JONATHAN ZUCK:	Carlton, this is a test of everybody's speakers.
	Okay, Pamela. It looks like we have our speakers on the call so let's go ahead and start the recording. Thank you.
	Thanks, everyone. Good morning, good afternoon. Welcome to the 33rd Plenary call of the CCT Review Team. Is there anyone that is on the phone but is not visible in the Adobe Connect?
	Alright. So we'll use the Adobe Connect as our attendance record for the meeting.
	Have there been any updates to anyone's Statement of Interest? I know we mentioned on the last call that Jamie was going to update his Statement of Interest but I'm not aware of anybody else.
JAMIE HEDLUND:	Sorry. My Statement of Interest initially had to stay linked to my ICANN profile and that has been updated to reflect my new role so I'm hoping that that's sufficient to update my SOI. If not, if you want me to do more please let me know. I'd be happy to do so. Thanks.
JONATHAN ZUCK:	I think that's probably sufficient, Jamie.
	Let's dive right in. David, I see on the e-mail that you've gotten materials to Jean-Baptiste. Are those in a form, Jean-Baptiste, that you can put up

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on the screen so that David can lead us through a discussion of the recommendations?

JEAN-BAPTISTE DEROULEZ: Sorry, Jonathan. I did not receive anything yet from David.

JONATHAN ZUCK: Okay. Jordyn, do you mind if we jump to you and go over your document first then while the e-mail Gods deliver David's work to JB?

JORDYN BUCHANAN: Sure. That's fine. I'm on the West Coast so just waking up and I see that JB asked overnight about which version of the doc we should use today. I think probably the one that Stan e-mailed to some of us yesterday but I don't think we distributed that more broadly so we may want to send that out as well to the rest of the group but we can start looking through it. And if we're focusing on recommendations this is actually a remarkably short conversation. Thanks.

JONATHAN ZUCK: Which is fine. Whatever recommendations there are I think we're at the stage here in the final 13 days to make sure that we've got team consensus on the documentations.

JB, do you have the latest document that came from Stan that you can put up for Jordyn to lead us in a discussion?

JEAN-BAPTISTE DEROULEZ: Yes. I'm uploading it now.

JONATHAN ZUCK: Thank you.

Just while that's happening because Jordyn's point, it's important for everybody to read through these documents and make sure there aren't findings that you continue to have issue with. But it's my belief that we've gone through the findings in some detail at this point and we're highly focused on recommendations where they exist. But if you have objections to findings, speak sooner rather than later.

Thanks, folks. And JB, if you could find the Recommendations section of this document then –

JORDYN BUCHANAN: There actually isn't a Recommendations section of this document which is why I said it would be a quick discussion. There is a lot of text obviously. This document's over 30 pages long. But to the extent we have a recommendation, it is only to gather more data, and the actual specifics of the data that we should gather are captured in the Data Analysis section which is what you'll be talking about later today, Jonathan.

JONATHAN ZUCK: Okay. There were no findings specific recommendations embedded in this document.

JORDYN BUCHANAN: I guess that's right. Other than the fact that some of our findings were along the lines of, "We couldn't figure this out," and therefore [inaudible] data.

JONATHAN ZUCK: Right. Understood.

JORDYN BUCHANAN: They're not standalone recommendations from the Competition section that are distinct from the Data Analysis section.

JONATHAN ZUCK: Alright. Perfect. We'll go over those then shortly.

JORDYN BUCHANAN: Yeah. I would advise everyone – we'll send out a new copy of this later today and I'll make sure Google Docs reflects this version as well. There has been quite a bit of work on this doc done since we last talked about it in terms of cleaning up references, making the tables consistent, etc. But the substance of the findings and the fact that we're just recommending additional data be collected hasn't changed. I think there shouldn't be any surprises in this document for anyone and the recommendation is simply that there are certain pieces of data that we're going to need to correct in the future if we want a more robust analysis to be complete.

The one sort of recognizing our short time is – not on this call but looking forward to the completion of the draft report – is I did recently receive from the team at UCSD their raw data related to their findings on parking for the paper that they wrote a couple of years ago. I haven't yet had time to run through that analysis to see if there's anything that we could supplement our Parking section of this document. That may be one thing that changes hopefully in the next few days, in which case we'll just have to e-mail it out to folks.

I don't think that's going to lead to a recommendation per se because we'll want to still look at the nTLDStats data that we're waiting on to do a normalized comparison, but it may at least allow us to say something a little bit more interesting related to the prevalence of parking in the new gTLDs versus the legacy gTLDs in the draft report.

JONATHAN ZUCK: Okay, great. Thank you. Laureen, you've got your hand up.

LAUREEN KAPIN: Can you hear me?

JONATHAN ZUCK: Yes, we can now.

LAUREEN KAPIN: Okay. Sorry. My one observation – and I think I also shared this with the small group on the Data Analysis paper – is I'm a little puzzled that that

recommendation is divorced from the paper itself and it seems to me to be inconsistent with the approach that we're taking for all the other papers. I'm wondering what the thinking is there.

JORDYN BUCHANAN: I guess, Laureen, the question is do we have something… We have a standalone section of the report right now that is – "Here's the data that we're going to need in the future." I guess in this section we could say, "We're going to need more data. See that section." We could say, "We're going to need more data and here's a summary of what we're going to need but go to that section and look for more." One of those two things are roughly what we're going to need to do so we probably will want to call it an explicit reference to that section at least which doesn't exist. The question is whether we want to format it in the form of our recommendations, then once again have the exact same recommendation essentially in another part of the document which seems a little weird to me. I would imagine that we just want one canonical recommendation and the question is whether we put it here in the Data Analysis section – my opinion is, to the extent we have a Data Analysis section that's where the recommendations related to data ought to go but that's certainly a point that… Substantively it doesn't matter. There's going to be the same recommendation either way. It's just a question of where people expect to find it.

JONATHAN ZUCK: If I can interject, I think part of the reason that we've talked about a separate Data Recommendation is that we're trying to look at data as a

holistic recommendation and not just a, "Oh, it would be good if we had this. It would be good if we have this, etc." but looking at it as a generalized challenge not only for this review team but for future review teams and other review teams. So I think there's still some work to turn that section into something other than an extraction from the Competition section and we got some recommendations from Laureen as well. So I have in fact formatted the recommendations for discussion purposes in our normal format because I think that that format is the one that's most likely to lead to attention to those recommendations, and not having them embedded in a document. So I think separating them out and saying who they're directed at, etc. etc. and making them part of a generalized list for the Board to review and for us to advise on implementation down the road I think is our best chance for success.

I don't know if that answers your question, Laureen. This document certainly does contain references to insufficient data throughout and the impact that they have on analysis. I know you're disconnected so you can't speak so I will call on Kaili.

KAILI KAN: Hello.

JONATHAN ZUCK: Kaili, go ahead. You may be on mute.

KAILI KAN: I just noticed on page four we inserted a phrase of "non-price competition" which means as increase of numbers of the number of the

new gTLDs by 60-fold but it also vastly increases [variety]. And then immediately we say that this increase in non-price competition. I am not sure how we translate the increase in variety into non-price competition. It does not seem to exactly match.

If we do want to state that it's a non-price competition, I suppose we need some kind of explanation here. Thank you.

JONATHAN ZUCK: Thanks, Kaili. Jordyn, I don't know if you want to tackle that. Obviously we've had this strange wording challenge from day one with respect to the distinction between competition and choice and there's some overlap between those two, and I know Stan came to the table believing that choice was really just non-price competition. I don't know what Kaili's actually asking us to do besides move the availability of additional TLDs into "choice" rather than calling it "non-price competition," but I'm not sure that that will lead to a substantively different set of conclusions.

Jordyn, do you have thoughts on that?

