the implementation of policy recommendations from the launch of the program through delegation and onto general availability. That's in our

scope. It strikes me that the GAC advice were indeed something that could be viewed as policy recommendation.

So I think there's support for different paths here, and what I would like to hear from the group is what they think the best path forward should be. I also want to draw a distinction between what we include in our discussion papers, which I think are the universe of information that we may pluck certain strands from as we put together a preliminary report, but they aren't necessarily the net wholesale into a preliminary report and preliminary findings. So I don't think we should get caught up in the fact that our discussion papers include foundation information or background information and then assume that that all necessarily is going into our preliminary findings. I think certain things are for our background and our information, and it may be we decide that this history of what the GAC advised and what was actually implemented is for our information and for use at strategic points – and Jamie had offered this as an example – particularly if we think safeguards as implemented in a certain respect have not been effective. Then we may want to look to see if there was a difference between what the GAC advised and what was implemented.

With that said as background, I want to open it up to our subteam to grapple with this issue because I think it's an important one.

DREW BAGLEY:

I support Carlos continuing to do that background paper because I think if anything else, just like you said, Lauren, I think it would at least inform all of us of that history and that background. I think you bring up

a terrific point though, Jamie. We definitely don't want to find ourselves doing work that's already been done as far as scrutinizing this in the same way it may have been done in other fora. But I think that we want to do more than just measure the effectiveness of safeguards because if there were ten safeguards and only five of them were implemented, then even if they were really effective we could solve all of these other problems we find and we say, "Oh, we have them," and we realize that half the safeguards weren't implemented. So I think this is a good debate to figure out what that baseline should be for interpretation, whether that should be going all the way back to the initial GAC advice or whether that should be going somewhere else on this timeline. And that's why I think Carlos's paper could be good just making that leap of just measuring effectiveness.

I do like the comparison that this current discussion paper draws so far where we are seeing what has been a modified implementation, what maybe hasn't been implemented as intended, and so it might be that we end up, like Laureen said, maybe after this is fleshed out maybe in our final paper we decide that it's not the original intention from the GAC isn't relevant for purposes of this program. But I would like to see Carlos's paper first I think.

LAUREEN KAPIN:

Jamie, it looks like your hand is up. Thank you, Drew.

JAMIE HEDLUND:

Thanks, Drew. The issue I have with that, Drew, is a couple. We're not [looking] in other contexts outside of the GAC. For example, Rights

Protection Mechanisms – we’re not looking at proposals that weren’t implemented. We’re not looking at what would have been the impact on infringement had there been a global Marks protection thing included. So whether the GAC believes that some advice was only partially implemented or not implemented, first of all would be reason for a Bylaws consultation and that hasn’t taken place.

Secondly, is really a debate between the Board and the GAC. The Board, as it said in some of its resolutions, it implemented the spirit of the GAC’s advice because the GAC’s advice was in some instances unimplementable. So I don’t think it would be appropriate for this group to say that ICANN did not implement five of the safeguards. We can say, “ICANN implemented these safeguards and these were effective or not effective.” I think you could go farther and speculate about whether had the Board taken a different tack and implemented literally portions of GAC advice literally, that might have had an effect. But I think if the GAC gave advice and the Board did not implement that advice and the Board and GAC did not subsequently go on to a Board/GAC consultation on whether or not that advice was rejected, then we would be straying into, if we were to get into that, into an area where I don’t think this group really belongs. I think we would be taking a position on that dispute if we were to say five of the safeguards were not implemented.

DREW BAGLEY:

Jamie, what’s the way to get them further along in the time... What’s the baseline, even if we’re going to what the Board decided to implement to see if those things were actually implemented? So even if, as you suggest, we are moving beyond the delta between what the GAC

advised and what the Board decided it would adopt, I guess that's what I'm most interested in rather is that [whether it needs] to be adopted and then seeing if it was implemented. I think that's distinct from how effective it was, right? You could implement something fully but maybe it just wasn't an effective thing to implement. So that's what I'm interested in.

JAMIE HEDLUND: Maybe I'm misunderstanding but I thought the whole point of this review was to look at the effectiveness of the program overall.

DREW BAGLEY: It is. But I think part of that is looking at what's implemented.

