
JONATHAN ZUCK: Alright, folks. Welcome to the CCT Plenary call. We have a shortened agenda so we're able to have a shorter meeting today. Let me begin by asking if there's anyone that is on the phone and doesn't appear in the Adobe Connect.

Alright, then does anybody have an updated Statement of Interest?

Okay. That's excellent. Let's talk about input received during ICANN58 and the webinars. Is that compiled someplace, Alice?

ALICE JANSEN: Yes. Sure. We have a wiki page where we compile all the outreach archives that you have for ICANN58 and the webinar sessions. For the webinars, I know some of you were able to attend the sessions but no input was provided in Session 1. We did receive some input in Session 2, but through the chat archives. One of the comments that was made during the Session 2 was that it would be important to have the chance to review the new draft recommendations that relate to the INTA Survey as well as the DNS Abuse Survey which is why we're having a roadmap final report discussion later today. I just wanted to flag that for everyone's attention.

Jonathan, is there anything else you would like to add?

JONATHAN ZUCK: There was various feedback. It was clear in the SSAC session at ICANN58 that there were concerns raised about DNS abuse and people pointing

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to the Spamhaus report and the top 10 sites on Spamhaus were new gTLDs, etc. and the SSAC were concerned that we were somehow whitewashing, and ignoring the operational community and their feelings on the New gTLD Program. And so it might behoove us to look at that and see what the operational community are thinking and what the basis for those thoughts are because the fact that they're thinking about trying to block new gTLDs is significant even if it's unjustified.

Hello?

WAUDO SIGANGA: [Inaudible].

JONATHAN ZUCK: Waudo, I think you should mute your line.

WAUDO SIGANGA: Sorry.

JONATHAN ZUCK: So we need to both explore to see what the behavior of the operational community is and what the justification is for that because it could also be that they're misinformed. The results of the Spamhaus report have been somewhat controversial but at the same time what we mentioned is that we were waiting to roll all those results together into the DNS Abuse Survey so that we end up with a more balanced output on that topic. To some extent I think they were simply reacting to a lack of

emphasis on that topic that is a function of that study still being in the field. So that's some of the complexity there.

And as Alice mentioned, Kathy Kleiman was concerned about the fact that there might be new recommendations in the final report that didn't appear in the interim report, and that's not entirely uncommon to do that as a result of input. I think our report is a little bit different in that there's big inputs that are still to be delivered so we may just want to come up with a process through blogging or otherwise to share the results of these reports and make public our deliberations about additional recommendations in order to kind of mitigate those concerns. But I think that it's not completely abnormal to have updated recommendations as in a final report without doing a whole new public comment period.

Those seemed to be the primary feedback. I know that also that in the ccNSO meeting at ICANN58, it's clear that the ccTLD operators are not in love with the New gTLD Program either and basically believe it was a fundraising exercise for ICANN, but obviously they have mixed motives in their review of the New gTLD Program and I think we successfully answered their questions in the meeting. But in terms of just the community as a whole we need to be aware of it.

Jordyn, thanks for reminding me. You said that the 10 worst and the 10 best are also new gTLDs, and we discovered that afterwards. But like I said, I think we put all this together as part of the DNS Abuse Survey and end up with a more balanced report on DNS abuse as a result.

Any questions about that feedback received?

Okay. Thanks for those of you who made it on to the webinars. It's always tough. It feels a little bit like your late night radio DJ sometimes when there's so much radio sound. There was a lot of translation and things like that, so hopefully we reached more people that will be able to provide comments down the road.

Let's move on to talk about the LAC concentration numbers. Eleeza, do you want to take that or Jordyn –

ELEEZA AGOPIAN: Sure. I'd be happy to.

JONATHAN ZUCK: Okay. Great.

ELEEZA AGOPIAN: I'm not sure if we have the paper, the tables, ready to be uploaded but I can just start to speak to it.

During the Copenhagen meeting, I was able to connect with my LAC colleagues and get the underlying registration data from some of the tables in the LAC DNS Marketplace Report. For that study, the group did WHOIS look-ups for registrations in new gTLDs and ccTLDs and legacy TLDs to see which TLDs were registered in each of the countries that are included in that report. So from that group, I spoke with Stan and we picked a handful of countries that seemed to have more dynamic markets. Some of them only had a few thousand registrations each so it didn't seem worthwhile to do the concentration analysis on those

particular countries so instead we came up with the list that you see in front of you [inaudible] so that was Argentina, Brazil, Chile, Costa Rica, Dominican Republic, and Peru. We originally had Colombia in there but then realized that perhaps that may be a bit inflated since .co is not being marketed as sort of an alternative to .com.