JORDYN BUCHANAN: I guess I have two thoughts. The first is obviously this topic is directly addressed in the Consumer Choice section of the document which we'll actually be talking about on tomorrow's call so we might have a more robust discussion there. But I will say I guess, Kaili, to the extent that you believe that anyone is choosing a domain name based on the name other than the fact that it costs a different amount than another TLD, it

seems like that must be a form of non-price competition, wouldn't it be? Because the consumer [if] someone making a competitive distinction between two offerings and they're choosing based on a factor other than price, then therefore that's non-price competition. I don't think we're trying to quantify the impact of that in the market analysis but acknowledging that that's a factor in people's decision-making process, so it leads to the selection of goods by the consumer.

KAILI KAN: Here I would say the variety or different meanings of different gTLDs, they are certainly a character of that specific gTLD and that meaning I suppose would be included in the consumer's consideration when they do the registration.

However, do we call that "competition" if we want to – [let's] a little bit stretch that [a bit] too long. So if we do want to use the phrase "non-price competition" I still suggest that we include some explanation here and so the audience later on can understand exactly what we mean. Thank you.

JORDYN BUCHANAN: I think, Kaili, if you're just looking for a little bit more explanation here, we can do two things. We can create a more explicit reference to the Consumer Choice section and add a little bit of text here. JB, maybe you can add to the doc just a comment here that we take a look and add a little bit more text that we can share with Kaili prior to finalizing this doc.

JONATHAN ZUCK: Jean-Baptiste, can you do that?

JEAN-BAPTISTE DEROULEZ: Thank you for clarifying that. I was not sure you were talking with me. Yes, sure. I will add that [inaudible] make a comment, yeah.

JORDYN BUCHANAN: Thanks. Just so we remember to address it in the doc.

JONATHAN ZUCK: Laureen, I see you've dialed back in. Does Jordyn's and my explanation make sense or do you still have an issue to raise?

LAUREEN KAPIN: [I'm not] sure I understand the –

JONATHAN ZUCK: You're very faint right now, Laureen.

LAUREEN KAPIN: Is this better?

JONATHAN ZUCK: Yes.

LAUREEN KAPIN: Okay. I just want to make sure I understand the approach. What I heard you say is that you want to make sure that the data requests are highlighted so we're going to be putting them all into this one document. I guess what I want to get my brain around is, is every data request going to go into the Data Analysis document or only what I'm thinking about conceptually as overarching data requests going to go in the Data Analysis document? I think that's where I'm confused as to what our approach is there.

JONATHAN ZUCK: I don't have a definitive answer. I think that we have an overarching data request that we want to draw attention to and so we could make that an [inaudible] and just say, "This is something we think we need in addition to the ones that are embedded in the Recommendation sections of the documents," or make it part of a greater whole. I think my inclination was to gather up things that should be collected as data in the future into one place and making sure that it gets highlighted.

You can see it. We'll go over it and maybe it'll become more clear then and we can decide what should belong where. There's one recommendation that's an overall recommendation and then one that's very specific to our needs in the future. I guess I don't mind the redundancy as much as I would mind – because I feel like data is in many ways the most significant thing that we're recommending and I don't want it lost in the text.

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LAUREEN KAPIN:	That makes sense to me. Stylistically though, shouldn't we also be making sure that those requests are also in our papers? That's I think the point I'm getting at. For the most part, at least in the Safeguards Team, the requests are in our papers and I'm thinking there's going to be a bit of an inconsistency if the requests for data are not also repeated in the papers themselves as opposed to just references.
	It's really a consistency issue more than anything else.
JONATHAN ZUCK:	Okay.
LAUREEN KAPIN:	I agree with your desire to emphasize in one place, "These are the pieces of information we think future review teams are going to need."
JONATHAN ZUCK:	Okay. Then I'll talk further with Jordyn about retrofitting back again. There's certainly references to data related findings in the Competition document now but there aren't explicit – the opposite – "It would be better if we had…" Right. Exactly.
LAUREEN KAPIN:	That's exactly what I'm getting at. It's more a consistency issue than anything else. I agree with your approach to highlight it through the Data Analysis paper.

JONATHAN ZUCK: Okay.

JORDYN BUCHANAN: Laureen, one thing that's not done here that we could do as maybe a middle ground is just include periodically where we raise the reference to the fact that we don't have the data then just create a statement that says, "Please see Section X for our recommendations related to the collection of data," or something like that.

That feels to me like a little bit less redundant than… Like Jonathan says, there's actually several places throughout this doc where there's recommendations that will roughly be, "We need data this. We need data that." That's going to be essentially the exact same requests as is made in Section 6, and it seems like the Recommendation text is actually… The process sort of because I've been calling it the "Big R" Recommendation text is pretty big so it's already a very long section of the document so I'm just worried about adding… It'll probably end up being several more pages of text that doesn't add any unique value to the reader as opposed to just maybe including a more lightweight reference to, "Go look at this section of the document for the specifics of the recommendation," and that seems like something that we could do consistently throughout.

LAUREEN KAPIN: I definitely think you don't want to add a whole bunch more pages to the document and also engage in a lot of duplicate work. What I would say would be helpful though, is to highlight the data requests in such a way that it has the word "Recommendation" and at least it has a

heading – even if it's only two sentences long – because otherwise, I still think there's going to be a consistency issue stylistically between the approaches on a lot of the papers in the Safeguards and Trust area and the Competition area.

Maybe that doesn't bother folks. To me, it's an inconsistency. So I would at least recommend that we call out the recommendations for more data in the Competition paper and label them as such even if we don't go into the same level of detail and format that we've used in the other papers. At the very least I think we need to call them "Recommendations" and have a sentence or two saying what it is in a place that is right next to the topic that's discussed because in your Competition paper you discuss several different sub-topics and I would still recommend putting those data recommendation requests within those sub-topics and then label it as such even if you're not going to go through the whole long format, which I agree may be not necessary.

JORDYN BUCHANAN: I think that makes sense and that may actually be a good practice throughout. To the extent you guys are calling it out elsewhere, maybe we just trim down the recommendation text in your sections of the doc. I can make a pass and just call out at least where they are, the requests, put the bold Recommendations with the reference to the Data Analysis section. That should be pretty straightforward.

LAUREEN KAPIN: Right. Then you have your reference and the reader can go there to look. But at least it's highlighted.

JORDYN BUCHANAN: Yeah.

JONATHAN ZUCK: Okay. Excellent. Any other questions on the Competition document? Kaili, I'm assuming that's an old hand.

KAILI KAN: It's a new one.

JONATHAN ZUCK: Okay. Go ahead.

KAILI KAN: On page 10 about the parking effect. We have quoted two figures [inaudible].

JONATHAN ZUCK: [Inaudible].

KAILI KAN: Hello. You hear me now?

JONATHAN ZUCK: Yes.

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KAILI KAN: Okay, great. On page 10 we're quoting two figures. [One] is 72 of the new gTLDs are currently parked and also we're quoting that some "Latin American/Caribbean DNS Marketplace Study reports that across entire region 78% of the gTLD domain names are active and 22 are not in use." Here these two figures do not exactly match with each other. One is I assume the first 72% are parked is of the new gTLDs. That's global and that's measuring only the new gTLD parking rate while the second figure is for the Latin American region, and 78% of the gTLD domain names which means including both the legacy ones and the new ones.

These two I don't know, these two figures might create some confusion. Also, if we have regional data for Latin America and there probably others I don't know if we have the similar data from other regions which I mean like Asia Pacific region and, as we discussed before, that most of the parked domain names come from China, and also whether we want to point out the period of time because it was about like three years to two years ago there was a period of time there was a big increase of registrations and speculation was suspected to be a strong reason.

With that kind of activity we want to mention here, so that might affect the data reported. I would suggest that we be a little bit more specific and more in detail so first the data that we quote will be more effective and secondly, we can be more precise. Thank you.

