JONATHAN ZUCK:	Okay, I'd say we have a quorum. Why don't we go ahead and get started.
	Good morning folks. Welcome to the 29th Plenary of the CCT Review. Is there anybody that's on the phone that is not in Adobe Connect?
	Is there anyone for whom their Statement of Interest has changed?
	Alright. Thanks, everyone. Just submitted the Application Process Survey so I'm going to just turn the microphone over to David and Susan who will talk with us about the results.
DAVID DICKINSON:	Jonathan, are you going to share the presentation through Adobe Connect?
[JONATHAN ZUCK]:	[Inaudible] David.
DAVID DICKINSON:	Can you hear me?
JONATHAN ZUCK:	Yes, I think so.

DAVID DICKINSON:	There we go. Alright. So this is the complete version of the Application Process Survey. If you go down the slide… Do I have…yes, I do. I'll just do that myself.

So background – this was an online survey. We did it in October through [inaudible] November last year. We also, as you may remember, requested in the survey if people would be willing to participate in a short, qualitative, follow-on interview. Those were conducted during the same time period basically as people completed their surveys and we completed 16 of those. We completed 53. We eventually got to I believe the total is 53 online surveys.

These were folks who had registered to or applied for a new gTLD registration –

Hello? Is there a question? No. Alright, I'll keep going.

The sample was provided by ICANN. It was their database of applicants and we had defined some terms that you'll see through this summary. "In progress" means that their application was still active and either proceeding towards delegation or engaged in a Dispute Resolution Process. If it was "completed," it means that it had been delegated. And if it was "withdrawn," the application was withdrawn by applicants. Individual applicants could have applications that sat in multiple of those results. They may have had one delegated and withdrawn, too, for example.

Key conclusions – what we would say is that it's clear the process has room for improvement. It was generally perceived as a difficult thing to do and something that's still a work in progress. There was a general

recognition that this was the first time ICANN had attempted something of this scale and type, and so there's an understanding that there are going to be improvements if it's done again.

Six in 10 give scores lower than "somewhat satisfied." So that's neutral or less. So from a satisfaction standpoint, that's a fairly weak rating. As [we mentioned] recognition is high –

[SUSAN RABEL]:   David?

DAVID DICKINSON: Yes.

[SUSAN RABEL]:   I'm sorry. Waudo Siganga has his hand raised to ask a question.

DAVID DICKINSON: Alright. Go ahead, please.

WAUDO SIGANGA: Can you hear me?

DAVID DICKINSON: Yes. Hi, Waudo. [How are you?]

[SUSAN RABEL]: Yes. We can hear you, Waudo.

WAUDO SIGANGA: You can hear me? Hello?

[SUSAN RABEL]: Yes. We can hear you, Waudo.

DAVID DICKINSON: We can hear you, Waudo.

WAUDO SIGANGA: My question was about the classification [where] groups that you [inaudible]. Yes? You can hear?

DAVID DICKINSON: Yeah, I can hear you.

WAUDO SIGANGA: I wanted to ask [of idea] what happened about the group of the applicants that completed the process and [were later on removed] by ICANN. I think there were 10. There were 10 such applications. Did you manage to get their contacts to [inaudible] or to survey them?

DAVID DICKINSON: No. There was no special outreach to those 10 folks, Waudo. That's still something that's possible if ICANN chooses to do it. But nothing's been done in that regard yet.

WAUDO SIGANGA: Okay.

DAVID DICKINSON: [Inaudible] Waudo and I have spoken about this in Hyderabad. There were 10 applicants from Africa who went through the process, paid their money, and then just withdrew their applications for unexplained reasons. And so there's an interest in why somebody would do that. We don't know why they withdrew those. But none of those folks are represented in our survey.

So back to slide #5. There's this recognition as I was saying that this was something out of the ordinary for ICANN, larger than what they had tried to do before. The level of forgiveness for this situation varies. Some people are very understanding. Some people I spoke to were much less so. But there is this hope and expectation that if future rounds occur, it will benefit from the experience and be improved. They'd like it to be faster, more clearly defined and explained, and potentially less expensive overall, and that the technical system would be better conceived and more fully functional to support the process without unnecessary delays. And we'll talk about those things in a little more detail as we go through.

So about the applicants themselves, you can see that almost two thirds of them were either filing as a registry or as a corporate brand, and then there were quite a variety of other types of firms represented there. They applied for overall on average nine gTLDs, but nearly half – 45% - applied for only a single one and then there was 17% who applied for six or more. Those were most likely to be registries – 71% of the registries applied for six or more versus 56 of not [inaudible].

In terms of who they were in terms of the applications, 25% had previously operated one or more TLDs and their status, overwhelmingly the people that participated had at least one delegated. The next largest, 2 out of 10 had withdrawn an application and then there were a few other responses. So again, some people had multiples and that's why it adds up to more than 100% [inaudible].

We didn't see any significant difference if I was a satisfied applicant or a dissatisfied applicant. [Pretty] much equally likely to have previously been an operator before than to be a new person. So that status – that prior experience – didn't seem to affect greatly their perception of the process.

Why they were applying? This was an open-ended response coded into responses to two part brand or industry protection – one in four. Because it was new, they were looking for some sort of innovation – that was 17%. For awareness generation reasons, for general digital development or infrastructure development as a business opportunity or for creating awareness for a specific region. We had a number of regional authorities who were trying to increase awareness of perhaps their region in their countries, that sort of thing. And so there are some

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sample quotes there as well, just what the context was that they provided.

How did they learn about this? The slight majority, [for] 58% were previously active participants in the ICANN community. That was a main reason. Otherwise, they had been advised by some counsel to do it, they had been aware of it and waiting for some time for an application window to open, general word of mouth, etc. were the ways they heard about it. And for those who were participants in the ICANN community, types of participation following news and events, attending meetings, were the top two. Participating in policy reviews and the development processes and being a committee member, all that. You can see that adds up to well over 100%. That 58% who were active tended to be active in multiple ways. And then there's the 42%, they are the rest of the balance after you take out the 58% that were not active.

That's who the respondents were. The application process itself – what they applied for – most commonly a brand gTLD. That was 53%, and then followed by a generic, and there were geographic or community based gTLDs. The IDNs were the least common in our survey sample representing 13%. If we had had broader representation, the majority of the responses came from North America and Europe. It's possible if we'd had broader representation we might have seen a difference in those numbers. You would want to obviously compare this with the actual complete set of applications to see if this matches up.

Did they use any outside firms to help them with this process? Two thirds said yes. Of that two thirds, 80% said they just needed general assistance with the application and 71% said they needed some form of

technical assistance, and then one in three cited financial assistance of some form.

Just over a quarter of the applications were part of a contention set. Reasons why – most commonly because it was an identical string match. Less commonly – one in five – it was a confusingly similar match. Who made the determination? Very small numbers here – only three people – but of that 20%, in one case it was resolved or determined through the String Similarity Panel, and in two cases it was a Dispute Resolution Panel.

Alright, let's get back to that slide. There we go. I was just talking about these two numbers here on the bottom of the slide, but that was only, as mentioned, it was very small. Only a few people.

Did they go for a reconsideration –

ELEEZA AGOPIAN: Dave? Sorry. Could you tell us what slide you're on because we can all scroll through it ourselves. It's not synced.

DAVID DICKINSON: Okay. I am now on slide #15.

ELEEZA AGOPIAN: Thank you.

DAVID DICKINSON: Reconsideration requests, about one in 10 filed a reconsideration request. This is a very small base but there is indication that those who did were dissatisfied or dissatisfied with the process. We can't examine that by outcome of the request which might be nice. We just don't have enough sample. And while we didn't specifically ask about reconsideration requests in the follow-on interviews the open end responses here plus what I heard in those follow-on interviews would suggest that additional delay in the process and potentially a lack of faith in the process would be reasons for that dissatisfaction. Of the people in our sample, all but [one] of the six people – five of them were dissatisfied. One was satisfied.

This just gives you the ability to see some of the – sounds like I'm getting an echo there – some of the specific responses or what they said about the reconsideration requests. It shows their experience – that's in the black text – and what changes they would suggest be made – that's in the green text.

[SUSAN RABEL]:   David, David Taylor has his hand raised to ask a question.

DAVID DICKINSON: Hey, David.

DAVID TAYLOR: Thanks a lot. Can you hear me okay?

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DAVID DICKENSON: Yeah. You're a little quiet but I can hear you.

