CARLOS RAUL GUTIERREZ: Good morning. Just is Carlos on the phone, and jumping into the call.

LAUREEN KAPIN: This sounds like a terrible connection. Are you guys getting a lot of unpleasant sound on your end?

UNIDENTIFIED FEMALE: Yeah, it sounds like somebody shuffling cards in the background behind you.

LAUREEN KAPIN: Oh, that's weird.

UNIDENTIFIED FEMALE: It comes and goes. It's fine now.

LAUREEN KAPIN: No, but it's starting again. Should I hang up and try and reconnect?

UNIDENTIFIED FEMALE: If you don't mind, Laureen, I think that would probably be helpful.

LAUREEN KAPIN: Okay, I will do that. I will note just that the agenda is not up to date. Jean-Baptiste has sent around a revised agenda that's blocked out the

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

RPMs, because David wasn't going to be able to present that today. So that should be adjusted.

UNIDENTIFIED FEMALE: Okay.

UNIDENTIFIED MALE: Should we all reconnect? Sorry. Sorry, Laureen, for interrupting.

UNIDENTIFED FEMALE: No, just Laureen.

UNIDENTIFIED MALE: Just Laureen.

LAUREEN KAPIN: Yeah, I'm going to hang up and reconnect.

UNIDENTIFIED MALE: Thank you.

JONATHAN ZUCK: Laureen, do we have you back?

LAUREEN KAPIN: I'm back. Hopefully this sounds better.

UNIDENTIFIED FEMALE: Much better, Laureen. Thank you. Much better.

LAUREEN KAPIN: Good.

JONATHAN ZUCK: That's much better. I think we probably have critical mass, so why don't we go ahead and get started?

LAUREEN KAPIN: Can I ask one silly technical question? If I were only on the computer and I wanted to mute my microphone, how would I do that?

JONATHAN ZUCK: There's a little button up at the top of your screen that's a picture of a microphone. If you click it, it'll cross out the microphone and you'll know you're muted.

LAUREEN KAPIN: That's where I'm having trouble finding that button. I know there's a microphone next to my name, but not at the top.

JONATHAN ZUCK: No, up in the upper left-hand corner of the overall screen, next to where it says, "ICANN," and, "Meeting."

LAUREEN KAPIN:	Okay, so that would mute my speakers. That would also mute my microphone?

JONATHAN ZUCK:	No, no, no, next to the speakers should be a picture of a microphone.

LAUREEN KAPIN:	Oh, I guess that since I'm on the phone, it has… Let's see…

JONATHAN ZUCK:	Right. You can do a drop-down list and say, "Connect my microphone."

LAUREEN KAPIN:	Got it, okay. I think because I'm on the phone, it's giving me a phone icon. But if I wasn't on the phone, it would give me a mic icon. I see.

JONATHAN ZUCK:	That's right.

LAUREEN KAPIN:	Okay, thanks. Thank you very much.

JONATHAN ZUCK:	M-hm. Okay, Pamela, I guess now you can unpause the recording.

PAMELA SMITH: Okay, hold on just one moment. I'll get over to the right screen. My computer has not had its coffee yet. And recording resumed.

JONATHAN ZUCK: All right. Good morning, good afternoon, good evening, and welcome to the 31st Plenary call of the CCT Review Team. Is there anyone on the phone that is not in the Adobe Connect?

Is there anyone that has an update to their Statement of Interest, besides Jamie, I guess? Have you updated your Statement of Interest, Jamie?

JAMIE HEDLUND: I have not. And actually, I didn't think about... It didn't occur to me that I should do that, but I will go back and do that. And I'm still an ICANN employee, which is a material thing. But I do have [inaudible].

JONATHAN ZUCK: Right, I know. I didn't know whether ICANN employees even did them. I was half-joking. But I guess your status has changed in a way that's relevant to the Review Team, so it's probably worth updating it.

JAMIE HEDULND: Yep, sorry. Will do.

JONATHAN ZUCK: No problem. So we've got Laureen on a good connection. And the first thing on the agenda is to go through the Consumer Trust document, anything that's worthy of discussion. I'll let Laureen pick and choose, with emphasis on the recommendations.

Laureen, go ahead and take it away.

LAUREEN KAPIN: Sure. And, Jean-Baptiste, I had sent around a new version yesterday afternoon, and this is not the new version. So I would like the newest version up.

JEAN-BAPTISTE DEROULEZ: Laureen, this is the same version. It's just that when you sent it, you had removed all the markups. And if I export it, I will get this sort of version. But I can try again.

LAUREEN KAPIN: Okay. I guess I'm a little confused.

JEAN-BAPTISTE DEROULEZ: Just one second. I will try again.

LAUREEN KAPIN: Okay. So while we're waiting for that, I'll raise just a couple of general issues. The first is Stan has raised a concern about how we refer to the surveys. And I raised this as a global point, because he was concerned

about differentiating between… He was concerned about our terminology, and he didn't like the terminology, "ICANN Global," either "Consumer End User Survey," or, "Global Registrant Survey," because he felt it made it sound like ICANN did the survey, as opposed to Nielsen. And I know Eleeza had commented that she wasn't sure people would even know what Nielsen was.

I raise it as an issue because we should figure out how we want to globally refer to this. I take Stan's comment that we want to be sure that there's no confusion with who conducted the survey, particularly – and this relates to a second concern expressed by Stan – particularly because this is a preliminary survey. Not all the results are statistically significant. There are differences between the questions. And at least Stan has some concerns about how good the surveys are in general. So we probably should come to terms with how we want to name it.

Switching topics for a second, as I'm looking at this, Jean-Baptiste, the version I sent around had accepted some comments, but also had some comments still in redline. And here, I'm not actually seeing any redlines. So this doesn't quite look right either. Is it just a technical problem with exporting?

JEAN-BAPTISTE DEROULEZ: Let me look into again the document you sent me. But this is strange. This is the one I used today to create the PDF. Let me have a look again. I'm really sorry about that.

LAUREEN KAPIN: That's okay. I think if you put it in the "Show Markup" version and track changes, it will show some changes. There were some changes I accepted. It won't show those. But there were certain changes that I left, because those were discussion points. So it would be better to have a version that still retained some of the tracked changes, which I believe is what I sent around yesterday.

BRIAN AITCHISON: Hi, Laureen, could I jump in while we're figuring things out?

LAUREEN KAPIN: Sure, yeah. Do you want to talk about the statistical significance point?

BRIAN AITCHISON: Well, we can. Also, I sent around a style guide, fairly brief, that should give some sort of help on this issue, just how to reference them. And, yes, that will sort of prompt people to refer to the Nielsen surveys as "Nielsen surveys." But the references indicate that it was for ICANN. So it's fairly apparent.

On the statistical significance thing, we've had a bit of back-and-forth between you, me, and Stan. It's really just a matter of wordsmithing. I don't think it's a huge thing, and it's sort of up to you how you want the prose to flow, if you want to report every statistically significant finding or not.

LAUREEN KAPIN: No.

BRIAN AITCHISON: Okay, right. So we've been playing around with some footnotes that I sent around yesterday to our little group so we can look at them.

LAUREEN KAPIN: Right, right. And I'm still pondering that. So I just raised it as an issue that the Review Team should be aware of. And in the next version that goes around after this call, I'll include footnote language which basically recognizes that we realize that not all the results reported in the surveys by Nielsen are statistically significant but that we still believe this is useful, albeit early innings information. But we want to have a footnote that reflects that we realize that, yes, not all the results reported have statistical significance.

BRIAN AITCHISON: Right. I think that's all you need. You don't want the readers to focus on that and maybe harp on that and any critique. But at the same time, you want them to be aware. So I think we've got a good working set of language still. Thanks.

LAUREEN KAPIN: Got it. And, Brian, just for refreshing my recollection, when did you send around the style guide? Was that recently, or was that something that just…

BRIAN AITCHISON: It was within the last week. I think last week I did it, but I'm happy to send it around again.

LAUREEN KAPIN: Okay. Just so I know. Okay.

BRIAN AITCHISON: Sure, I'll do that.

LAUREEN KAPIN: And, Waudo, I see your hand is up.

WAUDO SIGANGA: Hello?

LAUREEN KAPIN: Yes, we can hear you.