JAMIE HEDLUND: Yes, so you look at what's actually implemented. What I'm saying is going back behind that between what the GAC thought they proposed and what the Board actually implemented doesn't contribute much value to the overall assessment and in fact gets us into trouble.

DREW BAGLEY: Okay, I guess here's what my point would be, I think we're in agreement then. For example, WHOIS verification, if that was something that was adopted – I'm going to use the phrase "adopted" – then we want to determine was it implemented, are these checks actually being carried out or are they not, or was it merely adopted here the syntax requirements, everyone needs to follow these but it wasn't truly

implemented because we're finding out that the WHOIS checks aren't actually being carried out – I mean, they are – I'm just saying that would be an example if we found that out [inaudible] to improve those things.

JAMIE HEDLUND:

But the starting point would be what the Board adopted and directed staff to implement. The starting point would not be the GAC advice to get identity verification and validation prior to allowing any registration in a highly regulated string.

DREW BAGLEY:

Okay, yeah. I can definitely with the context you provided about why it would be problematic to do that direct comparison to the GAC advice, then I agree with that so long as we are measuring implementation. That's fine to move the starting point to something that is more logical as long as we are still looking at whether or not these things were implemented.

JAMIE HEDLUND:

Right. And then to what Laureen mentioned last, if it turns out for example on what was implemented that it was wholly ineffective and that there is rampant fraud, it would be appropriate to note that the GAC suggested another approach which might have been more effective.

DREW BAGLEY: I completely agree. That's why I think Carlos doing that paper would be important to inform us, because I think that would help inform recommendations. That way we already understand the context. Even if, like you said, it's going into the measurement itself but maybe at the end with recommendations we say, "Oh, this GAC advice, it would be great to take this up for this is something to consider."

JAMIE HEDLUND: Exactly. Thanks.

CARLOS RAUL GUTIERREZ: Yes, may I just comment on this discussion for a second? Drew, I think it's very difficult to try to prove this relation at the level of GAC and the Board. This, as Jamie said, if there is no basic [disagreements] because it was implemented at a different level. It went down to staff and staff negotiated with registries the new agreement and they were negotiated for a very long time and many drafts back and forth and they informed everybody, and in the end they made two public comments of the agreement. But that's a voluntary – in question marks – a voluntary negotiation between registries and the legal staff of ICANN so it was a totally different level. And then we have to judge even at the third level if it was effective or not. So it's very difficult to prove that at the practical level it has a relationship with the GAC and Board two levels up or two levels down, depending how you draw the picture.

So I have to agree it's not realistic for us to comment on a relationship at the level of GAC advice and Board. What we have to look is if the spirit is really in the contract and then what happened down the road in

real life. The only thing I'm trying to do with the background paper is to [show] these different levels and let's not get mixed up and try to argue that it wasn't effective because the Board didn't interpret the GAC advice right. We have to be very practical there and very, very, very, [deep]. Thank you.

LAUREEN KAPIN:

Okay. On the screen we seem to have gone back to the Safeguards and Trust paper, and I think we're all having some connectivity problems based on the numbers of phone numbers that I've seen down on the screen.

Are there other comments and thoughts about what really I think we're talking about a starting point should be, whether we need to provide context for the safeguards or whether we should be focusing on the actual implementation of the safeguards via the contracts as a starting point.

Alice is telling us we have experienced a major Adobe Connect failure. Okay.

Other perspectives here. Jonathan, did you have any views on this topic? Jonathan is typing, "Don't have a microphone." Is it possible to enable a microphone for Jonathan? Looks like you have a microphone now, Jonathan.

JONATHAN ZUCK:

Can you hear me?

LAUREEN KAPIN: Yes. No we can hear you.

JONATHAN ZUCK: I guess I'm a little bit mixed about this myself, but I feel like there's two different sides to this question and in the application and evaluation process we talked about GAC advice I think from a process standpoint which was more about how the GAC was able to engage with the process which is a little bit what Jamie was referring to with the participation of the Guidebook and things like that and seeing if that process can be improved separate from what any individual items of advice were or whether or not they were implemented. Do we find different pathways for engagement for the GAC?