DAVID TAYLOR: Okay. Good. Sorry. Thanks. Just on this reconsideration request I was wondering there where you said that the sample survey isn't enough to know or to see whether one of the reasons people were dissatisfied was because of the outcome of the request. I'm just trying to follow that because obviously for the interviews you're saying that the people were confirming [an issue of] delay or lack of faith in the process but we obviously know of these ones we know the outcome so we could see whether [inaudible] the outcomes did not have their requests satisfied shall we say, and whether that was the cause of their dissatisfaction with the process to me is probably highly likely.

I was just wondering why we couldn't make a tentative or suggestive conclusion based on that and maybe I've missed something.

DAVID DICKINSON: Yeah, and Susan keep me honest here because you're a little closer to the survey structure, but I think it's a couple of things. One, we may not have known in the survey which of the various applications they filed were related to the reconsideration request. So we can't one-to-one say… You'll see for example up here you have people who have right next to the circle chart that has 11% you'll see that their outcomes here are "in progress," "completed," and "withdrawn." They have multiple applications. So we don't know which one of those went through the reconsideration request. The survey didn't have that level of specificity. And also there's a variety of just different recourses and processes that

were used that mean that we're talking basically to… We'd be looking at groups of one or two people and that's just not sufficient for us to even give a directional except at the aggregate level. Hopefully that was clear.

DAVID TAYLOR: Thanks. I suppose I just follow up on that certainly from [inaudible] from my experience. I've actually been involved in quite a few reconsideration requests. I think the biggest issue [to] reconsideration requests is that it was one of the only means of appeal [and] being used as an appeal mechanism when it isn't in fact an appeal mechanism. So people are filing a reconsideration request because they're unhappy with the result of the process thinking it's an appeal, and they've actually got no chance when you look at it you go, "There's no chance of this succeeding," and then when they don't succeed they're then further dissatisfied with it but it's actually [and] in my view it's they're wrongly using the purpose of the reconsideration request but potentially there's [inaudible] where we come down and look at it potentially because there is no appropriate appeal mechanism there.

It's a nuance, but I think it's an important nuance to make sure we [draft] for this.

DAVID DICKINSON: Yeah. I'm just looking at what people said to see if I can suss out some of what you're talking about. I'm not –

I'm sorry, the echo's making it hard –

[SUSAN RABEL]:   David, are you on your computer mic or your phone mic?

DAVID DICKINSON: I'm on my computer mic only.

[SUSAN RABEL]:   Okay. Alright. I just wanted to check to be sure. Thank you.

DAVID DICKINSON: The echo's gone.

What they're talking about here, if you look at what they're saying – and this was what I heard in general terms when talking about… This could be related to what you're saying, David. It's a bit of a conjecture but they're saying that they're perfunctorily reviewed and then dismissed with little discussion or it's designed to look at the flaws in the process rather than the merits of the arguments. So you could make the extension that those are people expecting something different than what the process was designed for. It's not an unreasonable hypothesis. We just don't have enough data to confirm that. But if you look at what people are saying, you can see these and make your own determination there.

Consider the merits…consider the merits…not considering the merits of what they're asking to be reconsidered appears to be the most significant thing and that was a theme that we also heard in general

about people who were dissatisfied with the process, that the entire process seemed more about checking the boxes than the merits of one applicant over another on other than procedural [process].

When they were part of a contention set, private settlement was the most common. Two thirds said private settlement. One third said it was a ICANN sponsored auction. And then again, some people had multiples so this adds to more than 100%. There was a community priority evaluation in one case and a couple folks still working on getting resolutions.

So looking at withdrawn applications – when it happened, why it happened, tended to be – there are 11 responses here – but most commonly it was because of that particular application was part of a contention process and several of the people I talked to, they had multiple applications so they would withdraw the one that went into contention and pursue, if they felt that the other one was going to be awarded, they'd go that route.

When they withdrew tended to be during the contention resolution process, much less commonly during the contracting process just because they would get the indication that it wasn't going to be successful.

A variety of other reasons for withdrawal – settling through an auction, private negotiations. Commercial reasons – I talked to one person, they got into the process and just decided that they obtained a strategy and no longer wanted to own or operate the gTLD, things like that.

So specifically about ICANN's communications during the process – 15%, a relatively small number, got a GAC early warning. And there were both positive and negative perceptions on that, either that it helped, that it had no impact, or it led to withdrawal – this one down on the bottom here you can see a rather negative perception about understanding what the GAC was trying to do.

11% received GAC advice separate from a warning and again, from these few the advice was not particularly seen as useful. It was in some cases seen as not on target, ill-considered as one person says down there, or just more procedural and not something that was of a substantive value.

One in four approximately submitted voluntary PICs to their Agreements and –

Where did it go? Apology. I don't know if your screen is bouncing around mine is here.

Voluntary PICs for a variety of reasons because they thought that that might be the only way that their application would be allowed to proceed or to try and express the rights or the value of their application for their community or whatever. A variety of reasons like that. Basically you could summarize them as trying to state a better case for the application.

About half respondents feel they received sufficient guidance from ICANN during the process, and roughly the same number said they didn't – so 50/50 there. And then when we get into satisfaction itself, you can see that overall satisfaction with the application process on the

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left hand side, the first column, 40% were "very" or "somewhat" satisfied. The vast majority of those were "somewhat" satisfied versus "very" satisfied. I believe there were two people who said "very" satisfied. More specifically with the application process itself – so not the evaluation process itself, not the overall process – the evaluation process got slightly more neutral responses, same amount of overall satisfaction, and satisfaction with the transition to delegation for those that had had a gTLD delegated to the root zone, that process was generally seen as going smoothly once they got to that point things sped along. A few people saw particular problems there. There were a few, but for the most part they thought that went smoothly.

Their general perception of the process, as I said earlier, is that it is long, complicated, bureaucratic, and expensive. So this comes from the follow-on interviews in particular. When I asked why they gave the satisfaction rating they did, they talked about these process issues and how onerous the process was. Secondarily they mentioned the technical malfunctions that caused some delays and things like that.

Again, some people are more forgiving. One person stated again, in reference to the fact that this is the first time ICANN had attempted something like this – so it was very large in scale and it was new – they said, for a process like this which is inherently going to be difficult, "somewhat satisfied" is a pretty good rating. And that was a similar tone taken by some other folks as well. So your goal for future rounds is probably to reduce the "dissatisfied" level rather than trying to get to the "very satisfied" level, at least in the short term just because the nature of the process is the sort of thing that people aren't going to feel fantastic about. It's always going to be something of a burden.

We asked them about the challenge. So this is back to the survey. We asked them about the challenges they faced, and the biggest things tended to be lack of clarity of the process or understanding of the process followed by delays, the schedule shifting, and just the general time-consuming nature of it. People talked about it being a lot of work to muster everything that needed to go into the application. So process delays in general – half the people mentioned those – the general confusing or time-consuming nature of the things – four in 10 mentioned something along those lines, and then cost, and the changes that happened underway – perceptions that the rules changed, the deadlines changed, those sorts of things.

We asked if, assuming that additional rounds occurred in the future, would they apply again under the same procedure that they just used and which is outlined in the Applicant Guidebook, 50% said they would, and most commonly just because they felt, "I'd have to. That's the only way to apply for a gTLD. So if I needed one, I would have to do it." So they would. Four in 10 might not because they don't have additional needs. I spoke to, for example, one fellow who wanted to operate a very specific gTLD for a professional community. He'd have no further use for a new gTLD. That sort of thing. Under the same process, he probably wouldn't do it again just because he didn't have the motivation.

Just almost the same amount – 58% – believed that staging application periods in rounds rather than all at once would be an effective means of adding new gTLDs to the DNS. You can see reasons why they fell on either side of that rating. Green responses are those that said that would be effective. Red responses are those who wanted some other

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way. Some of the responses are not necessarily that it couldn't be effective but they were advocating for something different, like this one that wants a rolling application window. Or I talked to folks who just felt like it could be a continuous process.

We did ask specifically about other means of opening application periods. And while there was general support for staging, there's still two in 10 applicants say they want to make it a more open process to apply without having to go through rounds or to issue priority rounds for specific domains, have defined periods of availability, etc. A variety of single responses there. Four in 10 could not think of other ways of doing it.

And then qualitatively we explored a variety of these topics in the follow-on interviews, those 16 interviews. In general terms, the timeline was a common issue. It was seen to shift, both for reasons of policy changes and for technical problems. The commonality there is, regardless of the reason for the change, the shifting timeline was seen to contribute to the burdensomeness of the process, the total costs incurred – not the fee but their total costs – and it was a source of dissatisfaction, it affected their satisfaction.