WAUDO SIGANGA: Hello? I want to talk to make sure that you can hear me. I just wanted to maybe add my comment to what you said about the terminology. I think it's very important to be [the top standard] terminology from the document. For example, when we talk about the surveys, I think I will support just calling them "Nielsen surveys." I think there's a page I've

seen where you've called it the "Global surveys." That's a bit of confusing, if we keep saying the title of the survey.

It's also [convention] with a definition in general, this report and the recommendations we're making, update to the Nielsen survey, I think it's very important to make reference to the Nielsen survey for any kind of definition that we're coming up with. For example, in your reports here, on page 3, you talk of a definition of "awareness and familiarity." You have introduced that. So I'm not sure whether that is… That's just one example there.

There are a few other examples I picked out. There's a lot of place where you're talking of highly known legacy gTLDs, and I think moderately known legacy gTLDs, those two definitions, those, I don't know whether they came from the Nielsen report or you are just introducing some new definitions. So maybe I can ask that for now, as we go along.

LAUREEN KAPIN: Sure. And you raised a point that Stan had echoed. And the terminology that I used –

WAUDO SIGANGA: Sorry, sorry, sorry, Laureen. Sorry, Laureen. Can I add one more?

LAUREEN KAPIN: Absolutely.

WAUDO SIGANGA: Just we consider, there's another important thing that I've seen here. The report keeps referring to "consumer end user." But in the Nielsen report, they talk of consumers, just the consumers. There's only one point in the Nielsen report that they talk about consumer end user, and that's when they're talking about the terms of reference that they received from ICANN.

                        I thought that if we now started using this terminology of "consumer end user" throughout your report, a little bit of small confusion there. I would suggest that we just talk about consumers. Even the report itself was called a consumer survey. So maybe also we can think about that.

LAUREEN KAPIN: Right, I appreciate that, Waudo. In one of our earlier plenary calls – and this is also discussed in the footnotes to the Consumer Trust Report, in Footnote 1 and 2, we wanted to avoid confusion in terminology because the Review Team defines "consumer" to include both end users and registrants. But the Nielsen surveys divide those two groups.

                        So for clarification, we wanted to differentiate our use of the word "consumer" so that we could distinguish between consumer end users, which is what the Nielsen consumer surveys are surveying, consumer end users, and registrants. And that's why we added Footnote 1 and Footnote 2. And you'll see that Footnote 2 says, "To avoid confusion between the CCT-RT's definition of 'consumer' and the narrower segment of Internet users surveyed in ICANN's global consumer surveys, we refer to the latter group as consumer end users."

So that's the confusion we were trying to avoid, which I'm hoping the explanatory footnotes help clarify. Does that help, Waudo?

WAUDO SIGANGA: It helps to a little bit of an extent. My only worry was whichever report you're giving of this type, it's [faced] of the Nielsen [inaudible]. So it will have been good if we adopt whatever definitions that they are, or whatever references that they are [inaudible] from the Nielsen survey. But if we do [the latter], maybe we can accomplish so that at least maybe it made another [decision] to come up with a different definition. Then I think I'll just leave it at that.

LAUREEN KAPIN: Okay. I don't have strong views about this. I just recognize the potential for confusion, because essentially, the Review Team defines "consumer" one way, and the Nielsen surveys treat "consumer" differently. So we have to figure out… In my view, we need to do something to make sure that we are explicit in how we're referring to these terms. So I'm not wed to this terminology. But in earlier phone call, this is how we had resolved it. If people still think it's confusing, then we should try and hash that out. But either way, I think we need to account for the different ways the Review Team defines "consumer" and the Nielsen surveys treat consumers in their consumer survey.

So maybe folks can look at this with the explanatory footnotes and consider whether this is sufficiently clear or not. And if people still think there's a lack of clarity, we can revisit it, unless anyone has other comments.

Jordyn, I see your hand is up.

JORDYN BUCHANAN: Yes, thanks, Laureen. I just want to mention one complication we face here. You've highlighted the issue, which is that the Review Team defines "consumer" one way, and Nielsen defines it another way, which creates a potential for confusion. Unfortunately, I don't think we have the option of changing our definition of "consumer," because we're supposed to look at issues of consumer choice and consumer trust. And we necessarily want to include both registrants and end users in that definition.

LAUREEN KAPIN: Exactly.

JORDYN BUCHANAN: Otherwise, we would miss a part of our analysis. So we have to stick with our definition. Nielsen has already done their survey, so we're stuck with their definition and what they've called their report, as well. So there's this inherent potential for some confusion.

So it may be that what we want to do, unfortunately, is elevate the footnotes to actually text in the language or something like that, to break out what we're doing and why we're calling what we're doing as a one-time statement. I probably wouldn't use the phrase "consumer end user." I'd just say, "end user," just to avoid the repetition of "consumer" and maybe confuse people.

LAUREEN KAPIN: Then it doesn't match the survey though, and that's the one thing that I wanted to make sure there absolutely wasn't confusion on which survey we're referring to. Because the Nielsen survey, it's not titled "end user." It doesn't really refer to "end user." I felt we do need to keep tied the way Nielsen itself titles it, in some way.

JORDYN BUCHANAN: Yeah. No, that's a good point. But I do think that just may be where some of the confusion is. So we may just want to think a little bit harder about if there's another way we can work on terminology going forward. We could lay it out at the start and say, "Here's how we're going to talk about it." And then somebody who jumps midway into it would see language that was maybe less confusing.

LAUREEN KAPIN: Elevating the [finesse] of the text, maybe that's probably a good suggestion just to make sure it's clear. And maybe referencing it in some sort of introductory place like either the Executive Summary or someplace where we talk about terminology in the beginning and how we're going to treat things, maybe we need to do it in both places.

JORDYN BUCHANAN: Yeah, that makes sense, too.

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LAUREEN KAPIN: Okay. Eleeza, I see your hand is up.

ELEEZA AGOPIAN: Thanks, Laureen. I just wanted to make a point which I also put in the chat that Nielsen didn't exclude registrants from the Survey. They didn't inquire as to whether the respondents were registrants. They may very well exist within that population – in fact, they likely do – but that wasn't the purpose of their Consumer Survey, "consumer" in their sense of the world. So I don't think it's necessarily very different from the way that you look at it. But I defer to you all for how you want to make sure that it's clear to the reader.

LAUREEN KAPIN: That's a fair point, except that for registrants we do know that there was a very specific way they screened to make sure they were talking to folks who were defined as registrants under Nielsen's own qualifications.

ELEEZA AGOPIAN: Right. They're also still end users. Jordyn just made the same point that all registrants are most likely also end users. You can hardly imagine one would be exclusive of the other.

LAUREEN KAPIN: I'll continue to tinker with this and elevate an explanation in the text. I think the most logical thing is to make sure that we can reference – and I think I do here – we can reference how Nielsen directed its Consumer

Survey. They directed its Consumer Survey we see on page two – "Global Internet users spend more than five hours," and "Registrant is the primary decision makers," so I don't think we're misleading anyone in terms of saying, "it excludes this, it doesn't exclude that."

Anyway, I will elevate this explanatory text in the footnotes to the body of the paper and see if that clears things up a little or at the very least does not create confusion and we can see how that works for when I pass it around next.

But for now, what I'd like to focus on is the recommendations which I revised in light of our plenary discussion call. Waudo, I never got back to the point you raised about terminology, so let me loop back to that now, and Stan raised similar points. The Nielsen Survey does not define terms very much. Sometimes they'll give examples in the questions, and in response to Stan's comments I've added explanatory text in the footnotes about how certain questions were asked. But they don't really define terms explicitly. So if they didn't define the term, I typically am not defining the term unless it's sort of a common sense thing.

For example, I think for familiarity we have some – awareness is the most basic knowledge. Familiarity can be considered a higher level of awareness. That's more just, in my view, logical concepts that we're laying out as a foundation for the discussion. But for a lot of the Nielsen Survey questions, when they use specific terms they don't necessarily define it. So if they haven't defined it, I typically am not trying to say, "And this is how we defined it." To me, that perhaps points to a problem with the Nielsen Surveys – for future Review Teams thinking about how surveys should be done, if terms need to be defined – I'm

not an expert on creating surveys but many times there is not a definition for me to refer back to in the Nielsen Survey. I just wanted to address your question. I think it's a good question. But I can't put in a definition if the survey itself doesn't have it.