JORDYN BUCHANAN: Kaili, I think there's already in the comments here some discussion about the fact that we need to talk about dates on the nTLDStats data

because we are seeing actually quite a bit of fluctuation in terms of the parking rate over time. I think that's something we'll [probably] be doing just out of necessity to have an anchoring reference point. I think you're also right that the Latin American number and the nTLDStats numbers aren't really directly comparable for a variety of reasons. Unfortunately, as Carlton points out in the chat, that's what we're hoping to get eventually, some sort of normalized comparison that we can view between new gTLDs and legacy gTLDs. We just don't have any of that data yet. And so I expect this is one section of the paper that will change quite a bit from the draft report to the final report only because we'll have substantially better data at that point.

I think we can add a little bit of discussion just to give context around each of those numbers. But the fundamental fact that we're not able to have directly comparable data sets is one that's going to haunt this version of the paper, I think.

KAILI KAN: Yes, I agree. Just we place a note here that also I think you just mentioned that we have new data we haven't looked at that was from UCSD or something? Okay, those data could be interesting and could be included later as well. Thank you.

JORDYN BUCHANAN: Yes. Agreed. Thanks, Kaili.

JONATHAN ZUCK: Any other questions for Jordyn?

Alright. Thanks, Jordyn. You're right it was a fairly short presentation and we'll get to the data recommendations here shortly. David, are you ready to go forward? Jean-Baptiste, do you have the document?

JEAN-BAPTISTE DEROULEZ: I do.

DAVID TAYLOR: Can you hear me, Jonathan, okay?

JONATHAN ZUCK: We can hear you fine. Thank you.

DAVID TAYLOR: Okay. [I see] it up there. That's good. And everyone can hear me hopefully.

RPMs Section 4 – The introduction I suppose is just capturing exactly where we're going on this or where we hope to be going so examining whether the RPMs specific in connection with the [gTLD] program help encourage a safe environment, promoted consumer trust, and whether we can measure the costs of the impact of the gTLD program on IPO [inaudible].

The next paragraph is basically the background to this.

Have I got scrolling rights? If I have, can I go down for everybody? Did that move for everybody or not? Is that just moving for me?

JONATHAN ZUCK: Just for you. Pam, can you make it so that David has scroll control for the group please?

Alright, David, you have control now.

DAVID TAYLOR: [Inaudible] I can't move it [there]. I can't move it now. Hang on. Why can I not move it? Now I can. Suddenly got it. Okay. Good. [Inaudible] for everybody. I don't seem to be moving it yet. There we go. Now I seem to have rights again. Sorry about that. Okay.

So at the end of page one there I've just summarized and listed the RPMs and then from pages through to page four basically describing each of the RPMs in there which was text so originally that was something I put in as an Appendix and then there was a comment in some of the stuff I was reading about describing them so then I did a summarized description of them then I'm getting repetitive because it sounds the same as we're doing in the Appendix except a bit longer so I thought it was probably better to have them all in there in one place so we can identify them clearly but I'm happy to be disputed or changed on that but it seemed more sensible to have them there together.

So then when we get to page five – my scrolling rights don't seem to be working again. There we go. It seems to be working now or someone is making them work or maybe you've given me "David Taylor one" scrolling rights. There we go. Sorry. I'm two David Taylors. I've got "David Taylor one" and "David Taylor two" because I'm on a laptop

[and] a desktop. My desktop has scrolling rights which is why it's not scrolling on my laptop. So that's fine. Sorry about that. Good.

So there we go down to [inaudible] that page and the first bit of the analysis, shall we say, where [we're that thing] "a full and robust analysis is not possible," and saying basically why that's not possible [of] what it's based on. The first main metric we have is ICANN and the ICANN website there with the number of cases filed – UDRP, URSs – so we've got the numbers there and we basically see a drop in complaints filed as we've discussed. So again you see that down at the bottom and on the next page as well.

And effectively is a – sorry, don't know why [inaudible]. There we go.

Effectively [there I've] put it we've got an overall small decline because it's less than 10% – so around 7.5% when we take into consideration the URS as well – so we've got less than 10% decline. I'm waiting – and we should be getting a hopefully some 2016 data from ICANN at some point so hopefully that comes we can look at that. That may well change. It probably will change the 10% so I don't know whether we go higher or lower but that's going to be interesting to see.

Then I've mentioned there that the thing that we need is a caution obviously next paragraph that UDRP/URSs is only a part of the costs brand owners are put to. And then I look at another source which is the WIPO statistics published and they basically [all] go contrary to the ICANN because they're effectively we've got a steady increase since the first introduction of the new gTLDs with the number of complaints they're seeing a growth of 4.6% per year, year on year. So again, this is

pointing to small growth but it's again less than 10% - it's 10% the other way – so a marginal increase in cases but certainly nothing unbelievable. We're not talking about 100% doubling of cases one way or the other so it's all fairly marginal.

Again, we're waiting for the 2016 figures which should hopefully come, I believe they come out in about March. I'll see if we can get those in earlier at all so that we can have this in in future reports [or] having no ability to discuss it when we're in Copenhagen.

Then going on, next bit – At the top there I thought this was quite interesting because the current figures 2016 show that new gTLDs currently account for 15% of the caseload that WIPO deals with and new gTLDs themselves, as we know from our findings, are less than 10% [inaudible] volume of gTLDs. So there [it may be] possible to say there may be proportionally more trademark infringements in new gTLDs than in legacy gTLDs but again, it's only slight so it's hard to really get some sound [and put any] obvious conclusions out.

The next section is Complaints [inaudible] which I find less pertinent. We're looking at a higher number of complaints [inaudible] in the URS than UDRP so I'll just go into that a little bit. Looking at those we can conclude really what we want from that. I don't think [necessarily] it's massive. I think there's possibly more complaints by the URS because it's newer but it may be an [indication] of it being more complex, etc. etc.

I'll move on to the recommendations which are there. No one will have seen these. They were in the wrong format and JB told me to reformat

them so I've reformatted them. So the first one – "Full impact study," as we know, "to identify the actual costs incurred." The rationale there being obviously we don't have concrete data available. I put "to be determined." Who are we addressing this recommendation to? I'll take guidance on that. ICANN and INTA because INTA are the ones who are doing it. "Must be completed prior to subsequent rounds." Yes, because we know it will be so that's [been] an easy one to say yes to but again, happy to discuss that. And "consensus within the team" – after this call you can tell me if it's a yes or not. That to be confirmed.

The details there, you've got [either] what we can't do without the concrete data and identify the actual costs incurred by trademark owners, etc. Nielsen, as you know, are doing this survey as well so there's been quite a few calls over the last month finalizing the actual questions and the questions, I think they've gone out now. I can't remember now. I think they've gone out.

And then Section 2 – sorry [inaudible] not moved again.

JEAN-BAPTISTE DEROULEZ: David?

DAVID TAYLOR: Yes. Can you hear me?

JEAN-BAPTISTE DEROULEZ: Yes. There is a hand raised from Jamie.

DAVID TAYLOR: Okay. Sorry, I've got too many computers. Yes. [I'll] take any questions please.

JAMIE HEDLUND: Thanks, David. The recommendations that you came up with on the original document looked okay to me. I don't know if they differ from the new one that is now up, but –

DAVID TAYLOR: No, they're the same ones. They're just in your format.

JAMIE HEDLUND: Okay. I think that's great. Just a couple comments on – there is a paragraph. It was originally on page three. I think it's on your new six – talking about the current figures for 2016: "Showed the new gTLDs account for 15% of the caseload and 10% of registration volume," and then there's another one farther down talking about, "URS complaints have risen. Indeed some were 42% higher." At least for those I think it might be helpful to put those percentages in context by including the actual volume. So what does that mean, 15% of the 2016 caseload in terms of actual numbers?

And then perhaps more significantly, the second sentence, I don't think it really supports what you're saying. The data is about filings. It's not about infringement. So, "This data points to there being more infringement" doesn't hold unless, in fact, there are more findings of

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infringement. So I think it's important to point out that there are more filings or more reports than there were before, but that to say that there's actually been more infringement would require data showing – and it may be the case but – showing that there's an actual increase in findings of infringement as well relative to [inaudible].