Particularly those who felt that they had played by the rules and gotten their applications completed and in on time were then disadvantaged when the deadlines were extended, and there's a general sense from a number of these folks that ICANN just doesn't really understand or respect the costs that applicants can be incurring for consultants, for infrastructure that they purchased that they're not able to put into

production, and those sorts of things and that those delays effectively increased the total cost of the process.

Regarding the process itself, there were mid-stream changes to rules or processes or shifting guidance from ICANN that in addition to the way those affected people from a cost or a general frustration standpoint, it did also seem to undermine the credibility. So for example, were plurals going to be treated one way and then were effectively treated another way, or were there going to be linguistic reviews and then there were not the type of linguistic reviews that were expected. Where expectations were set and then changed, that for a number of people undermined their perception of ICANN's credibility about the entire system.

At the core, the processes about whether procedures are followed – not the substance of the applications – and this is just directional but that seemed to be a stronger issue for community applicants that felt like if they had martialed a stronger community behind the application that should have been given substantive consideration.

There were certain processes tried that respondents regarded as not working as expected, such as digital archery. And there's a sense that when more than one application was made, the process was unnecessarily repetitive, that if I was making multiple applications or if I was using the same registrar, that I couldn't leverage any of that work. I had to do it all again for each application I was making. And some people felt that was unnecessarily inefficient.

There were some technical issues as mentioned. There were actual technical problems. There was a platform outage that was seen to delay the process for a substantial period of time. And there were also just some ease of use issues raised about the platform, that there were comments about a security breech, that the user interface was clunky, that it didn't do some commonly expected things like offer push notifications when actions were taken on their application, those sorts of things that could have generally been a more stable and modern technical interface.

And then they talked about the expense. Overall the costs and the financial requirements of the application were seen as expensive and a number of people felt that they were beyond the actual need, that this was supposed to be a revenue neutral process and wound up generating a lot of money beyond what the actual costs were. When they talk about expense, however, it's more than the fee. It's expense of their resources, their deferred revenue, all of those sorts of things.

A particular bone of contention were the required letters of credit and the bank transfers. This was probably the single most consistent thing I heard, essentially if not the most it was certainly one of the most, that that was just their banks didn't know how to deal with what was requested. It took a long time to get it committed, that it was just not possible in some areas, those sorts of comments. And they would like to know what ICANN is planning to do with, as one person said, the windfall from the process which is as I mentioned [perceived] to greatly exceed the cost required.

In general, regarding the communications and the trust around the process, the tone and the tenor of ICANN comments tended to vary somewhat. Some found them friendly and helpful. Others felt they were top-down and cold. There's an impression that these communications were designed to convey impartiality, which people accept as a good practice. They just don't necessarily believe that that impartiality was maintained and that's related to the expectation that some players they just think inherently had greater access to ICANN based on their involvement with other aspects of ICANN's business. And some of the communications, especially ones that tended to be around legal or financial matters, the perception was they were self-serving to ICANN and a couple of folks even questioned whether these were corrupt practices.

That takes us to the end.

JONATHAN ZUCK: Does anyone have questions for David? Any questions? There was a conversation that started in the chat.

Okay, Eleeza. [Go ahead].

ELEEZA AGOPIAN: I just wanted to discuss the issue that Carlton raised in the chat. I thought it might be easier to talk about here. I noted that while Dave and Waudo were discussing the applications from Africa that withdrew, I wanted to point out that the contact list – just to refresh your memory – the way that we decided who was contacted was, everyone who

applied. So all 1,930 applications were represented in the contact list. We took out duplicates from that list because obviously there were many, many, firms that applied for multiple strings so we ended up with a list of 512 contacts, that all those who submitted applications regardless of what that application says, was if they withdrew, if they were delegated, and so forth, did receive contact from us if we had an up-to-date contact.

We did our best to bring our contacts up-to-date, particularly for those firms that are actually registry operators now and we know we have good contacts for those, that applicants who, for example, only applied for one string and later on withdrew, ICANN hasn't had contact with those organizations in some time so those may have been old contacts. But we did make every effort to reach all of the applicants in the applicant pool, so that should have included those applicants to whom Waudo was referring.

Carlton has suggested that we make a special effort to reach out to those who did withdraw at the contracting phase –

I'm sorry, I'm getting some feedback. I think, Megan, it might be your line. If you would like to mute.

I wanted to open that up to the team because that's a pretty big ask. We've already reached out to applicants through the survey in a way where they could respond anonymously. It's not entirely clear to me what if you want ICANN staff to be doing this work, if you want Nielsen to follow up with these folks, that's something that we would have to pick up again in the new year with the holidays coming up and a lot of

people being out for the next week or so. So I wanted to open that up for a quick discussion to see if that's a priority for this team.

I see a few hands, so Calvin, I guess?

JONATHAN ZUCK: Calvin [are you] on mute?

CALVIN BROWNE: Yes, I was on mute. Can you hear me now?

ELEEZA AGOPIAN: Yes, thanks.

CALVIN BROWNE: Okay. Just to let you know that we did try and reach out to those African applicants who withdrew and we had zero success. I'm not going to hold my breath in trying to get anything more from them, just so you know.

ELEEZA AGOPIAN: Thanks, Calvin. Laureen?

LAUREEN KAPIN: Thanks, Eleeza. You may have gone over this already, Dave, in which case I'll apologize in advance but I remember at the very beginning when we were discussing this you gave us some context for how these numbers reflected a relevant sample size or a too-small sample size, and

I was wondering if you could just go over that again because I remember my beginning impression being that this was a very small response and there was some concern that it really wasn't even large enough to be representative. But I just wanted to refresh my recollection about that.

DAVID DICKINSON: Yes, certainly. We managed to get roughly 10% response rate, which as response rates go is actually a good response rate even for a community audience like this. That's strong unfortunately. A lot of people just won't participate for a variety of reasons.

We can look at internal consistency. We did look at the analysis when we had some 30-some complete and then with the 53 total. Nothing shifted. So there was stability across that which makes it feel a little better. I would say that the odds are this is likely to be fairly representative of the 512 that we reached out to, however, what it doesn't give us the ability to do is drill down into subsegments with any reliability. So we can't look with strong reliability into global regions, into some of these groups like those who received GAC advice or not. Those responses are directional. Those are not ones where we would expect to have a great deal… Two additional people could change those percentages fairly significantly.

In those smaller samples, those are the ones to be most cautious about, but the overall results when you're getting the 53 responding, again we'd like it to be bigger but it's a pretty good response rate from the

community and it was internally consistent so it's likely to be pretty representative.

What's the confidence interval on 53 out of 500? It's probably still somewhere in the plus or minus 10% range.

LAUREEN KAPIN: Thanks. That's very helpful.

ELEEZA AGOPIAN: I see Calvin's hand. I'm not sure if that's a new hand or not. And then Megan.

CALVIN BROWNE: That's an old hand. I'll take it down now.

ELEEZA AGOPIAN: Alright. And then Megan, I don't know if you want to speak up. I see you just typed in a question.

MEGAN RICHARDS: Can you hear me? I put on [to] connect my microphone but it doesn't always work.

MULTIPLE PARTICIPANTS: Yes, we can hear you.

MEGAN RICHARDS: Okay. Good. I just wanted to clarify again the GAC early warning advice because there were two kinds of GAC advice. There was general GAC advice and then there was the GAC early warning. I did a review primarily quantitative rather than qualitative, of course. And from what I could see from a purely quantitative point of view, the GAC early warning advice in particular seems to have helped participants to clarify the legal base, ensure that their geographic names weren't conflicting with the legal requirements, etc. And it was also qualitative in the sense that I looked at or at least [a] number of the specific issues. Whereas David, you seem to think from what you said, that the GAC advice was not worthwhile, didn't help, etc. etc.

But you also said as far as I understood that the sample was very small on those cases, so we should treat it very carefully. So I just want to make sure that we're absolutely clear about what we're talking about in the case that I was looking at and the case that you're looking at so that in our final report we get the right tone and the right overall assessment. Let me put it that way. Because I by no means was saying that GAC early warning advice was wonderful, etc., but I could clearly see that it had helped certain applicants and it also helped some applicants in the resolution of conflicting names, for example, string contentions.

So what I wanted to clarify with you was whether the GAC advice cases you've [assessed] were specifically GAC early warnings, how many they were, and were they people to whom the GAC early advice was actually

directed specifically or was it general GAC advice, for example, on Public Interest Commitments?

You don't have to answer all that right now but I think we should clarify that in the next few days or whatever time period you have, make sure that this part of the report is [inaudible]. Thanks.