Moving on to the recommendations which, as I said, were revised in light of the plenary call where we discussed this paper. If people can scroll down to page 15 I think everyone has independent scrolling.

The first recommendation is, "Given the findings about the relationship between trust and familiarity and the reasons why the public visits websites, we recommend that ICANN conduct a study to identify why users visit certain gTLDs more than others, what factors matter most to users in determining which gTLDs to visit, and which new gTLDs have been visited most and least often by users, and the reasons for the high and low visitation rates. Such a study could provide guidance for future applicants in their selection of new gTLDs. We recommend conducting such a study as soon as possible so that ICANN can release preliminary results of such a study to inform the public and potential applicants in any future rounds. We think that such a study would be helpful but not required before future rounds."

And then the recommendation is put in the recommended format. So that's the narrative version. And that was the direct response to our plenary call discussion which – and I think Jamie was one of the commenters who I was responding to here – that there was a concern –

WAUDO SIGANGA: Hello?

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LAUREEN KAPIN: Yes. I'm here. Can you hear me?

WAUDO SIGANGA: Hello?

LAUREEN KAPIN: I'm hearing "Hellos" but I'm wondering if someone's sound is cutting out.

WAUDO SIGANGA: Hello?

LAUREEN KAPIN: Okay, so going on, then this was a concern that we didn't want to dictate gTLD choice by saying the second round, for example, could only be gTLDs that were most likely to be visited. But there was a recognition that some information for future applicants might be helpful to give them guidance about which gTLDs were more appealing to the public. So that's where this recommendation flows from and that's a result of our prior discussion.

And the findings which were reflected in Nielsen, is that trust and familiarity are the most significant factors in why the public visits websites associated with gTLDs.

That said, I'm happy to take questions and comments on that recommendation. And Waudo, I see your hand is up. I'm not sure if that's an old hand or you're wanting to speak now. I'm on Recommendation #1.

WAUDO SIGANGA: [I would like] to speak now. Yes.

LAUREEN KAPIN: Go ahead, Waudo.

WAUDO SIGANGA: Can you hear me?

LAUREEN KAPIN: Yes.

WAUDO SIGANGA: Hello. [Inaudible] this recommendation a little bit more. You can hear?

LAUREEN KAPIN: Yes.

WAUDO SIGANGA: I just wanted to understand this recommendation a little bit more so that I can maybe make up my mind how I feel about it. [Suggesting] that

this study comes up with certain types of TLD names or that kind of thing which can be presented to potential applicants. What do you mean when you say that such a study should provide [inaudible].

LAUREEN KAPIN: Now Waudo, now I'm finding it [hard to hear].

WAUDO SIGANGA: [Inaudible] new gTLDs. [Inaudible]. Okay I wanted to understand. You'd like to come up with a list of potential TLD names, or what's the exact [inaudible].

LAUREEN KAPIN: You're cutting in and out so –

WAUDO SIGANGA: [Inaudible] for this recommendation I am not quite sure. And then the other thing… okay, maybe [ask your question]. I [inaudible] the question. You can continue with other questions. [I'll take] this one. Hello?

LAUREEN KAPIN: Okay, but what I heard you say, Waudo, is that you want a little more information on how this would play out and I also heard you give an example about whether this would come up with a list of gTLDs. I don't see the recommendation as coming up with a list of gTLDs for applicants. I see this study as trying to identify the reasons why the

public visits certain gTLDs more than others and what factors matter most so that we could provide guidance for future applicants. Because right now we have these concepts that are a little bit amorphous – trust and familiarity – but my sense is that if a study could identify with more precision and clarity why the public visits certain gTLDs more than others and what factors matter most and also identify which current new gTLDs have been visited most and least and perhaps reasons for that, that applicants would have more guidance and facts they could rely on when they are choosing new gTLDs for the second round.

That's the thinking here.

WAUDO SIGANGA: Hello? Can you hear now?

LAUREEN KAPIN: I can hear you now, it's just [inaudible].

WAUDO SIGANGA: Hello, Laureen?

LAUREEN KAPIN: I can hear you in the beginning though sometimes in the middle of what you're saying it cuts out.

WAUDO SIGANGA:	Okay. My worry is that this kind of [inaudible]. Okay. I'll type out my question and then you can continue with other questions [inaudible].

LAUREEN KAPIN:	Okay Waudo. Yes, I think typing would be better because you start out… I may be able to hear you starting out but then you cut out.

So besides WAudo who is typing and we'll get to that question as it's typed, other concerns or suggestions for further clarity? My intent here is to take the findings regarding these factors about why the public visits gTLDs and provide some useful information for potential applicants during subsequent rounds.

Jordyn.

JORDYN BUCHANAN:	Thanks, Laureen. On the one hand I like this recommendation as it's currently formulated. On the other I wonder a little bit about what the actual implementation would look like and if it's likely we're going to get anything more useful than we have in the past. For example, Laureen, maybe it would be helpful for us to distinguish between what we expect from this future study from what we got out of the Nielsen Consumer/End User Study. Because many of the questions in that survey I think were designed to get at this question as well – "Why do you choose particular sites?" I think with the questions we asked we asked questions about whether they'd be more comfortable performing certain activities and so on. And obviously that only selected a subset of possible TLDs, but given how many TLDs there are it seems like it would

be unwieldy to have a survey with a lot more choices than were available.

I don't know if you have in mind specific differences that you would imagine for such a survey, but to the extent that we can identify differences I think it would be helpful to include in this text somewhere just to make it clear that we're looking for something different from the surveys that have already been fielded.

LAUREEN KAPIN: That's a fair point, Jordyn, and candidly it's tough for me to come up with specific ways for the survey to be done differently yet I believe that there are experts in this area – people who are selling things are really experts at conducting research about what things matter most – people who are deciding what goes into McDonald's French fries have a real keen understanding about how much salt and how much fat needs to be there to make them the most delectable. And I think that if the right experts are consulted they can figure out a way to gather more useful information for guidance.

I don't have the expertise to offer suggestions here, but my observation is that this survey is not specific or precise enough to be as valuable as we would hope for future applicants. And that's the recognition that I think that's driving this. We have this vague glimmer of what's important to the public – trust and familiarity – but that doesn't reach the level of specificity that I think would be most useful.

JORDYN BUCHANAN: Yes, Laureen. I think we don't need to get overly rigorous I guess in terms of talking about it. Maybe it's just the specificity that we talked about somehow would be useful to distinguish this from the existing Consumer Surveys just so that it feels…we obviously have a lot of context in our group and we understand that this is different from the Consumer Survey. I just don't want to end up in a situation where future leaders of the report or the people trying to implement this end up saying, "It seems like this was already done. Do they just want wave three of the Consumer Survey?" or something like that. To the extent we can stay more specific or more granular or more focused on individual TLDs, or whatever it is, I think that will be helpful.

And then I guess secondly I would say ICANN is obviously not a marketing based organization. They don't sell French fries. And so somehow it seems like what you would want to do would be – and this will run into a separate set of problems potentially – but get people from industry involved in the creation of the survey as opposed to ICANN just going out and fielding something which is likely to be less useful for those people who we're trying to steer the data towards.

I think that might be another comment that we want to include in terms of approach going forward.

LAUREEN KAPIN: Thanks, Jordyn. And Jamie, I see your hand is up.

JAMIE HEDLUND: Yeah, thanks. Just picking up on a little bit of what Jordyn just said and my original comment. It could put ICANN in a bit of a weird position to have to conduct marketing surveys and one, that could fly in the face of the new Bylaws which keep ICANN out of content. And secondly, it could be viewed as inconsistent with the GNSO policy keeping ICANN out of beauty contest type role [in] suggesting what might be helpful or what might not be helpful [or] originally actually selecting TLDs to delegate as was the case in the initial rounds.

I guess on balance I don't' see the revision as terribly harmful. I think it's a little confusing and there is the risk that – and to Jordyn's point I'm not sure ICANN will do a really good job at understanding what drives consumers to different TLDs. Thanks.