So you can see in the table on page 2 that the ccTLDs are really the big players of these markets, heavily so, in particular in Brazil, Chile, and Costa Rica, less so in the other countries. And then you see how it kind of breaks down in terms of legacy gTLDs and new gTLDs. I also had HHIs included in that [calculation]. Here we are. It's on page 3 – the four-firm, eight-firm, concentration ratios and HHIs for the other calculations Stan asked me to complete.

He's not on the call but I can tell you that his approach in doing this was that this is one way of measuring concentration and market behavior in a country market if we had the WHOIS registration information, country of registrant information, for a particular country. So I don't think he drew very many large conclusions from this but it's sort of an interesting way of looking at a particular region and a few countries.

I'm happy to answer any questions or take any comments. I sent this paper around to everyone as a Word document and as a Google Doc so we welcome your comments and feedback.

JONATHAN ZUCK:

Carlos asked you to paste the link in the chat [inaudible], Eleeza.

ELEEZA AGOPIAN: Yes. I [did] that right now.

JONATHAN ZUCK: You gave a kind of methodological summary but was there anything startling in the numbers?

ELEEZA AGOPIAN: No. Not really. Like I said, the ccTLD is clearly the dominant player in about half of these markets and in the others it still holds the [plurality] of registrations but isn't as dominant as in Brazil, Chile, and Costa Rica was the other one that was really high.

I think those were the most interesting ones. It shows kind of the power of the ccTLD in a particular market. There were a couple of other mitigating [factors] that we also took into account. As I mentioned, we took Colombia out of the calculations because of the way .co is sort of marketed and used. We also took out the numbers from Panama and Cayman Islands because those can [get] extremely high registration numbers in those countries. As I'm sure you all know, that's because there's a lot of privacy proxy registrations that are listed with Panama and Cayman Islands addresses. That was sort of a kind of a concern throughout the registration numbers, wondering how many were accurately attributed to each of the countries.

WHOIS data is not necessarily always accurate. That's [why] we have an accuracy reporting system. So I think you should take some of this with a grain of salt, but I think that these countries in particular it's a fairly accurate picture of how the registration breaks down.

I will share that Google Doc right now.

JONATHAN ZUCK: Thanks. Are there questions for Eleeza?

Megan, go ahead please.

MEGAN RICHARDS: Can you hear me? I have a new computer and a new office and new everything. I'm not sure if anything is working.

JONATHAN ZUCK: We can hear you.

ELEEZA AGOPIAN: Yeah, we can hear you.

MEGAN RICHARDS: Good. I'm sorry I was in another meeting. I wasn't watching. I was just listening for a while. I wanted to ask you – someone mentioned in the chat about the zero [spam] in the case of .nyc – New York City – and I know that they're very controlling in terms of who is allowed to use .nyc. The registrants are based in New York City. They have some [inaudible] .nyc. Is that one of the reasons [inaudible]. it's not related specifically to the Latin America [inaudible].

JONATHAN ZUCK: Eleeza, thank you for your summary. It sounds like the conversation got hijacked over to the –

MEGAN RICHARDS: It didn't really get hijacked. It was [inaudible] in the chat [inaudible].

JONATHAN ZUCK: It's okay. Sorry, I shouldn't have used the word. Just making a joke.

Let's just put a pause on the LAC study and we'll talk about this Spamhaus stuff.

Jordyn, go ahead.

JORDYN BUCHANAN: Thanks, Jonathan. My only hypothesis – which I don't actually think we're going to be able to validate because a lot of the cheap TLDs have sort of what I'll call reasonable base wholesale prices or what they would have reported to Analysis Group would be quite a bit higher than some of the promotions that they run. So for example, we know that .xyz has done a number of promotions with either cheap or very free domains but if you just ask them what their wholesale price was, it would be I think it's higher than .com, for example.

So it's a little bit hard to get at this in data but I suspect – and I think what the SSAC people said as well – is that the issue is that when there's really heavily discounted domains that abusers will naturally gravitate towards those and use them as abuse vectors, which I think probably

shouldn't be surprising to anyone that if something's either cheap or free that in addition to good people getting a lot of them and figuring out what to do with them, bad people will as well. Our analysis doesn't get to these transactional prices or these promotional prices, so it's going to be a little bit difficult to muddle through. But I used .nyc as an example just because it's a TLD that I know has legitimate traffic on it so I would expect that when I look and see a 0% Spamhaus score that that's not purely the result of there being no spam because there's no traffic whatsoever – no one uses the TLD – but it is true that .nyc also has a Nexus requirement which is unusual amongst the new gTLDs.

I think probably what we can do once we get the DNS Abuse report is we'll get this full spectrum rather than me just randomly checking domains by hand, and we can correlate issues like volume... Separately, I guess, one thing we could do is – which we don't have the data for. Only Analysis Group – is ask Analysis Group to see if there's any correlation to price but I think that might not be useful given the issue that we have with transactional prices. But it might be worth thinking about that or it might be worth just noting in our report – if we can document it somehow – that these sort of very low prices do seem to result in spurts of abuse that the SSAC was reporting.