DAVID DICKINSON: I know you said I don't have to answer this all right now, but I'll respond a little bit. There were separate questions about GAC early warnings which were defined as – and I won't read the definition but we gave them a specific definition in the question of what that was – eight people said that they received one of those and again, what we said on the slide is there were both positive and negative perceptions. So that's probably consistent with what you said is that it helped some people, didn't help others.

Then we also asked them specifically about GAC advice, which was again we provided them with a specific definition of that and 11% – so six people – said that they received GAC advice and of those six – very small, not a lot of value seen from it – they're not saying it was bad – one person is – but they're not saying it was bad. It was just more it wasn't perceived as being high value. That again, wouldn't necessarily stand if you went through and looked at all of it there may have been situations from people who didn't apply where it was helpful in a resolution of some form but among our six, no clear indication of that.

But what we say in the report is simply that it wasn't seen as particularly useful. Again, separate questions defined by ICANN-approved

definitions which are in the report that you can look at. Very small response rate so to take it with a grain of salt, but neutral to slightly negative. Neutral's not the right word – mixed – some positive, some negative.

ELEEZA AGOPIAN: Looks like Waudo has a question.

WAUDO SIGANGA: Can you hear me?

ELEEZA AGOPIAN: Yes.

WAUDO SIGANGA: Hello? Hello?

DAVID DICKINSON: We can hear you now, Waudo.

WAUDO SIGANGA: You can hear?

DAVID DICKINSON: Yes.

WAUDO SIGANGA: My question is about the [overall] effect of the classifications. [Particularly] in .brands because I can see most of the percentages that you are viewing in your findings seem to group all the respondents together. So can we conclude that the experience of the .brands was the same as the experience of all the other types of applications? I'm asking like that because my feeling was that .brands were a special type of applicant.

DAVID DICKINSON: Interesting question. We had a third of our people were filing for a corporate brand – well, actually no. That's the type of company they were. Let me get to what they were filing for. Yeah, half were corporate brands.

Susan, do you happen to have a printout available that you could quickly look at those satisfaction columns on the right hand side of the printout for question 775 to see if the brand folks tended to be any different in their… We can either do that quickly now or we can take that offline and I can send a message out with what… because if we have the half that means we've got two groups of 26 to 27. That would at least give us if there's a big difference we would see that. So we could take a look at that and see. Beyond that, there's probably not a lot of ability – again, this is to the earlier question about sample size – looking at them in aggregate, likely to be pretty representative as long as the distributions match up with the total, but not a lot of ability to dissect it. But brand versus all others is probably something we could take a quick look at.

JONATHAN ZUCK: Any other questions for David? I'm sure we'll have some more as this percolates.

DAVID DICKINSON: Would you like me to hang on the call for a few minutes and look up that last issue while you guys go on to other things, and then I can just interject before I drop off?

JONATHAN ZUCK: Yeah, that makes sense.

DAVID DICKINSON: Okay. I'll just go on mute and when I get that answer I'll butt in.

JONATHAN ZUCK: Great. Sounds great, David. Eleeza?

ELEEZA AGOPIAN: Thanks, Jonathan. I just wanted to see if we could conclude our discussion about how we treat those who withdrew from either Africa or the Global South, and if the team is requesting more research on this topic or how we think we should proceed on that question.

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JONATHAN ZUCK: Thanks, Eleeza. It seems obviously intensely interested in hearing, but I don't know that we have additional ways to reach out to the folks that withdrew. I don't know if Calvin [inaudible] what Carlton is recommending but how do folks think that we should proceed on this? Obviously we would all love to hear from them but how do we go about doing that?

ELEEZA AGOPIAN: If I can just respond. Waudo suggested extending the survey which, Waudo, we did several times during the course of the Hyderabad meeting and tasked it and reached out to many registries while we were in Hyderabad. I attended several meetings, offered to provide links to the survey, at least for those who would attend an ICANN meeting would have gone through the application process a bit more than those who you're interested in here. But we did do quite a few extensions and now the survey is closed and this would require reopening it and extending our work with Nielsen as well.

So that's one challenge there. Another would be if we were to try to reach out directly. Again, as I said, we have old contact information and I'm not sure if you want ICANN to do this. I'm also not sure if [I'll have to speak] to ICANN. Part of the benefit of doing this through a survey firm is that it offers anonymity and gives the respondents a chance to be more candid in their answers. So that's another consideration.

From my personal view, I think that we've done quite a lot to reach out to applicants as the best we could. I'm also concerned about timing for this group as the report is scheduled to come out in a few weeks into

January. This is a task we probably wouldn't really be able to undertake until the first or second week of January, which means you wouldn't be likely to get answers very quickly. So there's quite a few things here to consider, so I'll leave it there. Those are my concerns.

JONATHAN ZUCK: Those are reasonable. I'm not particularly concerned about the timing because we are waiting on other things as well for our final report so we can all concede this won't happen for the interim, at least in January but I guess [inaudible] whether or not there's any likelihood of success of reaching these people after the efforts that have been made.

I don't know how to ask this question, but if we said yes, staff please pursue these people, what would you do differently than what we've already done on behalf of Nielsen?

CARLTON SAMUELS: This is Carlton.

JONATHAN ZUCK: Go ahead, Carlton.

CARLTON SAMUELS: Okay. Thank you, Jonathan. Just following up on Eleeza. Eleeza, I know that you give me better information about the attempts that have been made to reach out to these people who are a part of this group. I am not sure that there is anything more that can be done to make it

successful. You might have another go at them and you might still get the same results. I just want to be satisfied that we make every effort because the numbers alone make it very significant. With 17 of 1,930 from Africa and 10 of those 17 through the gate, 10 get over the hump and then withdraw at contracting. To me, it's required a little more look. But now that you've said that they've done every effort to reach them and they have not responded, I'm not sure how far that we can go. So leave it. Thank you.

JONATHAN ZUCK: Thanks, Carlton. Calvin, are you able to give any more detail as to what you did to try to reach out to them and what the response was?

CALVIN BROWNE: Yes. We tried to contact them mainly via the e-mail contact that we had on the applications which everyone has access to. We also tried various other ways, and so via [contacts] and so forth. But basically I think it's two organizations that are involved, so it's really just two applicants rather than 17 that they had multiple applications between them. And I think that they're fairly large organizations that have significant [inaudible] budgets where $185,000 is not a lot. One is a Pan-African Satellite TV provider, for example. I think they were told something, and that what happened is when they woke up they didn't understand what it was, and then they decided, "Well, this is probably not something we want to continue doing, it's not our core business" or something like that.

I'm speculating here, and I think there's a bit of reluctance on their part probably to continue to address values per se.

JONATHAN ZUCK: Thanks, Calvin. So, Eleeza, I guess the answer is we're not trying to further reach out to these folks, because we just don't have a good way to do that. Again, people are curious, but that's relevant to our concerns about the Global South, but if there's no way to reach them, it just feels like a fool's errand.

ELEEZA AGOPIAN: Yes, I can certainly appreciate the interest and appreciate the discussion. Waudo noted that you could make a note of this in your report, and I agree that it's [inaudible] worth discussing in the report. So, thanks.

JONATHAN ZUCK: For sure. I think we definitely need to. Yes, it might be worth – Eleeza, if you draft something about the efforts they made to reach folks with the survey, and unless Nielsen has done something like that, [inaudible] their report.

Then Calvin, if you don't mind doing a brain dump of what you just covered as well, then we can have a pretty good write-up about the attempt to reach out to those folks. I think that would be good.

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ELEEZA AGOPIAN:	Sure, I can add something to the section of the paper that addresses the survey.
JONATHAN ZUCK:	Great, thanks, Eleeza. Alright, David, have you had any luck? Are you still working?
DAVID DICKINSON	No, I'm ready. I just didn't want to interrupt. So, we had 28 respondents who filed for a brand. Some of those may have filed for something else, but they did file for a brand gTLD. 25 who did not. They have equal levels of satisfaction, "very" or "somewhat." 39% for the brand, 40% for the non-brand.
	There is a difference in the neutral and the dissatisfied rating. For the brand folks, 16% were neutral. For the non-brand, 34% were neutral, and for the dissatisfied, the brand was 46% dissatisfied versus 28% for the non-brand.
	So, the brand folks tend to split more to be either satisfied or dissatisfied. The non-brand folks tend to fit a little bit more into the neutral category. But equal levels of satisfaction in both groups.
JONATHAN ZUCK:	Thanks, David. Speaking of Davids, David Taylor's got to leave soon, so Laureen, I don't know how you were hoping to run the order, but maybe we go to David to talk of RPMs sooner rather than later.