And over here on the safeguards I think the issue has got to simply be about ones that were implemented, which ones... Did they have to the extent that we can ascertain, have the desired effect, and not necessarily hypothesize about others except inasmuch as we may make recommendations for a different approach going forward?

I think there's probably room in a way for both of these conversations without getting into the middle of the conflict that Jamie identifies.

LAUREEN KAPIN: Thanks, Jonathan. I think the struggle here is that everyone is correctly interested in effectiveness, but that is the area that at least currently we have the least data on. We're hopeful that if the [Data] Abuse study is able to go forward we will get some correlation information that we

may be able to see about abuse levels between the legacy gTLDs and new gTLDs. But as far as mapping a particular safeguard to effectiveness, there's very little data that we have to rely on and I think that's something that our subteam is struggling with.

JONATHAN ZUCK:

But I think it's also reasonable to report that fact in certain instances. If we've really done everything we can to get data and there just hasn't been enough time passed or there isn't data available, at some extent we're going to have to report on that fact and [fault] on the surveys to see if there was an impact on trust and how we measure effectiveness. Buy-in from the industry effective is one of the issues that Ron Andruff was talking about and that can be one measure of effectiveness that will make it more likely to succeed in the future is if there's some buy-in from the industry in question. So if we some of those answers to those questions I think that will help. But in the end, there's going to be things about which we will not be able to draw conclusions in this round of the CCT Review.

LAUREEN KAPIN:

Yeah, I think that that's correct. So I think the struggle for us is to figure out what are the most productive paths for us to focus on now, which is why this discussion is helpful.

Does anyone else have any thoughts or feedback on this before I summarize what I think I'm hearing? I'm not seeing hands up. Anyone else who wants to weigh in?

So what I think I'm hearing is that there's a preference for focusing on what was actually implemented, definitely figuring out for ourselves what the context and foundation is here. And in that regard I think this Implementation paper gives some context between GAC advice and implementation. And also to figure out where we are going to be able to use data as either evidence of effectiveness of particular safeguards or as a proxy for effectiveness. That's what I'm hearing Jonathan say.

I think that's where we are on this point, at least thus far. And we'll have to do some thinking in terms of what data we have that really goes to effectiveness of the safeguards.

Any other comments or perspectives on this issue? Okay.

What I want to turn to now is just to do a round robin of folks on the phone reporting on where they are with their discussion papers, what they've done between Vienna and our meeting today. I'll start with that and then what I'd like to discuss for the last part of the call is I think we're going to move to individual assignments for folks because my observation is that the team process is not working well, that people are having challenges connecting and then they're relying on the other person to get back to them and then that's not happening and what we're losing not only in time and work, but we're also losing individual accountability. So to borrow a great phrase from the ICANN universe I want to move us towards more accountability and I think the way to do that is to break things down so that people are individually responsible for certain [inaudible].

With that said, why don't we start with Calvin? Calvin, tell us what you've been focusing on between Vienna and now? I know that Technical Safeguards are the topic you've done the most work on.

CALVIN BROWN: Basically I've read the ones that I'm partnered on, so that would be, "Has the New gTLD Program put mechanisms in place to improve trust for the DNS?" "Have sufficient mechanisms been put in place to mitigate the risk to [trustworthiness] of the [business]?" There were two more that I read and I've also gone over the stuff that I've done which I saw you incorporated into a paper and I need to actually complete that because there's some stuff outstanding on that at the moment.

LAUREEN KAPIN: As for the things you've read, have you been able to provide feedback on those topics, Calvin?

CALVIN BROWN: On most of them I didn't need to actually provide feedback. I thought that they were more or less where they were. I guess what I should do is at least provide positive feedback which I haven't done.

LAUREEN KAPIN: I know everyone loves positive feedback. I think if people are going to the trouble of reading these papers, if you're comfortable with what folks have done and you think they've done a good job, by all means

communicate that to them. And that's for everyone. Second, for the work that remains to be done on your topic, Calvin, what work remains to be done and when do you think you might be able to complete it?

CALVIN BROWN:

Yes, so basically, when will I be able to do it? Right now I've got a week conference that I'm at at the moment, so that's taking all of my focus away. Basically, that leaves me free to start looking at things properly again from Monday next week or over the weekend I guess if I can pull myself away from the family.