LAUREEN KAPIN: Thanks, Jamie. My intent here – which it sounds like I haven't quite met, at least in your view – was to try and avoid creating any conflicts with Bylaws and getting ICANN involved in content but at the same time try and provide more useful information for new gTLD applicants in the next round, particularly because this relates to other parts of our Review Team findings and papers particularly in the application and evaluation papers reflecting that applicants perhaps suffered from a lack of the most useful type of information and support when they were entering this program in the first place. So I see these as related – how can ICANN as an organization that is opening up a second round provide the most useful information to applicants?

So I'm open to suggestions – in fact, I welcome your suggestions – on how to build on the findings in the Nielsen Survey about why the public visits websites associated with gTLDs into a useful recommendation.

So now I hear silence.

I see Jordyn in the comments section says, "I don't read this comment as having anything to do with content," which I agree with. Jamie, I'm still hearing your concerns but I viewed this recommendation as seeking information to provide to the public as they decide what gTLds they want to apply for, not defining it in any way, not screening it or limiting it in any way, but just saying, "Here's information about what seems to be important to people when they're deciding what gTLDs to visit," and having that as another source of information for new gTLD applicants.

Okay, so I see Jordyn and Waudo saying that they're going to see if they can suggest revisions. And Jamie, if there's specific things that you can point to that raise your concerns about content I'm happy to take a look at that but I was actually trying to respond very specifically to your first comment, Jamie, and trying to avoid that pitfall.

Okay, Carlton. Let me go back to your question. Let me just scroll up. "My concern with the actual [written word] underscores Jordyn's point…" Okay, Carlton. I'm not sure…Jordyn made a number of points so I'm not sure which point you're referring to. I see you're typing so I'm going to wait and see which one. I'm sorry, starting with, "We recommend…" I'm sorry, Carlton. I'm still not understanding your question, Carlton. I'm so sorry. "If the information is useful for potential…"Okay. "If the information is useful for potential applicants,

why not do it before the next round?" And there, Carlton, I'm concerned about timing. I'm concerned about holding up a second round for a study that might take a lot of time to put together and then implement. Again, this is just a first stab. If the Review Team thinks that this should be a prerequisite to the second round, then that's something we can recommend.

I'm seeing comments in the chat. "If applicants know this is coming, they can elect to wait for more data before applying." "I agree with the timing concerns." "Okay, if it's nicer to have, let's not make it the first one on the list." All fair points.

Okay. So I am going to look for – because I'm mindful of the time – I'm going to look for some suggestions for tweaks for the first recommendation. Let's move on to the second recommendation. Folks can communicate to me with their suggestions via e-mail. Please don't do it in the Google doc. Do it in either a Word document or you can just send me something in an e-mail.

For the second recommendation, this relates to expectations about registration restrictions. Here I scrolled down to page 17: "Given the findings on the public expectations about registration restrictions and the findings that such restrictions contribute to consumer trust, the subsequent PDP Working Group should consider how to create incentives to meet user expectations regarding the relationship of the content of a gTLD to its name and restrictions on who can register domains and certain gTLDs based upon implied messages of trust conveyed by their name, particularly in sensitive or regulated industries

and see the safety and security of sensitive information, especially health and financial information."

And then the recommendation is put in the form – and this is directed to the Subsequent Procedures PDP. It's a recommendation that's not a mandate but there is a recommendation that it be completed prior to subsequent rounds because these are incentives that could be implemented as part of the recommendation process.

Questions, comments, concerns. Jamie, I know you had sent me a comment which I'll certainly let you speak to, but I think which characterize the concern about binding the Subsequent PDP Working Group to doing this. My sense is – and people can jump in if I'm wrong but – that these are our recommendations. I don't believe that the PDP Working Group is obligated to accept our recommendations. I think they probably have some latitude there. But maybe Jonathan can speak to that if I'm misunderstanding the relationship here. And then I also see that Calvin has his hand up.

JONATHAN ZUCK: I'm sorry, Laureen. What was your question about the latitude?

LAUREEN KAPIN: We're going to be making a series of recommendations, but my sense is that the PDP Working Group isn't obligated to just accept all our recommendations, that there's some process they go through.

JONATHAN ZUCK: That's exactly right. I think that technically we're making our recommendations to the Board and the Board is under no obligation to accept the recommendations but are likely to be generous in their desire to do so. I think that the two in our template has more to do with who the implementer of the recommendation would be as opposed to who the – I don't know what the right word is – who the decision maker would be about whether or not to implement it.

I think the Board is, in fact, the decision maker on all of our recommendations, and that what we're putting in our two field actually has to do with who's the target implementer. Does that make sense?

LAUREEN KAPIN: Yes. Okay, well that's helpful. I know that your hand was up before Jamie's, Calvin, but I would like Jamie to speak first because I referenced his concern, and then we'll move to you, Calvin.

Jamie.

JAMIE HEDLUND: Sure. My concern in reading it was that it, notwithstanding that the Board ultimately decides and then staff implements and that it also gets taken up by the Subsequent PDP, is that it read to me anyway as a little bit more prescriptive than the data would [inaudible] the data on a lot of these things including what's at issue here is still fairly preliminary and so what I tried to do was soften some of the language to look at these issues but allow more latitude, particularly with respect to creating incentives – that .bank applicants did not need incentives from

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ICANN to come up with their own safeguards. So there may be other ways for ICANN to encourage applicants to do things to engender more trust in their websites.

In other parts of the Nielsen Study where there is data suggesting, for example, that trust in the DNS has gone up, we've decided not to look at that as significant because its preliminary and because we're so new into this. Similarly, I don't think the data here necessarily supports the prescriptive language that I read. I hope that makes sense.

LAUREEN KAPIN: It does make sense. Other views on – just to make sure that…so your change as I read it made a very general recommendation to explore creating incentives to ensure that public expectations are met…to explore how to best encourage registries to meet public expectations. And it seemed to me that, if my draft recommendation is too specific in your view, perhaps yours is all the way on the other end of the spectrum because it doesn't draw on any of the specific findings that the surveys contained about public expectations. So I'm thinking maybe there's something a little more in the middle that might balance this out.

Other comments?

CALVIN BROWNE: I have similar concerns to Jamie's, I guess. I have a feeling that we're getting into being prescriptive and maybe we need to look for a little bit more of a middle ground. My brain is trying to go through all the

highlighted changes and things like that and it becomes quite difficult working on the thing to try and get something slightly less prescriptive.

I just thought I'd mention that I [raise] those concerns about it. We're almost forcing ICANN into getting content rules going, and I have doubts, concerns it [could] going that way.

LAUREEN KAPIN: A back-up to Jamie's concerns. I'm also reading Carlton's comment which goes in the other direction that he believes the PICs and the Registrar Agreement already create incentives and that clarity regarding enforcement is a key concept. Of course, there is a finding in the Nielsen Consumer Survey – and I think the Registrant Survey as well – that the public does not only believe registration restrictions lead to an increase in trustworthiness but that the public also believes that these restrictions are enforced.

I'm looking at Waudo's typed comment. "We recommend ICANN to work with stakeholders, industry, and professional groupings as well as authorities to formulate framework guidelines to ensure that restricted gTLDs conform to restriction requirements. A periodic survey of restricted gTLDs should be undertaken to ascertain levels of compliance with registration restrictions. Such restriction requirements must be firmly embedded in Registration Agreements." And that I think echoes Carlton's comments that they should be more enforcement oriented.

So Carlton and Waudo are making related points about figuring out how to ensure that registration restrictions are enforced.

Other comments and concerns? I still see hands up from Calvin and Jamie. I'm not sure if those are old hands or not.

Okay, the hands are down.

CALVIN BROWNE: It was an old hand.

LAUREEN KAPIN: Okay. To sum up, I hear a concern about being too prescriptive in our recommendation here, and I will go back and reformulate this to make sure we're not going further than the survey findings themselves indicate. And what I also hear emerging is perhaps a third recommendation that is more enforcement oriented – how do we ensure that public expectations about the enforcement of restrictions are met?

Now I see Kaili, your hand is up. Kaili.

KAILI KAN: Thank you, Laureen. Hello. You hear me?

LAUREEN KAPIN: Yes, I do.

KAILI KAN: Sometime ago we agree that the large-scale parking of registered domain names do harm the trust of the consumers and users. And I just

wonder whether we want to include some recommendation for future studies [at] that I respect in relation to the harm of consumer trust because of the large-scale parking.