I'll just note that, thinking about this from a sort of... taking a step back from... each individual group has their own concerns. Obviously the people that are concerned with DNS abuse won't like it when there's a spurt of abuse tied to particular TLDs. The question I have that is going to be hard for us to answer as well is whether this resulted in net increase in abuse. Like if there's 100,000 bad people, they're not going to spend eight hours a day trying to do bad stuff, and periodically

there's a good deal on domain names so they buy those cheap domains as opposed to just buying slightly more expensive domains so it changes what TLDs that happens on but it doesn't change sort of the volume of abuse and the TLD programs' sort of independent of the amount of abuse that's taking place.

It's also theoretically possible that there's bad guys who would really love to be doing terrible things all the time but they just can't afford to buy a .com and that's really what's impeding them from engaging in their malicious behavior and so when there's a sale on one of these other TLDs it allows them to engage in behavior that they wouldn't otherwise be engaging in.

I guess I would be skeptical of that latter hypothesis, but it would be interesting to see to the extent we can get at that through either the DNS Abuse Study or future studies or look at Spamhaus trends over time or something to try to figure out whether or not the TLDs are actually resulting in change in the total volume of abuse or if they're just moving around which domains the abuse is happening on.

JONATHAN ZUCK:

Thanks, Jordyn. I think those are good questions. I guess the other issue that's not somewhat orthogonal to that I guess is, the effectiveness of the safeguards in the New gTLD Programs that were designed to mitigate abuse and what the effectiveness of those has been. There's some questions to be asked about that as well.

Megan, I'm assuming that's an old hand, so Brian, go ahead.

BRIAN AITCHISON:

Thanks, Jonathan. Megan, your original question was why is there the spam rate or lack of spam in .nyc , and kind of hinted it might be due to their restrictiveness and so there's two issues, two sort of hypothesis in this discussion we're having now. There's pricing is a predictor of an abuse rate, and a registration restriction is a predictor of an abuse rate. Both are hypothesis that I know SIDN and TU Delft have already tested in other work in ccTLDs, and I'm actually talking to them today and I think their work might be ready to be released if it hasn't been released or presented already. So I will circulate that with you.

One of the things you see at least in ccTLDs is that there are statistically significant relationships between – actually instead of pricing I think they use free versus non-free domains – so the free domains [see] a statistically significant positive association with an abuse rate, and as far as registration restrictions go, again, I think they use the sort of binary dummy variable in having registration restrictions versus no registration restrictions. They didn't go into the details of what those restrictions are but they saw that when there were registration restrictions there was a decrease in an abuse rate.

I'm going to track down that paper [inaudible] you can at least get some insight into how these kinds of studies are conducted and start thinking about how we may want to integrate that into some future iteration of the DNS Abuse Study. I will say that I hear in my conversations with people about the study, everyone talks about pricing. It's sort of across the board. So it's certainly something worth considering in a future version of the study.

Back to your original question, Megan, when you ask those “why” questions, that’s great and it encourages a lot of sort of speculation and hypothesizing and so when we ask those questions – we don’t know the answer why is there spam in .nyc, but I think we can start to get at it in a sort of more rigorous way very soon, so thanks.

JONATHAN ZUCK:

Thanks, Brian. I guess it’s interesting how this aligns with the Nielsen poll results in terms of trust and restrictions on TLDs, so there’s going to be a couple of data points on restrictions that will be interesting to talk about going forward.

Drew, go ahead.

DREW BAGLEY:

Thanks. Yeah, piggybacking off of Brian’s comments and Jordyn’s comments, I think it might be worthwhile for us to at least figure out how long it would take to add pricing to the DNS Abuse analysis because I remember I did some research last summer and found that – I’d have to look back at my e-mail but I think it was maybe New gTLDStats or someone actually have the daily retail pricing data that I think included promotion. So I would have to go back and verify it actually did include the promotions because otherwise, to Jordyn’s comments, it would only be so useful.

But if that data did exist, I think it might be worth it for us to, even if it was just adding maybe a three-month snapshot, so obviously the pricing data wouldn’t exist historically going back a couple years, but even if we

just have the DNS Abuse Study and then include it, “Oh, and here’s a three-month look at this variable of pricing and how it correlated with these abuse rates.” I think that might be important to do just because everyone talks about pricing. Always everyone has always hypothesized pricing in smaller scale studies pricing is shown to be an important factor and so to the extent that we’re going to say whether or not the safeguards put in place to mitigate abuse were successful, I think it would probably be great, if the data exists, to also have data about the pricing to say that even with the greatest safeguards in the world, pricing still dominates, or say, “Oh, these safeguards actually did have an impact despite the overall pricing [plate].”