DAVID DICKINSON   Okay, and I'll drop off, everyone. Thank you very much, have a fantastic holiday season.

JONATHAN ZUCK: Thanks, David.

UNIDENTIFIED MALE: Thanks, David.

LAUREEN KAPIN: Sure, that makes sense. Let's take advantage of David Taylor while we can. David.

DAVID TAYLOR: Sorry, just coming off mute. Can you hear me okay?

LAUREEN KAPIN: Yes. In fact, much better than before.

DAVID TAYLOR: I just turned my microphone up, it was really simple. There we go. Not like you to take advantage of me, Laureen.

                         So yes, RPMs. I suppose I can run through the report section which we've got. Probably preface that just follow [inaudible] know where we

are on the impact study by INTA, which is probably quite useful I suppose.

There's a very good segue there, because the provider that's been chosen is Nielsen for this. I don't know whether that's filtered through to everybody. David is also doing the INTA study, so I think that's quite good, because we'll have a certain similarity in the way these are going to be carried out, I think.

So yes, the study is the cost impacts of new gTLDs to IP owners, and so you've got the dates. The survey is going to be launched on Monday, the 9th of January, and the survey results are due back on Monday, the 6th of March. Basically, too late for our draft report, which is 20-23rd of January.

Too late as well for the public comment period on that CCT review draft team, because I think that was the 1st of March unless that slips. I'm not sure where that will end up, but [certainly] in the current timetable. But we'll be able to discuss it at the ICANN meeting, ICANN 58, so that's a good site, a good point and it's also good that we'll have this in time for the final report.

So, a mixed bunch. Some good, some bad, but generally, I'm fairly pleased with that. And the questions themselves, [inaudible] certainly looking at the costs of defensive registrations, but also importantly for us, the costs of enforcement efforts more generally, which is the stuff where we're kind of struggling to get the data on, which ties in there to this part of the report, to safeguards and trust, and the RPMs.

And I suppose there, probably to summarize that, in the first two areas we've got cases files, which is the ICANN statistics, which I've spoken to before. So, we won't go through those, but generally, we're seeing a slight drop in number of UDRPs filed, down about 30% compared to 2012.

And URS complaints are up, but obviously, that didn't exist in 2012, so overall complaints we're seeing are being down about 7%. But again, statistics, you can say what you want to with them. They're against 2012, which happens to be the peak year of the number of UDRPs ever, so we're comparing to a very high level to begin with, and as soon as we change to 2010, 2011 or 2013, your percentage disappears or goes the other way.

So, that's something I was sort of playing about with the other day, thinking maybe we should do a different comparison and we need to think a little bit more about that, and certainly look at the 2016 data when we have all of that to hand, which we don't as yet have.

So, I think my conclusion on that part is it's difficult certainly on those statistics to conclude we've got a higher enforcement cost, based just on those, but obviously as in the report there, I've said that's only part of the total picture of enforcement costs, on the tip of the iceberg. There's a lot outside that, so the INTA report should hopefully cover some of those aspects.

The addition which I've put in there to the draft a couple of weeks back was some WIPO statistics – WIPO being a major UDRP provider - there, where you're seeing a number of UDRPs being [inaudible] going up.

2014 to 2015, they're up by 4.6%, so there, you could say, "Well, there's more enforcement cost." We could also say, "Well, it's normal, there are more domain names out there." So again there, very keen to look at the 2016 data, because we're getting a little bit more year-on-year there to have comparative information.

And I think one of the conclusions there which I found quite interesting is if you actually look at the domain name disputes currently being managed by WIPO, 16% of all UDRPs in 2016s relate to new gTLDs. So, that's quite a good number and a significant number, because obviously, higher than the enlargement of the TLD space.

And you have got .xyz, .club and .email are the most disputed, so I think there we've got a conclusion really that based on that alone there, we've got more infringement proportionally in new gTLDs than legacy gTLDs. So again, that all needs more refining. We do need to look at this data and see what happens at the end of the year once we get the full data in for the year.

So, that's the main things I think on the recommendations front. You've got there – this is the more limited recommendations, because we've talked about that on the last call as well. Many of those are the recommendations were in placeholders for what we can get out of the INTA study hopefully, but certainly the full one – sorry, the [inaudible] full impact study on cost to IP owners, that's the INTA survey.

Important I think repeating that every 18 to 24 months so we can see a clear picture on where that's going, what direction that's going, and then potentially carrying out a review on the URS and its operation

parallel to the UDRP, because both do not apply to all TLDs, so we've got issues of level playing field there.

And then potentially carrying out the survey of whether the scope of the Trademark Clearinghouse should be expanded or not, and then that will touch onto the other areas. So, that's a summary of that bit of the paper. Happy to answer the questions, or certainly take any comments, positive, negative or helpful so we can just make sure we're going in the right direction on that.

JONATHAN ZUCK: Anybody with questions or comments? Well, David, looks like you got off the hook easy.

LAUREEN KAPIN: Actually, I have a question.

JONATHAN ZUCK: Laureen, go ahead, and Megan.

LAUREEN KAPIN: David, you have pointed out the increase in some of the mechanisms being used in the new gTLD domains as being a higher number than the legacy gTLDs proportionally, and it sounded like you thought that that was a positive finding. I just wanted you to elaborate on that. Positive because it shows that the new RPMs are being used more? I'm just wondering what you based your tentative conclusion on.

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DAVID TAYLOR:	Sure, Laureen, yes. I think positive in there was probably me being excited by the fact that we've got some data that shows something which seems to be clear. So, that's [inaudible] positive taken from that. Whether or not it's positive that we're seeing more disputes in new gTLDs than legacy TLDs, that's probably a negative.
	And again, it's the interesting sort of situation we're in. If a dispute mechanism is being used, does that make it good, or bad? If you've got a wonderful dispute mechanism which will take down any bad guy at minimum cost whatsoever, it's a dissuasive element and may never be used, but have the most impact.
	So to go further on that, we need to think things through and see what we can and can't say. But my positive side was that it's positive that it's a clear fact appearing. For there to be 15% of the case load being new gTLDs is higher than the stats we've got, which said we've got 9% of all TLDs or 10% of all TLDs in our new gTLDs.
	We've got something we can compare to all the TLDs that are out there, and so proportionally, we're seeing more new gTLDs. Which in many senses – again, if I look at that now, sort of talking off the cuff, I think, is that surprising? Is that not surprising?
	And partially, we should say, "Well, it shouldn't be infringement because we shouldn't have infringement, because we've been through that for the last decade. So, why?" But then it's a fertile ground, so there's more chance for infringement, and infringement is there.

Again, it's the beginning of all these TLDs, so will that same level of infringement continue into the year or another year? We don't know, so that's exactly the point of looking at the impact study and that, so we can look at this year-on-year and just see how this develops and which way it goes.

LAUREEN KAPIN: Thanks, David, that's helpful. And do you expect that the INTA study will give us additional data that might lead us to come to any conclusions about whether this usage of the RPM systems – which seems to be increasing for the new gTLDs as compared to legacy at least, or not increasing but it's proportionally more – do you think that the results of the INTA study will give us more information to draw any conclusions about that fact?

DAVID TAYLOR: Yes, I'd hope so. I hope that the INTA study is going to give us a wider cross-section of replies and a wider sort of catchment of the reasons why people are doing things. Because again, I think it's a big game changer when you've got so many TLDs coming out there, and I think, again, a lot of brands obviously are dealing with this in very different ways, so I think we'll get some good insight into how different brands are looking at it. Because I know some are just ignoring it completely, saying "This is now too big. We had a little garden before, now it created a forest. I'm not even going in there." And they will be ignoring infringement, so there can be significant infringement but no cost because they're ignoring it.

Others will be using the mechanisms, because others find that URS is helpful, and many find URS isn't helpful. So it's going to be interesting to see the reasons there which hopefully the survey will pull out as to why people are using it or not using it, and as well the total cost of what's being spent on enforcement, and whether in fact this really is the tip of the iceberg, and the bulk of brand owners are filing Cease and Desist letters when they get a Trademark Clearinghouse notification, and that's enough.

Which is true, certainly. I can speak anecdotally from ours, if you get a notification, you send a letter to the registrant within two or three days of them doing that registration, you resolve the problem pretty quickly. Then if you wait for a year or just after [inaudible] renew the domain name, they're a bit less – they're stickier to get to, they will want a bit more money.