DAVID TAYLOR: Thanks, Jamie. I agree with that. It's a logical deduction but not necessarily shown by the data. And I think we could probably get that data because it's showing there's more filings so there's more perceived I suppose. I think any filing in the UDRP is perceived infringement, but what we can probably look at and delve into data is how many of those found infringements and compare that to the caseload previously. So that might actually be [then there] needs to be a better thing to be able to say yes there is more infringement found again, it all depends on how many cases are filed, doesn't it?

I'll try and drill that down. I think I should be able to get that from WIPO. That might be useful.

JAMIE HEDLUND: Thank you.

DAVID TAYLOR: I agree. The second one on the 42% higher, etc. that's in the table just below it but I can certainly [bring] that out. We're talking 19 URS complaints in 2014 and 27 in 2015. So again, it's nominal data really.

Do you want me to run through the rest of the recommendations, Jonathan, or has everyone just read them? Or just deal with the questions that come?

[JAMIE HEDLUND]: Deal with the questions as they come.

JONATHAN ZUCK: I think you should run through them briefly and not rely on whether people have read them, because a part of what we're saying is whether or not we've got consensus. So I think we've got to probably get clarity around the target of the recommendation and also consensus from the team if you don't mind. You do have a couple of hands up from Jordyn and Waudo.

DAVID TAYLOR: Okay, Jordyn.

JORDYN BUCHANAN: Speaking of target of the recommendations. I have two questions but the first on Recommendation #1. Is the idea here that the INTA Study is sufficient to satisfy this recommendation?

DAVID TAYLOR: Hopefully yes.

JORDYN BUCHANAN: I guess my question here is, then when we're talking about who this is targeted at, presumably we should make clear that it could be that it's a third party having done it. And I think it really gets to the interaction between Recommendation #1 and #2, if INTA's doing the first study, do you have in mind, David, that INTA or a third party entity would also be doing future studies as well? I know that it seemed like when we were trying to have ICANN do something like fund the first study that there was some push-back from INTA so to the extent that these recommendations are to ICANN bodies because that's where the Board can have some influence on their resolution, does that mean in the future we shift these studies to being conducted by ICANN and how does that interact with the desires of INTA at least around having autonomy on the study in the first version?

DAVID TAYLOR: Good question, Jordyn. As we saw when we were trying to put this together as to who would fund it, whether it was going to be an ICANN-led, INTA-led, blend or not, quite a bit of time was spent before we could get things kicked off trying to resolve that sort of issue, I suppose. So I'd say to wait and see. It's certainly something I'd put to INTA [inaudible] and once the study's done and if the results are useful I would [have thought] that they would think it's useful [inaudible] follow-up study because it's the same sort of thing I think [it would become] something that they [can find] usable [inaudible] reason they didn't follow up or didn't want to follow up, then that would be the thing that [inaudible].

JORDYN BUCHANAN: Okay. I think I got that [inaudible].

JONATHAN ZUCK: Somebody's got a speaker on.

                        Pam, can you tell whose computer [inaudible].

DAVID TAYLOR: I think we're good.

JONATHAN ZUCK: WAudo [inaudible] mute your speaker before you [inaudible].

WAUDO SIGANGA: Okay. Hello?

JONATHAN ZUCK: Yes. That's much better.

WAUDO SIGANGA: Hello?

JONATHAN ZUCK: Go ahead.

WAUDO SIGANGA: [My first question] actually was basically the same question that Jordyn has asked. I wanted to know with that Recommendation #1 and Recommendation #2, particularly Recommendation #2, this is a recommendation that is targeted at to be implemented by an organization that is outside [inaudible] of ICANN. So within our report can we have some kind of a guideline or some kind of a policy, some kind of standard, for recommendations that are targeting implementation by actors who are outside the control or the [inaudible] of ICANN?

DAVID TAYLOR: Good question. Same as Jordyn's and I think that is one of the things how do we take that forward? As I say, I would assume that obviously [certainly we] can't say at this stage that INTA are going to commit to doing this every 24 months. I would have thought it would [be] in their interest to do so and something which would certainly be considered as a positive thing to do. And as I say, I think if they don't do it, then that's why the recommendation I said [buy-in to ICANN] it would be something which I certainly encourage ICANN to do [because whenever] we have a next CCT Review Team, this sort of data is key so it would be something which would be ideal if ICANN could do it. But again, we've got to cross those bridges.

I don't know what anyone else thinks on that.

Shall I carry on with Recommendation #3?

EN

JONATHAN ZUCK: Yeah. Go ahead, please.

DAVID TAYLOR: Recommendation #3 was a review of the URS. Also being the new kid on the block for an RPM, certainly we've seen the uptake in the URS I think from most corners would all say it's less than expected so as to understand the reasons for this. It may be because it's such a wonderful mechanism it's scared everybody off from cyber squatting and nobody needs to use it or it may be because it's more complex than people would like it to be or it may be because the solution is inappropriate. So we don't know on that, hence certainly a review on that which obviously is something which is going to be considered in any event [a view] to do that.

So then there's the details, what it should cover, again just recommending it, which I personally think be – it's a big question whether two fully separate systems should continue to operate the UDRP and the URS, whether they should be in parallel, whether one should streamline into another, etc. I think that's one of the most important things to know and to try and find a consensus on amongst all the various parties and also there obviously [inaudible] the URS it's just to new gTLDs and some old TLDs, more and more gTLDs are actually taking it on [of] the old legacy TLDs, again it's an important thing to have a level playing field I think it's unfair that certain mechanisms apply to certain TLDs and not to others. And there you've got a success measure which I've had a stab at. I'd [be] welcome any comments on how to measure such success other than what I've put.

And then Recommendation #4 is the Trademark Clearinghouse. Generally the Clearinghouse and its scope and obviously we've got the working group looking at this as well and I'm not sure when those findings will be due. And the effectiveness certainly seems to be questioned when you're looking at any comments on the Clearinghouse. That's the sort of thing we're just looking is it effective, has it worked, etc. so certainly needs a review and that's where we delve into it and things like that could be looked at.

The RPM Impact Study INTA are doing may well give us some good information on that which we can use. Again, we'll find that out as soon as we get that information. So there's a little bit more in the details and again, the success measure.

So those are the four recommendations I've got to. I'm happy to add in any others or those to an extent and change them.

JONATHAN ZUCK: Thanks, David. I guess as a general rule what we want to try and do these recommendations is be as specific as possible so that their implementation is as straightforward as possible and to me, some of these feel a little bit vague and just sort of kicking the can in a way because we've already had a Trademark Clearinghouse Study and I think we need to figure out what it is that needs to be different about it or what questions should specifically be asked, etc. because otherwise we're just throwing out there to I don't know who – the Board or somebody – to determine what a future Trademark Clearinghouse Study might look like. We seem to be doing a lot of recommendations

of, "Hey, we should look more at these things," and it's not clear why we didn't or what should be done differently than what was already done, etc. I think that's the fallacy in some of our recommendations about which we need to be concerned.

DAVID TAYLOR: Absolutely, Jonathan. It's just one of those things, isn't it? You look at it and you think how do you come up with something specific when you don't have the data to rely on? And so it is certainly pushing the can down and the Rights Protection Mechanism PDP process and the working group that's going on there so I wondered whether we should specifically be putting the recommendations to look at the results of that when published which is more specific but again, you're pushing it down, we're still kicking the can because you're asking somebody else to do it.

JONATHAN ZUCK: Why does anybody need us to recommend this? How is this a function of our review, I guess? Given that that working group exists, what value are we adding by making this recommendation? Are we getting some body to do something they wouldn't otherwise be doing?

DAVID TAYLOR: Yeah, already. As you said.

JONATHAN ZUCK: Waudo, is that a new hand or an old hand?

DAVID TAYLOR: I was just going to say the URS is different because there [is specific]. Obviously it's required to have a review. But again, that's a review which is [inaudible] already. So again, in a way the recommendation's agreeing with that review.