LAUREEN KAPIN:

Okay, thanks for doing that, Calvin. I know we're all struggling to balance things here but I appreciate the committing to finishing that.

Carlos, I think you have filled us in a bit actually on what you've been doing in the interim. Is there anything you'd like to add to that, Carlos?

CARLOS RAUL GUTIERREZ:

Thank you, Laureen. No, the only thing I want to add is that Laureen has been very patient, and we have had a few calls and today we had a really good discussion on the implementation of safeguards. Thank you, everybody, because it's important to have the discussion before we sit down and write. And I hope we can organize more of these deeper discussions that will give the individual members in their individual responsibilities a better grip of what they are supposed to report. So I think it's necessary. We haven't discussed some issues. Many might be obvious so there is no need for discussion but in our case, it was very

helpful to discuss a lot before sitting down and making progress. So I feel good. I think we have now discussed safeguards enough that we can really make progress on that side and keep an eye on the other efforts. Thank you, Laureen.

LAUREEN KAPIN:

Thank you, Carlos. What I want to emphasize, and I really appreciate Carlos' comment, is the only reason we were able to have this level of discussion is because the discussion paper has been revised and then circulated and put out there. So that's why I really need folks to make the revisions that reflect the work we did in Vienna to their discussion papers. In many cases, we reformulated sub-questions. Certain discussion paper topics have been consolidated. Things have evolved since Vienna but folks' papers have not caught up yet. And the only way, as Carlos points out, for us to have these deep, important, discussions is to get that work done so that something up-to-date can be circulated and then we go through this critical process which is vital but depends on these discussion papers being updated.

So when I hear Carlos say I've been very patient, I hear I've been too patient. But I don't know what else to do other than repeat my call for you to get this work done.

So thank you, Carlos. Drew, you want to give us an update?

DREW BAGLEY:

Yes, so I do not have a paper for the group even though I need to without data still put together all of the questions and what not. But

what I have been doing is reading up on literature to try to find some justifiable DNS abuse definitions to work with which would then help inform a discussion paper before we even have the data to plug in. I think [inaudible] Calvin an e-mail because I think in our game of e-mail tag he e-mailed last. But Calvin I've gone back and forth a little bit on that and then I finally got around yesterday to reading that article you sent me two or three days ago, Lauren, which was great and I can paste the link in a second so others can look at it.

Basically the approach I'm taking is without data, I want to at least put the different areas of DNS abuse into logical categories that they would fall in so that more technical things like malware and phishing are distinguished from other areas of abuse that many people would more so deem content [than] the responsibility of the hosting company. And then from there I figure that would be helpful in either coming up with research questions for parts of them or for some in drawing the distinctions as to if we're going to decide as the Review Team it's out of our remit, that'll at least help us explain that better because I know we were talking about the categories pretty broadly in Vienna.

And then to work with Lauren on the voluntary PICs and we had a call Friday with Ron Andruff and I think got a little better understanding there of a way to go about this. And something actually, Jonathan, since you're on the call, something I've thought about and Lauren and I discussed is these voluntary PIC questions that we're interested in, at least getting the perspective about the intention of the registry that implemented a voluntary PIC and whether they thought that they accomplished the task. We were thinking that might actually be handled well at the applicant level with the applicant survey because then we

would be, even though not all of those people would have become registries, some of them may have even thought about doing a voluntary PIC as part of the process and some of them would have been successful applicants who had. I was wondering what your thought is on that, Jonathan.

JONATHAN ZUCK:

Thanks, Drew. I guess I might not understand what you're saying. I'm just viewing this as a keeping everybody in the community happy question as opposed to having done deep thinking myself. But I think the question that was on the [table is] not so much with whether or not the registries were happy with the PICs that they have put in place but if the industries that they were purporting to be their constituencies were happy with the PICs that were put in place. I think the answer to both of those questions is interesting but it seems difficult for me to see one as a proxy for the other unless I'm missing something.