I think that would be good so that’s something we should I guess maybe price out with the SIDN and then also I can do more research on the pricing data if everyone thinks that’s worthwhile.

JONATHAN ZUCK:

More is more when it comes to information, so I think we can certainly price that out so that we can have an educated discussion about whether to do it.

Jordyn, that’s a new hand, right?

JORDYN BUCHANAN:

Yeah. It is. Two comments. First of all, thanks, Brian, for pointing to that SIDN data. If [inaudible] can send around a link to the actual data or study, that would be super helpful. I’m not familiar with that work and it seems like it might be really useful. I guess I found both of the results

unsurprising, I guess, and I guess I was probably overly dismissive of Megan's initial statement that the Nexus requirement on .nyc might make a difference because my intuition is that it probably does make a difference but the bigger difference is probably the price, but you can still imagine that as the price drops that the restrictions are still in place so it still pose a pretty big impediment to abusers getting into a TLD unless they happen to qualify for that particular TLD.

The other thing I was going to say, though, is it may be helpful just as an initial read – do we already have this, Eleeza – do we know the range of prices reported to Analysis Group, by any chance? Like what's the lowest wholesale price that was reported to Analysis Group? Or is that all confidential still?

ELEEZA AGOPIAN:

I believe that's all confidential, although, some of that may appear in some of the tables they constructed. I can check on that.

JORDYN BUCHANAN:

Okay. Because it is the case that all the wholesale prices reported are still relatively high – like not anywhere near zero... in the sort of let's call it the \$5 and up range – I suspect that will give us a signal that it's not going to be super useful to try to correlate back to the pricing data that we have, and instead what we may want to do is look at some of the reports of significant promotional activity that have happened out in the world and see if those significant promotional activities correlate at all to abuse events which will be, I think, a little bit less of a systematic thing, that if we talked about the SIDN data and then said, "Oh, and we

observe similar sort of patterns in the new gTLDs,” that would probably might, even though it’s a little bit more anecdotal, would probably be more productive than trying to do strong correlations to price but what I think we should do as a first pass is see if we can figure out what the lower bound of the pricing observed by Analysis Group is and whether it’s significantly lower than in the legacy gTLDs.

But I guess the one other thing I wanted to raise is, okay so let’s say we establish – this is just something for the group to think about – let’s say we establish that there’s a clear correlation between cheap prices for domains and increased abuse on those domains. I think that’s an interesting fact, I guess I would encourage people to think about what we do with that information because certainly it’s not obvious to me that you would look at that and say, “Oh, well therefore we should force people to charge high prices,” because one of the significant consumer benefits of the program in theory, and of competition in general, is a possibility to lower prices and so it certainly wouldn’t be the case that [I] would expect, for example, like a Consumer Protection agency and the government to say, “Oh, this particular thing resulted in some consumer harm and therefore everything should be more expensive.” That’s probably not how it would ever be dealt with.

So I think it would be helpful for us to think about what other sorts of recommendations we would make in light of that data because I’m pretty sure that correlation exists. We need to go find it. But I’m not sure what we’re going to do with it.

JONATHAN ZUCK: It's definitely a good point, Jordyn. I guess we would never say to raise higher prices but, as Drew mentioned, you might require more stringent [price] of anti-abuse. There might be different behavior that is observable like in the operational community that's linked to pricing once that fact's established. So there might be implications to it that don't have anything to do with policy recommendations on our part, I guess, as well.

Brian? Must be on mute. Drew? Carlos?

CARLOS RAUL GUTIERREZ: Thank you. This is a new, fresh, hand. On what just Jordyn said, the funny thing is then parking must be the most healthy activity – but that was only a joke.

We have this presentation from the people that Brian brought us from the Delft University are very clear about the time span when abuse happens. There is one type of abuse that happens within a week of registration and then another one within a month, and then [they] drop them. So I don't know if there is a transcript of this conversation we had with those people. It was most interesting, and I'm still waiting for some feedback of the ideas they have and eagerly looking for their report. So there is certainly... We have to look for a correlation of when does it happen? And they said it's a very, very, short period of time that we have to look at. Thank you very much.

JONATHAN ZUCK: Thanks, Carlos.

Eleeza, I see you're reporting a little bit on the minimum prices that are reported in the report, so we might see some correlations, as Jordyn said, as we look back. So when we get the DNS report, I think that we'll drive forward with these things.

Carlos, thanks for bringing up parking. We should probably surface this discussion a little bit as well to some extent I think, to understand what we want to do about parking.

Jordyn, do you want to –

CARLOS GUTIERREZ: Can I –

JONATHAN ZUCK: Go ahead.