So, that's where the Clearinghouse potentially is a help. So, I've seen that, but I'd be very interested to see if we've got 50, 60, 80, 100 brands seeing the same sort of thing, to see whether that is the case or whether I'm just getting a little isolated [rock]. So yes, wider and more information. I do hope we're going to get some context.

LAUREEN KAPIN: Thanks, David.

JONATHAN ZUCK: Thanks a lot, David. Megan, I see in chat you feel like your question has been answered, so you don't need it answered? Okay, great, thanks

Megan. And thanks, David. You're released, and Laureen, I'll hand it back over to you for the next topic of discussion [inaudible].

LAUREEN KAPIN: Sure. And actually, I am going to pass the baton to Drew, who'll be discussing the safeguards and public interest commitments chapters.

DREW BAGLEY: Can everyone hear me?

LAUREEN KAPIN: Yes.

DREW BAGLEY: Okay, great. And I think I might have to [inaudible] ten minutes early, by the way, but we will go in the order of I guess whichever is displayed first. So, we have the voluntary PICs chapter up on the screen. I don't want to go into too many details because I'm sure you've had time to at least glance it over and perhaps read it a bit, but for this, this is something where I've struggled a bit to come up with recommendations, and looking back at all of our past conversations, notes from there and past e-mails and stuff.

That would be great today, if we could maybe come up with some more recommendations for this section. But essentially, with the voluntary PICs, because of the way that they came about where there really wasn't a lot of notice and leeway – there were less than 30 days for

applicants to actually create their own voluntary public interest commitments – so because of the nature of that, that to a degree likely affects how many people use this mechanism and what some of them were.

With that said, looking at the PICs, there was a lot of variety. Some didn't seem to do much as far as the commitments they were making. They instead resembled preexisting obligations. However, once again, that may have been due to the timeline of things, where they didn't know that something was going to eventually become an obligation, such as having an abuse reporting contact and things like that.

And then others really went out of their way, as if they were trying to showcase their TLD as being one that was very proactive, in particular with Rights Protection Mechanisms. I don't think I have ability to scroll right now. Could I please have scrolling ability? Thank you.

Yes, so if you read over the background section, you'll just see – and I know I need to edit it, and I know Stan's been helpful. A lot of people have been helpful with helping me editing, because I've not had a chance to go back to edit it. I hope it's not too dense.

But basically, because of the nature of the way it came about and the timeline in which other things came about, I'm realizing that it's not what I originally thought it was months ago where I was kind of looking at it on its own merits and kind of wondering why some applicants didn't go further or whatnot.

So, with that said, the ways in which the PICs were implemented, I was able to – and based on our past discussions and everything –-able to see

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what the different providers appeared to do, but there is no ongoing mechanism really checking these PICs to make sure they're implemented.

So, that's something where I think maybe there could be room for improvement that we want to discuss. And then, so far, there have not been any complaints using the PICs [drip] mechanism to enforce any sort of voluntary PICS. So that's something else.

This is one of these areas where I think it's pretty interesting, and it certainly is affecting the way these TLDs are [inaudible] who can register domain names and whatnot, but we don't have enough data on the actual enforcement mechanisms yet.

So that's why, for recommendation – and this is based on some of the ideas that came up in past phone calls – all I have are these two, and definitely need to develop the second one more. So, the first one is that ICANN staff should increase transparency about the PICs, because going through the sector size, particularly with a lot of help from ICANN staff, from Eleeza and Antonietta we saw how long it really takes to crunch through all this data. It's not readily available, it's not very easy for people to find out exactly which PICs are lining up with which types of TLDs, and therefore which ones are truly voluntary versus which ones were based on something that was already required.

And then also, there isn't yet a way for us to really tell if the voluntary PICs, particularly those for the highly regulated gTLDs where there were GAC early warnings to tell us they're really protecting people from what they're intended to protect people from, to protect end users from.

And so I see that Margie has rightly commented that this seems to be developed more, this recommendation, but that's something I would love to get some feedback and ideas on. So, does anybody have any questions overall as you've read through the background of the PICs, or any suggestions about the recommendations?

JONATHAN ZUCK: Eleeza, go ahead.

ELEEZA AGOPIAN: Thanks. Hi, Drew. Thanks. I did have one comment, and I realize I didn't include this in your draft, I apologize for that. On the first recommendation which you just referenced, on increasing the transparency of the PICs, I guess this could also use a little bit more detail to help us understand it from an implementation perspective.

I think I understand what you're saying in that we went through this exercise of trying to compile all the PICs into a readable table, so that you and [Laureen] could have some points of comparison. I guess what I'm wondering is, for future practice, the PICs are transparent, all the contracts are available for anyone to read. All of the spec 11s and spec 12s are there so the language that you read is what you're suggesting that we make a page where it shows different categories of TLDs, and that type of thing where it's organized in a way that you can read all the PICs in one place? Is that what you think is necessary? I guess it's not entirely clear to me what that recommendation is getting at, and whether this is a recommendation for future reviews or general implementation for sharing agreements.

DREW BAGLEY: So that would be – yes, transparency through organization, because in many ways, ICANN's website does a terrific job about being technically transparent by having tons of data available, but in terms of it being digestible so that you can really draw meaning out of it, I think exactly what you described.

So, organize and categorize so that kind of like those charts, we could see, "Oh, these highly regulated ones where they're just doing what was already required," because then for example something like that might say, "Oh, well then I guess it's always generally necessary to create requirements for these very sensitive areas, because people aren't going to voluntarily police themselves."

Or maybe you would see, "Oh, even when you do do that, some even go above and beyond because of the nature of the TLD and they have some sense of [preventive] – add more safeguards to protect consumers. So, exactly that. So I think the categorization is very important, and that's something that I can certainly develop in a much more specific way in the text itself, to even pinpoint the way it should be categorized. But I think that should be really helpful in future decision making, because then you kind of see how things stand, but then also as more data is becoming available – not only what we're generating, but that other parts of ICANN are generating. I think it's easier then to match up things.

So for us when we're looking at abuse, [inaudible] go and you'd say, "Wow, this TLD has lots of problems. Oh, it's highly regulated, and they

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also did these other PICs, so maybe that's not the means by which this type of abuse is stopped." I think there's a lot more you can do with the data organized better.

ELEEZA AGOPIAN: Thanks, Drew. I think a little more specificity there would be useful for down the road.

DREW BAGLEY: Right, yes, and I know this needs lots more specificity. That was the exercise of just getting everything down and [inaudible] everybody a placeholder chapter on DNS abuse, which is about five pages right now but that incorporates a lot of what Calvin worked on and what others have worked on. I was unfortunately derailed all of last week by the flu, but I hope to have that to everyone soon.

Does anybody else have any more feedback? Are we at least in agreement that these two explanations are good? [inaudible]

JONATHAN ZUCK: Carlton, Laureen and [inaudible]

DREW BAGLEY: Need to be much more specific. Oh, sorry. Laureen, go ahead.

LAUREEN KAPIN: Carlton was ahead of me, so Carlton should go.

DREW BAGLEY: Oh, yes, I see him.

CARLTON SAMUELS: Thank you, Drew, thank you, Laureen. Just back into what Drew is saying, we've got a lot of data but the information is hard to get to. One of the things that we see all the time is that there's always confusion about what we're talking about, because there's no set of measurements. And what I would say is that the first thing we need to do in the commitment to gather information from all the data that's out there is that we have to agree on a metric. We have to agree on a measurement, and the yard sticks for the measurements. And I think we need a knocking our heads together to see. We have a PIC, there's an objective to the PIC. How do we measure if it's useful or not? And that means to say, "What are the metrics that we can all agree would be useful here? I really would want us to do more of that. Thank you.

DREW BAGLEY: Thanks, Carlton. Do you have any general ideas about what metrics you think might be useful here? One of the issues of course is that – well, there's the big one that we're always struggling with, how to measure impact and things like that. But then also here, the voluntary PICs really are so diverse, there are so many different types. So, what are your thoughts on how we would even go about tackling that with a recommendation?

CARLTON SAMUELS: Well, the first thing is to categorize. So I agree with you, first you have to categorize them. And then you have to look at them in detail, because the devil lies in the details there. A voluntary PIC is only as useful as it provides something that we can actually count and we can actually measure for impact.

Once we look at what it is they're intended to do, then reasonable people can come up with a measurement. I don't have one off the top of my head, but to my mind, if you don't have a measurement to determine impact, it's not very useful.

DREW BAGLEY: Alright, thank you. And then Laureen.