LAUREEN KAPIN: Thank you, Kaili. I don't' remember that there was actually agreement on that point. It certainly wasn't something that was referenced in the Nielsen Surveys. I think you had pointed us to some academic papers that pointed out a relationship perhaps between parking and domain name abuse, and I'm wondering if the DNS Abuse Study may highlight some more data on that point.

Maybe Drew can speak to that. But I don't think there was consensus to my recollection, Kaili, on the point that parking leads to abuses. And without consensus and also with hard data, I don't know that we can make a recommendation at this point in time.

KAILI KAN: Thank you.

LAUREEN KAPIN: Okay. Any other questions or comments?

Okay. Then I am going to turn the mic over to Drew to talk about the Public Interest Commitments. I will [inaudible] this again and also then send around another version. What I would encourage people to do when they're reading it is look at it in Final form when you're looking at the document and review changes in Word, you can look at it in Mark-

up or Final. Put it in Final for your viewing because it'll be much easier to read that way. And then you can go back and look at it to see in the Track Changes form to see how it's been changed. But just in terms of readability, put it in Final form so you can really get the flow.

Thanks, everyone, for comments. And Drew, I'm going to turn this over to you.

DREW BAGLEY: Thanks, Laureen. To Laureen's last point, I have not put this paper in the final mode so you will see all the edits, or at least most of them with what's displayed right now.

Since we last spoke about this paper, I've gone through and I've updated it for almost every comment I've received. There's a few where I have to go back and actually find some good sources. For example, one of the – I think it was pointed out by a couple people – one of the recommendations was to define many of these terms. And so for those I need to go and actually find some good definitions and put those in.

Actually, I guess maybe there's more of that in my other paper I've been working on – the DNS Abuse – now I think about it.

For this one I've gone back through and one of the things you'll note that I've fixed after speaking with ICANN staff is the adoption rate of the voluntary PICs, if you go and you look at that section. The previous numbers I had was due to a misinterpretation of the charts that I was looking at, and so now I have that fixed so just keep that in mind as we go through these recommendations in case that changes anything for

any of you in your feedback. Basically, after speaking with ICANN staff it's my understanding now that anything put into the applications as a voluntary Public Interest Commitment was, in fact, incorporated into the Registry Agreement, that there are not in fact deltas which I was previously thinking there were between them. And that was, like I said, just based on misinterpreting the chart data. So you'll see that.

Otherwise, this hasn't largely changed. There's just been editing to make most things more clear and add some footnotes, and except for the very bottom where I have, of course, updated the recommendations based on our last conversation and the feedback I've gotten since then.

Real quick before we go on to recommendations, if anyone has a good source about the history of Specification 12, that would be really helpful for me because – let's see if I can find it on here. I want to give an intro to that. People have told me to do that and I think that's a great recommendation. Here – so "Implementation of PICs" I need to give a nod to Specification 12 since that's sort of another form of voluntary commitments even though they're not called PICs. Instead they're called "Community Registration Policies." So that's just an aside. I will be looking for that and if anyone has good institutional knowledge of that then please shoot me an e-mail.

For the recommendations as they've been updated, I've only received feedback so far from Jamie, and he commented in the document. But I'll go over these and then would love to hear everyone's feedback.

The first one is the recommendation that, "ICANN staff should improve accessibility to voluntary Public Interest Commitments by maintaining a

publicly accessible database of these commitments as extracted from the Registry Agreements."

The rationale for this is that, "The current process of analyzing voluntary PICs, comparing PICs amongst TLDs, and understanding their impact is currently cumbersome for end users and the community. Unlike many other aspects of Registry Agreements, voluntary PICs vary greatly from one TLD to another. Therefore, a publicly accessible database of these commitments would enhance visibility and accountability."

This is addressed to ICANN as an organization and we are recommending that this must be completed prior to subsequent rounds. And that it should apply to the current and any new voluntary PICs that come up. That way people could have greater literacy with what exists now for voluntary PICs prior to the new round as voluntary PICs are being created.

Does anybody have any feedback on that? That is based off of a recommendation before that was much more vague, and this is a much more specific version of that recommendation based on the feedback from our last discussion on this.

I don't see any hands. Do we have consensus on this? Does anybody oppose this? If you oppose it, just type in the chat or do a red little [voting] icon. So Jordyn wants to take [inaudible]. Jordyn will have [inaudible] today. Anybody else?

Okay. Seeing no hands I'll move on to the next one.

The next recommendation is that, "Future gTLD applicants should state the goals of each of their voluntary PICs." This is that, "The intended purpose is not discernible from many voluntary PICs making it difficult to evaluate effectiveness."

This is directed to the Subsequent Procedures PDP Working Group and we are saying that, yes, this must be implemented prior to subsequent rounds but it would apply, of course, to future applicants, not the past applicants. This goes especially to points raised by Carlton and then some of the feedback to those points as we were trying to come up with some ideas on how we could measure things better.

And so it still leaves things up to the applicant. It does not impose any sort of restrictions on them, but if an applicant is stating that they're going to undertake some practice it's good to know the goal there. And if anything, something else that could come out of that is if there are goals and then there are these Public Interest Commitments that might actually be a good way to see different solutions for accomplishing goals just down the road in the future. So that might be a positive externality of this.

Does anybody have any feedback about that one?

WAUDO SIGANGA: Hello, Drew?

DREW BAGLEY: Yes. Hey, Waudo. I see your hand. Go ahead.

WAUDO SIGANGA: These applications, the previous round. How did the applicants react to this recommendation? Are there any that [gave their goals] or none?

DREW BAGLEY: How would the applicants react to this?

WAUDO SIGANGA: Yeah, and in the previous application round. Are there any applicants that gave their goals or there was none whatsoever? They just gave the PICs without any goals?

DREW BAGLEY: They were not required to give the goals and I have not seen any. That's not true that I haven't seen any. I guess there's some language in the PICs sometimes that will say something about, "In an effort to do X we are doing this." It's there in a few of the ones I've seen. I'd have to pull up the spreadsheet to see the exact language to give you, but an example I'm recalling off the top of my head is something about, "In an effort to protect the rights of brand holders," or something like that, and they'd state what they were doing with regard to some sort of trademark program to verify domain names against trademarks. But it's definitely not the norm. It was only in a few that I saw.

Like I said, it wasn't separated. It was just if it happened to be incorporated into the exact language. But that's a great question.

WAUDO SIGANGA: Okay, my second question is, don't you think that if we adopt this recommendation [if we] the meaning of the word "voluntary" in the PICs that we are now going to… is required that they include certain things. How does that relate to the voluntary?

DREW BAGLEY: The PICs are voluntary so they don't have to do it at all. It's just if they are going to do it, this is just helping the community understand what they're attempting to accomplish with it. So the goal is to clear up ambiguity.

WAUDO SIGANGA: Okay.

DREW BAGLEY: I see several benefits to this. One would be, of course, just the ability of the community to measure whether or not this voluntary PIC is accomplishing its stated purpose because these PICs become enforceable once they are incorporated into the Agreement. And then also that would even give, if there was a dispute, that would help both the registry as well as someone filing their complaint in terms of settling the dispute about a PIC. So maybe a voluntary PIC in practice has some other effects but its primary goal is to… let's say the primary goal was to stop brand infringement, trademark infringement, and as one of the consequences of that it stops someone from being able to register a domain name. Then at least if there was a stated goal tied to the

voluntary PIC, when there was a dispute then it could be seen that that was a goal was trademark centered and it wasn't to discriminate against X type of registrants.

And then another benefit I see is that it, I think, would take out the risk of people creating arbitrary, vague, PICs because then they have to define things and then, like I mentioned before, I think it could be a good way where if you see a lot of common goals amongst different registry operators but you see different voluntary PICs to accomplish those goals, it might be a good way to see Best Practices and also to gauge which registries are doing a better job in accomplishing a goal than others. And of course, that would be up to the community to measure that, but this goes to Carlton's point that he's made several times that when we look at the current PICs there really isn't a good way to measure whether they're accomplishing what they're supposed to accomplish, whether they're good, whether they're bad. There isn't a lot out there. And as Jamie – and I see, Jamie, your hand so I'll call on you next – as Jamie's brought up in the past too, conversely we don't want to be imposing a bunch of restrictions on registry operators to the point that they wouldn't want to create voluntary commitments. And so this is instead just helping provide more data for the community to re-evaluate the registries.