CARLOS GUTIERREZ: Can I say something?

JONATHAN ZUCK: Sure.

CARLOS GUTIERREZ: Thank you. Sorry to interrupt, Jonathan. I don't know if I did it during the conversation in front of all of you or afterwards. We had a short exchange with these people who I call Delft. I don't know what their official name is. We have a short exchange with them, what we mean by

parking, and my feeling is that it would be very helpful if we – at least for this round – get a definition of parking, because they had some very technical comments what they understand about parking.

So if we get out of this round a clear definition or a clear suggestion to the community how parking can be measured accurately, that would be a success in my view. Thank you very much, Jonathan.

JONATHAN ZUCK:

Thanks, Carlos. I guess there's an open issue about measuring the impact of parking on the competition, on the concentration analysis, and that creates a threshold question about whether or not parking is competition or not. I don't know that we have any clear way to suggest that it isn't.

So I think that that's where Jordyn and others have expressed apprehension about reporting different figures on parking absent a clear theory that parking isn't simply another form of competition, and might even be an underlying supporter or beneficiary in the near term for the survival of gTLDs, etc.

So I'm not trying to open a can of worms, except the can of worms sitting here that probably needs to be opened. Eleeza, I see you your hand up. Go ahead.

ELEEZA AGOPIAN:

Thanks, Jonathan. I wanted to raise one question regarding the parking discussion. I think, Jordyn, I sent you a message about this. We have Analysis Group working on adjusting the calculation in some of the

tables in your report based on the parking numbers that are provided to us by TLD staff. Separately, I've asked TLD staff to provide us with sort of a layman's methodological explanation for how they reach each of the calculations. One piece we're missing I think from this discussion is why we chose to use all seven measures than in TLD staff lays out for parking, and why we're treating that as the most comprehensive.

I think that's a useful discussion to have as well. I don't know if you want to have that now, or perhaps someone can write something up and circulate it. But I think that's an important point to raise too. Thanks.

JONATHAN ZUCK:

Thanks, Eleeza. I think it is as well, especially if we're placing a value judgment on parking, then it becomes even more imperative how we define it.

ELEEZA AGOPIAN:

Agreed.

JONATHAN ZUCK:

Because each of those factors became increasingly amorphous as we went down the list, from sitting on a parking server to not getting response back or something like that. Those are quite different. Kaili, go ahead.

KAILI KAN: Can you hear me?

JONATHAN ZUCK: Yes.

KAILI KAN: Okay, great. Regarding parking, I think [inaudible] measurements about parking [inaudible] parked domain. So I think this is from what I see a quite complete – of course, I think as Eleeza says, we need to conclude the impact of which is good, which is bad. However, as we have discussed sometime ago, as [inaudible] pointed out, consider parked domains and not consider parked domains. That is, to include the parked as otherwise [inaudible] domains, really used domains. That affects our calculation of [conventional] marketing, [inaudible], that is [HHI]. So I think a typical [inaudible] little take a portion of new registrations apart. So I think we can do the calculations on both and just to show we do not need to collect more data. [inaudible] part of the result that we have achieved. And of course, that will be good for further study in ICANN.

So I think there's a good [inaudible]. What is necessary and easy to do, and also as part of the contribution to our review. Thank you.

JONATHAN ZUCK: Thanks, Kaili. I take your point, and I remember Stan's e-mail. He very specifically said that it might have an impact on competition whether or not it's harmful. I think the threshold question is not whether parking is harmful, but whether or not it actually represents competition. And I

think that's the question. If it represents competition, then we shouldn't exclude it from our competition analysis. That's the [inaudible] it is potentially a form of competition, absent [inaudible].

KAILI KAN: I agree.

JONATHAN ZUCK: So that's [inaudible] separating it, Kaili, implies that it shouldn't be considered competition. And that's –

KAILI KAN: No.

JONATHAN ZUCK: [inaudible] for which we don't have a theory.

KAILI KAN: No. if we exclude the parked domains, that is the measurement of real usage. Current real usage of the new registration. [inaudible] registration. That is useful information, and it's very easy for us to do that now.

So I do not see a reason not to do that calculation. We still [inaudible] calculation to show the results of SSI, but on the other hand I do not think we have any reason not to do our conclusions excluding parked domains, because that will be useful information, especially for the

Board and for the communities to consider the usage and applications and everything for evaluating New gTLD Program, especially if we think about the next round. So I think that is useful information that's easy for us to do, and no reason not to do it.

JONATHAN ZUCK:

Sure, Kaili. And again, reporting the parking numbers I think can be useful to talk about usage, but publishing in exclusion from competition suggest that they don't represent competition. That's the thing that I –

KAILI KAN:

No, I do not... because amount of parked ones, I agree that there should be a park [inaudible] could be referred for future usage, but [inaudible] several calculation does not imply that this excludes those from competition. Just like any company, any industry would have inventory not being sold, but not [willing], it is not part of the competition or part of the production.