LAUREEN KAPIN: Thanks, Drew and Carlton. I just actually wanted to build on your point Drew and Eleeza's about there being a huge difference between transparency and the ability to easily access useful information because I think this really typifies that issue. It took a tremendous amount of work, particularly by Antonietta and Eleeza, and then Drew and I, we're working with it.

This was all out there, but not in a way that was useful at all. So, I think in general, whether we're talking about compliance information or the voluntary PICs that this is really something useful for us to keep in mind with recommendations for all of us – and I'm going to go back and think about this too for my papers, but – how can the information be presented in a useful way?

Because if I were going to make a vast generalization, I would say that a big problem with a lot of ICANN's website is it's all there, but God help you if you're trying to find it. And then if you find it, you are having to go through a huge data dump instead of things being organized in a way that's accessible and useful.

That said, it's our job to let ICANN know how we think this information could be organized so it is useful and accessible. So, I just think that that's a really important point worth highlighting.

Then pivoting to Carlton's point, I definitely agree that you need to have metrics to keep in mind what's going to be useful, and maybe something we as the review team should be thinking about with the voluntary PICs are if we're going to be asking applicants to consider voluntary PICs, maybe another thing we should be asking them to consider as part of the application process is to explicitly identify what community benefit or what harm they're seeking to address through their voluntary PICs, because I think if that is identified, then that will suggest the metric by which it can be measured. And maybe this is something that needs to start with the applicant, so we can presume they have a goal with proposing the voluntary PIC as part of their commitment in the first place. So, another thought on that.

DREW BAGLEY: Thanks, Laureen. I know it's kind of a lot of data, but we'll have to go back and incorporate what David just presented to us from the survey about the [inaudible] voluntary PICS to incorporate that into chapter two. That's something worth discussing.

So, it's voluntary, it's proposed by the applicant, so therefore, the applicant is best suited to define the goal and help us understand what the measurements for that goal would be, even if they're not necessarily going to be the only ones suited to measure that success.

So, that's some good feedback as far as a way we can elaborate on the recommendation. So as it stands, does everybody at least – obviously, these recommendations need to be further developed, and then we need, to add to Laureen's part and Carlton's point, something that helps us get to metrics. Does everybody agree then with those two to three recommendations in general, even though we need to develop them better? Or is anyone opposed to [inaudible]?

UNIDENTIFIED MALE: You have two more hands up also.

DREW BAGLEY: Yes, sorry, I keep not seeing that. Let me see in my window. Alright, Jonathan and then Jamie.

JONATHAN ZUCK: Yes, thanks, Drew. My thoughts are a little bit [inaudible] at this point, but I guess I just want to draw a distinction between being so prescriptive that information is filtered in a sense by ICANN, versus data being made available for folks. Because there are certainly plenty of people in the ICANN community who are interested in working with broad data.

So, I think one of the things we're going to have to draw a distinction between is reports we want generated by ICANN versus data we want made available. Part of it is going to be about coating things that aren't normally perceived as data so that the data can be of some use.

I think we'll want to do both, but at the same time as a review team, trying to specify – as Carlton suggested – particular data points that are worth tracking in the future. And I think we want to be as explicit as possible as far as coming up with a framework going forward.

A really big part of our recommendation is about ICANN collecting and making more data available and we want to be as explicit as possible about what we're asking for there, but at the same time not create restrictions on access to data in the intent to be prescriptive. So, we need to find a balance.

DREW BAGLEY: Thanks, Jonathan, and yes, I think that's really important, especially what the way you first described that as [inaudible] or not, inadvertently creating filters by being too prescriptive. But so I guess then the way we word the recommendation here is – here there is a lot of data technically available, so here, as you suggested, perhaps we should word it more as far as ICANN should, with the information available, generate reports as such, or organize a dedicated website that presents the information in this manner in addition to existing presentations of data. Something like that, where we're not excluding the fact that as Eleeza pointed out, all the data is there. So, thank you for that.

Jamie?

JAMIE HEDLUND: Thanks, Drew, and thanks all. I guess I'm a little confused by this discussion, as well as the first recommendation. Is what we're saying here that the review team did not have access to sufficient information to make a recommendation or to analyze what was there?

Because my understanding is that, first of all, PICs – mandatory or voluntary – appear in the contracts, and the contracts are all publicly available. And to Jonathan's point, sort of the gold standard of making data available is you just make it available raw and unfiltered.

If what you're saying is you'd like to see all the PICs in a separate chart like the ones that ICANN staff prepared for the review team, that's one thing. But if you're saying that there is not – one could read this to suggest that the review team did not have sufficient access to the PICs and the voluntary PICs to properly make its assessment.

And I would also agree with Jonathan that putting staff in a position of categorizing or tagging the PICs that are developed by the community I think is unwise. Thanks.

DREW BAGLEY: Thanks, Jamie. To answer the first part of your question, ICANN staff – and particularly Antonietta worked really hard to get the data in any sort of meaningful, digestible way whatsoever, because the data is available of course in the agreements themselves, but that doesn't on the tone help you understand this is a highly regulated TLD, are these

PICS already required? Is this really voluntary? Was this in the application, or only in the agreement? There's all that, and then of course –

JAMIE HEDLUND: Hold on. Just on that, ICANN's authority stems from its contracts with registries and registrars. It doesn't stem from regulations that are codified anywhere. It doesn't stem from a website that has a list of what those obligations are. It stems from the content of the contracts. So I think it's important to make a distinction between why they're published where they are, and recognizing that as opposed to suggesting that there's something wrong if that's where they're found, versus a sort of positive recommendation that it would be helpful to have it listed in one place what the PICs are.

Because without that kind of a recommendation, some might say that ICANN is trying to create a separate basis for its authority outside of the contracts.

DREW BAGLEY: My intention and the intention based on calls that you've been on too is to ensure the community – that people are making voluntary commitments, that their commitments at the end of the day to make sure people have some easy means of being aware of these commitments and whether or not these – like I said, what I always keep coming back to is whether they were voluntary commitments that merely echoed preexisting obligations, or whether they were actual

voluntary commitments, and then if they were, were people actually staying committed to them?

I guess to that point – and absolutely, I completely agree in terms of everyone's suggestions in changing this wording for sure, so we can make that, as you suggested, a positive way, but I think that would be well within the mandate of presenting information in a way that is helpful to not only the contacted parties, but to the end users to understand the distinctions between these TLDs with regard to voluntary PICs at least. Because an end user isn't going to have the benefit of being on the review team and having access to ICANN staff. And sure, we now have a lot of interesting organizations in the data we created for this one-time use, but going forward since we're looking forward with future new gTLDs being introduced and whatnot, that's where that suggestion comes from.

JAMIE HEDLUND: Okay, and I have no problem with that. That makes a lot of sense. I heard some criticism earlier about the ICANN website, which I'm not going to defend but I don't think is relevant here and the inability to find raw data. So, thanks a lot for that.

DREW BAGLEY: Thank you too. It was really helpful feedback. So, does anybody else have any more thoughts on this, and are we at least – so we're all in complete agreement –

JONATHAN ZUCK: Drew, you have Carlton and Laureen.

DREW BAGLEY: Sorry. Okay, so before I take them, summing up everyone so far, everyone agrees we need to reword these. So that's good, but so far, I'm hearing that the ideas themselves are okay, with much more nuance. Now, Jamie's hand is an old hand I'm guessing. Carlton, that's a new hand? It is. I think these are old hands, so Carlton –

CARLTON SAMUELS: I'm a new one, thank you.

DREW BAGLEY: You're a new one. Okay.

CARLTON SAMUELS: I want to go back to this business of the [contract.] For as long as I have caucus in ICANN, I've heard that the contracts are a result of the community interactions and the contracts [inaudible]. And the reason why we have a contracts and compliance is to ensure that the community knows that the contracts are being complied with. That is why you have an ICANN compliance requirement.

Secondly, the voluntary PICs we're told were put in, we're speaking specifically about the voluntary PICs – as part of the contractual framework, and therefore they are subject to oversight by ICANN Compliance. What we've seen – and I am the skeptic here, so let me be

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very clear – is that we have data, lots of it. But as others have observed – and this has been my position from day one – there's very little information from it. Because I can't track back a compliance to contracts based on the data that is given. We can go back to the contract and say, "Yes, there's a PIC here and it says this." And the question is then, why was the PIC relevant in any event?

And it's for ICANN oversight, so what are they oversighting about? What is being reported relevant to this PIC? In my opinion, and in the opinion of the people I caucus with, we do not have sufficient information to make the connection, and what we're asking here is that, A, if you make a public interest commitment – accent on the public interest – you have a duty of care to ensure that it makes sense and there's something practical that's coming out of it.