I'm going to call on Jamie next but, Waudo, if you want, just raise your hand again after that and I can call on you again.

Alright, Jamie?

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JAMIE HEDLUND: Thanks, Drew. I think you've summarized already my concern that I put with the next one but it also applies to this one. As you said, these are voluntary PICs and there are different reasons why applicants suggested them or committed to them, and the more onerous a process that's created for applicants to voluntary commit to doing or not doing certain things just seems as a matter of logic, the less likely that they will actually sign up for something voluntarily only to be scrutinized and have to potentially get raked over the coals later about it. I know that's obviously not the intention.

One thing I would point out is that there's already a forum for review of voluntary PICs and that's when the applications go into public comment. And to the extent an applicant includes voluntary PICs in their application, people in the community can comment on whether they serve a public interest goal or would potentially undermine the public interest, and that can be taken into account during the Application Review Process as opposed to setting up a formal review under which the voluntary PIC has to go through as much scrutiny as other parts of that application. Thanks.

DREW BAGLEY: Thanks, Jamie. Real quick to clarify because it sounds like most of that was directed to Recommendation #3 then? And you're okay with Recommendation #2?

JAMIE HEDLUND: I think Recommendation #2 creates some of the same issue. I put it in #3 but –

DREW BAGLEY: I definitely want to discuss #3 and discuss your feedback on that in a moment. Just specific to #2, what are your thoughts on how we could improve that recommendation as it's worded now?

JAMIE HEDLUND: There's a difference between a requirement that they provide a rationale and encouraging them to provide a rationale and pointing out that this could be the subject of public comment and public comment review, as opposed to saying if you're going to…making it a Question 18A or whatever, that if you're going to submit a voluntary PIC that you must also include a rationale for that PIC.

DREW BAGLEY: And so you think a rationale itself is too onerous a burden.

JAMIE HEDLUND: I think so maybe for some, maybe not for others. I think that my basic point is the same for #2 and for #3, which is the more requirements you hang on the submission of voluntary PICs the less likely you're going to get voluntary PICs.

DREW BAGLEY: I clearly understand that critique. I just see something as simple as stating a goal not being much of a burden because you're already

writing up what the requirement is and so there has to be [inaudible] rationale that –

Someone needs to mute their mic. Carlos, I think we can hear you. I can't believe all those terrible things you said about Jamie, Carlos. Carlos, mute your other one. You have two things. Okay. [Inaudible].

CARLOS RAUL: GUTIERREZ: [Inaudible].

DREW BAGLEY: So Jamie, [it's just] getting to that. I don't find this too onerous in stating the goal. I certainly understand what you're saying about we don't want to add things to the point that it deters people from coming up with voluntary PICs, but this is just an additional line to fill out to say that the goal for the PIC. That's a way of self-categorization to a degree, too, with the data so you can figure out all the… after the fact, "Oh, this registry does such and such as part of their Anti-Abuse program." Or, "This is part of their Rights Protection Mechanisms."

Also I see it as a bit of an easy way to safeguard the public interest in the extent that if someone comes up with something that in effect leads to discrimination against entire groups of people or could lead to censorship in some way and there was a dispute about it, you could at least go back and see if there was a legitimate goal or if, in fact, the whole thing was kind of a farce to allow for such discrimination or what not.

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So if the majority of the group accepts this recommendation as it's worded, would you oppose it or what are your thoughts?

You still there, Jamie?

JAMIE HEDLUND: Yeah. I'm sorry I didn't realize that question was directed to me. I'm not going to fall on my sword over this. I think it's unintended consequences. I hear what you're saying that it should be fairly simple to put in a goal but again, I worry that a potential applicant is going to see this as an additional part of their application that's going to be scrutinized and worry that they're not going to state their rationale correctly and so may say, "To hell with it. I'm not going to submit a voluntary PIC." But no, if people are comfortable with this then I'm surely not going to submit a minority statement over it.

DREW BAGLEY: Okay. Thank you. Laureen? I saw your hand.

LAUREEN KAPIN: Yeah, actually I think between your comments and Carlton's and Megan's from the chat [their views] have been expressed, I would just reinforce the fact if someone's going to go to the trouble of having a voluntary PIC it doesn't seem overly onerous to ask them to be explicit about what goal they're trying to meet.

DREW BAGLEY: Thank you. I agree. Okay, so then is there anyone who opposes this recommendation as it's worded?

JORDYN BUCHANAN: Hey, Drew. I just put in the chat what I'm going to try to do is just poll some other registry colleagues to help us better understand Jamie's concern. I think if it seems like registries really would react to this by being less likely to submit voluntary PICs then I would share Jamie's concern and maybe would be opposed. But my instinct is this doesn't seem problematic but I want to flesh that out with actual discussions.

DREW BAGLEY: For style purposes would we refer to this as the "Buchanan Survey" in the report?

JORDYN BUCHANAN: Definitely.

DREW BAGLEY: Okay. That sounds good, Jordyn. As of now, I'm going to go ahead and keep this, assume that it does enjoy support, and then if anyone – such as Jordyn speaking with colleagues – if anyone else decides later that they think it could be improved or that they actually oppose it and want to articulate that, then just reach out, e-mail all of us as a group. And so Waudo will hold, too, and wait for Jordyn's [inaudible]. Okay. Sounds good.

So Jordyn, then definitely just get back to all of us either way. Say, "Hey, after speaking with colleagues it sounds like it'd be fine," or, "It wouldn't be because of this." Just so that way we have that feedback.

Okay, great. Thank you, Jordyn.

Moving on to the third recommendation. And this is one where I think Jamie's points about creating an onerous process really resonate with me for sure where I want to definitely discuss this with the group and think this through.

So the recommendation I have here listed – and this is based on our past conversations and what not – but this is the first time that this recommendation has been articulated – is that, "The PDP Working Group should explore whether to create a mechanism to vet voluntary Public Interest Commitments to ensure that they do not run counter to the public interest."

The rationale is that, "At present, there is no mechanism in place to ensure that voluntary Public Interest Commitments do not negatively impact the public interest prior to going into effect. Therefore, the PDP Working Group should explore whether the safeguard should exist at the application stage to ensure that voluntary PICs are vetted against at least some criteria."

This is directed to, like I said, the Subsequent Procedures PDP Working Group and the future CCTRT.

Let me first explain the rationale and then I will articulate Jamie's points, and then we can see what we want to do with those – if we want to keep it, not keep it, or improve it in any way.

The rationale here is that, if we look at the last round of voluntary Public Interest Commitments they were done in a very, very, short time frame. And so therefore, they for better or worse, are not I do not believe the fullest example as to what applicants could really do through that mechanism. So in a future round, you can hypothetically have lots of people that create voluntary Public Interest Commitments, they call them voluntary Public Interest Commitments, and yet what they're really trying to do is ensure that if a trade association, for example, is applying for a domain name maybe they're really trying to ensure that competitors can't engage in their own marketplace. Or maybe some group comes up with a voluntary Public Interest Commitment that they will only allow registrants that meet certain backgrounds to register the domain name and it looks like they're just trying to root out abuse but in reality they're creating a zone for censorship.

There could be all sorts of things that you could get that would not be for the public interest but they would fit into this category because there were no criteria for this category and therefore you could potentially have things that run counter to the public interest. That's the rationale for why perhaps a future group such as the working group in their next Review Team should look into whether there should be criteria, so I'm not at all having us propose the criteria or propose the mechanism by which they would be reviewed but just to see if they would pass some sort of rational test there.

On the flipside, to Jamie's point and to a point Jamie just brought up but has not articulated in his comments here – so there's already a public comment period, and so that could potentially root out anything that was particularly onerous or bad. And then also if we suggest this to the PDP Working Group or to a future CCT Review Team and then they do come up with some sort of mechanism, that mechanism of review might be too onerous to the point that it completely kills voluntary PICs and then here's something where applicants are right now encouraged, "Hey, come up with some great thing that you can do to have an even better zone," and then we've essentially unfortunately killed it by – even though we would have good intentions but – by recommending this. That I think is a strong argument against this recommendation for sure.