DREW BAGLEY:

We would still need to do both but for the first one we would at least I think get a better sense of the intention of the voluntary PIC. I don't have a voluntary PIC example in front of me but if one was whatever vetting criteria sounded very restrictive, then there might be two different ways to interpret that. One might be, "Oh, we wanted to just ensure that everyone in this particular community only those people could register these domain names and this would raise the bar, etc." Or they might say, "Oh, actually we know that there's a lot of abuse associated with this industry and legacy gTLDs, and so that's actually

what we had in mind and yes it also has this other limiting effect that this is [being also].” Just to better understand those intentions and then see if those line up with the respective communities which, from the discussion with Ron, what was great to know is just that there was an appreciation and an understanding that the work we would do would set a baseline rather than be comprehensive be-all analysis of this because it’s so difficult to identify those [figures]. So I was wondering what you thought about that first part about understanding the intentions of at least asking a few simple questions to the applicants.

JONATHAN ZUCK:

I absolutely see no downside in that. I guess the implication that it would be dispositive I think is what I was trying to address. I don’t see any downside in asking applicants what their intentions were with their voluntary PICs because I think there’s a lot of variation there. In some ways, it’s because they believe that it would create a market differentiation, and other times it was to overcome early warnings from GAC and make GAC comfortable with what they were doing, in other cases, it might be to there was some instances of trying to enforce some sort of community recognition. I think there were a lot of motives for putting those in place and that those would be interesting to ascertain.

I guess the real control of scope that we were talking about before had more to do with sticking to highly regulated industries that would be of great concern to regulators, i.e. the GAC, and whether or not the PICs that were put in place seem appropriate to the industries that they’re meant to address. In other words, if I’m .bank and I say that this particular list of certified financial institutions I’m using, and then folks

that are in the financial industry are saying there's this other list that's better, that would be informative, right?

DREW BAGLEY:

Right. I guess the scenario I'm seeing is one just that Ron brought up which I have to actually look into to understand how widespread this was, but an example he gave was, I believe, for pharmacies where on the one hand you have expensive domain names with .pharmacy and then he was saying that certain search engines were actually only allowing pharmacies with a .pharmacy domain name to advertise. And so I need to look into that to see what that was. But an example like that I think would be interesting to contrast with the .pharmacy registry talked about their intentions and – I'm making this up without having spoken with them – but in protecting consumers, making sure no one's getting bad drugs, this and that, and then on the other hand the industry perspective was, "Oh, this is actually a very high [inaudible] small pharmacies can't afford to do this." This is actually affecting the market negatively and in the end we don't think it's protecting consumers because so many of us [inaudible] stayed away from .pharmacy.

JONATHAN ZUCK:

That's right. That was the complaint about when airlines came to U.S. government to become proponents for peanut free aisles, for example, because of allergies. Then it became apparent that the reason that they were behind that is that it would help exclude competitors that couldn't

afford to leave an entire aisle free. I think those are valid questions as well.

I think looking at the intentions versus effect is perfectly valid, Drew. I guess I just don't want to stop with intentions. That's all.

DREW BAGLEY:

Yeah, agreed. I guess step one would be take this into the applicant survey so we have that data and then we need to, I guess, set up phone calls with affected parties or interested communities rather constituencies. And so we have data to help inform us now because of the data provided by ICANN staff, and so Laureen just got an updated spreadsheet from that that we need to pour through.

Anyway, that's the latest on what I'm working on. But thanks, [Inaudible].

LAUREEN KAPIN:

Thanks both Drew and Jonathan. As far as the applicant survey, we all – I believe and Eleeza can jump in if I'm incorrect – I believe we already have those questions in the survey about the intention of Public Interest Commitments. I think we have two or three questions in that survey directed at this. So hopefully that will give us some data.

Eleeza is typing. I'm hoping she's going to confirm. Okay, we have questions on the PICs. So we are going to be getting some data on that, and I think you and I, Drew, can take some next steps into focusing on a subgroup of Public Interest Commitments to focus on that we can at least get some representative strings, both a combination of ones that

were designated as sensitive highly regulated strings and then perhaps also some strings that fell from the registries that have the highest number of registrations that also have some voluntary Public Interest Commitments and use that as a sample, so to speak.

I think we're up to Fabro then. Fabro, can you fill us in on what you've been doing? Fabro is typing. Fabro, do you have a microphone? It looks like you have a microphone, right?

FABRO STEIBEL: Hello?