However, we still report how many manufacturers of – for example cars – how many manufactured, how many sold. So then we have –

JONATHAN ZUCK:

Sure, we can do that. We're just talking about inclusion of HHI. So let me move on to Jordyn. Go ahead, Jordyn.

JORDYN BUCHANAN:

Yes. Dejan, you've made a couple of the points that I would, which is I think having the data on the parking rates is very helpful. I think it'll be good for us to discuss the fact that parking as a phenomenon is significant in both legacy gTLDs and new gTLDs. It's more common in new gTLDs, and in particular, some new gTLDs have extremely high rates of parking. And it's probably worth thinking about – I don't know. It's going to be hard for us to get to what exactly that means, but observing the phenomenon at least I think is something that we've committed to do and is important to do.

I'm going to make sort of a practical and a principle statement. I think from a practical perspective, I suspect there's no – calculating the revised market concentration and HHI numbers, etc. probably don't matter that much. The difference between the parking rates is low enough I think that it will make some impact on the numbers, but the overall trend is still going to be positive. So when we look at those numbers, I suspect it's not going to change our conclusions to any significant degree. That's the sort of practical –

KAILI KAN:

Well, according to Dejan's explanation, I think when we all agree that including the parked domains and excluding them had an impact on HHI. I think –

JORDYN BUCHANAN:

[inaudible] 100% confident the number is going to change, but I guess what I'm saying is I don't think the magnitude of that change is going to be significant enough that it will change – like our high level [view of]

generally the [science to our] positive towards competition are very unlikely to change. But let's see. I have no problem with Analysis Group [releasing the] numbers.

KAILI KAN:

So therefore, in that case, let's do the calculation and let them conclude whether the impact is significant or insignificant. Only after calculation we can conclude on that. So therefore, first we do the calculation, then we decide whether we include that or not.

JORDYN BUCHANAN:

Agreed. I'm agreeing with that statement that there's no harm in having the Analysis Group do the numbers. I strongly suspect the result of that is that we'll look at the number and say, "Aha, that changes the numbers but does not change our conclusions in any meaningful way." But we can see if the numbers are really different, and we'll have to have a conversation about how we use them.

KAILI KAN:

In that case, at least we can have the peace of mind of no significant [inaudible]. Thank you.

JORDYN BUCHANAN:

Yes, so that was the practical point, is we should get the numbers, we should see what they say, we should have a conversation about it. Like I said, I suspect it's not going to change our opinions, but let's wait and see what the numbers say.

KAILI KAN: I agree.

JORDYN BUCHANAN: My principle point though is if we are going to include the revised numbers, we need to have a reason why we're including the numbers. We need to have a theory behind it. And at the moment, I think the way we're expressing that is roughly we're saying, "Oh, we think parking matters. It could matter."

And what I don't want to do is the analogy I gave in our face to face, was that it may be the case that we observe like in the hamburger selling marketplace that the new entrant of hamburger –

KAILI KAN: I agree with this.

JORDYN BUCHANAN: I'll have blue signs, and therefore we want to back out the numbers of competitors with blue signs. There used to be some blue signs and now there are a lot of blue signs, and we should do an analysis –

KAILI KAN: [inaudible] I completely agree with you.

JORDYN BUCHANAN: Sure, let me just –

JONATHAN ZUCK: Kaili, can you let Jordyn finish, please?

JORDYN BUCHANAN: So I think –

KAILI KAN: Go ahead. Sorry.

JORDYN BUCHANAN: If it was actually blue signs, we [would all say,] “That’s dumb, that has nothing to do with whether hamburger stands are competitive or not.” And so the rationale that we’ve given in the past as to why parking might matter is that the renewal rates for parked domains might be lower than it is for domains with TLDs with low parking rates, that parked domains are less likely to renew.

In which case, gTLDs would be sort of seeing an artificially high set of numbers now relative to what we expect our [steady] state to be. It’s probably the case that we have enough data so we could – or someone has enough data so we could try to figure out whether that hypothesis itself was true or not, and so we could look to see if there’s a correlation between parking rate and renewal rate as well.

So it may be worth trying to figure out if we can run that exercise in parallel to the HHI and market share analysis, and that way if we do see

a difference and we wanted to include it, we would also be able to sort of point to the rationale for why we're including the parking analysis.

KAILI KAN: Yes. I completely agree. Let's do the calculation [and decide]. Thank you.

JONATHAN ZUCK: Thanks, Jordyn, Kaili. Jamie, go ahead.