I'd love to get more feedback on this. Part of the problem with looking at the existing voluntary PICs is that they were created in such a short window and they're very hard to analyze in a comparative fashion right now, and we've only been able to do that thanks to all the hard work from ICANN staff in helping us organize it. So the other two really address that and will make voluntary PICs better in the future, and then this one perhaps it's too early to come up with some sort of preventive mechanism like this. Perhaps the PICDRP process alone might be able to help with this. I'm not sure. So I'd love to get some feedback on this.

First Jamie and then Jordyn after.

JAMIE HEDLUND: Sorry, I was having trouble getting off mute.

I have nothing to add to what you said. You fairly represented what my concerns were. Thanks.

DREW BAGLEY: Thanks, Jamie. I think they're very well-articulated concerns. Okay, Jordyn?

JORDYN BUCHANAN: Thanks, Drew. I think it's important to just take a quick step back and contextualize where the PICs came from for a moment. I think, Drew, you're probably already aware of this but for those on the call who have been following a little less closely, the voluntary PICs were introduced mid-stream in the program largely so that applicants could react to early warning advice from governments where it was thought that you might need to make some change to how you were dealing with certain matters in order to avoid a government lodging an objection against your application, presumably on public interest grounds.

I'll also note that there are other types of objection processes in the application process – notably community objections and limited public interest objections – that are designed to make sure that along with the GAC's role in providing objections to individual applications, they're designed to make sure that there is a public interest voice or set of considerations in the process. It's very hard for me to imagine some sort of ICANN-driven panel being good at evaluating whether or not an individual PIC is in the public interest or not, and especially it's hard to imagine doing a better job than the existing mechanisms that have already been formulated.

So I think the important thing here, rather than trying to have a special review of the PICs, is just to make sure that the PICs are submitted in a time frame in which both the GAC reaction as well as the limited public interest and community objections can be lodged in response to the entirety of the application including the PICs. [I think] if that's done, if the PICs are actually problematic then you can use these other mechanisms to object to the application including the PICs and make sure that there's an opportunity to avoid applications that are not in the public interest, whether it be through PICs or otherwise.

DREW BAGLEY: Thanks, Jordyn. I think that's a great counterproposal. Do you have some language you could even type in the chat right now that we could use to articulate that? So basically the recommendation as I see it would be that – we'd still have a similar rationale – but the recommendation, instead of telling a future working group or review team to look into creating some sort of mechanism, we will create our own mechanism by way of just saying we recommend that voluntary PICs are submitted at the time that the application is submitted for public comment or by the time the application is submitted for public comment and that the community has no fewer than 30 days or something to weigh in on them.

And then the rationale would still be very similar except I can modify it and take out the second sentence and I can also correct it, instead of it saying there is no mechanism in place, it would say the rationale is that we want to ensure that the current mechanism in place for evaluating

applications applies to Public Interest Commitments, too, going forward with enough time blah-blah-blah.

Alright, I'm going to look at the chat right now to make sure I'm incorporating everyone's comments.

Okay. Jamie, is that a new hand?

JAMIE HEDLUND: No, that's old.

DREW BAGLEY: Okay. So Jordyn's proposed language – for anyone who is not in front of their computer – is, "All PICs should be submitted during the application process such as there is sufficient opportunity for GAC review as well as prior to the deadlines for community and LPO objections." Anyway, so we can definitely tweak that, make it more nuanced, but I think in general I support replacing the existing Recommendation #3 with something to that extent that emphasizes that the rationale behind this is that we want the community to ensure – and all members of the community, of course – to ensure that we're getting Public Interest Commitments that are truly in the public interest but also not creating some sort of institutionalized review mechanism existing outside of the current ones. We're just making sure that future PICs are presented to the community with enough time, and like I said, the more recent PICs – and as Jordyn pointed out – is kind of a special process because they were done in response to GAC early warnings. At the end of the day the applicants had fewer than 30 days to even put them together. So there

wasn't a normal process the last time around, and so we're trying to emphasize that there should be a normal one going forward and that people are able to weigh in.

I like Waudo's suggestion. He heard Jordyn give a good background and history of voluntary PICs. Maybe that can suffice. We do already have a background and history of voluntary PICs in the paper. It's Specification 12 I need someone to help point me in the right direction of just some sources onto that which [has] definitely been the Specification 11 voluntary PICs. But to Waudo's point, Jordyn, if you wanted to take another look at the backgrounds in the current paper explaining voluntary PICs and how they came to be, if you have anything to add to that please do that as you're catching up from your vacation.

Okay. So Megan agrees with Jordyn's proposed text. Alright, is there anybody who opposes omitting Recommendation #3 as it is now and instead, replacing it with this general recommendation about voluntary PICs being submitted in time for feedback from GAC and the rest of the community?

Alright, then by the power vested in me, it is now officially the new recommendation. I wish I had a gavel.

I will go ahead and I guess use Jordyn's language, put that in the Google doc and then start tweaking it, and then Jordyn, please jump in and tweak it, too, and also look at the voluntary PIC background info in there, and everyone else please weigh in, too.

That is it from me and so we could move on to Megan.

LAUREEN KAPIN: I think it's actually Jonathan for Application and Evaluation process.

DREW BAGLEY: Okay. Yes, Jonathan. Sorry. I didn't realize we had four.

JONATHAN ZUCK: Sure. We're running a little bit late on time. I'm wondering, Megan, do you have stuff structured in a way that's easy to talk about? Because the changes I made to mine were relatively minor based on the recommendations made on the call. So it would be a second round for mine. Megan, if you're ready, I'd be happy to hand the talking stick to you and just circulate this draft to folks to make sure that they're in line with the revised recommendations. But like I said, they were just touch-ups based on the call last week.

MEGAN RICHARDS: Okay. I'm fine to go ahead. And by the way, Jordyn, I was referring to the [inaudible] objections, but there's a whole other story [inaudible]. Yeah, I'm happy to go on. Who's putting the document on the screen? Pamela. It's awfully small.

I think we've looked at this before and what I did was update it to put recommendations in the order that you've all asked for. So there was no real evidence of any benefits or of confusion and I used end users so again, I'm completely lost by these definitions of what an end user is and a consumer and a registrant.

Someone – and it can be staff, I don't care – [inaudible] can put whatever you like and call it whoever you like but just [so it's] clear and consistent with everything else that's been used in the rest of the text.

The point is that there was no evidence from any of the information we had or any of the data that we collected or was made available to us about whether or not – that's not the right document. We're supposed to be talking about benefits versus confusion to end users. That document was [inaudible] for another day. The one that you've put on – [inaudible] resolutions. You've indicated in your agenda that that's for a different day. The document I'm talking about is called "Benefits versus Confusions to End Users," which is what I was asked to talk about today.

Now the plus sign is working. Good. Okay.

This is the one I was talking about and again, I used "end users" and again, you'll have to just put whatever you like. I don't care what you call them but please use the same consistent wording [inaudible]. And I looked at consumers specifically and compared with registrants. And that was based on the Consumer and Registrant Surveys from Nielsen. So I used their terminology and used it in that context. So if that has to be changed, please someone else do it. I just can't [inaudible] adjustment. So you put in whatever the terminology is that's correct.

But the bottom line is that there's no evidence whatsoever that either group – registrants or consumers – either were confused by the numbers of and increased numbers and names of the New gTLD Program or that there were any benefits aside from those that we've already seen which were greater choice, availability in IDN languages,

greater specificity of identification, etc. So that's a short executive summary of what I looked at.

And then I plunked the whole [bump] into the section on – what happened to the recommendations? There we are.

The recommendation is that, "In the next Consumer Survey" – that's going to be carried out anyway I presume on a regular basis since we're already at the second consumer Survey – "additional information could be asked about benefits of expanded number, availability, and specificity of new gTLDs." Because if you want to ask that question or you want to answer that question, you need to ask it to the consumers. So that's the first point.

And then it would be useful also in any future Consumer Survey to see if consumer [inaudible] was [inaudible] or benefited and again, it'd have to be asked at the next survey regarding geographic names, gTLD [inaudible] or internationalized [inaudible]. In other words, did [inaudible] compared to the past, have they used them more than they were using them before, etc. etc. And that again, has to be factored into the new survey. That would at least permit [you] to answer these questions [inaudible] at the moment we can't answer.