JONATHAN ZUCK: [Inaudible]. Okay.

DAVID TAYLOR: [Inaudible].

JONATHAN ZUCK: Jordyn, you have your hand up.

JORDYN BUCHANAN: Jonathan, I agree with the high level concern you're expressing here which is a lot of these cases this work is either in flight or required already or has been done. At the very least, I think we need a stronger acknowledgement of that. If we're going to say a review of the TMCH should be carried out, do we think that the existing TMCH review is sufficient, in which case it doesn't seem like we need this recommendation at all because it's already done. Which is a little bit different from Recommendation #3 which is, "We should do a review of the URS," and that requirement already exists but the review isn't complete at least. And similarly in Recommendation #1 I think we

should acknowledge that the INTA survey is already being fielded. And so to a certain extent I think this stuff just needs to explicitly call out the existing work.

I would think on #3 in particular that we should largely say to make the recommendation concrete, is twofold. Number one is that the existing URS review should be completed and I think something like, "And as anticipated, the RPM PDP should consider modifications based on the results of that study," or something like that. I think that'll happen already as well so it may be that it's not unique and new, but at least we could say, "Hey, we need some more data. That's already planned. And probably someone should look at the results of that but there's already a good group to do that," just so this doesn't create churn in the future.

I've been noticing lately ICANN is perfectly happy to spin up an entirely new effort just because someone says, "Oh, you know we should take a look at this new facet of Thing X," as opposed to attaching it to an existing work stream ICANN will sometimes spin up a whole new thing. So I think in this case it's clear to me that the RPM PDP is probably the right place to do any consideration of the results of the URS review.

JONATHAN ZUCK: David, does that make sense?

DAVID TAYLOR: It does. Yes.

JONATHAN ZUCK: Do you feel like you have enough to go on to take one more pass at these?

DAVID TAYLOR: Enough to go on to have a stab but I certainly see that calling out and mentioning them is one of those things, I [wonder] how much effort that we go into to consider obviously that's a moving ballgame the RPM PDP Working Group. It's moving on and we're looking at it at what extent do we go through that to see if it is doing what we think it should be doing?

JONATHAN ZUCK: One [value adding] for example might be in timing. In other words, part of what we're trying to do is suggest whether or not something needs to happen prior to Subsequent Procedures. And maybe that's something that we can be definitive about, etc. I just want this to be, wherever possible, based on our findings and sufficiently specific that as we put up a list of recommendations the Board can say yes/no to them as they're raised and that what follows from that is a clear direction on what it is that we're in fact asking be done that isn't already being done or a modification of what is already being done or hasn't been done. I guess that's the key is not making these musings but as specific a kind of implementable recommendation as possible.

DAVID TAYLOR: Yeah. I see that and I suppose in many ways, like I said at the beginning, without the data looking at the questionnaire that's going out in the

INTA Impact Study, once we've got the results from that and Nielsen look at that, I think that's where we have a lot more meat and we can get specific on the recommendations because if we see a certain result [which is] clearly that brand owners think the Trademark Clearinghouse is absolutely inefficient and if 90% of brand owners think that, we have a much stronger recommendation in a way of then you're looking at what's the review of the Trademark Clearinghouse and you can put something a little bit more meaty and specific in there. Again it's kind of a [chicken and egg].

JONATHAN ZUCK: Why don't we make some notes? This is going to come up in the case of DNS abuse as well. Why don't we come up with some notation that this is a placeholder recommendation as Drew has done that anticipates specificity in the final report that doesn't exist in this one to minimize the size of the target for public comment on this in the near term, but suggest explicitly that pending results of the INTA Survey there will be more refined recommendations associated with future Trademark Clearinghouse review or something like that.

DAVID TAYLOR: Yes. That I can see and makes sense. Absolutely. Thanks.

JONATHAN ZUCK: Okay. Waudo mentioned something about formatting but these recommendations actually look to be pretty close to the format that we've been talking about so I don't think that they're bad from a

formatting, it's just a question of getting consistency [and] with the content of these sections are. And I think that's what we're going over. So hopefully that addresses your concern.

Are there any other questions for David? Megan's referring to Jordyn's paper.

Again, some of that may be clearer in the next section then, Waudo, because I think in many ways the recommendations from the Competition Team are almost entirely about further data acquisition in the future and so that's the section we're just about to review. So we can look at those and discuss those now if we don't have further questions for David. Alright?

Jean-Baptiste, if you can put up the document and just take it to the Recommendations section. Or I can, Pam, if you can give me scroll control over it. Am I scrolling for everyone? Yeah. Okay, great. I just didn't want to start talking on the assumption that everybody saw what I was seeing.

As you all know, we've been talking about this in some detail throughout the course of our review that we've been fairly hobbled by a lack of data in a number of different arenas, and so the more we talk about it, the more we hear from ICANN staff that we need to make these data requests as specific as possible. And so I've attempted to do that here as well as make a more generalized recommendation for discussion because I think we need to take advantage of the pulpit that we've been given to bring about something more lasting than just specific data requests because it's going to be an ongoing issue that will

be difficult to always anticipate, and so the process of looking at the data sets necessary for collection is also something that should continue. So hopefully that makes sense.

I echo, Carlos, I've probably picked the wrong title for this person. I don't know what that should be – Data Czar probably – because we want this to be a senior enough position to empower the actual collection or acquisitions of necessary data. But the idea here is actually, "To hire a data scientist for ICANN whose job it is to identify and in some manner acquire data necessary for the measurement of the success of policy recommendations that measure success for strategic plan objectives and the measures of data necessary for review team support both an analysis of problem areas and an analysis [on] the success of recommendations."

The idea here is to make it somebody's job to work with work groups, review teams, and ICANN staff, to identify data sets that need to either be collected from contracted parties or elsewhere or acquired from commercial third parties for purposes of study. That's the first recommendation that's more of an overarching one and more structural in nature. I welcome questions on that or recommendations.

Megan said, "It might be considered meddling in ICANN's internal management." I can see that it might be, and I guess I'm not entirely concerned about that. Who they work for and how they're managed is up to them, but I think the point is to bring in somebody that's qualified and empowered to make data available to ICANN staff to outside contractors and to the community for purposes of review and

continuous reform. I welcome recommendations. I'm not trying to close down to alternatives if you have one.

Any other questions about this. I guess I'm mostly reading things. Carlos is recommending a department. Again, I think that would probably be up to this Data Czar, whatever we want to call them, if somebody has a better [sense] – a Senior Data Scientist or something like that maybe.

Yeah, Megan, that feels a little bit too vague, but I guess I don't know. I'm interested in how other people feel. I feel like we need to be specific that there needs to be a data scientist. If I were ICANN I can say that's it officially staffed today.

Carlos, you have your hand up. Go ahead.

CARLOS RAUL GUTIERREZ: Yes. I would like to just make a comment. There is always the worry of the registries and registrars about confidentiality, etc. and so on, so they have been very [hesitant] to provide data. That's understandable. But everywhere in the world there is the possibility to collect data from market agents and guarantee that the source of the data or the specific data for each agent will remain confidential. That's why I think it's very important that this effort guarantees that data will be consolidated as market data and it cannot go back to any specific market player.

That's what I recommend to work it a little bit out so nobody has to worry that my competitor is going to know my numbers. This is standard procedure in any regulated area and we should dispel this

worry up front so it doesn't get killed in the effort. Thank you very much, Jonathan.

JONATHAN ZUCK: Thanks, Carlos. And I think that's a good point and it's, in fact, mentioned in a number of the specific collection recommendations. My guess is that the need for anonymized data, etc. will vary from data set to data set and what that means will vary, and I think that's part of the issue of having someone on board at ICANN that is tracking all of those things. We can probably make a note to include that in the details of this description that this person would identify and act on requirements for confidentiality and anonymization data, because that's, again, [where] necessary. I think that's a good point.

Laureen, go ahead.