LAUREEN KAPIN: There we go. We can hear you, Fabro.

FABRO STEIBEL: Okay. I'm working on the paper. I made a list of safeguards based on Carlton's and Laureen's paper, and then [inaudible] the Compliance Team to see what kind of data we [did have] and then I double checked that with Laureen and now I'm returning it to the peers to be discussed. Basically, I have a list of 18-20 safeguards and based on the previous discussions to date you were saying that we might want to look at the safeguards that had been implemented and not necessarily discuss those that haven't. So I will double check that in my paper to see if we can place more focus on what has been done and less focus on what has not because I know other papers will be discussing that.

Basically the partial results we have is that the compliance is high, although this doesn't mean much. The compliance level of complaint is no or [inaudible] minor issues, and everything that has been implemented somehow, we have evidence that it's being done. But it's very hard to understand if it's being effective. So on [that line] I plan to make a first draft of the paper to circulate among the other two peers in my paper by Friday and then I will circulate at the larger group. This is what I have been working on.

LAUREEN KAPIN:

Thank you, Fabro. I'm glad that you've had the opportunity to touch base with Compliance and I'm also glad you've mentioned the difference between the data we can gather from Compliance and knowing that the issue of effectiveness is probably an issue that is bigger than just the information we have from ICANN Compliance. I think that's a topic we're going to have to grapple with.

Geo has given us a written report. Geo reports she's been starting discussions with Carlos and also that sometimes starting these papers is the hardest part, which I can absolutely empathize with. And I think that's why we created these templates so that people have a structure to work in. And I'm hoping, Geo, that you can focus on the awareness issues. I think with Carlton particularly dealing with awareness issues that are in the registrant survey in addition to the consumer survey, so I'm hoping that you and Carlton can focus on that particularly. But Geo has her update in more detail in the chat.

Again, what I'm hearing from folks is that there's some challenges with gathering together with teammates and some challenges with getting started. I actually had individual conversations with every single person on this Sub-team and I'm always available to help. But what I can't do is read the data sources for you and write your papers for you. If things are unclear, I can help with that, but there's not going to be any substitute for actually diving in and doing things.

Jamie, I think you're last on our list but not least.

JAMIE HEDLUND:

I'm glad you said that because otherwise I was not going to say anything. Are you talking about the RPMs or are you talking about the one we discussed yesterday?

LAUREEN KAPIN:

Actually this is just an update on what you've been focusing on.

JAMIE HEDLUND:

I am mostly focused on writing a paper for Friday on consumer and registrant trust in the DNS since the introduction of the New gTLD Program using the [inaudible] surveys as the basis for making up the narrative about how everything is [dubbed] consumers and registrants [inaudible] the DNS.

LAUREEN KAPIN:

Right, and that's terrific. And also of course Jamie has been very thoughtful about giving feedback on discussion papers. Just to highlight, Jamie's working on the overall thinking of the DNS, and that goes back to the narrative that we had developed in Vienna which indeed ends with, "Has consumer trust in the DNS improved overall since the introduction of new gTLDs?" I know people's discussion papers are in various states of flux. What I'm going to be focusing on is making sure that people have individual assignments and to the extent we want these discussion papers to fit into this narrative, that's going to be the next step for me to work on with these individual assignments. And when I had gotten the mandate of refine discussion paper topics circulated in my past – Okay, thank you. Alice has helpfully read my mind and put this up.

You'll see on page four – refine discussion paper topics developed in Vienna – I started to do this where I'd broken down our existing discussion papers and inserted them into this narrative that we developed in Vienna. And what I'm going to do as a next step to make sure that people have individual assignments is I'm going to use this as a springboard so that when we're working on our discussion papers we're going to be trying to mix those into this narrative because I think that's what's going to be most helpful for us going forward to Hyderabad. So look for that in my next e-mail.

With that, if folks have any other business or any other questions?

Okay, so I'm not hearing any. So look for my e-mail, return to your discussion papers to make sure that they reflect the refinements we

developed in Vienna, and if you have questions please don't hesitate to reach out to me or to seek feedback from your teammates.

Thanks everyone for participating.

UNIDENTIFIED MALE: Thank you, Lauren.

[END OF TRANSCRIPTION]