That practicality comes from measurement, and what we've seen is not the information that we're seeing doesn't help us to make sense of these public interest commitments. That's all I'm saying.

DREW BAGLEY: Thank you, Carlton. Okay, Jamie disagrees. So first Laureen, and then we'll come back to Jamie. Laureen.

LAUREEN KAPIN: I just wanted to acknowledge one of the points that I think Jamie made that was useful – which is not to say your other points weren't useful, Jamie. This one was particularly useful – about his concern about asking

ICANN staff to categorize the PICs, which in hearing him make that point, I tend to agree.

And really, what I'm getting at is it's trying to put the information in a way that's much more user friendly, and not having the community have to go through the same laborious –

I'm hearing an echo, so I'm going to ask someone to mute their mic. Still hearing it. Thank you. Is it Kaili? I think it's you perhaps who needs to mute your line. Kaili, can you mute your line? Great, thank you.

Not having the community have to go through the same laborious process to be able to access all these PICs, but I'm certainly mindful that we don't want to have this interpretation going on. But we still can present something that's more user-friendly. And that's what I wanted to say.

As to Carlton's point, in terms of having – what I'm really hearing you say, Carlton, and jump in if I'm mischaracterizing it, what I'm really hearing you say is that if we're going to be asking the applicants to include a PIC, then they need to be more explicit about what their goals are and if they are more explicit, then that can lead to a way to measure it. Which strikes me as something sensible, so maybe if people disagree about that, it would be helpful to hear what the concerns are.

DREW BAGLEY: Thanks, Laureen. And then Jamie, I think that's a new hand.

JAMIE HEDLUND: Yes, I typed most of it in here. I'm confused by Carlton's concerns about the voluntary PICs. Just for history, applicants were encouraged to submit voluntary PICs, which may or may not be responsive to some of the GAC early warnings. A number of them did, but there was no policy around what a voluntary PIC had to look like or how it would be measured, or what kind of substance it had, whether it had to be a public interest – meet a particular public interest goal that was established somewhere else.

So if you want to make a recommendation on what voluntary PICs should look like in another round, that's one thing, but I don't think it would be appropriate to judge these based on criteria and standards that were not in place when they were incorporated into the contracts.

DREW BAGLEY: Thank you, and a big struggles of analyzing this is that, the nature by which these were developed, so in response to early warnings but also with a very tight deadline and also before other requirements were fully developed, it's hard to measure them on their own because of the context in which they were developed. But to your suggestion, Jamie, I think something positive we can do is for sure maybe – as long as we can tie it back to data – make suggestions about future voluntary PICs.

And to Carlton's points, maybe about the fact that if they're going to be called Public Interest Commitments, maybe that they're – as to become standard by which that public interest value is actually measured. So that might be – we have these two here, these two recommendations need to be much further developed, and then that whole third

recommendation that we're all kind of toying with with how would we measure something or whatnot, maybe that's a very forward-thinking recommendation we could incarnate so that we're looking at that public interest component in the future, but also maybe whether or not goals are being achieved.

We all know – as you pointed out, Jamie, and as in this paper – this is all part of the agreement, so there's that enforceability mechanism and there's the picture, but maybe in the future, we can get some advice so that it's developed in a more clear, useful way that satisfies both what you're saying and what Carlton's saying. And then Jonathan, you want to jump back in?

JONATHAN ZUCK: Sure. Obviously, this requires some more development and more discussion, and we may get some public feedback on this as well. So, part of what we may want to do as part of the public comment period is develop a kind of reviewer's guide where we're asking specific questions and drawing people's attention to things where we want specific feedback. But the other thing I guess I wanted to mention just in response to Jamie's point – and not to really disagree with any of the substance of what Jamie said, but – Jamie, you expressed some concerns about judging something based on a criteria that wasn't specified at the outset.

And I get where you're coming from on that. I think that there's a difference between judging it from a review perspective and judging it from some sort of an enforcement perspective or something like that. I

think we've been empaneled to look at the effectiveness of these things, and so even if [inaudible]

DREW BAGLEY: Yes, Jonathan –

JONATHAN ZUCK: [inaudible] judgment was made in the first place was not clear, we can still say, "This didn't work," and that's not the same as being an indictment of that registry or anything like that, and I think that's an important distinction. It's not about blaming, it's just more of an objectivist approach to say, "Hey, were these things effective at what were apparently their intentions?" And I think it is our job to try and make that distinction and try and make that observation if possible.

JAMIE HEDLUND: If I could – I agree with that completely, Jonathan. My point wasn't about the quality of the voluntary PIC itself so much as criticizing the fact that there were PICs allowed that were not practical or that were not measurable, or don't lend themselves to metrics, which is what I heard someone – I think Carlton – saying.

Whether or not they worked or whether or not they're appropriate is one thing, but I was just pointing out that there were no sort of criteria or [inaudible].

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JONATHAN ZUCK: Sure, and we can be critical of the fact that there weren't though, without, again, tar and feathering anyone, right? I guess that's the point, we can say that [inaudible].

JAMIE HEDLUND: I guess I would object to some of that just because there was no policy direction to do that either.

JONATHAN ZUCK: That doesn't change the fact that it may objectively be the case that it would have been better had there been. That's my point. I feel like you're [inaudible] a defensive posture, and this isn't an attack. It's an assessment.

JAMIE HEDLUND: So recommending something like that for future rounds –

JONATHAN ZUCK: [That there wasn't] policy is also worthy of critique as well. It's not a question of assessing blame, but trying to determine the path forward.

JAMIE HEDLUND: So, making a recommendation for future rounds, and I'll pay a dollar. That makes sense, but criticizing the program in hindsight for not having the requirement that voluntary PICs be measurable I think is – or you could say that it would have been better than that had they been in

place, but it's not the same as there were these requirements in ICANN, and applicants didn't measure up to them.

JONATHAN ZUCK: That's exactly right, Jamie, so it's not an indictment of staff or... I mean it could just as easily be an indictment of the community for not having set that policy, right? I think that's the point, and that may be the way that it has to happen in the future.

But I think we're empowered to be critical without necessarily saying that someone was to blame or that there was something that should have happened that didn't in a normative way, particularly at a staff level or something like that if there wasn't policy to support it. But we can be critical in general of the absence of that.

So, I just want to make that distinction. This isn't about slapping anybody on the wrist as much as it is figuring out what the problems are and trying to address them going forward. That's all.

JAMIE HEDLUND: Yes, no, I think we're in violent agreement.

JONATHAN ZUCK: Okay, thanks. Laureen, go ahead. Sorry that I held you up. And I know Margie, you've had your hand up and now you've lowered it, so you gave up. I'm sorry about that. I still see you there, but Laureen, go ahead.

LAUREEN KAPIN: Actually, I think we were all coming to the same conclusion, because what I really had heard Carlton saying was focused on a recommendation for the future, that perhaps it would be more useful to identify a purpose, because that way, it could be measured and I think that's what I hear you also talking about, Jonathan and Jamie. It may not be his preferred outcome, but I think we all can agree that it is something that would be within our mandate to suggest a way going forward that we think would be more constructive in light of the data we're seeing now.

JONATHAN ZUCK: Great, Laureen, thank you. Margie, do you even remember what it was you were going to say?

MARGIE MILAM: Yes, and actually, kind of I think we're out of time. Just more about the specificity that I think we'd like to see in the recommendations. For example, the recommendation of summarizing the PICs by category. If there could be some thought to what's the purpose for it, what the community would do with it, what could it reveal that should be explored further on?

That's the kind of thing that I'm talking about in some of my comments where I ask for more specificity. Because otherwise, it's just a recommendation for data, but there's no real direction for the

community or the next review team as to what to do with the data once it's there.

JONATHAN ZUCK: I think that's a really good point, Margie. I think we should all take that to heart. We need to get these recommendations – particularly about data collection and things like that – as specific as possible, and justify them as specifically as possible.

Folks, we seem to have run out of time today, but we'll keep pushing on. Drew, as far as developing out the specificity of this, I don't know if you want to take a first [inaudible] at that and then circulate it, or do we want to set up a separate subteam call or something like that. But feel free to reach out to me via e-mail with your idea about how you want to proceed, because obviously, we do really need to drill into these and expand on it if we can now that you're [inaudible]. Alright. "Sounds good, Jonathan." Alright, great. Thanks everyone for being on the call, I appreciate it. Bye.

UNIDENTIFIED MALE: Thanks, [inaudible].

UNIDENTIFIED FEMALE: Thanks.

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