JAMIE HEDLUND: Thanks, Jonathan. Just briefly because this conversation has already gone on and we're coming up on the end of the hour. One complication in looking at parking and making a correlation with competition is that there are – as others have said – different types of parking, and some may constitute competition and some may not.

But to make that kind of assessment would require an evaluation of the usage of those domains, which would appear to be outside of ICANN's remit, because usage is content and making determinations about what is legitimate usage or illegitimate or non-competitive usage I think is something that would create some controversy within the community. So I just wanted to put that out there before, to remind people about the limits of our remit. Thanks.

JONATHAN ZUCK: Thanks, Jamie. That's probably going to require a little bit more discussion. As Carlos points out, I don't know that usage is always going to equal content. If there's an absence of content, I'm not sure that's the same as ICANN being in the business of regulating content, for example. So there are probably some things that we can do that don't go into the realm of passing judgment on the type of content.

JAMIE HEDLUND: An example of that would be redirection, right? If a site is used to redirect and aggregate traffic, that usage, are we going to say that that's not competitive, it doesn't really constitute real competition? Or are we going to count that as usage? I don't know that that's the kind of thing that at least the organization has within its remit. Thanks.

JONATHAN ZUCK: Thanks, Jordyn. We'll certainly have to consider that.

JAMIE HEDLUND: My name is Jamie.

JONATHAN ZUCK: Oh, sorry. I thought your name was Alan Greenberg.

JAMIE HEDLUND: Only in Copenhagen.

JONATHAN ZUCK:

Let's move on, I guess talk about the roadmap, because it sounds like what we're going to do is get information back from the Analysis Group, and that's going to spur the [bridge] from the practical to the principles to some extent based on those results, and we'll need to figure out what to do at that time. But this is obviously a real conversation that we need to have.

Okay, yes. Alice, do you want to talk through this?

ALICE JANSEN:

Sure, the work plan. Of course. Yes. Alright, so as indicated earlier in the call, there was a comment in session two that it would be [inaudible] to have a public comment period for the new recommendations that are issued following the results of the DNS Abuse study as well as the INTA survey.

So essentially, this work plan sort of sets out a second draft report that would be published for public comment. So if you scroll through the plan, you'll see that your Johannesburg meeting will be dedicated to reviewing the input of the GDD department as well as the DNS Abuse study result and the INTA survey.

Then based on that, a second report will be prepared and published, and that will lead us to a final report that goes out to the Board sometime around October, so the Abu Dhabi meeting. So this is the schedule we've put together for your consideration and we look forward to any comments on this.

JONATHAN ZUCK:

Okay. Jordyn, is that a new hand?

JORDYN BUCHANAN:

It is. I was just going to suggest two things. First, it's not clear – I think Jonathan alluded to this earlier, but it's not clear to me. I agree that someone suggested that we might need to have a follow-on report. It's not clear to me that that's true, even if the recommendations are significant and new, because it's not like our report is just adopted and transmitted to the Board and they have to do whatever is in the report.

I believe there is another public comment period after the final report is published, before it's transmitted to the Board, and so the Board could certainly take advantage of those comments in its intake function. So I guess I would hesitate to jump to the conclusion we need one, but to the extent we think that we need a second public comment period, we should definitely condition that on there being significant new recommendations as a result of either the DNS Abuse study or the INTA study.

If we look at those studies and we say, "Oh, indeed we did not find significant new problems here and therefore we're not significantly reshaping our recommendations, I see no reason that we should need any sort of consultation."

JONATHAN ZUCK:

I certainly agree with that, Jordyn. In fact, we might even want to make the – if there is an additional one – to make it only on the delta, only on

the new recommendations or changed recommendations if they're significant, so that it's as tight as possible.

Other comments or suggestions? Oh, Jamie, is that a new hand?

JAMIE HEDLUND: Yes, it is.

JONATHAN ZUCK: Okay.

JAMIE HEDLUND: I understand the logic. I'm a little concerned though about us unilaterally making the decision that these reports don't add anything to the recommendations. Obviously, we're not adding to the recommendations, but they don't justify tweaks to the recommendations.

We don't need to answer that here, but just wonder whether – if these are [meaty] reports and we're essentially saying, "Nothing to see here, please move on," whether that results in a hit to our own credibility.

JONATHAN ZUCK: That's an interesting point. I guess to some extent – I don't know. As I was saying, there are some things that we can do to try and evoke response to the reports as they come and do our work as we do it as well, but that's shy of a public comment period.

But again, I think we'll have a better idea based on what the level of discussion that the reports generate internally. So we'll cross that bridge when we get to it, I guess.

Any other thoughts on this? Please do take a moment to look through this when you get the chance – Alice sent it around – and see if there are other issues.

One thing that I wanted to raise out is, do we know yet what the status of our face to face is in Johannesburg? Getting a lot of side questions on this.