LAUREEN KAPIN: Thanks, Jonathan. Actually I wanted to pick up on one of Carlos's comments in the chat – arm's length. It just seems to me that the concept of independence and that this be placed in a spot where they are collecting data, they're not an arm of any particular program that has a vested interest with a particular stakeholder group I think is an important concept. I'm mindful of Megan's comments about not getting too intertwined with telling ICANN how to run its business but I do think this concept of independence is important.

JAMIE HEDLUND: What do you mean by "independence" because different people have different… [when] they've talked about independent functions. They've had a wide range of ideas about what that means.

LAUREEN KAPIN: I think what I mean is that, I think Carlos called out the Global Domains Division by way of an example. I'm not taking a position one way or another but I think if the data analysis were placed in a department that has, for example, if that department's role is to implement new domains and that's their raison d'être, then someone collecting data about saying, "We need to spend more time exploring a certain issue until we have another round," that might be an inherent tension there. I used that by way of example.

JAMIE HEDLUND: Just to be clear, GDD does not create its own programs. GDD implements what the community policy dictates. And that's why I ask about independence. GDD does not have a vested interest one way or another in a rapid or slow roll-out of the next round.

LAUREEN KAPIN: You're the expert about what groups have a vested interest because you're more on the ground there than I am. I'm raising the conceptual issue that we want to avoid a conflict in goals between the data analysis and the department in which they're placed. As to what the specifics are, I don't pretend to have that expertise.

JAMIE HEDLUND: I understand what you're getting at. I don't see what the conflict is and what kind of independence is necessary to establish impartiality.

JONATHAN ZUCK: I think part of the distinction – I had a short discussion with this with George Sadowsky on Monday actually – and he said that he often thought there should be a Department of Economic Studies or something like that that helped to drive the studies that are necessary. I guess I'm trying to suggest something a little bit different in that this isn't all about ICANN staff drawing conclusions from this data, but instead helping staff, work groups, review teams, identify the data that will be necessary to perform an analysis and to judge success of recommendations downstream, and then to ensure that that data is in fact collected.

The analysis of that data will vary considerably between sometimes being a staff led effort, sometimes being a community led effort, and sometimes being an outside contractor like the Analysis Group, that's given access to the data. But the notion that each of these efforts inside of ICANN at evaluation and reform have data needs associated with them both from an analysis and a success metric standpoint, and making it somebody's job to make sure that data is available to the parties that need to use it, I think, is what I'm talking about.

I think that distinction is part of what will create the independence that you seek, Laureen. But we can try to discuss it further. Jordyn, you have your hand up.

JORDYN BUCHANAN:	Actually, I'll hold off. I think my comments relate more to the subsequent recommendation, so I'll wait until we get there.
JONATHAN ZUCK:	Okay. I know there's some controversy there.
	Jamie, go ahead.
JAMIE HEDLUND:	My comment was along the lines of focusing more on the data and data analysis that's requested other than the position or the title of the person or department. That way – because you mentioned Sadowsky's comment about an Economics Department – an Economics Department can also similarly provide just objective analysis and look at data and have the data speak for itself without putting a spin or anything else on that. Similarly, that same department could look at data. I have no idea if there's ever going to be an Economist or Economics Department. My point is that it would seem to be more useful for the recommendation to talk about what's needed then in terms of data analysis rather than the title of position or structure that would be behind it.
JONATHAN ZUCK:	I really do get that point in principle. The problem is, we're going to make some specific recommendations and then they're going to get pass or fail and that data's going to be collected. But this is an ongoing problem that's reflected in the last paragraph of almost every study that gets commissioned, every work group that's trying to do an analysis, etc. And so we need to find a way to suggest that this is something for

which someone or some entity within the organization is responsible as opposed to just a general notion that we need more data.

I'm open to recommendations for a better way to phrase that. Jamie, if you have a way to – if it's a department or what you think the best way is to phrase that. I'm not trying to reorganize ICANN, but I think that there is a general malaise associated with analysis and ongoing reform that stems from a lack of data on a fairly consistent basis that needs to be addressed at a pretty high level. Does that make sense?

JAMIE HEDLUND: Yeah, that makes sense but I think you can make that point without locking yourself into a recommendation that succeeds or fails based on whether or not ICANN hires a particular person. That's why I'm in full agreement with you about the need for more data analysis, etc. I just think that the emphasis [should be] –

JONATHAN ZUCK: I don't want to create a recommendation that can be approved but then in fact results in nothing. That's the problem. In other words, it [shouldn't be something] –

JAMIE HEDLUND: That risk exists no matter what you do because then ICANN could hire someone who [doesn't do what you] –

JONATHAN ZUCK: Sure. But less so if there's specificity in the recommendation though, Jamie. I guess that's my point. In other words, the notion that everyone agrees is easy. So the point is to come up with something sufficiently specific that that agreement needs to lead to some concrete thing taking place. And the only thing I could think of was a senior hire from somebody truly qualified to perform this role.

Let's talk about it further, but –

JAMIE HEDLUND: Yeah, or you could focus on the output that you're looking for. And whether that's done on a contractual basis or [inaudible].

JONATHAN ZUCK: Somebody…is that Waudo? Waudo, I think you've turned on a speaker and you're getting [inaudible].Thank you.

I'll take another pass at this and see if I can get to that. I also know that we're being asked to stay on board to help with implementation and so I think all of these things will be discussed further. It's just a question of trying to draw a line in the sand kind of. But thanks, Jamie. I appreciate where your recommendation is coming from.

Eleeza.

ELEEZA AGOPIAN: Hi. Thank you.

JONATHAN ZUCK: Oh yes. There you go.

ELEEZA AGOPIAN: Sorry. It just took me a minute to get off mute.

I just wanted to add a little bit of context to this discussion to give you an idea of what our team does. Our team – the Operations and Policy Research Team – was basically created to do just this – to facilitate research, to work with contractors, to provide research for different reviews, policy implementation. That functionality already exists, whether you think this requires a higher level person or someone who is specifically focused on data science or economic analysis in particular I think that gets into more specificity. But the nature of our team is really to do several of the things that you've laid out.

JONATHAN ZUCK: Thanks, Eleeza. I know that's the case and I've been very excited by yours and Brian's and other's participation in this effort and others, and so again, I guess the question is – and this may come back to Jamie's notion of output – is how to raise the visibility or the influence of this team or budget or whatever the answer is so that data is identified early and the means to collect it either from contracted parties or elsewhere or from third parties or purchase, etc. is a part of the ongoing effort of ICANN.

I don't want to create a conflict of interest for you, Eleeza, or Brian, etc. I am very interested in your feedback on how we might get to the place where this is less of an ongoing issue if that makes sense.

ELEEZA AGOPIAN: Just to add to that, I don't want to prescribe what recommendations this team makes, but the things that you are describing we are empowered to do that. We do have budgets for research and we take directives from the community. The surveys and economic studies that we commissioned before this review team even launched were in direct response to community recommendations and we worked closely with you to tailor those to the needs that you had. So in some ways I feel that we are achieving what you want to achieve. I know we haven't received all of the data that you would have in an ideal world to do this research and some of your recommendations get to that regarding pricing and what not. But we do have a clear role and mandate and support to do the work that we do and in response to community requests. That's really what our work is driven by.

I just want to make sure that that's clear because I feel like that's getting lost in this conversation.

JONATHAN ZUCK: And I don't mean for it to. I'm trying to raise the visibility of this and make it a proactive role if that makes sense. There's strategic plans that have objectives in them and then data sets [would] be collected for those, etc. I think it's an ongoing thing and I think it's going to be difficult to always know in advance from a review like this that "just collect this, just collect that."

I'll try to take another pass at this to address an output-based look at this because, again, I'm not interested in trying to reorganize ICANN but reorient it which is somewhat different.

Other questions or comments.

So Jamie, I'll work with you separately to maybe come up with a better way to phrase this so that it feels output-oriented instead of too prescriptive from an organizational standpoint, which certainly isn't my intention.