And then the converse of that is whether confusion was created because again, there was no data or way of determining whether confusion was created for consumers. I don't have any information – unless someone knows about a study that's been done [inaudible] – about just the sheer number and quantity. And again, this I think relates possibly to the fact that most people use search engines to navigate. So

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possibly this whole idea of confusion is offset – if there were possible potential confusions – it would be offset by the mechanisms that they use for search. So that was the argument there. And the same really for registrants that they also use search engines quite significantly in deciding where and how to search [inaudible].

And there are three other aspects [and] recommendations. One is that, "Any future rounds should take into consideration possible preventive measures that would help limit or avoid [the same] confusion." But again, that presumes that it exists if it exists. And that's again, only if it comes out of a future survey.

And then it says again, "To the next CCT Review [would] be able to assess in more detail [inaudible] the aspects because then there would be first a longer history of the use of the gTLDs and a much bigger marketplace and also there should be more data available." And that would include also data on non-English script IDNs.

And then one aspect that was identified in the ICANN gTLD Marketplace Health Index report was that it would be important to get a [inaudible] data on services provided by registrars to registrants, particularly in relation to the geographic distribution of gTLDs and data on languages offered. I think we can probably just take that out actually. I'm not sure that that is even necessary. I threw it in because it was something that I thought was useful in terms of consumer access and trying to find their way around domain names. But now that I look at it again it's probably not particularly useful. So it can come out. You can put it in italics or square brackets. [Inaudible] anyone else thinks that that's useful.

And then a rationale is just what I said orally and again, what the reason for making the recommendations is because there was no data and very little evidence.

And then of course, it's addressed to the next CCT Review and ICANN staff in terms of preparing the next CCT Review and preparing [to have] sufficient information. It's not necessary to be done before any subsequent round is done.

And then the consensus [inaudible] is really up to you to decide whether this is useful and should be included and [if you agree on the] recommendations.

I can't hear anything. I can't see any reaction.

LAUREEN KAPIN: Megan, thanks for pulling this together because this I think is a bit of a complicated topic. My sense from reading this is that we're really not in a position to say at this point whether there was confusion because we haven't really gotten enough data on that point. So the recommendation is to gather data. And I'm just thinking that in some places the language may need to be clarified a little bit.

For example, on the second page it's a highlighted text, "There's no evidence from the Consumer Survey that any increased number creates confusion, however the specific question was not asked specifically." I'm just thinking we might state that more simply in that we just don't know whether there was confusion because when I see language that says there's no evidence, that makes me think that we looked at it and

there was nothing to support that conclusion. Although you acknowledge that the specific question wasn't asked. I just think we need to be very clear and maybe even more simple with our statement that we just don't know, and make sure that the text is clear throughout your paper on that point.

MEGAN RICHARDS: I'm happy to [inaudible] text, Laureen. Sorry to jump in but I agree 100% with you. So if anyone wants to propose new and better text, please do. I'm more than happy to have [a different word used].

LAUREEN KAPIN: I'll send you a suggestion, Megan. And then the other suggestion is, I'm wondering if just for greater context is, my sense is, the concern here is, I'm wondering if we can give any specific examples or how people feel about that, but I'm sure the issue arose from the fact that there were either domain names that sounded similar to one another or were the same in English and another language, and I'm just wondering if some more examples might create more specific context for the concern that there might be confusion. And the singular and plurals.

MEGAN RICHARDS: Yeah. This is the problem that I have. But the GAC for example and – of course, for me, too, just a plain old citizen excluding any GAC relationship – said that single and plural versions of the same gTLD would likely cause consumer confusion. And of course, if I looked at "web" and "webs," for me, too, it looks confusing. How do you know

which one is which? On the other hand – and this is an important aspect I think and it's certainly looked at in a different section on string objections and dispute resolutions – but there's no evidence that it actually did confuse [consumers]. And we don't have any evidence on the Consumer Survey because the question wasn't asked.

LAUREEN KAPIN: Right.

MEGAN RICHARDS: But I wonder if using a search engine – and this is quite speculative, of course, but I presume [those of you who have expertise know] much better than I do – that using search engines would allow you to avoid potential confusion.

It's really very difficult. I'm almost tempted to take this whole section out and not even talk about it quite frankly. But I leave that entirely to all the rest of you.

LAUREEN KAPIN: Just to chime in on your last point, I think the recommendation about getting more data in this area is an excellent one because, as you emphasize throughout, we just don't know. And so for that reason alone I certainly would suggest not eliminating this. Perhaps it could be streamlined.

MEGAN RICHARDS: Okay. I just have a proposal – and I know I've made this before – I think all of this, everything we're doing, really needs some good editing then and it all needs to be brought into a common package. I know that what we're doing now is just a draft and we'll have public comments, etc., but I think somewhere [inaudible] someone to bring it all together and have a good overview and making sure that the terminology's correct and what's repeated here is not repeated somewhere else, etc. So I think that's really what we need.

Jonathan, I see your comment and you've said that before and I'm happy to get substance right and I'm happy to streamline, but quite frankly I think it's better if a third party looks at it or a second party or [inaudible].

JONATHAN ZUCK: [Inaudible], Megan. And just so people know, there's actually a firm that ICANN outsources to that will go through all of this and make sure that all the headings and the formatting is correct and it's consistent throughout and it all looks like a single document. And staff will do a pass through this on voice and things like that. We just need to make sure that we're all on the same page on recommendations and not leave staff to try and interpret people's comments and things and get consensus on the specifics of what matters to us I think is the key. But they will do a pass on this and turn it into something coherent.

MEGAN RICHARDS: So I need some clear idea what to do with this. Laureen [inaudible] says that it should be streamlined. People seem to agree with the

recommendations. I proposed to take out the last one, though [inaudible] where did I put it? About [inaudible]. This one. The very last recommendation I'll take out. I must say I've looked at these damned things so many times I can't [inaudible]. I'm happy to streamline, but I can't anymore. I've looked at them so many times I can't see where [to streamline]. So if someone with a good eye and a good pen was ready to [inaudible] I'm delighted [inaudible].

LAUREEN KAPIN:　　　　　Megan, I'll come back to you with some suggestions. I feel your pain with looking at the same thing so many times. I know how hard that is because I'm living it myself.

MEGAN RICHARDS:　　　　[Inaudible].

LAUREEN KAPIN:　　　　　Thank you for saying that. It's hard for me to feel that way having looked at the same thing so many times myself.

MEGAN RICHARDS:　　　　Okay. I'd really appreciate that because I think it really needs an objective eye to look at these things. That's what I mean. We need someone who can really pick out what needs to stay and what needs to be cut, and then I'm happy to accept your objective, reasonable, sensible, amendments.

LAUREEN KAPIN: I'll make suggestions and I will send it to you and then you can decide, Megan, what you want to accept, reject, and then recirculate it as you see fit.

MEGAN RICHARDS: [Inaudible]. Okay. So that's the end of that. So the recommendations we didn't get any comments on so I'm presuming that everyone agrees or everyone's dropped off. We've gone beyond the time. Maybe that's the problem. Everyone's dropped off.

LAUREEN KAPIN: No, you still have a full complement here, Megan.

MEGAN RICHARDS: Oh, do I?

JONATHAN ZUCK: You've got quite a few people.

MEGAN RICHARDS: Okay. Then I'm presuming silence means consent. So Laureen, if you can have a quick look with your wonderful, objective, critical, eye, that would be a lot of help and then we'll have a final review.

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LAUREEN KAPIN: I will turn that around for you, Megan.

MEGAN RICHARDS: Okay. Who's running the show? Jonathan?

JONATHAN ZUCK: Yes. Nominally I think it's me. But at this point I think we've got to let people go and see people again tomorrow. As far as the document, I made everyone's edits to the text and then took notes from the call and updated the recommendations. So presumably Jean-Baptiste can circulate a link to the document in its current form and people can take a look and let me know if I didn't capture their objection correctly. But I went through and tried to implement everybody's recommendations from the last call.

It could be we don't need to go through this process again with it unless somebody raises something in particular. Alright?

Thanks, everyone, and see you on the call tomorrow.

LAUREEN KAPIN: Thanks, everyone.

[END OF TRANSCRIPTION]