ALICE JANSEN: We're working on identifying a date for the meeting, Jonathan. We'll get back to the Review Team if and as we know for sure.

JONATHAN ZUCK: As a principle question, are we endeavoring to get days outside of the meeting, or during the meeting?

ALICE JANSEN: That's one of the questions that we're still discussing with the Meetings Team, so we'll get back to you soon as possible. It's one of our priorities, I promise.

JONATHAN ZUCK: And what are we asking them for?

ALICE JANSEN: As I understand, there were some complaints in Copenhagen that the Review Team meeting happened outside of the dates, and then I understand for some of you as well it's more convenient, so we're trying to weigh in all these different opinions, and then we're trying to see as well with the Meetings Team what is possible. So it's still unclear at this stage, but we'll work on finding a solution.

JONATHAN ZUCK: Yes. I appreciate that. I guess I'd rather figure out consensus on the team than just leave this to staff discussion, if that's possible. I came away from the first time we had an integrated meeting with consensus being that we shouldn't have our face to faces during ICANN meetings. So I'm surprised by the feedback from Copenhagen that it was inconvenient that it was beforehand.

I'd welcome a little bit of discussion on this call about that particular issue so that we at least are presenting a unified front to the meetings team rather than just throwing it up in the air. Jamie, is that a hand related to this question?

JAMIE HEDLUND: No. Sorry, it was an old hand.

JONATHAN ZUCK: Okay. Kaili, are you raising your hand about the question of the –

KAILI KAN: Yes, and I have a new hand.

JONATHAN ZUCK: Okay. Go ahead.

KAILI KAN: Well, I would prefer to have – yes, thank you. I would prefer to have it outside of the overall ICANN meeting because some others might as well. I myself have responsibilities with ALAC and also because I have a vote, so I prefer to have that outside of the general meeting. Thank you.

JONATHAN ZUCK: Thanks, Kaili. Carlos?

CARLOS GUTIERREZ: Yes. I also prefer to have it outside of the ICANN meeting, and the tickets to South Africa – at least from my region – are very, very, very expensive, so making late changes, the constituency people won't [let me]. I was ready to book my flight already with them. It's already \$2800. It's the most expensive ticket I ever got from ICANN, and if I'm going to make changes, they're going to hang me.

JONATHAN ZUCK: Okay. Thanks, Carlos. Calvin?

CALVIN BROWN: Just to clarify my mind, by having the meeting outside of the ICANN meeting, you mean just before, at an ICANN meeting venue? Or there will be separately like we did in Vienna?

JONATHAN ZUCK: Yes, I think the question is about just before or just after, rather than during. And I think even that is a little bit of a misnomer, because it probably means at the same time that the GNSO Council or somebody is meeting just before. So just before is before the opening or the opening ceremony meeting.

CALVIN BROWN: Yes, I think having it during makes it very difficult because there's too much happening and there are too many meetings happening. So I would – given that definition – say outside.

JONATHAN ZUCK: Jordyn raised the point in e-mail that there's some distinction between these two different types of meetings and that Johannesburg is meant to be one of these shortened meetings. But again, the same problem, same challenge arises. Jordyn, go ahead.

JORDYN BUCHANAN: Yes, I'll just [inaudible] two things. First, what I said in chat, which is maybe we should do some sort of poll as opposed to sort of just randomly talking right now to get the general preferences. I do understand that it's much more likely that some particular members of

the Review Team have conflicts during the meeting proper, but it would be helpful – to Carlos’s point – to resolve this.

It’s more important to me to resolve it sooner rather than later to get any particular dates, because for those of us from the U.S. at least, this leads directly into the 4th of July holidays. I have some particular constraints on the other side as well, but these tickets do tend to be complicated and expensive, and it’s really far for most.

All of us who are not in Africa are now sympathizing with the folks who are in Africa in terms of travel arrangements. It’s quite complicated, obviously.

JONATHAN ZUCK:

Sure. I’m sure there’s some perception that because the tickets are getting paid for by ICANN that we shouldn’t be as worried about that, but – we can try to do some kind of – it’s probably not a Doodle poll because that specific, I guess – well, maybe we can do a Doodle poll that has before, after and during, or something like that.

So Alice, let’s try to poll the Review Team to try to get an understanding of preference, at least. Even if it can’t be accommodated, let’s try to understand what the preference of the Review Team is.

Okay, Any Other Business? Carlos, that’s an old hand, right?

CARLOS GUTIERREZ:

Sorry, yes.

JONATHAN ZUCK: Okay. Alright, thanks folks. Appreciate it.

JAMIE HEDLUND: Thank you, Jonathan.

JONATHAN ZUCK: Alright, good meeting.

JAMIE HEDLUND: Bye.

[END OF TRANSCRIPTION]