Okay. The rest of these are direct reflections of the specific areas of research that we did where data was found wanting. I'll go through them quickly and then take questions and suggestions, etc.

The first was the collection of wholesale pricing for domain marketplace. I think the rationale is probably obvious. This is directed to the ICANN Board. The recommendation is, "To collect wholesale pricing by whatever means necessary," and I make note that it may require updates to contracts to make access to this data more likely.

Jamie, go ahead.

JAMIE HEDLUND: Sorry, I didn't know if you were going to go through it. I just put my hand up as a placeholder.

Two quick things. One is there's a comment up above about the almost complete lack of data and I wonder if that ends up making us look a little silly given that the largest proportion of domain names sold are

through Verisign and their wholesale price is known and it's price capped. But that's –

JONATHAN ZUCK: That's a complicated issue from an analysis standpoint because we don't actually know if the pricing is at the caps, for example.

JAMIE HEDLUND: Right.

JONATHAN ZUCK: As we've discussed at feedback sessions, we also don't know if the marketplace is something the market price is different than the cap and if we would have seen movement absent the cap. So there's some complexity there. There's some wholesale data, but in terms of looking at new gTLDs, it was pretty incomplete data. And in the case of Verisign, it may be that it's all priced at the cap but we don't actually know the answer to that.

JAMIE HEDLUND: Right. It might be worth pointing that out in the text up above – just, "Verisign's price is capped but we don't know if that's their wholesale price or not."

The second quick comment for this and some of the other recommendations – we're not going to be able to get this without changes to the contracts. So unless they're required to provide this

information to us, we're not going to be able to demand it which we've talked about before, but it might be worth putting in the recommendations [inaudible].

JONATHAN ZUCK: That's why I said this may require amendment to the Base Registry Agreement. Are you suggesting something beyond that text?

JAMIE HEDLUND: No. It's not just the Base Registry Agreement. Well, yes. Because not all legacies are on the Base Registry Agreement or on the same [inaudible].

JONATHAN ZUCK: What's the best way to phrase that – to "Registry Agreements" or something like that?

JAMIE HEDLUND: [Inaudible] "…might require amendment to the Registry Operating Agreements."

JONATHAN ZUCK: "Operating Agreements." Okay. Can you make a note of that in the notes, Jean-Baptiste or whoever is taking notes?

Okay. Jordyn, you've got your hand up.

JAMIE HEDLUND: Sorry, I missed that last sentence. I never read to the end. I apologize.

JONATHAN ZUCK: That's alright.

JORDYN BUCHANAN: Just to combine Jamie's thought. First I don't think that it's the case that with regards to the new gTLDs this was actually a problem at least in terms of the base wholesale price. That was a requirement in the new gTLD contract to cooperate with economic studies, and I think - I guess Eleeza can tell me if I'm wrong – I think in general we got the base wholesale price data at least from registries. Really in terms of base wholesale price this was largely an issue that we couldn't distinguish between the cap and the actual wholesale prices for the legacy gTLDs.

I think to the extent we're trying to distinguish between what we were able to collect from the new gTLDs in the past round and something different that we'd like in the future, I think we need to call that out more clearly here because it's not obvious to me what we need here other than data from the legacy gTLDs.

My second observation is, as Jamie pointed out –

JONATHAN ZUCK: Can I pause you there just for a second? Because I could have a misunderstanding as well but in Stan's text here: "[Inaudible] few responses from legacy gTLDs and incomplete data from new gTLDs."

JORDYN BUCHANAN: I think there's some discussion about whether we would like to have, for example, transactional data from registries such that we could say, "Name X costs this much because it was a premium," or something like that as opposed to just knowing the…and that would also include the [inaudible].

JONATHAN ZUCK: The base wholesale price, you mean?

JORDYN BUCHANAN: No. We know the base wholesale price, I think.

JONATHAN ZUCK: You're right. "As opposed to just the base wholesale price."

JORDYN BUCHANAN: Yeah, so [inaudible].

JONATHAN ZUCK: I'm finishing your sentence.

JORDYN BUCHANAN: Sorry, yes. "As opposed to the base wholesale price." That would be an example of something maybe more specific that we could say is important to have. It's not obvious. I think no one would look at this

recommendation and jump to the conclusion that that's what we were asking for so we may want our [finding]…I will say that's a very burdensome request though. We may want to think about how we ask for that sort of data in a way that isn't overly burdensome. I think I would reformulate this recommendation as follows: first to include some recommendation that, where possible, ICANN amend the legacy Agreements such that they are also required to participate in economic studies. And then I would also make a second recommendation that when pricing data is gathered in the future ICANN make some attempt to gather a reasonable sample of transactional data in addition to just wholesale prices in order to better understand the full range of pricing in the marketplace.

JONATHAN ZUCK: Are you able to take a swipe at just editing this text directly in the Google doc?

JORDYN BUCHANAN: Yeah. I can do that, assuming the editing rights haven't actually been turned off.

JONATHAN ZUCK: Alright. We'll get that figured out.

JORDYN BUCHANAN: So yeah, I think we should probably break this [in two]. The second observation I was going to make is, right now this is being listed as

required prior to the new round. For the legacy gTLDs ICANN has really no mechanism to force legacy gTLDs to adopt this because it's not a Consensus Policy. I would be very reluctant to say, "Despite the fact that ICANN has no way to do this, we're going to block a new round on ICANN somehow figuring it out which could take as long as the entire renewal cycle for these gTLDs which would be 10 years," or something like that.

I think we should be realistic about which of these things are achievable over a relatively short time frame before considering whether they ought to be blocking or not.

JONATHAN ZUCK: Okay. I'm interested in hearing other people's feedback from that, because again, I guess what the completion of this means might vary as well, like a determination to do it or something that may be something that's necessary. But if we have another CCT Review and don't have pricing data, that team will have difficulty performing competition analysis as well. So the question then becomes, if the justification for the subsequent procedures is in fact to create competition and we're unable to evaluate whether or not competition is created then what is the justification   for moving forward with subsequent procedures?

JORDYN BUCHANAN: Jonathan, I don't agree that's the case. I think we would be able to better understand competition with more data, but it is certainly not the case that we're able to draw no inferences and see a general trend line, and see consumer behavior. What we are able to see is actually

more due to the price caps probably [than anything] is whether there's been an effect on price. Even if we had perfect transactional data right now I suspect we still wouldn't be able to see an effect on price because the legacy gTLDs are price capped and, we believe, largely operating at the cap.

And since the new gTLDs tend on average to be priced higher than the legacy gTLDs, that mostly tells us that the marketplace is constrained by the price caps as opposed to by the market forces. I think therefore unless we're going to recommend that in order to better understand the market dynamics that ICANN should get rid of the price caps – unless we're also going to recommend that – I don't think it's the case that a future review team is going to do much better with a little bit more data on the pricing topic necessarily.

I'll also note that there's going to be another review regardless of whether or not there's additional gTLDs. As I understand it, the Bylaws requires a periodic competition review.

JONATHAN ZUCK: That's right.

JORDYN BUCHANAN: I think the question of whether there should be additional gTLDs is somewhat orthogonal to the question of whether future CCTs are going to be constrained by this lack of data. So unless we think that absent data… we're missing some potential harmful effect of the expansion of the gTLD space, it doesn't do anything in particular to say that we have

to block the expansion on this data, because we see, at least of high level general trends in terms of competition, which I think in general we've concluded are generally positive, at least on the competition side.

JONATHAN ZUCK: We definitely have – and I'm not trying to be too strident on this point – I guess we've been asked to think about this as a cost-benefit analysis. And one of the benefits of new gTLDs is competition and that's one of the justifications for continuing to add to strings. And so given the fact that there will be some findings associated with downside consequences, having better data associated with the upside will help to better justify subsequent procedures. I guess that's what I'm getting at. If the extent to which the downside consequences really turn out to be minimal, then the need for justification I think starts to dissipate as well.

JORDYN BUCHANAN: I guess I don't think we need to second guess [this]. There's a separate stream by which the community is deciding what a subsequent procedure ought to look like. And they'll have our report and presumably they can look at it and say, "We don't think there's enough [justification] from the CCT Review in order to move ahead with this process." Or they could look at our report and say, "So far so good. Let's do it again." Whatever conclusion they'll make, they'll know all the things that we know. I don't think we need to second guess for them whether they need additional information in order to conclude that it makes sense to proceed or not.

I feel like there's a community decision to be made as to whether…what we are not doing I think as the CCT is deciding if there should be more gTLDs or not. I think we're trying to look at the impact of the expansion as it has happened right now and do our best to look at the pros and cons and make recommendation about what the future should be like. But even if we were to say that there were significant problems, it would be like, "There shouldn't be more gTLDs until X," not X; it just doesn't strike me –

JONATHAN ZUCK: That's right. And I think that is the way we're trying to structure these is that, what should happen prior and so all we're recommending here is that we should be set up to better measure the impact of the new strings before we introduce them. I guess that's the only thing that we're saying is trying to get [to that] and what you're saying is you think that the wall to do that through the Registry Agreement is way too high to place [them] in front of the program.

I take your point and I'm obviously not the decision maker here. It's the team as a whole. Does anybody else have –

JORDYN BUCHANAN: Especially if you look at it from a cost-benefit analysis perspective, you're looking at potentially years and years and years of delay because ICANN has no way [inaudible] in exchange for we'll be able to tell whether registries were pricing at the cap or below the cap in the past.

I just feel like that would be nice to know but that's not the most fundamental thing we could possibly understand about this program, and so the cost of how hard it is to implement this versus the benefit we get from it and making it a blocker just seems really out of proportion.

JONATHAN ZUCK: Thank you. I'm happy to change that, "Must be completed" or change the language. And you're going to take a swipe at this as well in terms of [baking] that into this. I'm happy to have you edit both parts of this to where you think it's reasonable and we'll put that back in front of the group.

Waudo, there are recommendations that go beyond page six, to answer your question.

Thanks, Jordyn.

So the same thing may be true for retail pricing. That's the next recommendation, is collecting retail pricing for the domain marketplace. And a similar type of recommendation that could involve amendment to the Registrar Accreditation Agreement or trying to reach out to commercial sources to get this data along the way to make sure that we have it for future reviews.

Jordyn, [that would] be an old hand and your comment on this may be similar in terms of whether it should sit in front of subsequent procedures, although in this case it's probably easier data to get if we just make the decision to acquire it.

JORDYN BUCHANAN: I agree. I do sort of have a reluctance to, unless if we think it's absolutely critical to the expansion or if we think there's no way to gather it after launch. I'm a little reluctant to make these things blocking, but I agree that this one's a lot easier to [inaudible] have the structural impediment that the previous one does at least.

JONATHAN ZUCK: Okay. Any other questions or comments from that? Carlton, you've been writing things into the chat. I don't know how to operationalize those things necessarily, so if you have recommendations for changes to this recommendation text or want to support the text as is or something, then try to say that explicitly.

Waudo, you have your hand up.

WAUDO SIGANGA: Yeah. You can hear me?

JONATHAN ZUCK: Yes.

WAUDO SIGANGA: Hello?

JONATHAN ZUCK: [We can hear you].

WAUDO SIGANGA: [Inaudible]. I'm not 100% sure what recommendation you are on now, but I'd like to comment about the second from last one. [Is this] the last page on page seven? This second from last one, we were trying to get the data on a country by country level. I think we can make the recommendation a little [inaudible] for ICANN to [more specific] – sorry, page seven – for ICANN to actively directly engage more with the regional bodies that are responsible for collecting this kind of data. [Inaudible] example [inaudible] it's called [inaudible] or something, the [European] one. I think essentially a little bit more endowed. It's a little bit more endowed but there are other regional organizations that are equivalent to [inaudible] which can also be able to collect information on a regional and on a country level but I don't think they're [inaudible] capacity in terms of [all other] sources.

I think I would say we can make the suggestion a little bit stronger for ICANN to [actually] engage with those regional organizations. In Africa I know we have one called AFTLD. That's the one that brings together all the country code administrators. I know that we [tried] to do something in the past about to get information about the countries, what kind of registrations data they [have] in different countries but they have not been able to move very far [and I] suspect it's because of lack of resources and maybe lack of capacity.

So my suggestion for that second from last one on page seven is we make it a little bit stronger and say that ICANN should [actually] engage more with those regional ccTLDs and see what kind of support it can be able to give them so that they are able to carry out this kind of research and [kind] of studies.

JONATHAN ZUCK: Okay. Can you put that into a short e-mail to me and I will try to amend the recommendation to include that, to change the Details section to say that one method of implementation might be cooperation with some of these regional [inaudible].

WAUDO SIGANGA: Alright. I'll do that.

JONATHAN ZUCK: Part of what we want is sales figures for global tLDs on a regional level as well as ccTLD data. So it's not just ccTLD data. We need that, but we also need a more granular understanding of sales by country so that we can make a comparison of how .de is doing against .com for example. Things like that.

Thanks, Waudo.

We had collection of parking data as one of the recommendations. I also have a question and I don't know, maybe Eleeza – Eleeza had to leave. One of the things that Stan has included almost as a throwaway above had to do with secondary markets which I think continues to be an important aspect of price-based competition in a world of price caps. But I also don't know how to recommend tracking aftermarkets transactional data in an efficient way. So that's not in here but I think something that's still of interest is the secondary market data Jaimie, you had your hand up [inaudible].

ELEEZA AGOPIAN: Sorry, I'm on the phone I'm just not on the computer anymore. I don't know that there's a recommendation that can be made. We made attempts to get that kind of data. Some resale prices are available online so I suppose you could make some note about tracking those, but I don't know if you would want to make that a formal recommendation.

Did I lose everybody?

JEAN-BAPTISTE DEROULEZ: No. We seem to have lost Jonathan.

JONATHAN ZUCK: [Inaudible] document, and it feels like [inaudible] offline. I think maybe –

So Brian hears me, Pam hears me, and Jean-Baptiste hears me. Okay, so everybody hears me now. Alright. Excellent.

So collection of parking data, collection of gTLD sales by country level – Waudo, you're going to write me an e-mail with your suggested changes to or additions to the Details section. As I mentioned, I think, maybe partially on mute, that in addition to ccTLD data we also need granular sales and market share data at a country level for the gTLDs as well so that we can do a competitive analysis between gTLDs and ccTLDs on a regional basis.

Waudo, I hope you can hear me now.

Jamie, is that an old hand? Do you have something to –

JAMIE HEDLUND: Yes. I was just putting it in the chat. My only thing would be to insert the word "potential" for impact on competitive landscape on the parking one because I'm not aware of any evidence that there is [inaudible] impact.

JONATHAN ZUCK: So seldom the case that I can't be heard.

Alright. Jamie's typing in the –

JAMIE HEDLUND: I just was typing what I just said. So I'm erasing it [so as to save bandwidth].

JONATHAN ZUCK: The next recommendation that came from Stan is ongoing periodic survey of registrants. And he's got some suggested questions that are embedded in the document above but might make for an Appendix because I think the actual structure of a survey is probably something that will require further discussion and so those questions are a starting place for ongoing surveys.

The next set of data requests came from Laureen's team over in Consumer Trust and Safeguards. You can see [it's] periodic surveys of consumers, ongoing tracking of DNS abuse, and tracking costs of

safeguard implementation. And finally, more granular data collection by ICANN Compliance, which will be of interest to Jamie who I don't know if he can hear anymore.

Let me ask everyone to read this document online and suggest changes and additions.

Alright, everyone, thanks for being on the call. Let's adjourn and reconvene tomorrow with better audio.

Thanks, everyone.

[END OF TRANSCRIPTION]